THE MUMBAI MUNICIPAL CORPORATION ACT

[*Text as on 30th December 2025*]

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233. Commissioner may close or limit the use of existing private drains.

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236. Obligation of owners of drains to allow use thereof or joint ownership therein to others.

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240. Drains not to pass beneath building.

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306. Power to declare private streets, when sewered etc., public streets.

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Provision for parking or halting places or lots

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341. Effect of non-compliance with requisition under section 338 or 340.

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343. Plans and additional information may be called.

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

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370. Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.

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372. (*a*) Prohibition of failure to remove refuse, etc., when bound to do so.

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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.

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411. Butchers and persons who sell or supply the flesh of animals to be licensed.

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422. Any place may at any time be inspected for purpose of preventing spread of dangerous disease.

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478. [*Deleted*].

478-1A. [*Deleted*].

478-1AA. [*Deleted*].

478-1B. [*Deleted*].

478A. [*Deleted*].

478B. [*Deleted*].

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SCHEDULE CC.— PORTIONS OF THE LAND ACQUISITION ACT,1894, REGULATING THE ACQUISITION OF LAND UNDER CHAPTER XII-A.

SCHEDULE DD.— SCALE OF ADDITIONAL COMPENSATION FOR COMPULSORY ACQUISITION FOR IMPROVEMENT PURPOSES.

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SCHEDULE FF.— SPECIAL AND TRANSITORY PROVISIONS.

SCHEDULE FFA.— SPECIAL AND TRANSITORY PROVISIONS IN RELATION TO AREAS IN THE EXTENDED SUBURBS.

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

LIST OF AMENDMENT ACTS

1.	Repealed in part by Act	2 of 1901
2.	Repealed in part by Bom.	1 of 1897
3.	Repealed in part by Bom.	5 of 1925
4.	Repealed in part by Bom.	8 of 1928
5.	Repealed in part by Bom.	15 of 1932
	Repealed in Part and amended—	
6.	Repealed in part by Act	16 of 1895
7.	Repealed in part by Bom.	4 of 1888
8.	Repealed in part by Bom.	5 of 1905
9.	Repealed in part by Bom.	3 of 1907
10.	Repealed in part by Bom.	2 of 1911
11.	Repealed in part by Bom.	6 of 1922
12.	Amended by Bom.	1 of 1894
13.	Amended by Bom.	2 of 1899
14.	Amended by Bom.	2 of 1900
15.	Amended by Bom.	2 of 1901
16.	Amended by Bom.	5 of 1903
17.	Amended by Bom.	1 of 1910
18.	Amended by Bom.	6 of 1913
19.	Amended by Bom.	1 of 1916
20.	Amended by Bom.	6 of 1916
21.	Amended by Bom.	6 of 1918
22.	Amended by Bom.	8 of 1918
23.	Amended by Bom.	5 of 1920
24.	Amended by Bom.	15 of 1920
25.	Amended by Bom.	19 of 1920
26.	Amended by Bom.	20 of 1920
27.	Amended by Bom.	4 of 1921
28.	Amended by Bom.	7 of 1921
29.	Amended by Bom.	1 of 1925
30.	Amended by Bom.	12 of 1925
31.	Amended by Bom.	9 of 1928
32.	Amended by Bom.	10 of 1928
33.	Amended by Bom.	

34.	Amended by Bom.	18 of 1930
35.	Amended by Bom.	19 of 1930
36.	Amended by Bom.	6 of 1931

37.	Amended by Bom.	17 of 1931
38.	Amended by Bom.	21 of 1931
39.	Amended by Bom.	23 of 1931
40.	Amended by Bom.	8 of 1932
41.	Amended by Bom.	11 of 1932
42.	Amended by Bom.	13 of 1932
43.	Amended by Bom.	13 of 1933
44.	Amended by Bom.	2 of 1934
45.	Amended by Bom.	4 of 1934
46.	Amended by Bom.	10 of 1935
47.	Amended by Bom.	12 of 1935
48.	Amended by Bom.	28 of 1935
49.	Amended by Bom.	32 of 1935
50.	Amended by Bom.	10 of 1936
51.	Amended by Bom.	12 of 1936
52.	Amended by Bom.	13 of 1936
53.	Amended by Bom.	24 of 1936
54.	Supplemented by Act	12 of 1888
55.	Supplemented by Act	2 of 1889
56.	Supplemented by Act	5 of 1890
57.	Supplemented by Act	1 of 1898
58.	Supplemented by Act	2 of 1899
59.	Supplemented by Act	15 of 1920
60.	Amended by Act	38 of 1920
61.	Adapted and modified by the Adaptation of Indian Laws Order in Council.	
62.	Amended by Bom.	2 of 1938
63.	Amended by Bom.	5 of 1938
64.	Amended by Bom.	13 of 1938[1]
65.	Amended by Bom.	17 of 1938
66.	Amended by Bom.	7 of 1939

[1] 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.

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

33. Savings.— (*1*) Nothing in this Act 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, by-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 occuring 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.".

67. Amended by Bom. 19 of 1939

68. Amended by Bom. 21 of 1939

69. Amended by Bom. 1 of 1942

70. Amended by Bom. 8 of 1942

71. Amended by Bom. 2 of 1943[1]

72. Amended by Bom. 9 of 1945[2]

73. Amended by Bom. 12 of 1945[3]

74. Amended by Bom. 1 of 1946[4]

75. Amended by Bom. 4 of 1947

76. Amended by Bom. 12 of 1947

77. Amended by Bom. 20 of 1947

78. Amended by Bom. 21 of 1947

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

80. Amended by Bom. 3 of 1948

81. Amended by Bom. 8 of 1948

82. Amended by Bom. 48 of 1948

83. Amended by Bom. 69 of 1948

84. Amended by Bom. 76 of 1948

85. Amended by Bom. 7 of 1950

86. Adapted and modified by the Adaptation of Laws Order, 1950.

87. Amended by Bom. 48 of 1950

88. Amended by Bom. 9 of 1951

89. Amended by Bom. 30 of 1951

90. Amended by Bom. 20 of 1952

91. Amended by Bom. 64 of 1953

92. Amended by Bom. 6 of 1954

93. Amended by Bom. 8 of 1954

94. Amended by Bom. 21 of 1954

95. Amended by Bom. 34 of 1954

96. Amended by Bom. 62 of 1954

97. Amended by Bom. 5 of 1955

98. Amended by Bom. 54 of 1955[5]

1 This Act was repealed and re-enacted by Bo

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

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

4 This Act was repealed and re-enacted with modifications, by Bom. 8 of 1948.

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

"13. Certain amendments made by this Act to apply to election held after the 31st day of December 1955.—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, shall apply to the general election to be held after the 31st day of December 1955, and to all subsequent elections.".

99.	Amended by Bom.	22 of 1956
100.	Amended by Bom.	26 of 1956
101.	Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.	
102.	Amended by Bom.	51 of 1956[1]
103.	Amended by Bom.	58 of 1956
104.	Amended by Bom.	28 of 1957
105.	Amended by Bom.	13 of 1958
106.	Amended by Bom.	65 of 1958
107.	Amended by Bom.	6 of 1959
108.	Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.	
109.	Amended by Mah.	14 of 1961
110.	Amended by Mah.	39 of 1961
111.	Amended by Mah.	32 of 1962
112.	Amended by Mah.	40 of 1962
113.	Amended by Mah.	13 of 1963
114.	Amended by Mah.	1 of 1964[2]
115.	Amended by Mah.	11 of 1964
116.	Amended by Mah.	17 of 1964 read with Mah. 8 of 1968
117.	Amended by Mah.	32 of 1964[3]
118.	Amended by Mah.	8 of 1965[4]

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

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

"11. Savings.— Notwithstanding the amalgamation of budget estimates D and F with budget estimate A and the amendments in the principal Act made therefore 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.".

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

"23. Savings.— Notwithstanding the abolition of town duties and the repeal of the provisions of the principal Act relating thereto, and the substitution therefor 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.".

4 Sections 22 and 23 of Mah. 8 of 1965 reads

"22. Savings.— 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.

23. Removal of difficulty.— 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.".

119.	Amended by Mah.	27 of 1966
120.	Amended by Mah.	32 of 1966[1]
121.	Amended by Mah.	33 of 1966
122.	Amended by Mah.	35 of 1967
123.	Amended by Mah.	5 of 1968
124.	Amended by Mah.	22 of 1968
125.	Amended by Mah.	3 of 1969
126.	Amended by Mah.	10 of 1969
127.	Amended by Mah.	18 of 1969
128.	Amended by Mah.	5 of 1970
129.	Amended by Mah.	6 of 1970
130.	Amended by Mah.	7 of 1971
131.	Amended by Mah.	13 of 1971
132.	Amended by Mah.	35 of 1971[2]
133.	Amended by Mah.	37 of 1971
134.	Amended by Mah.	22 of 1972
135.	Amended by Mah.	4 of 1973
136.	Amended by Mah.	19 of 1973
137.	Amended by Mah.	34 of 1973[3] (30-4-1973)
138.	Amended by Mah.	53 of 1973 (27-12-1973)
139.	Amended by Mah.	18 of 1974 (1-5-1975)
140.	Amended by Mah.	37 of 1974 (7-9-1974)
141.	Amended by Mah.	51 of 1975 (11-1-1975)
142.	Amended by Mah.	63 of 1975[4] (22-9-1975)
143.	Amended by Mah.	70 of 1975[5]
144.	Amended by Mah.	42 of 1976 (1-10-1976)
145.	Amended by Mah.	42 of 1977
146.	Amended by Mah.	62 of 1977
147.	Amended by Mah.	17 of 1978 (31-5-1978)
148.	Amended by Mah.	25 of 1978 (2-10-1978)

149. Amended by Mah. 23 of 1979 (5-5-1979)

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

"8. Retrospective operation of sections 2 and 5.— 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.".

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

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

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

5 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].

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

150. Amended by Mah. 27 of 1979 (31-3-1979)

151. Amended by Mah. 6 of 1980 (13-2-1980)

152. Amended by Mah. 20 of 1980[1] (16-10-1980)

153. Amended by Mah. 37 of 1981 (1-10-1981)

154. Amended by Mah. 50 of 1981

155. Amended by Mah. 53 of 1981 (14-9-1981)

156. Amended by Mah. 71 of 1981[2] (31-10-1981)

157. Amended by Mah. 21 of 1982 (12-5-1982)

158. Amended by Mah. 25 of 1982[3] (7-6-1982)

159. Amended by Mah. 43 of 1983[4] (25-10-1983)

160. Amended by Mah. 7 of 1984[5] (30-9-1984)

161. Amended by Mah. 3 of 1985[6] (l1-2-1985)

162. Amended by Mah. 5 of 1986[7] (29-11-1986)

163. Amended by Mah. 7 of 1986[8] (20-12-1985)

164. Amended by Mah. 20 of 1987 (1-11-1987)

165. Amended by Mah. 21 of 1989 (2-5-1989)

166. Amended by Mah. 28 of 1989[9] (12-6-1989)

167. Amended by Mah. 33 of 1989 (1-11-1989)

168. Amended by Mah. 11 of 1990[10] (16-3-1990)

169. Amended by Mah. 12 of 1990[11, 12] (12-2-1990)

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

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

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. Savings.— Nothing contained in this Act shall affect the constitution of the Corporation, the Standing Committee, the Improvements 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.".

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

5 Section 7 of the Act reads as under :—

"7. Removal of difficulty.— If any difficulty arises in giving effect to the provisions of any of the Acts, as amended by this Act, during the period of one year from the date of coming into force of this Act, the State 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.".

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

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

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

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

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

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

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

"13. Sitting councillors to continue to hold office.— 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 (Bom LIX of 1949). or the Corporation of the City of Nagpur Act, 1948 (C.P. and Berar II of 1950) or of any of the Municipal Councils established under the Maharashtra Municipalities Act, 1965 (Mah. XL of 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 Maharashtra Municipal Corporations and Municipalities (Amendment) Act, 1990 (Mah. XII of 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 cf his term, as if the amendments made to the relevant municipal law by the Maharashtra Municipal Corporations and Municipalities (Amendment) Act, 1990 (Mah. XII of 1990) had never been made.".

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

170.	Amended by Mah.	13 of 1990[1](24-4-1990)
171.	Amended by Mah.	34 of 1990[2, 3] (8-10-1990)
172.	Amended by Mah.	36 of 1990[4] (14-11-1990)
173.	Amended by Mah.	15 of 1991[5] (16-2-1991)
174.	Amended by Mah.	26 of 1991[6] (29-10-1991)
175.	Amended by Mah.	8 of 1992 (28-4-1992)
176.	Amended by Mah.	21 of 1992 (10-8-1992)
177.	Amended by Mah.	12 of 1993[7] (4-1-1993)
178.	Amended by Mah.	15 of 1994
179.	Amended by Mah.	41 of 1994[8] (31-5-1994)
180.	Amended by Mah.	44 of 1994[9] (11-11-1994)
181.	Amended by Mah.	5 of 1995[10] (31-5-1994)

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

"9. Sitting women councillors to continue to hold office.— 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 (Mah. XL of 1965), and holding office as such Councillor on the date of commencement of the Maharashtra Municipal Corporations and Municipalities (Second Amendment) Act, 1990 (Mah. XIII of 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 (Mah. XL of 1965), by the Maharashtra Municipal Corporations and Municipalities (Second Amendment) Act, 1990 (Mah. XIII of 1990), had never been made.".

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

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

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

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

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

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

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

"11. Validation of octroi levied on natural gas and liquified petroleum gas.— 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 (Bom. III of 1888) as amended by section 9 of the Maharashtra Municipal Corporations (Amendment) Act, 1993 (Mah. XII of 1993) as if that entry in that form was in force on the day on which the octroi was so levied; and accordingly,—

(*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.".

8 Mah. Ord. X of 1994 was repealed by Mah. 41 of 1994, s. 163.

9 Mah. Ord. XVIII of 1994 was repealed by Mah. 44 of 1994, s. 11.

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

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

182.	Amended. by Mah.	20 of 1995 (31-8-1995)
183.	Amended. by Mah.	5 of 1996[1] (23-11-1995)
184.	Amended. by Mah.	11 of 1996 (29-01-1996)
185.	Amended. by Mah.	25 of 1996 (4-9-1996)
186.	Amended. by Mah.	12 of 1997[2] (26-11-1996)
187.	Amended. by Mah.	10 of 1998[3] (19-04-1998)
188.	Amended. by Mah.	13 of 1998 (03-05-1998)
189.	Amended. by Mah.	27 of 1999[4] (23-04-1999)
190.	Amended. by Mah.	25 of 2000[5] (04-03-2000)
191.	Amended. by Mah.	43 of 2000 (13-09-2000)
192.	Amended. by Mah.	2 of 2001[6] (19-09-2000)

1 Mah. Ord. XVIII of 1995 was repealed by Mah. 5 of 1996, s. 7.

2 Mah. Ord. XX of 1996 was repealed by Mah. 12 of 1997, s. 6.
Sub-section (*2*) of section 1 of Mah. 12 of 1997 reads as under :—

"(*2*) This section and section 5 shall be deemed to have come into force on the 26th November 1996 and sections 2, 3 and 4 shall be deemed to have come into force on the 31st May 1994.".

Section 5 of Mah. 12 of 1997 reads as under :—

"5. Removal of doubt.— For the removal of doubt it is hereby declared that the amendments made by sections 2, 3 and 4 of this Act having been made with retrospective effect, all acts done and actions taken by the State Election Commissioner in pursuance of the powers conferred on him by the provisions of Mumbai Municipal Corporation Act, and the principal Act as amended by this Act, shall be deemed to be and always be deemed to have been, validly done and no such act or action shall be called in question merely on the ground that the seats reserved for the Backward Class of Citizens were not validly or lawfully reserved.".

3 Mah. Ord. IV of 1998 was repealed by Mah. 10 of 1998, s. 256.
Sections 56, 90(*b*), 91, 97, 102, 104 and 113 shall be deemed to have come into force on the 2nd March 1998. The remaining provisions of the Act came into force on the 19th April 1998, *vide* G. N., U.D.D., No. B.M.C./C.R. 21/96/U.D.-32, dated 18th April 1998.
Section 255 of Mah. 10 of 1998 reads as under :—

"255. Power to remove difficulty.— 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 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 orders shall be two years from the date of commencement

of this Act.".

4 Section 209 of Mah. 27 of 1999 reads as under :—

"209. Power to remove difficulty.— 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 arise, by order 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 orders shall be made after the expiry of a period of two years from the date of commencement of this Act.".

5 Mah. Ord. VII of 2000 was repealed by Mah. 25 of 2000, s. 5.

6 Mah. Ord. XVII of 2000 was repealed by Mah. 2 of 2001, s. 5.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

193.	Amended. by Mah.	8 of 2002[1, 2] (5-1-2002)
194.	Amended. by Mah.	11 of 2002[3]
195.	Amended. by Mah.	5 of 2005 (4-1-2005)
196.	Amended. by Mah.	15 of 2005 (15-4-2005)
197.	Amended. by Mah.	44 of 2005 (25-8-2005)
198.	Amended. by Mah.	19 of 2006[4] (21-6-2006)
199.	Amended. by Mah.	24 of 2006 (18-7-2006)
200.	Amended. by Mah.	27 of 2006[5] (20-6-2006)
201.	Amended. by Mah.	35 of 2006 (19-8-2006)
202.	Amended. by Mah.	49 of 2006[6] (27-10-2006)
203.	Amended. by Mah.	11 of 2007[7] (27-2-2007)
204.	Amended. by Mah.	15 of 2007 (27-10-2006)
205.	Amended. by Mah.	33 of 2007[8] (1-3-2008)

1 Mah. Ord. XXVIII of 2001, Mah. Ord. XXXII of 2001, Mah. Ord. XXXIV of 2001 and Mah. Ord. XXXVII of 2001 were repealed by Mah. 8 of 2002.

2 Sub-section (*2*) of section 1, and section 23 of Mah. 8 of 2002 reads as under :—

"(*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.".

"23. Power to remove difficulty.— 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 order shall be made under this section after the expiry of two years from the commencement of this Act.".

3 Section 1 and sections 10 to 22 and 30 of Mah. XI of 2002 shall be deemed to have come into force on 1st April 1999 [*vide* s. 1(*2*)(*a*)]; and sections 5, 6, 40, 45, 46, 47 and 50 of Mah. XI of 2002 were came into force on the 1st April 2002 and the remaining sections of the said Act came into force on the 14th February 2002 (*vide* G. N., U.D.D., No. MMC-1199/218/CR- the 14th February 2002, on pages 14-15).

Section 32 of Mah. XI of 2002 reads as under :—

"32. Savings.— (*1*) Notwithstanding the abolition of the tax on vehicles and the deletion of the provisions, relating to such tax, of the Mumbai Corporation Act, by the Maharashtra Municipal Corporations and Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2000 (Mah. IX of 2002), all the rules and regulations framed and orders, notifications or notices issued thereu re the coming into force of the said

Amendment Act shall continue to have effect for the purpose of the levy, assessment, collection, refund of such tax or the imposition of any penalty, if such levy, assessment, collection, and refund or penalty relates to vehicles registered before the commencement of the said Amendment Act, or for any other purpose whatsoever connected with or incidental to any of the purposes aforesaid, and the pending proceedings in respect thereof shall be continued and disposed of by the Court or authorities, as if the said Amendment Act had not been enacted.

(*2*) The officers or authorities appointed or notified or delegated with the powers of carrying out the purposes of the provisions amended by the said Amendment Act shall continue to be the officers or authorities competent for the purposes of sub-section (*1*).".

4 *Vide* G.N., U.D. No. BNM. 5005/218/C.R. 43/2005/UD-32, dated 21st June 2006.

5 Mah. Ord. VII of 2006 was repealed by Mah. 27 of 2006, s. 3.

6 Mah. Ord. XII of 2006 was repealed by Mah. 49 of 2006, s. 6.

7 Mah. Ord. II of 2007 was repealed by Mah. 11 of 2007, s. 13.

8 *Vide* G.N., U.D. No. BNM. 5006/351/C.R. 79/UD-32, dated 28th February 2008.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

206.	Amended. by Mah.	3 of 2008 (4-1-2008)
207.	Amended. by Mah.	12 of 2008 (2-5-2008)
208.	Amended. by Mah.	13 of 2008[1] (12-5-2008)
209.	Amended. by Mah.	14 of 2008 (2-5-2008)
210.	Amended. by Mah.	18 of 2008 (8-5-2008)
211.	Amended. by Mah.	6 of 2009 (14-1-2009)
212.	Amended. by Mah.	7 of 2009[2] (6-2-2009)
213.	Amended. by Mah.	11 of 2009[3] (1-4-2010)
214.	Amended. by Mah.	21 of 2009[4]
215.	Amended. by Mah.	27 of 2010[5] (2-8-2010)
216.	Amended. by Mah.	9 of 2011[6]
217.	Amended. by Mah.	11 of 2011[7] (10-3-2011)
218.	Amended. by Mah.	12 of 2011[8] (10-3-2011)
219.	Amended. by Mah.	14 of 2011[9] (10-3-2011)
220.	Amended. by Mah.	20 of 2011 (21-4-2011)
221.	Amended. by Mah.	29 of 2011[10] (12-9-2011)
222.	Amended. by Mah.	32 of 2011[11] (21-5-2011)
223.	Amended. by Mah.	40 of 2011[12]
224.	Amended. by Mah.	2 of 2012[13] (22-3-2012)
225.	Amended. by Mah.	6 of 2012[14] (12-3-2012)
226.	Amended. by Mah.	17 of 2012 (4-8-2012)

1 *Vide* G.N., U.D. No. BNM. 5007/434/C.R. 119/UD-32, dated 12th May 2008.

2 *Vide* G.N., U.D. No. MMC. 2008/291/C.R. 103/UD-32, dated 6th February 2009.

3 *Vide* G.N., U.D. No. BMC. 1005/185/C.R. 24/2005/UD-32, dated 1st April 2010.

4 Mah. 21 of 2009 has not been brought into force uptill the date of reprinting of this reprint.

5 Sections 1 and 12 came into force on this date, sections 2 to 9, 11 and 13 to 19 came into force on 26th August 2010. Mah. Ord. Nos. 9 and 10 of 2010 were repealed by section 20 of this Act.

6 Section 3 of this Act came into force on 1st May 2009 *vide* G.N., U.D.D., No. BMC. 5007/267/C. R. 71/UD-32, dated 27th April 2011. Provision of section 2 of this Act in so far as it relates to section 354AC came into force on 1st November 2011 *vide* G.N., U.D.D., No. BMC. 5007/267/C. R. 71/UD-32, dated 1st November 2011.

7 Mah. Ord. X of 2011 was repealed by Mah. 11 of 2011, s. 17.

8 Mah. Ord. IX of 2011 was repealed by Mah. 12 of 2011, s. 8.

9 Mah. Ord. XI of 2011 was repealed by Mah. 14 of 2011, s. 13.

10 *Vide* G.N., U.D., No. MMC. 2010/5/C.R. 6/UD-32, dated 9th September 2011.
11 Mah. Ord. XII of 2011 was repealed by Mah. 32 of 2011, s. 49.
12 This Act has not come into force on the date of revision of this reprint.
13 *Vide* G. N., U. D., No. MMC. 2009 /72/C.R. 48/2009/UD-32, dated 22nd March 2012.
14 Mah. Ord. IV of 2012 was repealed by Mah. 6 of 2012, s. 12(*1*).

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

227.	Amended. by Mah.	20 of 2012[1] (14-8-2012)
228.	Amended. by Mah.	28 of 2012 (20-12-2012)
229.	Amended. by Mah.	34 of 2014 (26-8-2014)
230.	Amended. by Mah.	13 of 2015 (7-4-2015)
231.	Amended. by Mah.	34 of 2015[2] (15-6-2015)
232.	Amended. by Mah.	43 of 2015[3] (5-10-2015)
233.	Amended. by Mah.	19 of 2016[4] (2-1-2017)
234.	Amended. by Mah.	23 of 2016 (29-7-2016)
235.	Amended. by Mah.	5 of 2017[5] (27-10-2016)
236.	Amended. by Mah.	22 of 2017 (19-01-2017)
237.	Amended. by Mah.	27 of 2017[6] (3-1-2017)

1 Section 3 of Mah. 20 of 2012 reads as under :—

"3. Validation.— 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 (Mah. XX of 2012), 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 (Mah. XX of 2012) and accordingly no suit, prosecution or other 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.".

2 Mah. Ord. XIII of 2015 was repealed by Mah. 34 of 2015, s. 3(*1*).
3 Mah. Ord. XIX of 2015 was repealed by Mah. 43 of 2015, s. 6.
Section 5 of the Mah. 43 of 2015 reads as under :—

"5. Power to remove difficulty.— (*1*) If any difficulty arises in giving effect to the provision of the Mumbai Municipal Corporation Act, the Maharashtra Municipal Corporations Act or, as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (III of 1888, LIX of 1949, Mah. XL of 1965) as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, give such directions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no such order shall be made after expiry of the 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.".

4 *Vide* G.N., U.D.D., No. SMA. 2015/CR-254/UD-34, dated 16th December 2016.
5 Mah. Ord. XXVI of 2016 was repealed by Mah. 5 of 2017, s. 3.
6 Mah. Ord. I of 2017 was repealed by Mah. 27 of 2017, s. 3.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

238.	Amended by Mah.	42 of 2017[1, 2] (1-7-2017)

239.	Amended by Mah.	51 of 2017[3, 4] (8-1-2017)
240.	Amended by Mah.	52 of 2017[5, 6] (2-2-2017)
241.	Amended by Mah.	21 of 2018 (20-3-2018)
242.	Amended by Mah.	31 of 2018 (10-4-2018)
243.	Amended by Mah.	53 of 2018 (10-8-2018)

1 *Vide* G. N., F. D., No. MGST. 1017/CR 101(2)/Taxation-1, dated 29th June 2017.

2 Section 78 of Mah. 42 of 2017, reads as under :—

''78. Saving.— (*1*) Notwithstanding the amendments made in the Mumbai Municipal Corporation Act (III of 1888), the Maharashtra Entertainments Duty Act (I of 1923), the Maharashtra Municipal Corporations Act (LIX of 1949), the Maharashtra Motor Vehicles Tax Act (LXV of 1958), the Maharashtra Village Panchayats Act (III of 1959), the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (Mah. XL of 1965) the Maharashtra State Tax on Professions, Trades, Callings and Employments Act, 1975 (Mah. XVI of 1975) and the Maharashtra Value Added Tax Act, 2002 (Mah. IX of 2005) by this Act, those laws and all rules, regulations, orders, notifications, form, certificates and notices, appointments and delegation of powers issued under those laws which are in force immediately before the appointed day of the Maharashtra Goods and Services Tax Act, 2017 (Mah. XLIII of 2017) shall, subject to the other provisions of this Act, in so far as they apply, continue to have effect after the appointed day of the Maharashtra Goods and Services Tax Act, 2017 (Mah. XLIII of 2017) for the purposes of the levy, returns, assessment, re-assessment, appeal, determination, revision, rectification, reference, limitation, production and inspection of accounts and documents and search of premises, transfer of proceedings, payment and recovery, calculation of cumulative quantum of benefits, exemption from payment of tax and deferment of due date for payment of tax, cancellation of the certificate of Entitlement, collection or deduction of tax at source, refund or set off of any tax, withholding of any refund, exemption from payment of tax, collection of statistics, the power to make rules, the imposition of any penalty, or of interest or forfeiture of sum where such levy, returns assessment, re-assessment, appeal, determination, revision, rectification, reference, limitation, payment and recovery, calculation of cumulative quantum of benefits, exemption from payment of tax and deferment of due date for payment of tax, cancellation of the certificate of entitlement, collection, deduction of tax at source, refund, set-off, withholding of any refund, exemption, collection of statistics, the power to make rules, limitation, production and inspection of accounts and documents and search of premises, transfer of proceedings, penalty, interest or forfeiture of any sum relates to any period ending before the appointed day of the Maharashtra Goods and Services Tax Act, 2017 (Mah. XLIII of 2017) or for any other purpose whatsoever connected with or incidental to any of the purposes aforesaid and whether or not the tax, penalty, interest, sum forfeited or tax deducted at source, if any, in relation to such proceedings is paid before or after the appointed day of the Maharashtra Goods and Services Tax Act, 2017 (Mah. XLIII of 2017).

(*2*) Without prejudice to the provisions contained in the foregoing sub-section, the provisions of section 7 of the Maharashtra General Clauses Act (I of 1904), shall apply in relation to the repeal of any of the provisions of the Acts referred to in sub-section (*1*)."

3 Mah. Ord. XIII of 2017 was repealed by Mah. 51 of 2017, s. 5.

4 Section 4 and 6 of Mah. 51 of 2017, reads as under :—

"4. Power to remove difficulty.— (*1*) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act (III of 1888) or, as the case may be, the Maharashtra Municipal Corporations Act (LIX of 1949), as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the relevant Act, as amended by this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no such order shall be made after expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order issued under sub-section (*1*) shall be laid, as soon as may be, after it is issued, before each House of the State Legislature.

"**6. Removal of doubt.—** For the removal of doubt, it is hereby declared that all the provisions of the Mumbai Municipal Corporation Act (III of 1888) and the Maharashtra Municipal Corporation Act (LIX of 1949), as amended by the Mumbai Municipal Corporation and the Maharashtra Municipal Corporations (Amendment) Ordinance, 2017 (Ord. III of 2017), shall with effect from 8th January 2017, being the date of commencement of the said Ordinance, continue to be in force and be deemed to be continuously in force.".

5 Mah. Ord. VIII of 2017 was repealed by Mah. 52 of 2017, s. 5.

6 Section 6 of Mah. 52 of 2017, reads as under :—

"6. Removal of doubt.— For the removal of doubt, it is hereby declared that all the provisions of the Mumbai Municipal Corporation Act (III of 1888), the Maharashtra Municipal Corporations Act (LIX of 1949), and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), as amended by the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2017 (Mah. Ord. VI of 2017), shall with effect from 2nd February 2017, being the date of commencement of the said Ordinance, continue to be in force and be deemed to be continuously in force.".

Note.- The date mentioned in the bracket indicate e Act.

244. Amended by Mah. 65 of 2018[1, 2] (27-9-2018)

245. Amended by Mah. 73 of 2018 (17-12-2018)

246. Amended by Mah. 18 of 2019 (23-7-2019)

247. Amended by Mah. 24 of 2019[3, 4] (10-3-2019)

248. Amended by Mah. 32 of 2020[5] (13-11-2020)

1 Mah. Ord. XX of 2018 was repealed by Mah. 65 of 2018, s. 11.

2 Section 8, 9 and 10 of Mah. 65 of 2018, reads as under :—

"8. Saving as to certain elections.— Nothing in this Act shall affect the elections conducted by the State Election Commission for conducting the elections or any programme declared by it therefor, prior to the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Third Amendment) Act, 2018 (Mah. LXV of 2018), for filling up the resultant vacancy in view of the provisions of section 5B or sub-section (*2A*) of section 37 of the Mumbai Municipal Corporation Act (III of 1888), section 5B or sub-section (*1*) of section 19 of the Maharashtra Municipal Corporations Act (LIX of 1949), section 9A or section 51-1B of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), as it stood prior to such date of commencement.

9. Saving as to certain disqualification.— Any person, who has obtained the Caste Certificate and validity certificate but has not filed such certificate prior to the date of commencement of this Act, shall not be deemed to be disqualified under the provisions of the relevant Municipal law, if he submits such certificate within a period of fifteen days from the date of commencement of this Act :

Provided that, the provisions of this section shall not apply where the State Election Commission has already prior to the date of commencement of this Act held elections to fill the vacancy of such person or declared the programme for holding of such election.

10. Power to remove difficulty.— (*1*) If any difficulty arises in giving effect to the provisions of the Mumbai Municipal Corporation Act (III of 1888), the Maharashtra Municipal Corporations Act (LIX of 1949) or as the case may be, the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965) as amended by this Act, the State Government may, as the occasion arises, by an Order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the said Acts as amended by this Act, as may appear 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.

(*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.".

3 Mah. Ord. XI of 2019 was repealed by Mah. 24 of 2019, s. 5.

4 Section 4 of Mah. 24 of 2019, reads as under :—

"4. Power to remove difficulty.— (*1*) 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 an order published in the *Official Gazette*, give such directions, not inconsistent with the provisions of the principal Act, as amended by this Act, as may appear 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.

(*2*) Every order issued under sub-section (*1*) shall be laid, as soon as may be, after it is issued, before each House of the State Legislature.".

5 Mah. Ord. XX of 2020 was repealed by Mah. 32 of 2020, s. 3.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

249. Amended by Mah. 33 of 2020[1, 2] (27-10-2020)

250. Amended by Mah. 2 of 2022[3] (30-11-2020)

251. Amended by Mah. 11 of 2022[4, 5] (2-11-2021)

252. Amended by Mah. 13 of 2022[6] (6-12-2021)

253. Amended by Mah. 20 of 2022[7] (1-10-2021)

1 Section 6 of Mah. 33 of 2020, reads as under:—

"6. Validation of additional stamp duty levied and collected.— (*1*) Notwithstanding anything contained in any judgement, decree or order of any court to the contrary, any assessment, review, levy or collection of additional stamp duty or surcharge in respect of execution of instruments of sale, gift and usufructuary mortgage, or any action taken or thing done in relation to such assessment, review, levy or collection under the provisions of the Mumbai Municipal Corporation Act (III of 1888), the Maharashtra Municipa and the Maharashtra Municipal Councils,

Nagar Panchayats and Industrial Townships Act, 1965 (Mah. XL of 1965) (hereinafter referred to as "the principal Municipal Corporations Acts"), prior to the date of commencement of the Mumbai Municipal Corporation, the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2020 (Mah. XXXIII of 2020) (hereinafter in this section referred to as "the Amendment Act") shall be deemed to be valid and effective as if such assessment, review, levy or collection or action or thing had been duly made, taken or done under the principal Municipal Corporations Acts, as amended by the Amendment Act, accordingly,—

(*a*) all acts, proceedings or things done or taken by any authority or by the State Government or by any officer of the State Government in connection with the assessments, review, levy or collection or action or thing in connection with levy of such stamp duty or surcharge, for all purposes be deemed to be, and to have always been done or taken in accordance with the law;

(*b*) no suit, appeal, application or other proceedings shall lie or be maintained or continued in any Court or before any Tribunal, officer or other authority for the refund of such stamp duty or surcharge so paid; and

(*c*) no Court, Tribunal, officer or other authority shall enforce any decree or order directing the refund of such duty or surcharge.

(*2*) For the removal of doubt it is hereby declared that, nothing in sub-section (*1*) shall be construed as preventing a person,—

(*a*) from questioning in accordance with the provisions of the principal Municipal Corporations Acts, as amended by the Amendment Act, assessment, review, levy or collection of such stamp duty or surcharge, referred to in sub-section (*1*); or

(*b*) from claiming refund of any additional stamp duty or surcharge paid by him in excess of the amount due from him by way of stamp duty under the principal Municipal Corporations Acts as amended by the Amendment Act.

(*3*) Nothing in the principal Mumbai Corporations Acts, as amended by the Amendment Act, shall render any person liable to be convicted of any offence in respect of anything done or omitted to be done by him, before the date of commencement of the Amendment Act, if such act or omission was not an offence under the principal Municipal Corporations Acts on the relevant date, but for such amendment made by the Amendment Act; nor shall any person in respect of such act or omission be subject to a penalty greater than that which could have been imposed on him under the law in force immediately before the date of commencement of the Amendment Act.".

2 Mah. Ord. XVI of 2020 was repealed by Mah. 33 of 2020, s. 7.

3 Mah. Ord. XIII of 2021 was repealed by Mah. 2 of 2021, s. 3.

4 Section 3 of Mah. 11 of 2022, reads as under :—

"3. Power to remove difficulty.— (*1*) 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 an order published in the *Official Gazette*, give such directions, not inconsistent with the provisions of the principal Act, as amended by this Act, as may appear 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.

(*2*) Every order issued under sub-section (*1*) shall be laid, as soon as may be, after it is issued, before each House of the State Legislature.".

5 Mah. Ord. XI of 2021 was repealed by Mah. 11 of 2022, s. 4.

6 Mah. Ord. XV of 2021 was repealed by Mah. 13 of 2022, s. 8.

7 Mah. Ord. VI of 2021 was repealed by Mah. 20 of 2022, s. 5.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

254.	Amended by Mah.	21 of 2022[1]
255.	Amended by Mah.	25 of 2022[2] (2-2-2022)
256.	Amended by Mah.	43 of 2022[3, 4] (4-8-2022)
257.	Amended by Mah.	26 of 2022[5] (17-2-2022)
258.	Amended by Mah.	1 of 2023[6, 7] (24-11-2022)
259.	Amended by Mah.	14 of 2023
260.	Amended by Mah.	22 of 2024[8] (15-02-2024)
261.	Amended by Mah.	49 of 2025[9] (3-11-2025)

1 Section 5 of Mah. 21 of 2022, reads as under :—

"5. Annulment of process to divide area of Municipal Corporations, Municipal Councils and *Nagar Panchayats* in wards.— Notwithstanding anything contained in the Mumbai Municipal Corporation Act (III of 1888), the Maharashtra Municipal Corporations Act (LIX of 1949) and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965) (hereinafter referred to as "the said Acts") and the rules made thereunder, where the process to divide the area of Municipal Corporations, Municipal Councils and *Nagar Panchayats* intowards and to specify the boundaries thereof is started or completed by the State Election Commissioner, before the date of commencement of the Mumbai Municipal Corporation, Maharashtra Municipal Corporations and Maharashtra Municipal

Councils, *Nagar Panchayats* and Industrial Townships (Amendments) Act, 2022 (Mah. XXI of 2022), shall be deemed to be annulled and the process to divide the area of Municipal Corporations, Municipal Councils and *Nagar Panchayats* into wards and to specify the boundaries thereof, shall be done afresh according to the provisions of the said Acts as amended by this Act.".

2 Mah. Ord. I of 2022 was repealed by Mah. 25 of 2022, s. 5.

3 Section 4 and 5 of Mah. 43 of 2022, reads as under :—

"4. Annulment of process.— Notwithstanding anything contained in the Mumbai Municipal Corporation Act (III of 1888) and the Maharashtra Municipal Corporations Act (LIX of 1949) (hereinafter, in this Chapter, referred to as "the said Acts") and the rules, notifications or orders made thereunder, where the process,—

(*a*) to divide the area of Municipal Corporations, into wards and to specify the boundaries thereof is started or completed by the State Election Commissioner or the State Government, as the case may be, or

(*b*) of reservation of seats of Councillors in the Municipal Corporations is started or completed by the State Election Commissioner, before the date of commencement of the Mumbai Municipal Corporation and Maharashtra Municipal Corporations (Amendment) Act, 2022 (Mah. XLIII of 2022), shall be deemed to be annulled and such process shall be done afresh according to the provisions of the said Acts as amended by this Act.

"5. Power to remove difficulties.— (*1*) If any difficulty arises in giving effect to the provisions of the said Acts, as amended by this Act, the State Government may, by an order published in the *Official Gazette*, as the occasion arises, make such provisions not inconsistent with the provisions of the said Acts, as amended by this Act, as may appear to it to be necessary or expedient for the purposes of removing the difficulty:

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature.".

4 Mah. Ord. VII of 2022 was repealed by Mah. 43 of 2022, s. 6.

5 Mah. Ord. II of 2022 was repealed by Mah. 26 of 2022, s. 3.

6 Section 3 of Mah. 1 of 2023, reads as under :—

"3. Power to remove difficulty.— (*1*) 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 an order published in the *Official Gazette*, give such directions, not inconsistent with the provisions of the principal Act, as amended by this Act, as may appear to it to be necessary or expedient for the purposes 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.

(*2*) Every order issued under sub-section (*1*) shall be laid, as soon as may be, after it is issued, before each Houses of the State Legislature.".

7 Mah. Ord. XII of 2022 was repealed by Mah. 1 of 2023, s. 4.

8 Maharashtra Ordinance No. II of 2024 was repealed by Mah. 22 of 2024, s. 3.

9 Mah. Ord. XI of 2025 was repealed by Mah. 49 of 2025, s. 8.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

MAHARASHTRA ACT No. III OF 1888[1]

[THEMUMBAIMUNICIPALCORPORATIONACT.]

[*14th September 1888*]

An Act to consolidate and amend the law relating to the Municipal Government of [2][Brihan Mumbai].

WHEREAS it is expedient to consolidate and amend the law relating to the Municipal Government of [3][Brihan Mumbai]; it is enacted as follows :—

CHAPTER I

PRELIMINARY

1. Short title and extent.— This Act may be cited as [4][the [5][Mumbai Municipal Corporation] Act.] [6][It] extends only to [7][Brihan Mumbai].

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

Provided that—

(*a*) all rules and by-laws made, all notifications published, all orders issued and all 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, institute or which might but for passing of the 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 of the [8]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.

1 For Statement of Objects and Reasons, *seeBombay Government Gazette*, 1887, Pt. V., p. 188, for Report of the Select Committee, *see*, *ibid*., 1888., p. l, 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 Causes 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 with 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.

2 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

4 These words were substituted for the words and figures "the City of Bombay Municipal Act, 1888" by Bom. 7 of l950, s. 4(*a*).

5 These words were substituted for the words "Bombay Municipal Corporation" by Mah. 25 of 1996, s. 2, Schedule. 6 This word was substituted for the words "Except as is herein otherwise expressly provided, it" by Mah. 41 of 1994, s. 2. 7 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

8 The words "Governor of Bombay" shall stand unmodified *vide* the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

3. Definitions of terms.— 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 area 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 (Bom. XVII of 1945) [4][and on and from the date of commencement of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956 (Bom. XVII of 1956), includes the extended suburbs *i.e*., the area specified in Part IV of this Schedule];

(*a2*) "the suburbs" means the area specified in Part 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);]

[5][(*a3*) "Backward Class of citizens" means such classes or 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 Tr

(*b*) "the corporation" means the Municipal Corporation of [6][[7][Brihan Mumbai] constituted or deemed to have been constituted under this Act];

[8][(*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;]

[9][(*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 [10][Brihan Mumbai] appointed under section 54, and includes [11][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 [12][and the Deputy Municipal Commissioner (Improvements) appointed under section 56A] and includes an acting Deputy Commissioner appointed under sub-section (*3*) of section 59, [13][an Additional Deputy Municipal Commissioner appointed under sub-section (*1A*) of section 55];

[14][(*ea*) "Director" means the Director (Engineering Services and Projects) appointed under section 54A;]

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

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

3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2. 4 This portion was inserted by Bom. 58 of 1956, s. 3(*3*).

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

6 These words were substituted for the words "Greater Bombay" by Mah. 41 of 1994, s. 3(*c*).

7 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2. 8 This clause was substituted by Mah. 41 of 1994, s. 3(*d*).

9 Clause (*cc*) was inserted by Bom. 48 of 1950, s. 2(*2*).

10 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2. 11 These words, brackets and figures were inserted by Mah. 43 of 1983, s. 2.

12 These words, figures, brackets and letter were inserted by Bom. 13 of 1933, s. 3(*a*). 13 These words, figures, letter and brackets were added by Bom. 7 of 1950, s. 5(*iii*).

14 Clause (*ea*) was inserted by Mah. 53 of 1981, s. 2.

[1][(*eb*) "Designated Officer" means an officer designated under sub-section (*1*) of section 351;]

(*f*) "the Police Commissioner" means the Commissioner of Police [2][for [3][Brihan Mumbai]];

[4][(*g*) "Education Officer" means the Municipal Education Officer appointed under section 76A and includes an acting Municipal Education Officer appointed under section 85];

[5][(*h*) "election" means an election to fill a seat or seats of a councillor or councillors under this Act];

[6][(*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 [7][Brihan Mumbai];

(*j*) "Assembly roll" means the electoral roll prepared for any Assembly Constituency in accordance with the provisions of the Representation of the Peoples Act, 1950 (Mah. 43 of 1950)];

(*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;

[8][(*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;

9[(*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;

1 Clause (*eb*) was inserted by Mah. 2 of 2012, s. 2.

2 These words were substituted for the words "of Bombay", by Bom. 7 of 1950, s. 5(*iv*). 3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2. 4 Clause (*g*) was inserted by Bom. 48 of 1950, s. 2(*3*).

5 Clause (*h*) was inserted by Bom. 54 of 1955, s. 2.

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

7 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2. 8 Clauses (*ka*) and (*kb*) were inserted by Mah. 41 of 1994, s. 3(*e*).

9 Clause (*la*) was inserted by Mah. 41 of 1994, s. 3(*f*).

and a person is 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 1[Central Government] and any securities guaranteed by 2[the Central or any 3[State] Government], securities of the Bombay Port Trust, securities issued under this Act and any Bombay Municipal debentures or other securities heretofore issued 4[and any debentures or other securities issued under the City of Bombay Improvement Act, 1898 (Bom. IV of 1898), and the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 1925)];

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

5[* * *]

(*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;

(*r*) "land" includes land which is 6[being built upon or is built] upon or covered with water, 7[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, 8[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;

9[(*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, corrug nt 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, [10][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;

[11][(*u*) "drain" includes a swear, pipe, ditch, channel, [12][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;

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

2 The words "the Central or any Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

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

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

5 Clause (*pa*) was deleted by Mah. 42 of 2017, s. 2, w.e.f. 1-7-2017.

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

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

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

9 Clauses (*sa*) and (*sb*) were inserted by Bom. 28 of 1957, s. 2.

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

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

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

(*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 years; 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 [1][or which vests in the corporation as a public street];

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

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

(*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 [3][the [4][State] Government] published in the [5][*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;

[6][(*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;]

[7][(*hh*) "a sweetmeat shop" means any premises or part of any premises used for the manufacture, treatment or storing for sale, or for the sale, wholesale or retail, of any ice-cream, 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;]

[8][* * * * * * *]

[9][(*ll*) "market" includes any place where persons assemble for the sale of or for the purpose of exposing for sale, meat, fish, fruit, vegetables, 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;]

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

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

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

6 Clauses (*ee*), (*ff*) and (*gg*) were inserted by Bom. 1 of 1916, s. 2.

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

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

9 Clause (*ll*) was added by Bom. 5 of 1938, s. 2.

[1][(*mm*) "the [2][Brihan 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 tramways, 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;

(*nn*) "the General Manager" means the General Manager of the [3][Brihan Mumbai Electric Supply and Transport Undertaking] appointed under section 60A and includes an acting General Manager appointed under section 60B;]

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

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

[5][(*qq*) "Mayor" means the Mayor of the Corporation elected by the elected Councillors from amongst themselves under section 37IB;

[6][* * * * * * *]

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

CHAPTER II

THE MUNICIPAL CONSTITUTION

Municipal Authorities

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

(*a*) a Corporation;

(*b*) a Standing Committee;

(*c*) an Improvements Committee;

(*d*) a Brihan Mumbai Electric Supply and Transport Committee;

(*e*) an Education Committee;

(*f*) a Wards Committee;

(*g*) a Mayor;

(*h*) a Municipal Commissioner;

(*i*) a General Manager of the Brihan Mumbai Electric Supply and Transport Undertaking.]

(*A*) *The Municipal Corporation*

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

(*a*) [9][two hundred and twenty-seven] councillors directly elected at ward elections; and

(*b*) [10][ten nominated councillors] having special knowledge or experience in Municipal Administration to be nominated by the Corporation in the prescribed manner:

1 Clauses (*mm*) and (*nn*) were added by Bom. 48 of 1948, s. 2.
2 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2.
3 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" Mah. 25 of 1996, s. 2.
4 Clauses (*oo*) and (*pp*) were inserted by Mah. 41 of 1994, s. 3(*g*).
5 Clauses (*qq*), (*rr*), (*ss*) and (*tt*) were added by Mah. 10 of 1998, s. 2.
6 Clauses (*rr*) and (*ss*) as inserted by Mah. 10 of 1998, s. 2, have been deleted by Mah. 27 of 1999, s. 2.
7 Section 4 was substituted by Mah. 27 of 1999, s. 3.
8 Section 5 was substituted by Mah. 41 of 1994, s. 5.
9 These words were substituted for the words "two hundred and thirty-six" by Mah. 43 of 2022, s. 2.
10 These words were substituted for the words "five nominated Councillors" by Mah. 14 of 2023, s. 2.

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 [1][Brihan Mumbai]" be a body corporate and have perpetual succession and a common seal and by such name may sue and be sued.]

[2][5A. **Reservation of seats.—** (*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 Councils (Amendment) Act, 1994 (Mah. XLI of 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-sections (*2*) to (*5*) both inclusive.

(*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 [3][Brihan Mumbai] bears to the total population of [4][Brihan Mumbai].

(*b*) [5][one-half] 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 d Castes, then no seat shall be

reserved for women belonging to the Scheduled Castes [6][* * * * * * * * *].

(*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 [7][Brihan Mumbai];

(*b*) [8][One-half] 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 Scheduled Tribes, then no seat shall be reserved for women belonging to the Scheduled Tribes [9][* * * * * * * * *];

(*4*) [10][(*a*) The seats to be reserved for the persons belonging to the category of Backward Class of citizens shall be upto 27 per cent. of the total number of seats to be filled in by direct election in a Corporation and the total reservation shall not be more than 50 per cent. of the total seats in the Corporation;]

(*b*) [11][one-half] of the total number of seats reserved under clause (*a*) shall be reserved for women belonging to the Backward Class of citizens.

(*5*) [12][one-half] (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.

1 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2.
2 Section 5A was inserted by Mah. 41 of 1994, s. 6.
3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2.
4 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2.
5 These words were substituted for the words "one-third" by Mah. 20 of 2011, s. 2(*1*)(*a*).
6 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 the Scheduled Castes" were deleted by Mah. 20 of 2011, s. 2(*1*)(*b*).
7 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2.
8 These words were substituted for the words "One-third" by Mah. 20 of 2011, s. 2(*2*)(*a*).
9 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 the Scheduled Tribes" were deleted by Mah. 20 of 2011, s. 2(*2*)(*b*).
10 This clause was substituted by Mah. 20 of 2022, s. 2.
11 These words were substituted for the words "one-third" by Mah. 20 of 2011, s. 2(*3*).
12 These words were substituted for the words "one-third" by Mah. 20 of 2011, s. 2(*4*).

(*6*) The seats reserved under sub-sections (*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-sections (*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.]

[1]**[5B. Person contesting election for reserved seat to submit Caste Certificate and Validity Certificate.—** Every person desirous of contesting election to a seat reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001):

[2][Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing of the nomination papers, but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,-

(*i*) a true copy of the application submitted by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee ; and

(*ii*) an undertaking that he shall submit the Validity Certificate issued by the Scrutiny Committee, within a period of six months from the date on which he is declared elected :

Provided further that, if such person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor.]

[3][*Duration of the Corporation : Term of Office of Councillors : Casual Vacancies, etc.*]

[4][**6. Duration of Corporation.—** The Corporation shall continue for a period of five years from the date appointed for its first meeting and no longer.

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

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

[5][**6C. Appointment of Administrator.—** (*1*) Notwithstanding anything contained in this Act, the State Election Commission has brought to the notice of the State Government that, it is not possible for it to conduct the general election to the corporation, due to COVID-19 pandemic situation in the State, therefore, the State Government may, by an order, appoint any Government Officer as an Administrator for such period as may be specified therein, for exercising all the powers and performing all the functions and duties of the corporation under the Act:

Provided that, the Administrator shall hold office until the first meeting of the corporation after the general election.

(*2*) The Administrator appointed under sub-section (*1*) shall receive such pay and allowances as may be determine, from time to time, by the State Government from the Municipal funds.]

1 Section 5B was inserted by mah. 35 of 2006, s. 2.

2 These provisos were substituted by Mah. 49 of 2025, s. 2.

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

4 Sections 6, 6A and 6B were substituted by Mah. 41 of 1994, s. 8.

5 This section was inserted by Mah. 26 of 2022, s. 2.

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.

[1][**7B. Councillor to vacate all offices if he ceases to be a councillors.—**[2][Notwithstanding anything contained in sections 47, 49G, 50B or 50M or any other provisions of this Act, 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.]

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

9. Casual vacancies how to be filled up.— In the event of non-acceptance of office by a person elected [3][* * * *] to be a councillor or of the death, resignation or disqualification of a councillor, of his becoming incapable of acting [4][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 [5][* * *] of a person thereto who shall hold office so long only as the councillor in whose place he is elected

would have been entitled to hold it if the vacancy had not occurred.

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

7[Provided that no election shall be held to fill up such vacancy 8[if it occurs within six months preceding the date on which the term of office of the Councillor expires under section 6A.]]

9[* * * *]

elected 10[* *] to be councillors shall be published by 11[the State Election Commissioner] in the

Qualifications and Disqualifications of Voters and Councillors

11.13[Persons qualified to vote].— (*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.

14[* * * * * * *]

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

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

1 Section 7B was substituted for the original by Mah. 10 of 1998, s. 4.
2 These words were substituted for the words "A person" by Mah. 27 of 1999, s. 4.
3 The words "or appointed" and "or appointment, as the case may be" were deleted by Bom. 13 of 1938, ss. 6 and 7.
4 These words were substituted for the words "previous to the day of retirement" by Mah. 41 of 1994, s. 12(*a*).
5 The words "or appointed" and "or appointment, as the case may be" were deleted by Bom. 13 of 1938, ss. 6 and 7.
6 These words were added by Bom. 28 of 1935, s. 2.
7 This proviso was added by Bom. 12 of 1936, s. 2.
8 These words were substituted for the words "occuring within four months prior to the day for retirement" by Mah. 41 of 1994, s. 12(*b*).
9 The proviso was deleted by Mah. 41 of 1994, s. 12(*c*).
10 The words "or appointed" and "or appointment, as the case may be" were deleted by Bom. 13 of 1938, ss. 6 and 7.
11 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 13.
Laws Order in Council.
13 This marginal note was substituted by Mah. 8 of 1965, s. 5(*b*).
14 Sub-sections (*2*), (*3*), (*4*), (*5*) and (*6*) were deleted by Mah. 8 of 1965, s. 5(*a*).

14. Qualification for election as a councillor at a ward election.—1[**] A person shall not be qualified to be elected at a ward election to be a councillor 2[unless he is enrolled in the municipal election roll as a voter of some ward].

3[* * * * * * *]

4[* * * * * * *]

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. 17 of 1950.*

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

16.Disqualifications for being a councillor.— (*1*) A person shall be disqualified for being elected 5[* *] 6[* *] and for being councillor if such person—

7[(*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]

8[(*a*) has, at any time after the commencement of section 2 of the Maharashtra Municipal Corporations (Amendment) Act, 1970 (Mah. XIII of 1971), 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]

9[(*aa*) has been removed from the office under section 18-1A and five years have not elapsed from the date of such removal; or]

10[(*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]

11[(*ba*) 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, *NagarPanchayats* and Industrial Townships (Second Amendment) Act, 1995 (Mah. XLIII of 2000) (hereinafter in this clause referred to as "the date of 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:

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,—

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

2 These 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.

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

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

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

6 The words "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.

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

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

9 This clause was inserted by Mah. 3 of 2008, s. 2.

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

11 Clause (*ba*) was inserted by Mah. 43 of 2000, s. 2.

(*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,]

if and while such person—

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

(*d*) is the Commissioner, 2[the Director]or a Deputy Commissioner or a Municipal Officer or servant, or a licensed surveyor or plumber 3[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 or is acting in that capacity; or

4[(*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; 5[or]

6[(*fa*) having been elected as Councillor, during 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]

[7][(*ff*) 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 this disqualification shall not apply to a councillor who renders free service for securing the enforcement of civic rights or removal of legitimate public grievances;]

[8][(*g*) is a Member of the State Legislature or Parliament:

Provided that, nothing in this clause shall effect 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 (Mah. Ord. XXXI of 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;]

[9][(*h*) has failed to submit to the Corporation a certificate of Assistant Commissioner [10][or a self-certificate by such person], certifying that,—

(*i*) he resides in a house owned by him and has a toilet in such house and he regularly uses such toilet; or

(*ii*) he resides in a house not owned by him and has a toilet in such house and he regularly uses it or he has no such toilet but regularly uses the community or public toilet:

1 Clause (*c*) was substituted for the original clause by Bom. 1 of 1948, s. 3(*a*) read with Bom. 8 of 1948, s. 4. 2 These words were inserted by Mah. 53 of 1981, s. 3.

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

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

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

6 Clause (*fa*) was deemed to have been inserted with effect from 1st April 1968 by Mah. 4 of 1973, s. 2(*a*). 7 Clause (*ff*) was inserted by Bom. 1 of 1946, s. 3(*d*).

8 Clause (*g*) was added by Mah. 8 of 2002, s. 3, *w.e.f.* 7th September 2001.

9 This clause was inserted by Mah. 19 of 2016, s. 2.

10 These words were inserted by Mah. 52 of 2017, s. 2.

Provided that, no Councillor on the date of commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Fourth Amendment) Act, 2015 (Mah. XIX of 2016), shall be disqualified under this clause, if he submits such certificate, within a period of one hundred eighty days from the date of such commencement:

Provided further that, if the Assistant Commissioner fails to take the decision in respect of such application within a period of thirty days from the date of receipt of the application; the application shall be deemed to have been granted and the Assistant Commissioner shall issue such certificate accordingly.]

[1][*Explanation*[2][*I*].— 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 52 of the Indian Easement Act, 1882 (V of 1882)]].

[4][(*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 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].

[5][(*1A*) A person who at any time during the term of his office is disqualified under the Maharashtra Local Authority Members' Disqualification Act, 1986 (Mah. XX of 1987) for being a councillor shall cease to hold office as such councillor.]

[6][(*1B*)(*a*) A person shall be disqualified for being a Councillor, or for contesting an election for being elected as a Councillor, for a period of six years, if, an order is passed by the concerned authority, under section 18 or, as the case may be, section 33, holding that such person was elected as a Councillor to a seat which was reserved for a member belonging to a Scheduled Caste, a Scheduled Tribe or a Backward Class of Citizens (hereinafter referred to as "a reserved category") on the basis of false claim or a false Caste Certificate declaring that such person belonged to such reserved category.

(*b*) Such period of disqualification shall be computed with effect from the date of passing of such order by the concerned authority.

(*1C*)(*a*) Notwithstanding anything contained in sub-section (*1B*), a Councillor who has been elected to a reserved seat as mentioned in sub-section (*1B*), shall be disqualified for being such Councillor consequent upon the concerned Scrutiny Committee constituted under sub-section (*1*) of section 6 of the Maharashtra Scheduled Casts, Scheduled Tribes, De-notified Tribes (*Vimukta jatis*), Nomadic Tribes,

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

2 The existing *Explanation* was renumbered as *Explanation I* and *Explanation II* was added by Mah. 51 of 1975, s. 2. 3 The existing *Explanation* was renumbered as *Explanation I* and *Explanation II* was added by Mah. 51 of 1975, s. 2. 4 Sub-section (*1-1A*) was inserted by Mah. 32 of 2011, s. 2(*1*)(*a*).

5 Sub-section (*1A*) was inserted by Mah. 20 of 1987, Schedule.

6 Sub-sections (*1B*) and (*1C*) were inserted by Mah. 43 of 2015, s. 2

Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001) or any other competent authority specified by the State Government for the purpose of scrutiny of the Caste Certificates, declaring the Caste Certificate of such Councillor to be invalid and cancelling the same, on the ground of the same having been based on a false claim or declaration made by such person claiming to be belonging to the reserved category, and thereupon the Councillor shall bedeemed to have vacated his office on and from the date of declaration of such Certificate to be invalid and cancellation of the same by the said Scrutiny Committee or by the competent authority.

(*b*) On any person having been disqualified for being a Councillor and consequently, his seat as such Councillor having become vacant under clause (*a*), the State Government shall, by notification in the *Official Gazette*, disqualify such person for being elected or being a Councillor for a period of six years from the date of such order.]

[1][(*1D*) A Councillor shall be disqualified for being a Councillor, if such Councillor has constructed or constructs by himself, his spouse or his dependent, any illegal or unauthorised structure violating the provisions of this Act or the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) or the rules or bye-laws framed under the said Acts; or has directly or indirectly been responsible for, or helped in his capacity as such Councillor in carrying out such illegal or unauthorised construction or has by written communication or physically, obstructed or tried to obstruct any Competent Authority from discharging its official duty in demolishing any illegal or unauthorised structure. Such disqualification shall be for the remainder of his term as a Councillor from the date of the declaration of such structure to be illegal or unauthorised by the concerned authority under the provisions of the said Acts or, as the case may be, from the date of commission of the act of interference or obstruction by the Councillor against the Competent Authority.]

[2][(*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.]

(*2*) But a person shall not be so disqualified or be deemed to have any share or interest in such a contract or employment by reason only of [3][his receiving fee for attendance at meetings of the [4][Brihan Mumbai Electric Supply and Transport Committee] or of] his having any share or interest in—

[5][(*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.

1 Section (*1D*) was inserted by Mah. 11 of 2002, s. 2.

2 Sub-sections (*1E*) and (*1F*) were inserted by Mah. 12 of 2008, s. 2.

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

4 These words were substituted for the words "Bombay Electric Supply and Transport Committee" by Mah. 25 of 1996, s. 2.

5 Clause (*g*) was inserted with effect from 2nd October 1975 by Mah. 25 of 1978, s. 2.

[1][* * * * * * *]

17. A person becoming disqualified to cease to be a councillor.—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,

[2][* * * * * * *] [3][or

(*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,[4][* *]]

[5][* * * * * * *]

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

18. Questions as to disqualifications to be determined by Chief Judge of the Small Cause Court.—Whenever it is alleged that any councillor has become disqualified for office 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.

[6][**18-1A. Liability of Councillor to removal from office.—**(*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 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 passsed 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*), 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.]

Municipal Election Roll

[7][**18A.State Election Commission.—**(*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.

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

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

"79. Saving.—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 operations 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 Clause (*c*) was deleted by Bom. 48 of 1950, s. 10(*1*).

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

4 The word "or" was deleted by Mah. 48 of 1950, s. 10(*2*).

5 Clause (*e*) was deleted by Mah. 48 of 1950.

6 Section 18-1A was inserted by Mah. 3 of 2008, s. 3.

7 Section 18A was inserted by Mah. 41 of 1994, s. 15.

(*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 or the rules shall function under the superintendence, direction and control of the State Election Commissioner.

(*4*) Notwithstanding anything cont s, the State Election Commissioner

may issue such special or general orders or directions which may not be inconsistent with the provisions of this Act for fair and free elections.]

[1][**18AA. Power of State Election Commissioner to issue directions to prevent impersonation.—**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 (43 of 1951)].

[2][**19. Division of** [3][**Brihan Mumbai into single member wards and** [4][**preparation of] municipal election roll therefor.—**(*1*) For the purposes of elections to the Corporation,—

[5][(*a*) The [6][[7][State Government with the approval of the State Election Commissioner] shall, 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* 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.

[10][* * * * * * *]

[11][(*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 [12][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 ward roll for each ward.]

[13][* * * * * * *]

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

[14][* * * * * * *]

1 Section 18AA was inserted by Mah. 44 of 1994, s. 2.
2 Section 19 was substituted by Mah. 8 of 1965, s. 6.
3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2.
4 These words were substituted for the words "adoption of relevant Assembly roll as" by Mah. 53 of 1973, s. 2(*c*).
5 This portion was substituted for the portion beginning with the brackets, letters and words "(*1*) the area of Greater Bombay"
6 The words were substituted for the words "State Government" by Mah. 41 of 1994, s. 16(*a*)(*1*).
7 These words were substituted substituted for the words "State Election Commissioner" by Mah. 21 of 2022, s. 2.
8 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2.
9 These words were substituted substituted for the words "State Election Commissioner" by Mah. 21 of 2022, s. 2.
10 The *Explanation* was deleted by Mah. 15 of 1991, s. 3(*b*).
11 Clause (*b*) was substituted for the original by Mah. 11 of 1996, s. 2.
12 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2.
13 Sub-section (*1A*) was deleted by Mah. 11 of 1996, s. 2(*a*)
14 Sub-section (*3*) was deleted by Mah. 11 of 1996, s. 2(*b*).

[1][* * * * * * *]

[2][* * * * * * *]

[3][**21. Right to vote.—** Subject to the provisions of this Act, every person whose name is

[4][in the municipal roll shall be deemed to be entitled to vote at a ward election] and every person whose name is not in the said roll be deemed to be not entitled so to vote.]

[5]**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*

1965, s. 9.

21C. [*Completion of supplementary election rolls.*] *Deleted by Mah. 8 of 1968, s. 9.*

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

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

[7][* * * * * * *]

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

25.Notice to be given of day fixed for ward elections.—[8][(*1*)] [9][Seven days] atleast before the day fixed for a ward election [10][* * *] notice of such election shall be given by [11][the State Election newspapers, and [13][* *] by posting placards in conspicuous places in the ward for which election is to take place.

[14][(*2*) The notice referred to in sub-section (*1*) shall, in addition to the day fixed 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.]

26. Candidates at ward elections must be nominated. Provisions regarding nomination.— (*1*) Candidates for election at a ward election [15][* * *] must be duly nominated in writing in accordance with the provisions hereinafter contained.

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

2 Section 20 was deleted by Mah. 11 of 1996, s. 3.

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

4 These words were substituted for the words and 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.

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

"79. Saving.— 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-committee, 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.".

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

7 Section 23 was deleted by Mah. 10 of 1998, s. 5.

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

9 These words were substituted for the words "Fifteen days" by Mah. 43 of 1983, s. 4(*1*).

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

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

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

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

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

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

(*a*) [1][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 [2][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 [3][and must bear the signature of the person nominated in token of his willingness to be so nominated;]

(*c*) every nomination-paper subscribed [4][and signed] as aforesaid must be delivered at the [5][office of the State Election Commissioner] before five o'clock in the afternoon of the day fixed for the election;

[6][(*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;]

[7][(*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 [8][* * * * * * * * *] or

[9][(*ii*) has not made or caused to be made the deposit referred to in sub-section (*1*) of section 26A, or]

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

[10][the State Election Commissioner] shall declare such person's 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;

[11][* * * * * *

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

[13][(*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 [14][the State Election Commissioner] not later than [15][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;]

1 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 19(*a*).
2 These words were inserted by Bom. 1 of 1925, s. 7(*a*).
3 These words were inserted by Bom. 1 of 1946, s. 9(*a*) read with Bom. 8 of 1948, s. 4.
4 The words "and signed" were inserted by Bom. 1 of 1946, s. 9(*b*).
5 These words were substituted for the words "the Commissioner's office" by Mah. 41 of 1994, s. 19(*b*).
6 This clause was substituted by Mah. 8 of 1965, s. 12(*a*).
7 Clause (*dd*) was substituted by Mah. 8 of 1965, s. 12(*b*).
8 The portion repealed by Bom. 6 of 1922, s. 14(*b*), is omitted.
9 New clause (*ii*) was inserted by Bom. 19 of 1930, s. 3.
10 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 19(*c*).
11 Clause (*g*) was deleted by Mah. 8 of 1965, s. 12(*c*).
12 Clause (*h*) was substituted by Mah. 8 of 1965, s. 12(*d*).
13 Clause (*j*) was substituted by Mah. 8 of 1965, s. 12(*e*).
14 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 19(*d*).
15 These words were substituted for the words "seven days" by Mah. 33 of 1989, s. 3.

(*k*) if, when two or more ward elections are held simultaneously for different wards, any person is deemed, under [1][* *] 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 [2][the State Election Commissioner], choose, by writing signed by him and delivered to [3][the State Election Commissioner], or, in his default, [4][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 persons' 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 [5][* *] 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 [6][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 some 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. Deposit by candidates.—**[9][(*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 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.]

(*2*) The deposit shall be returned if—

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

[10][(*b*) the candidate signifies in writing to [11][the State Election Commissioner] not later than [12][three days] 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, [13][* * * *] after the scrutiny of nomination-papers and before the commencement of the poll [14][*] [15][* * * * *]; or

1 The words, brackets and letter "clause (*g*) or" were deleted by Mah. 8 of 1965, s. 12(*f*).
2 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 19(*e*).
3 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 19(*e*).
4 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 19(*e*).
5 The words, brackets and letter "clause (*g*) or" were deleted by Mah. 33 of 1989, s. 12(*g*).
6 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 19(*f*).
7 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 19(*f*).
8 New section 26A was inserted by Bom. 19 of 1930, s. 4.
9 Sub-section (*1*) was substituted by Mah. 18 of 2008, s. 2.
10 Clause (*b*) was substituted by Bom. 1 of 1946, s. 10, read with Bom. 8 of 1948, s. 4.
11 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 20(*a*).
12 These words were substituted for the words "seven days" by Mah. 23 of 1989, s. 4.
13 The words "in the case of a ward election" were omitted by Bom. 32 of 1935, s. 3(*b*)(*i*).
14 The word "and" was deleted by Bom. 24 of 1936, s. 2, Sch.
15 The 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(*b*)(*i*).

(*e*) the candidate fails to be elected but secures [1][* * * * *] 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 [2][* * * * *] before the day fixed for the poll, [3][* * *] the deposit, if made by him, shall be returned to his legal representatives, or, if not made by the candidate shall be returned to the persons by whom it was made.

(*4*) If a candidate is not elected and [4][* * *], if the number of valid vote polled by him does not exceed one-eighth of the total number of valid votes polled [5][* * * * * * *], 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. Poll to be taken when a ward election is contested.— (*1*) When a ward election [6][* * *] is contested, [7][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*) **Names of candidates validly nominated to be published.—** At least [8][three] days before the day of the poll, [9][the State Election Commissioner] shall cause the names of all the persons validly nominated, with their respective abodes and descriptions, [10][* * *] to be published in the [11][*Official* respective ward-office].

[13][27A. **Prohibition of canvassing in or near polling stations.—** (*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.

1 The words "a first vote in the case of an election by co-option, and in the case of a ward election" were omitted, by Bom. 32 of 1935, s. 3(*b*)(*ii*).

2 The 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, by Bom. 32 of 1935, s. 3(*e*).

3 The 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, by Bom. 32 of 1935, s. 3(*e*).

4 The 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. 32 of 1935, s. 3(*d*).

5 The 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.

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

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

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

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

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

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

13 Sections 27A to 27C were inserted by Bom. 51 of 1955, s. 3.

(*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 congnizable.

[1][27AA. **Prohibition of public meetings on the day preceding the day of poll and on the day of poll.—** (*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. Penalty for disorderly conduct in or near polling stations.— (*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.

27C. Penalty for misconduct at polling stations.— (*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 convition, be punished with fine which may extend to two hundred and fifty rupees.

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

2**[28. Provisions respecting contested ward elections.—** With respect to the contested ward elections, the following provisions shall have effect, namely:—

(*a*) 3[votes shall be given by ballot in such manner as may be prescribed by the rules made under section 29] 4[or by electronic voting machine.] No votes shall be received by proxy;

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

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

3 These words and figures were substituted for words "votes shall be given by ballot and in person," by Mah. 43 of 1983, s. 7.

4 These words were inserted by Mah. 5 of 2005, s. 2.

(*b*) no votes shall be received for any candidate whose name has not been published by 1[the State Election Commissioner] under sub-section (*2*) of section 27 as having been validly nominated;

2[(*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 3[* * * * * * * * * *], and if a person votes in the same ward more than once all his votes in that ward shall be void;]

4[(*d*) * * * * * *

(*f*) * * * * * *]

5[(*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 6[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 7[the State Election Commissioner] choose, by writing signed by him and delivered to 8[the State Election Commissioner] or in his default 9[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;

(*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*) [10][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 [11][* * *] and shall cause lists to be prepared for each ward, specifying the name of all candidates, and the number of valid [12][* * * *] votes given to each candidate. In accordance with such rules as [13][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.

[14]**[28A. Maintenance of secrecy of voting.—** (*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.

1 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 22.
2 These clauses were substituted for clause (*c*) by Bom. 54 of 1955, s. 4.
3 The 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*).
4 Clauses (*d*) and (*f*) were deleted by Mah. 8 of 1965, s. 14(*b*).
5 Clause (*g*) was substituted by Mah. 8 of 1965, s. 14(*c*).
6 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 22.
7 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 22.
8 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 22.
9 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 22.
10 These words were substituted for the words "Commissioner" by Mah. 41 of 1994, s. 22.
11 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.
12 The words "and the number of rejected" were deleted by Bom. 8 of 1948, s. 4.
13 These words were substituted for the words "Commissioner" by Mah. 41 of 1994, s. 22.
14 Sections 28A to 28I were inserted by Bom. 54 of 1956, s. 5.

(*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. Officers, etc., at elections not to act for candidates or to influence voting.—[1][(*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 further-ance of the prospects of the election of a candidate.]

(*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. Breaches of official duty in connection with elections.— (*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.

(*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.

(*3*) The persons to whom this section applies are [2][* * *] presiding officers, polling officers and any other [3][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.

28D. Removal of ballot papers from polling stations to be an offence.— (*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.

28E. Other offences and penalties therefor.— (*1*) A person shall be guilty of an offence if at any election he—

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

(*b*) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of [4][the State Election Commissioner]; or

1 Sub-section (*1*) was substituted by Mah. 41 of 1994, s. 23.

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

3 These words were substituted for the words "persons appointed" by Mah. 41 of 1994, s. 24(*b*). 4 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 25(*a*).

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

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

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

(*f*) without due authority destroys, takes, opens or otherwise interferes 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 [1][* *] 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.

(*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. What is a corrupt practice.— A person shall be deemed to have committed a corrupt practice within the meaning of section 33,—

(*i*) who, with a view to including 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

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

(*ii*) subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.

28G. Corrupt practices, criminal offences and procedure.— (*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

(*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 circumstance 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.

[1][(*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*).

28H. Adjournment of poll in emergencies.— (*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.

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

2 The words, brackets, figure and letter were inserted by Mah. 21 of 1989, s. 3(*b*).

3 These words, brackets, figure and letter were inserted by Mah. 21 of 1989, 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" by Mah. 41 of 1994, s. 26(*b*).

(*3*) The notice of the polling station and the date and hours fixed under sub-section (*2*) shall be atleast three days before the date of the fresh poll.

28I. Fresh ballot in the case of destruction, etc., of ballot boxes.— (*1*) If at any election any ballot box or boxes is or are unlawfully taken out of the custody of [2][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.

(*2*) Whenever the polling at any polling station or stations shall become void under sub-section (*1*), [3][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 for 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 atleast three days before the date of the fresh poll.]

[5]**[29. [6][State Government] may make rules for the conduct of elections.—** [7][Subject to the provisions of this Act [8][the State Government may, in consultation with the State Election Commissioner], make rules for the conduct of elections, and in particular providing—

[9][* * * * * * *]

(*a*) for the appointment of polling stations for each ward;

(*b*) for the appointment of [10][presiding officers and polling officers] and other persons to assist at the poll and for the remuneration of such [11][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 [12][municipal election] roll;

[13][(*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 indeliable 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;

1 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 26(*c*).
2 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 27.
3 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 27.
4 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 27.
5 This new section 29 was inserted by Bom. 1 of 1925, s. 9. The original section 29 was repealed by Bom. 6 of 1922.
6 These words were substituted for the words "The Corporation" by Mah. 41 of 1994, s. 28(*c*).
7 Section 29(*1*) was renumbered as section 29 by Bom. 24 of 1936, s. 2, Sch.
8 These words were substituted for the words "the Corporation shall, with the sanction of the State Government" by Mah. 41 of 1994, s. 28(*a*).
9 Clause (*aa*) was deleted by Mah. 20 of 1980, s. 5.
10 These words were substituted for the words "Polling Officers" by Bom. 54 of 1955, s. 6(*1*).
11 These words were substituted for the words "Polling Officers" by Bom. 54 of 1955, s. 6(*1*).
12 The words "municipal election" were substituted for the word "electoral" by Bom. 1 of 1946, s. 13, read with Bom. 8 of 1948, s. 4.
13 This clause was inserted by Bom. 54 of 1955, s. 6(*2*).

(*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;

(*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.*

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

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

32. Declaration of results of elections.— (*1*) The result of every election shall be declared [3][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.

[4][* * * * * * *]

33. Election petitions to be heard and disposed of by Chief Judge of the Small Cause Court.— (*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 [5][by the State Election Commissioner] of a nomination or of the improper reception or refusal of a vote, or for any other cause [6][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 [7][ten days] [8][from the date on which the list prescribed under clause (*k*) of section 28 was available for sale or inspection [9][* * *] apply to the Chief Judge of the Small Cause Court. [10][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 [11][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.]

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

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

"79. Savings.— 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 comming 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.".

3 These words were substituted for the words "by fixing, as soon as may be after the election, in some conspicuous place in the Chief Municipal Office, a notice signed by the Commissioner" by Mah. 41 of 1994, s. 29.

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

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

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

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

8 These words were substituted for the original words "after the result of the election has been declared" by Bom. 1 of 1925, s. 12.

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

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

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

[1][(*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.]

(*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. [2][If 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 [3][* * * * * * * * * *], and against whose election no cause of objection is found, shall be deemed to have been elected.]

[4][(*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][* * * * * * * *]

(*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.

[6]**[34. [7][Procedure if election fails or is set aside.—]**[8][(*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, [9][the State Election Commissioner] shall appoint another day for holding a fresh election and a fresh election shall be held accordingly.]

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

Appointment of Councillor's by [10][*State*] *Government*

35. [*Appointments by* [11][*State*] *Government of councillors when to be made.*] *Repealed by Bom. 13 of 1938, s. 14.*

Proceedings of the Corporation

36. Provisions regulating the corporation's proceedings.—[12][(*1*)] 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 [13][including the submission, asking and answering of questions under section 66A] as they think fit, subject to the following conditions:—

1 Sub-section (*1A*) was inserted by Bom. 1 of 1946, s. 14, read with Bom. 8 of 1948, s. 4.
2 These words were substituted for the original words by Bom. 5 of 1905, s. 5(*2*).
3 The words "or after all the persons who were returned as elected at the said election" were deleted by Mah. 8 of 1965, s. 15.
4 This sub-section was inserted by Bom. 54 of 1955, s. 7(*2*).
5 Sub-section (*4*) was omitted by Bom. 28 of 1935, s. 3.
6 Section 34 was substituted for the original section by Bom. 28 of 1935, s. 3.
7 These words were substituted for the original words by Bom. 5 of 1905, s. 5(*2*).
8 This sub-section was substituted by Mah. 8 of 1965, s. 16.
9 These words were substituted for the words "the Commissioner" by Mah. 41 of 1994, s. 31.
10 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
11 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
12 Section 36 was re-numbered as sub-section (*1*) of that section by Mah. 32 of 2011, s. 3.
13 These words, figures and letter were inserted by Bom. 23 of 1930, s. 2(*b*).

[1][(*a*) there shall be one ordinary meeting in each month; the ordinary meeting in the month of March shall be held not later than on the twentieth day of that month;

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

(*c*) the day, time and place of meeting shall in every other case be fixed by the Mayor, or in the event of the office of Mayor being vacant, or the death or resignation of the Mayor or on his ceasing to be a councillor, or of his being incapable of acting, by the Deputy Mayor or in the event of absence of both by the Chairman of the Standing Committee;

(*d*) the Mayor or in any such event as aforesaid, the Chairman of the Standing Committee may, whenever he thinks fit, and shall, upon a written requisition signed by not less than onesixth of the whole number of Councillors call a special meeting;]

(*e*) every meeting shall be open to the public, unless a majority of the councillors present thereat decide by a resolution, whi ing 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 [2][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, [3][whether there is a quorum present] thereat or not;

[4][(*g*) every meeting shall be presided over by the Mayor if he is present at the times appointed for holding the same, and if the office of Mayor is vacant, or if the Mayor is absent, by the Deputy Mayor or if both the Mayor and the Deputy Mayor are absent by such one of the councillors present as may be chosen by the meeting to be Chairman for the occasion;]

(*h*) at least seven clear days' notice shall ordinarily be given of every meeting, other than an adjourned meeting, but in cases of urgency any such meeting may be called, except for the purpose of considering an annual budget-estimate, in pursuance of a written requisition signed [5][by not less than four members of the standing committee] upon a notice of not less than three [6][clear days and 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 [7][other than questions under section 66A] and shall be given by the Municipal Secretary by advertisement in the local newspapers [8][* * * *];

(*k*) any councillor who desires at any meeting to bring forward any business [9][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

1 Clauses (*a*) to (*d*) were substituted by Mah. 27 of 1999, s. 5(*a*).

2 These words were substituted for the words "fall short of twenty-five exclusive of the presiding authority" by Mah. 7 of 1950, s. 8(*ii*).

3 These words were substituted for the words "whether there be a quorum of twenty-five members present" by Mah. 7 of 1950, s. 8(*ii*).

4 Clause (*g*) was substituted by Mah. 27 of 1999, s. 5(*b*).

5 These words were substituted for the words "by the Mayor" by Mah. 27 of 1999, s. 5(*c*)(*i*).

6 These words were substituted for the words "clear days of adjourned meeting" by Mah. 27 of 1999, s. 5(*c*)(*ii*). 7 These words, figures and letter were inserted by Bom. 23 of 1950, s. 2(*ii*).

8 The words "and except in the case of adjourned meetings or of meetings called upon a requisition of urgency, in the *Official Gazette*" were deleted by Mah. 51 of 1975, s. 3.

9 These words, figures and letter were inserted by Bom. 23 of 1950, s. 2(*iii*).

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;

[1][(*l*) except at a meeting called on a requisition of urgency or at the discussion at any meeting of a budget-estimate, no business shall be transacted at any meeting other than the business specified in the notice published under clause (*j*) and questions asked under section 66A or urgent business not specified in the said notice which the Standing Committee, the Improvements Committee, the Brihan Mumbai Electric Supply and Transport Committee, the Education Committee or the Commissioner deem it expedient to bring before the meeting, and no substantive proposition shall be made or discussed which is not specified in the said notice or in the supplementary announcement, if any, published under clause (*k*) or which is not in support of the recommendation of the Standing Committee, the Improvements Committee, the Brihan Mumbai Electricity Supply and Transport

Committee, the Education Committee or the Commissioner, as the case may be, with reference to any urgent business brought by any of those authorities, respectively, before the meeting:

Provided that, no such urgent business as aforesaid shall be brought before any meeting unless at least three-fourths of the councillors present at such meeting, such three-fourths being not less than one-sixth of the whole number of Councillors assent to its being brought forward thereat;

(*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 taxes [2][which the standing committee proposes to impose] 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 condition mentioned in the proviso to clause (*n*) has been fulfilled;

[3][(*ma*) notwithstanding anything contained in clauses (*l*) and (*m*), the Commissioner may, at any time, either on his own behalf or on behalf of any Committee hereinbefore mentioned, intimate, at least one day in advance, to the Mayor, or in the circumstances stated in clause (*c*), to the Deputy Mayor and in his absence to the Chairman of the Standing Committee, that he or the Committee concerned would bring urgent business relating to a matter specified in such intimation, which requires immediate consideration by the Corporation at a meeting to be held on a specified date. When such intimation is given, at the said meeting, the said business shall have priority over any other business in the order of priority specified by the Commissioner in his intimation, and no subsequent business shall be taken for consideration unless the said business is transacted and decision thereon is taken at that meeting;]

(*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:

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 [4][two] clear days; and

1 Clause (*l*) was inserted by Mah. 27 of 1999, s. 5(*d*).

2 These words were substituted for the words "proposed to be imposed" by Mah. 10 of 1999, s. 5(*e*). 3 Clause (*ma*) was inserted by Mah. 27 of 1999, s. 5(*f*).

4 This word was substituted for the word "three" by Bom. 76 of 1948, s. 2.

(*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, [1][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; [2][or any meeting held soon thereafter, after confirmation by the Corporation of 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 [3][a fee of *fiftynaye 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 [4][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;

[5][(*q*) every question other than the question whether the Standing Committee, the Improvements Committee, the Brihan Mumbai Electric Supply and Transport Committee, the Education Committee or the Commissioner shall be permitted to bring urgent business before a meeting without notice, shall be decided, by a majority of votes of the councillors present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes:

Provided that, the Councillors referred to in clause (*b*) of sub-section (*1*) of section 5 shall not have the right to vote in any meeting of the Corporation;]

(*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 propositions shall be recorded in the minute-book;

[6][(*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 there at 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;]

[7][(*u*) the Corporation may require any of its officers to attend any meeting or meetings of the Corporation at which any matter dealt with by such Officer in the course of his duties is being discussed. When any officer is thus required to attend any such meeting, he may be called upon to make a statement or explanation of facts or supply such information in his possession relating to any matter dealt with by him as the Corporation may require.]

1 These words were substituted for the words "be drawn up and fairly entered" by Mah. 1 of 1964, s. 2(*a*). 2 These words were inserted by Mah. 1 of 1964, s. 2(*b*).

3 These words were substituted for the words "a fee of eight *annas*" by Mah. 1 of 1964, s. 2(*c*). 4 These words, figures and letter were inserted by Bom. 23 of 1930, s. 2(*v*).

5 Clause (*q*) was inserted by Mah. 27 of 1999, s. 5(*j*).

6 Clauses (*t*) was substituted for the original by Mah. 32 of 2011, s. 3(*a*).

7 Clause (*u*) was added by Mah. 27 of 1999, s. 5(*h*).

[1][(*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 propos 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.]

[2][**36A. Power to order withdrawal of member.—** (*1*) The [3][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 [4][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 [5][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 [6][presiding authority] may, in the case of grave disorder arising in the meeting, suspend the meeting for a period not exceeding three days.]

[7][**37. Mayor and Deputy Mayor.—**[8][(*1*) The Corporation shall, subject to the provisions of sub-section (*2*), at its first meeting after the general elections, elect from amongst the Councillors one of its number to be the Mayor and another to be Deputy Mayor. The tenure of the Mayor and the Deputy Mayor shall be of two and a half years:

Provided that, the term of the Mayor and the Deputy Mayor in office on the date of coming into force of the Maharashtra Municipal Corporations (Amendment) Act, 2000 (Mah. XXV of 2000) shall be extended to, and be co-terminus with, the term of the office of the elected Councillors:

Provided further that, the roster relating to the reservation of the office of the Mayor shall be deemed to have been amended to provide for the extended tenure of the Mayor.]

(*2*) There shall be reservation for the office of the Mayor in the Corporation, by rotation, for the Scheduled Castes, the Scheduled Tribes, Women and the Backward Class of citizens, in the prescribed manner.

[9][(*2A*) Every person desirous of contesting election to the office of the Mayor reserved for the Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Class of Citizens, shall be required to submit, alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001)]:

[10][Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing of the nomination papers, but who has not received the Validity

1 Sub-section (*2*) was added by Mah. 32 of 2011, s. 3(*b*).

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

3 The words "presiding authority" were substituted for the word "President" by Bom. 21 of 1931, s. 2(*ii*). 4 The words "presiding authority" were substituted for the word "President" by Bom. 21 of 1931, s. 2(*ii*). 5 The words "presiding authority" were substituted for the word "President" by Bom. 21 of 1931, s. 2(*ii*). 6 The words "presiding authority" were substituted for the word "President" by Bom. 21 of 1931, s. 2(*ii*). 7 Section 37 was substituted by Mah. 27 of 1999, s. 6.

8 Sub-section (*1*) was substituted by Mah. 25 of 2000, s. 2.

9 Sub-section (*2A*) was inserted by Mah. 7 of 2009, s. 2.

10 These provisos were substituted by Mah. 49 of 2025, s. 3.

Certificate on the date of filing of the no t, alongwith the nomination papers,—

(*i*) a true copy of the application submitted by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee ; and

(*ii*) an undertaking that he shall submit the Validity Certificate issued by the Scrutiny Committee, within a period of six months from the date on which he is declared elected :

Provided further that, if such person fails to produce the Validity Certificate within a period of six months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being the Mayor.]

(*3*) The Mayor and the Deputy Mayor shall hold office until a new Mayor and a new Deputy Mayor have been elected under sub-section (*1*) and, in a year in which general elections have been held, shall do so notwithstanding that they have not been returned as Councillors on the results of the elections.

(*4*) Notwithstanding anything contained in sub-section (*1*), on the date of commencement of the Mumbai Municipal Corporation (Amendment) Act, 1999 (Mah. XXVII of 1999), the term of office of the Mayor, who is in office on the said date, shall be deemed to have come to an end and he shall have vacated his office on the said date. The Mayor in office having so vacated his office, the first meeting for the purpose of election of the new Mayor, after the said date, shall be held by the Commissioner, within a period of seven days from the said date and all other provisions of this Act relating to such election shall, *mutatis mutandis*, apply:

Provided that, the Mayor in office immediately before the said date shall continue till the new Mayor enter the office.

(*5*) A retiring Mayor or Deputy Mayor shall be eligible for re-election to either office.

(*6*) The Deputy Mayor may resign his office at any time by notice in writing to the Mayor and the Mayor may resign his office at anytime by notice in writing to the Corporation.

(*7*) If any casual vacancy occurs in the office of the Mayor or the Deputy Mayor, the Corporation shall as soon as conveninently after the occurrence of the vacancy, choose one of its number to fill the vacancy and every Mayor or Deputy Mayor so elected shall hold office so long only as the person in whose place he is appointed would have been entitled to hold it if the vacancy had not occurred.]

[1][(*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 eligble 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.]

[2]**[37IA. Leader of Opposition.—** (*1*) An elected Councillor who is, for the time being, the leader of the party in opposition, having great numerical strength and recognised as such by the Mayor, shall be the Leader of the Opposition.

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

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

1 Sub-section (*8*) was added by Mah. 32 of 2011, s. 4.

2 Section 37IA was substituted for sections 37IA to 37IE by Mah. 27 of 1999, s. 7.

[1][**37IA-I. Leader of the House.—** (*1*) An elected Councillor who is, for the time being, the Leader of the party having the greatest numerical strength and recognised as such by the Mayor shall bethe Leader of the House.

Explanation.— When there are two parties in ruling, having the same numerical strength, the Mayor shall, having regard to the status of the party, recognise the Leader of any one of such parties to be the Leader of the House.

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

[2][*Honoraria, Fees and Allowances*

37A. Honoraria, fees or allowances.— (*1*) With the previous sanction of the State Government, the Corporation may pay [3][Mayor and Deputy Mayor], each councillor such honoraria, fees or other allowances as may be prescribed by rules made by the Corporation under this section:

[4][Provided that the non-councillor members of the Education Committee shall be paid a fee of rupees one hundred *per diem* in lieu of honorarium and sitting allowance and the maximum of such fees shall not exceed rupees four hundred per month.]

[5][(*2*) The Corporation shall place at the disposal of the Mayor [6][* * *] annually, such amount as sumptuary allowance, as the State Government may, from time to time, by an order dertermine.]

(*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.]

[7][**37B.** [*Deleted*]].

Committees

[8][**38. Appointment of consultative committees for special purposes.—** The corporation may from time to time appoint [9][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

1 This section was inserted by Mah. 11 of 2002, s. 3.

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

3 These words were substituted for the words "the Chairperson of the Corporation, the Deputy Chairperson, the Mayor, the Deputy Mayor, the members of the Mayor-in-Council" by Mah. 27 of 1999, s. 8(*a*)(*i*).

4 This proviso was inserted by Mah. 27 of 1999, s. 8(*a*)(*ii*).

5 Sub-section (*2*) was substituted by Mah. 21 of 1989, s. 4.

6 The words "the Chairperson of the Corporation and the Deputy Chairperson" were deleted by Mah. 27 of 1999, s. 8(*b*). 7 Section 37B was deleted by Mah. 27 of 1999, s. 9.

8 Section 26 of Mah. 21 of 1992 reads as under :—

"**26. Reconstitution of Committees.—** Where, by virtue of the amendments made to the relevant municipal law whereby the number of members on various committees of the Municipal Corporation or, as the case may be, the Municipal Council has been increased, arrangements shall, as soon as may be practicable, be made to reconstitute the committees with the increased number of its members, and notwithstanding anything contained in the relevant municipal law,—

(*a*) the term of office of the members who come to hold office as such members against the increased number of members on the committee shall expire with the expiry of term of office of the members holding-office as such member on the committee on the date of its reconstitution as aforesaid;

(*b*) no act or proceeding of any committee shall be deemed to be invalid at any time merely on the ground that no members against the increased seats were available to take office during the period from the date of commencement of this Act and ending on the date of reconstitution of the committee; and

(*c*) the validity of such act or proceeding shall not be questioned in any court or before any authority or officer merely on the ground aforesaid.

Explanation.— The expression "relevant municipal law",—

(*a*) in relation to the Municipal Corporation of Greater Bombay means, the Bombay Municipal Corporation Act (Bom. III of 1888);

(*b*) in relation to the Corporation of the City of Nagpur means, the City of Nagpur Corporation Act, 1948 (C. P. and Berar II of 1950);

(*c*) in relation to the Municipal Corporation of any other City means, the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949);

(*d*) in relation to a Municipal Council means, the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965)." 9 These words were inserted by Mah. 10 of 1998, s. 13.

for inquiry and report or for opinion, such special subjects relating to the purposes of this Act as they shall think fit.

[1][**38A. Special committees of the Corporation.—** (*1*) The Corporation may, from time to time, appoint, out of their own body, special committees including the Women and Child Welfare Committee and may by specific resolution carried by a vote of at least two-thirds of the members of the Corporation present at the meeting delegate any of their powers and duties to such committees, and may also by a like resolution define the sphere of business of each special committee so appointed, and direct that all matters and questions included in any such sphere shall, in the first instance, be placed before the appropriate committee and shall be submitted to the Corporation with such committee's recommendation.

(*1A*) On the Women and Child Welfare Committee not less than seventy-five per cent. of the members shall be from amongst women Councillors.

Explanation.— For the purpose of computing the number of members at seventy-five per cent., fraction, if any, shall be rounded off to one.

(*2*) Every special committee shall conform to any instructions that may, from time to time, be given to them by the corporation.

(*3*) The Corporation may, at any time, dissolve or subject to any rules made by them in this behalf alter the constitution of any special committee.

(*4*) Every special committee shall appoint two of their members to be their Chairperson and Deputy Chairperperson:

Provided that, no member shall, at the same time, be the Chairman of more than one special committee:

Provided further that, the Chairperson and the Deputy Chairperson on the Women and Child Welfare Committee shall be from amongst the Women Councillor members thereof.

(*5*) In the absence of the Chairperson or Deputy Chairperson, the members of the special committee present, shall choose one of their members to preside over their meeting.

(*6*) All the proceedings of every special committee shall be subject to confirmation by the corporation:

Provided that, any special committee may by a resolution supported by at least one-half of the whole number of members of the committee direct that action be taken in accordance with the decision of such committee without waiting for confirmation of their proceedings by the Corporation, if the committee considers that serious inconvenience would result from delay in taking such action; but if the Corporation do not confirm the proceedings of the special committee, such steps shall be taken to carry out any orders passed by the Corporation as may still be practicable:

Provided further that, if, in delegating any of their powers or duties to a special committee under sub-section (*1*), the Corporation direct that the decision of the special committee shall be final, then so much of the proceedings of the special committee as relate to such powers or duties shall not be subject to confirmation by the Corporation if such decision is supported by at least one-half of the whole number of members of the committee.

(*7*) The Corporation may make rules for regulating the constitution of special committees and the conduct of business at meetings of such committees, and for the keeping of minutes and the submission of reports.

38B. Special committees of the Standing Committee, the improvements Committees or the Education Committee.— The Standing Committee, the Improvements Committee or the Education Committee may, from time to time, by a resolution, carried by a vote of at least two-thirds of their members present at the meeting, delegate to any special committee appointed under section 38A any of their powers and duties in respect of any matter with which such special committee are competent to deal, or refer to any such committee any such matter for disposal or report, and every such special

1 Sections 38A to 50S were substituted for sec 0.

committee shall conform to any instructions that may, from time to time, be given to them by the Standing Committee, the Improvements Committee, or the Education Committee, as the case may be, in this behalf:

Provided that every such resolution shall be reported by the Standing Committee, the Improvements Committee or the Education Committee, as the case may be to the Corporation as soon as possible, and the Corporation may at any time cancel such resolution.

38C. Appointment of sub-committees by the Improvements Committee.— The Improvements Committee may, from time to time, appoint out of their own body sub-committees consisting of such number of persons as the Improvements Committee may think fit and may refer to such sub-committees for inquiry and report or for opinion any matter with which the Improvements Committee is competent to deal under the provisions of this Act.

39. Appointment of primary Education Consultative Committee.— (*1*) The Corporation may appoint a Primary Education Consultative Committee.

(*2*) Such committee may be appointed by the Corporation either by itself or in consultation with the State Government.

(*3*) The constitution of such Committee shall be as provided by by-laws made under section 461.

(*4*) The Corporation may by any agreement with the State Government in this behalf refer to such Committee for inquiry and report or for opinion any question relating to the purposes of clause (*a*) of section 61.

40. A Committee may be appointed for other educational purposes.— The Corporation may, for the purpose of giving effect to measures and, arrangements in furtherance of secondary education or any branch of technical or other instructions, appoint or join in appointing a committee as may be determined by any by-law made under section 461, and such committee shall have in relation to the branch of education and the institutions for which it is appointed, the like powers and duties as are herein assigned to the Education Committee, save as the same may be varied by any by-law made under the said section.

41. Appointment of Hospital Committee.— The Corporation, either singly or in concurrence with the State Government, may appoint a Hospital Committee with such constitution, powers and duties with respect to hospitals and institutions for the benefit of the aged, sick and infirm, vesting wholly or partly in the corporation and supported or aided out of its funds as may be defined and provided by by-laws made under section 461 or by any agreement made with the State Government in this behalf.

42. Constitution of Standing Committee.— The Standing Committee shall consist of twenty seven councillors.

43. Members of the Standing Committee when to be appointed.— (*1*) The Corporation shall at their first meeting in the month of April, after general elections, appoint twenty six persons out of their own body to be members of the Standing Committee.

(*2*) The Chairman of the Education Committee shall also be a member of the Standing Committee.

44. Appointment of Chairman of Standing Committee.— (*1*) The Standing Committee shall at their first meeting in each official year appoint one of their own number to be their Chairman until the first meeting of the said Committee in the next following official year.

(*2*) A member of the Standing Committee who ceases to be Chairman shall be re-eligible.

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

45. Members of the Standing Committee to retire by rotation.— (*a*) One-half of the members of the Standing Committee shall retire at noon on the first day of April every year.

(*b*) The members who shall retire one year after the Standing Committee is constituted under section 43 shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairman may determine.

(*c*) During the succeeding years, the members who shall retire under this section shall be the members who were longest in office:

Provided that, in the case of a member who has been [1][re-appointed] the term of his office for the purposes of this clause shall be computed from the date of his [2][re-appointment].

(*d*) The term of office of the Chairman of the Education Committee as a member of the Standing Committee shall continue so long as he continues as such Chairman.

46. Appointment of members of Standing Committee to replace those who retire.— (*1*) The Corporation shall at their ordinary meeting in the month of March appoint fresh members of the Standing Committee to fill the offices of those previously appointed by them who retire from time to time as aforesaid.

(*2*) Any councillor who ceases to be a member of the Standing Committee shall be re-eligible.

46A. Member of the Standing Committee absenting himself for three months from meetings to vacate seat.— Any member of the Standing Committee who absents himself during three successive months from the meetings of the Committee, except on account of temporary illness or other cause to be approved by the Committee or absents himself from or is unable to attend the meeting of the Committee during eight successive months, from any cause whatever, whether approved by the Committee or not, shall cease to be a member of the Standing Committee and his seat shall thereupon be vacant.

47. Casual vacancies in the Standing Committee how to be filled up.— In the event of non-acceptance of office by a councillor appointed to be a member of the Standing Committee or of the death, resignation or disqualification of a member of the said Committee or of his becoming incapable of acting previous to the expiry of his term of office or of his seat becoming vacant under section 46A the vacancy shall be filled up as soon as it conveniently may be, by the appointment of a person thereto, who shall hold office so long only as the member in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

48. Each Standing Committee to continue in office till a new Committee is appointed.— The Standing Committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new Standing Committee is appointed under section 43, Notwithstanding that the members of the said Committee or some of them may no longer be Councillors.

49. Provisions regulating the proceedings of the Standing Committee.— The Standing Committee shall meet for the despatch of business in the chief municipal office and may, from time to time, make such regulations with respect to such meetings and with respect to the scrutiny of the municipal accounts as they think fit, subject to the following conditions:—

(*a*) there shall be a meeting of the Standing Committee once a week, and at such other times as shall be found necessary;

(*b*) the first meeting of each Standing Committee shall be held on a day and at a time to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner; and at every such time as the said committee, from time to time, determine;

(*c*) the Chairman of the Standing Committee shall, upon a written requisition signed by the Commissioner, call a special meeting of the said Committee within twenty-four hours of the transaction of any business which, in the opinion of the Commissioner, cannot be delayed until the next ordinary meeting of the said Committee;

(*d*) no business shall be transacted at a meeting of the Standing Committee unless at least nine members are present from the beginning to the end of such meeting;

1 The words "re-appointed" were substituted for the words "re-elected" by Mah. 11 of 2007, s. 2(*i*). 2 The words "re-appointment" were substituted for the words "re-election" by Mah. 11 of 2007, s. 2(*ii*).

(*e*) every meeting of the Standing Committee shall be presided over by the Chairman, if the Chairman is present at the time appointed for holding the meeting, and, if the Chairman absent, by such one of the members present as may be chosen by the meeting to the Chairman for the occasion;

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

(*g*) subject to any by-laws in this behalf made under clause (*t*) of section 461, the Standing Committee may, from time to time, by a specific resolution in this behalf, delegate any of their powers or duties to sub-committees consisting of such members of the said committee not less in number than three on each sub-committee as they think fit; and any sub-committee so formed shall conform to any instructions that may, from time to time, be given to them by the Standing Committee and the said committee may at any time discontinue or alter the constitution of any sub-committee so formed;

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

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

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

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

(*l*) a member of the Standing Committee shall not vote or take part in the discussion before the said committee or before any sub-committee of any matter in which he has, directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (*g*) to (*l*) both inclusive, of section 16 or in which he is professionally interested on behalf of a client, principal or other person;

(*m*) the commissioner or where the Commissioner is unable to attend owing to absence or illness or for any other reasonable cause whatsoever, the Director or a Deputy Commissioner, shall have the same right of being present at a meeting of the Standing Committee and of taking part in the discussions thereat as a member of the said Committee, but he shall not be at liberty to vote upon, or make, any proposition at such meeting; but when required by the Standing Committee or the Chairman of that Committee the Commissioner shall himself attend the meeting of the Standing Committee, unless he is prevented from doing so on account of absence, illness or any other reasonable cause.

49A. Improvements Committee to be constituted for the purpose of carrying out the improvement of the city.— The Corporation shall appoint a Committee to be called the Improvements Committee for the purpose of the improvement of the city, in accordance with the provisions of this Act, and subject to such conditions and limitations as are in this Act contained.

49B. Constitution of the Improvements Committee.— The Improvements Committee shall consist of twenty-six councillors.

49C. Members of Improvements Committee when to be appointed.— The Corporation shall, at their first meeting in the month of April after each general election, appoint twenty-six persons out of their own body to be members of the Improvements Committee.

49D. Appointment of Chairman of Improvements Committee.— (*1*) The Improvements Committee shall at their first meeting appoint one of their member to be their Chairman until the first

meeting of the said Committee in the following official year, and thereafter, the said Committee shall at their first meeting in each official year appoint a member of their body to be their Chairman until the first meeting of the said Committee in the next following official year.

(*2*) A member of the Improvements Committee who ceases to be the Chairman shall be re-eligible.

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

49E. Members of Improvements Committee to retire by rotation.— (*a*) One-half of the members of the Improvements Committee shall retire at noon on the first day of April every year.

(*b*) The members who shall retire one year after the Improvements Committee is constituted under section 49B shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairman may determine.

(*c*) During the succeeding years, the members who shall retire under this section shall be the members who were longest in office:

Provided that, in the case of a member who has been re-elected the terms of his office for the purposes of this clause shall be computed from the date of his re-election.

49F. Appointment of members of Improvements Committee to replace those who retire.—(*1*) The Corporation shall at their ordinary meeting in the month of March appoint fresh members of the Improvements Committee to fill the offices of those previously appointed by them who retire, from time to time, as aforesaid.

(*2*) Any Councillor who ceases to be a member of the Improvements Committee shall be re-eligible.

49G. Casual vacancies in the Improvements Committee how to be filled up.— In the event of non-acceptance of office by a Councillor appointed to be a member of the Improvements Committee or of the death, resignation or disqualification of a member of the said committee or of his becoming incapable of acting previous to the expiry of his term of office or of his office becoming vacant under clause (*i*) of section 491, the vacancy shall be filled-up, as soon as conveniently may be, by the appointment of a person thereto, who shall hold office so long only as the member in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

49H. Improvements Committee to continue in office till a new Committee is appointed.—The Improvements Committee in existence on the day for the retirement of Councillors shall continue to hold office until such time as a new Improvements Committee is appointed under section 49C, notwithstanding that the members of the said committee or some of them may no longer be Councillors.

49I. Provisions to regulate the proceedings of the Improvements Committee.— The Improvements Committee shall meet for the despatch of business in the Chief Municipal Office and the Committee may, from time to time, make such regulations with respect to such meetings as they think fit, subject to the following conditions:—

(*a*) there shall be a meeting of the Improvements Committee once a month and at such other times as shall be found necessary;

(*b*) the first meeting of the Improvements Committee shall be held on a day and at a time to be fixed by the Mayor, and if not held on that day shall be held on some subsequent day to be fixed by

the Mayor; and every subsequent meeting of the Improvements Committee shall be held on such day and at such time as the committee may, from time to time, determine;

(*c*) the Chairman of the Improvements Committee may, whenever he thinks fit, and shall, upon a written requisition signed by the Commissioner or by not less than four members of the Committee, call a special meeting of the said Committee within forty-eight hours for the transaction of any business;

(*d*) no business shall be transacted at a meeting of the Improvements Committee unless at least nine members are present from the beginning to the end of such meeting;

(*e*) every meeting of the Improvements Committee shall be presided over by the Chairman, if the Chairman is absent, by such one of the members present as may be chosen by meeting to be Chairman for the occasion;

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

(*g*) a minute shall be kept by the municipal secretary of the names of the member present and of the proceedings at each meeting of the Improvements Committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting;

(*h*) a member of the Improvements Committee shall not vote or take part in the discussion before the said committee or before any sub-committee of any matter in which he has, directly or indirectly, by himself or by his partner, any share on 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;

(*i*) the Commissioner or the Deputy Municipal Commissioner (Improvements) or, in the absence of the later, the Director or a Deputy Commissioner when authorised by the Commissioner in this behalf, shall have the same right of being present at a meeting of the Improvements Committee and of taking part in the discussions there-at as a member of the said Committee, but he shall not be at liberty to vote upon, or make, any proposition at such meeting;

(*j*) any member of the Improvements Committee who absents himself during three successive months from the meeting of the Committee, except on account of temporary illness or other cause to be approved by the Committee or absents himself from or is unable to attend the meetings of the Committee during eight successive months from any cause whatever, whether approved by the Committee or not shall cease to be a member and his office shall thereupon be vacant.

50. Constitution of Brihan Mumbai Electric Supply and Transport Committee and term of office of its members.— (*1*) The Corporation shall appoint a Committee to be called the Brihan Mumbai Electric Supply and Transport Committee for the purpose of conducting the Brihan Mumbai Electric Supply and Transport Undertaking in accordance with the provisions of this Act, and subject to such conditions and limitations as are in this Act contained.

(*2*) The Committee shall consist of seventeen members.

(*3*) The Chairman of the Standing Committee shall be an *ex-officio* member of the committee and the other members shall be appointed by the Corporation from among persons, who, in the opinion of the Corporation, have had experience of, and have shown capacity in, administration, transport, or electric supply, or in engineering, industrial, commercial, financial or labour matters and of whom one atleast shall be a councillor and remaining may or may not be Councillors.

(*4*) (*a*) One half of the members of the Brihan Mumbai Electric Supply and Transport Committee shall retire at noon on the first day of April every year.

(*b*) The members who shall retire one year after the Brihan Mumbai Electric Supply and Transport Committee is constituted under this section shall be selected by lot at such time previous to the first day of March immediately preceeding and in such manner as the Chairman may determine.

(*c*) During the succeeding years, the members who shall retire under this section shall be the members who were longest in office:

Provided that, in the case of a member who has been [1][re-appointed] the term of his office for the purposes of this clause shall be computed from the date of his [2][re-appointment].

(*5*) A person shall be disqualified for being appointed as, and for being a member of the Committee if, under the provisions of section 16, he is disqualified for being elected as, and for being, a Councillor.

50A. Disqualification of members of Brihan Mumbai Electric Supply and Transport Committee.— (*1*) Any person who, having been appointed as a Member of the Brihan Mumbai Electric Supply and Transport Committee,—

(*a*) becomes disqualified for being a member of the committee under the provisions of sub-section (*5*) of section 50; or

(*b*) absents himself during six successive meeting of the committee except from temporary illness or other causes to be approved by the committee; or

(*c*) absents himself from or is unable to attend the meeting of the committee during six successive months from any cause whatsoever, shall cease to be a Member of the committee and his office shall thereupon become vacant.

(*2*) If any question or dispute arises whether a vacancy has occurred under sub-section (*1*), the Commissioner shall, at the request of the Corporation, 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 a vacancy has occurred, and his decision shall be final.

50B. Casual vacancies how to be filled up.— In the event of non-acceptance of office by any person appointed to be a member of the Brihan Mumbai Electric Supply and Transport Committee or of the death, resignation or disqualification of a member of the committee, or of his becoming incapable of acting, or of his office becoming vacant under the provisions of section 50A, the vacancy shall be filled up, as soon as conveniently may be, by the appointment by the Corporation of a duly qualified person thereto, and such person shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred.

50C. Chairman of Brihan Mumbai Electric Supply and Transport Committee.— (*1*) The Brihan Mumbai Electric Supply and Transport Committee shall, after their appointment, at their first meeting in each official year appoint one of their members, who is a councillor, to be the Chairman until the first meeting of the committee in the next official year.

(*2*) The committee shall thereafter at their first meeting in each official year appoint one of their members, being a councillor, as Chairman until the first meeting of the committee in the next following year.

(*3*) The retiring Chairman shall be eligible for reappointment as Chairman.

(*4*) Notwithstanding the provisions of sub-sections (*1*) and (*2*), the Chairman shall vacate office as soon as he ceases to be a member of the committee.

(*5*) In the event of the office of Chairman falling vacant previous to the expiry of his term the committee shall, as soon as conveniently may be after the occurrence of the vacancy, appoint one of their member being a councillor, to fill such vacancy and the Chairman so appointed shall hold office so long only as the person in whose place he is appointed would have held it if such vacancy had not occurred.

50D. Meetings of Brihan Mumbai Electric Supply and Transport Committee.— (*1*) Brihan Mumbai Electric Supply and Transport Committee shall meet for the despatch of business at such place as

the Committee may from time to time decide and until a decision has been taken to meet elsewhere, shall meet in the Chief municipal office.

(*2*) The Committee may, from time to time, make such regulations with regard to the meetings of the Committee and sub-committees as the Committee think fit subject to the following conditions:—

(*a*) there shall be a meeting of the Committee once a fortnight and at such other times as shall be found necessary;

1 The words "re-appointed" were substituted for the words "re-elected" by Mah. 11 of 2007, s. 3(*i*). 2 The words "re-appointment" were substituted for the words "re-election" by Mah. 11 of 2007, s. 3(*ii*).

(*b*) the first meeting of the Committee shall be held on a day and at a time to be fixed by the Mayor and, if not held on that day, shall be held on some subsequent day to be fixed by the Mayor, and every subsequent meeting of the Committee shall be held on such day and at such time as the Committee may from time to time determine;

(*c*) the Chairman of the Committee may, whenever he thinks fit, and shall, upon a written requisition signed by the Commissioner or the General Manager, or by not less than three Members of the Committee, within forty-eight hours of the receipt by him of the requisition, call a special meeting of the Committee for the transaction of any business;

(*d*) no business shall be transacted at a meeting of the Committee unless at least seven members are present from the beginning to the end of such meeting;

(*e*) every meeting of the Committee shall be presided over by the Chairman, if the Chairman is present at the time for holding the meeting, and if the Chairman is absent, by such one of the members as may be chosen by the meeting to be Chairman for the occasion;

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

(*g*) the Committee shall cause to be kept a minute of the names of the members present and of the proceedings at each meeting of the Committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting after confirmation by the Committee at such meeting;

(*h*) a member of the Committee shall not vote upon, or take part in the discussion before the Committee or before any Sub-Committee of any matter in which he has directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (*g*) to (*l*), both inclusive, of sub-section (*2*) of section 16, or in which he is professionally interested on behalf of a client, principal or other person.

(*3*) The Commissioner and in his absence, the Director or a Deputy Commissioner authorised by the Commissioner in this behalf and the General Manager and in his absence any officer authorised by the General Manager in this behalf, shall have the same right of being present at a meeting of the Committee and of taking part in the discussion thereat as a member of the Committee, but shall not be at liberty to vote upon or make any proposition at such meeting.

50E. Fees for attendance at meetings of Brihan Mumbai Electric Supply and Transport Committee.— The Chairman and members of the Brihan Mumbai Electricity Supply and Transport Committee shall be paid such fees for attending meetings of the Committee as may be prescribed by rules framed by the Corporation under this section with the sanction of the State Government.

50F. Sub-Committees of the Brihan Mumbai Electric Supply and Transport Committee.—(*1*) The Brihan Mumbai Electric Supply and Transport Committee may, from time to time, appoint one of their own body as Sub-Committee consisting of such number of persons as the Committee may think fit.

(*2*) The Committee may by specific resolution carried by the vote of at least two-third of their number present at the meeting delegate any of their powers and duties to a Sub-Committee and may also by a like resolution define the sphere of ittee.

(*3*) The Committee may refer to a Sub-Committee appointed under sub-section (*1*) for inquiry and report or for opinion any matter with which the Committee is competent to deal.

50G. Constitution of Education Committee.— (*1*) The Corporation shall appoint a Committee to be called the Education Committee for the purpose of giving effect to the provisions as to primary education in this Act or in other law for the time being in force.

(*2*) The Education committee shall consist of twenty six members of whom twenty-two shall be Councillors and four shall be persons who are not councillors.

(*3*) The non-councillors to be so appointed shall be persons,—

(*a*) whose names are enrolled on the municipal election roll as voters;

(*b*) who are graduates of universities recognised by the Corporation in this behalf;

(*c*) who have five years teaching or administrative experience in educational instructions; and

(*d*) who possess such other qualifications as the Corporation may determine in this behalf.

50H. Members of Education Committee when to be appointed.— The Corporation shall, as soon as may be, after the commencement of the Mumbai Municipal Corporation (Amendment) Act, 1999 (Mah. XXVII of 1999) and thereafter at their first meeting in the month of April, after every general election, appoint sixteen duly qualified persons to be members of the Education Committee.

50I. Disqualifications of members of Education Committee.— (*1*) A person shall not be eligible for appointment as a member of the Education Committee,—

(*a*) if he is directly or indirectly interested in any immovable property on or in which any municipal school or office is located or in any institution or school which receives donation or grant-in-aid from the Corporation; or

(*b*) if, not being a councillor, he would have been disqualified for being elected as a councillor under section 16.

Explanation.— A person shall be deemed to be interested within the meaning of clause (*a)* of this sub-section, if he derives or has been promised directly or indirectly, any pecuniary gain from or in respect of such property, institution or school whether by way of a price or rent or premium or other thing of value whether of the like nature or not.

(*2*) If any person having been appointed a member of the Education Committee,—

(*a*) becomes subject to any of the disqualifications mentioned in sub-section (*1*);

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

(*c*) absents himself from or is unable to attend the meetings of the Committee during eight successive months from any cause whatsoever, he shall cease to be a member of the Committee and his office shall thereupon become vacant.

50J. Appointment of Chairman of Education Committee.— (*1*) The Education Committee shall, at their first meeting in each official year, appoint one of their own member, being a councillor, to be their Chairman until the first meeting of the Committee in the next official year.

(*2*) The retiring Chairman shall be eligible for re-election.

(*3*) If any casual vacancy occurs in the office of the Chairman, the Education Committee shall, as soon as they conveniently can, after the occurrence of such vacancy, appoint one of their members being a councillor to fill such vacancy and every Chairman so appointed shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

50K. Members of Education Committee to retire by rotation.— (*1*) One-half of the councillor members and one half of the other members of the Education Committee shall retire at noon on the first day of April every year.

(*2*) The member who shall retire on the first day of April next after the Education Committee is constituted under section 50G shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairman shall determine.

(*3*) During succeeding years the members who shall retire under sub-section (*1*) shall be the members who have been longest in office:

Provided that, in the case of a member who has been re-appointed, the term of office for the purposes of this sub-section shall be computed from the date of his re-appointment.

50L. Appointment of members of Education Committee to replace those who retire.— (*1*) The Corporation shall, subject to the provisions of section 50H, at their ordinary meeting in the month of March, appoint fresh members of the Education Committee to fill the offices of those who retire from time to time as aforesaid.

(*2*) Any retiring member of the Education Committee shall be eligible for [1][re-appointment].

50M. Casual vacancy in Education Committee how to be filled up.— (*1*) In the event non-acceptance of office by a person appointed to be a member of the Education Committee or of the death, resignation or disqualification of a member of the Committee or of his becoming incapable of acting previous to the expiry of his term of office or of his seat becoming vacant under sub-section (*2*) of section 50I, the vacancy shall be filled up as soon as it conveniently may be by the appointment by the Corporation of a person thereto who shall hold office so long only as the person in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

(*2*) If any question or dispute arises whether a vacancy has occurred under this section it shall be referred to the Corporation whose decision shall be final.

50N. Each Education Committee to continue in office till new Committee is appointed.— The Education Committee in existence on the day for the retirement of Councillors shall continue to hold office until such time as a new Education Committee is appointed under section 50H notwithstanding that the members of the said Committee or some of them may no longer be Councillors.

50O. Education Committee to act notwithstanding default etc., in appointment of members.— The members duly appointed may perform all the functions legally pertaining to the Education Committee, notwithstanding any default, delay or defect in the appointment of any member.

50P. Meetings of Education Committee.— The Education Committee shall meet for the despatch of business in the Chief Municipal Office and may from time to time, make such regulations with respect to such meetings and to the management of schools under their control as they think fit, subject to the following conditions:—

(*a*) there shall be a meeting of the Education Committee once a month, and at such other times as shall be found necessary;

(*b*) the first meeting of the Education Committee shall be held on a day and at a time to be fixed by the Mayor, and if not held on that day shall be held on some subsequent day to be fixed by the Mayor; and every subsequent meeting of the Education Committee shall be held on such day and at such time as the Committee may, from time to time, determine;

(*c*) the Chairman of the Education Committee may, whenever he thinks fit, and shall, upon a written request signed by not less than four members of the Committee, call a special meeting of the said Committee for the transaction of any business;

(*d*) no business shall be transacted at a meeting of the Education Committee unless at least nine members are present;

(*e*) every meeting of the Education Committee shall be presided over by the Chairman, if the Chairman is present at the time appointed for holding the meeting and, if the Chairman is absent, by such one of the members present as may be chosen by the meeting to be Chairman for the occasion;

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

(*g*) a minute shall be kept by the municipal secretary of the names of the members present and of the proceedings at each meeting of the Education Committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting after confirmation by the Committee at such meeting;

(*h*) a member of the Education Committee shall not vote or take part in the discussion before the said Committee or before any sub-Committee of any matter in which he has, directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (*g*) to (*l*) both inclusive, of sub-section (*2*) of section 16 or in which he is professionally interested on behalf of a client, principal or other person.

1 The word "re-appointment" was substituted for the word "re-election" by Mah. 11 of 2007, s. 4.

50Q. Right of Municipal Commissioner and Education Officer to be present.— The Commissioner and the Education Officer and, in the absence of the Commissioner, any other officer authorised by the Commissioner in this behalf shall have the same right of being present at a meeting of the Education Committee and of taking part in the discussions thereat as a member of the said Committee, but none of them shall vote upon, or move any proposition at such meeting.

50R. Appointment of sub-committees by Education Committee.— The Education Committee may, from time to time appoint, out of their own body, sub-committees, consisting of such number of persons as the Education Committee may think fit, and may refer to such sub-committees for inquiry and report or for opinion in any matter with which the Education Committee is empowered by or under this Act to deal.

50S. Elections to Committees to be by proportional representation.—1[(*1*)] Notwithstanding anything contained in this Act or the bye-laws made thereunder in the case of the following Committee, 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, the appointment of Councillors to these Committees, whether in regular or casual vacancies, 2[shall be made by the Corporation by nominating Councillors in accordance with the provisions of sub-section (*2*)]:—

(*1*) Any consultative Committee appointed under section 38.

(*2*) Any special Committee appointed under section 38A.

(*3*) The Standing Committee.

(*4*) Improvements Committee.

(*5*) The Brihan Mumbai Electric Supply and Transport Committee.

(*6*) The Education Committee.

3[(*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:

4[Provided that, 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 fruther divided by the quotient of this division. The figures so arrived at shall be the relative strength of the resp registered parties or groups or *aghadi*

or front. The seats shall be allotted to the recognized parties or registered parties or group or *aghadi* or front by first considering the whole number of their 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:]

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 party or group may, notwithstanding anything contained in the Maharashtra Local Authority Members' Disqualification Act, 1986 (Mah. XX of 1987), within a period of one month from the date of notification of election results, form *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 prepoll *aghadi* or front.

(*3*) If any question arises as regards the number of Councillors to be nominted on behalf of such party or group, the decision of the Corporation shall be final.]]

1 Section 50S was re-numbered as sub-section (*1*) thereof and the portion beginning with the words "shall be made" and ending with the words "holding such elections" was substituted by Mah. 11 of 2007, s. 5(*a*).

2 Section 50S was re-numbered as sub-section (*1*) thereof and the portion beginning with the words "shall be made" and ending with the words "holding such elections" was substituted by Mah. 11 of 2007, s. 5(*a*).

3 Sub-sections (*2*) and (*3*) were added by Mah. 11 of 2007, s. 5(*b*).

4 This proviso was substituted by Mah. 17 of 2012, s. 2.

50T. 1[* * * * * * *]

2[*Wards Committees*

50TT. Constitution of Wards Committee.— (*1*) The Corporation shall constitute not more than twenty-five Wards Committees each comprising such contiguous wards as may be decided by the Corporation.

(*2*) Each Wards Committee shall consist of,—

(*a*) the Councillors representing the electoral wards within the territorial area of the Wards Committee;

3[* * * * * *]

(*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 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 services 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 [4][the Commissioner];

(*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.

1 Section 50T was deleted by Mah. 10 of 1998 s. 17.

2 This sub-heading and section 50TT was inserted by Mah. 41 of 1994, s. 34.

3 The proviso was deleted by Mah. 27 of 1999, s. 11(*a*).

4 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 11(*b*).

(*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.]

Provisions regarding validity of proceedings

[1]**[51. Vacancy in Corporation or in any Committees not to invalidate its proceedings.—** 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.]

52. Proceedings of corporation, etc. not vitiated by disqualification, etc., of members thereof.— No disqualification of, or defect in, the election or appointment [2][* *] of any person acting as a councillor or as the [3][Mayor] or presiding authority of the corporation or as the [4][Chairman] or [5][of the Standing Committee or of any Committee or sub-Committee appointed under this Act shall be deemed to vitiate any act or proceeding of the corporation or Standing Committee or of any such Committee or sub-Committee] as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

53. Proceedings of meetings to be deemed to be good and valid until the contrary is proved.— Until the contrary is proved, every meeting of the corporation or [6][* *] of a [7][Committees or sub-Committee] in respect of the proceedings whereof a minute has been made and signed in accordance with this Act shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified ; and where the proceedings are proceedings of a [8][Committees or sub-Committee] such [9][Committees or sub-Committee] shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

[10]**[53A. Exercise of powers and discharge of duties of any committee by corporation.—** 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 untill such committee is constituted or in a position to exercise its powers and discharge its duties.

53B. Removal of Chairman or Deputy Chairman of committees.— 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 conve s 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 or 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 under this section shall not affect his continuance as a Councillor for the remainder term of his office.]

[11][(*F*) *The Municipal Commissioner*]

1 Section 51 was substituted by Mah. 13 of 1998. s. 9.

2 The words "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.

3 The word "Mayor" was substituted for the original word by Bom. 21 of 1931, s. 2(*i*).

4 This word was substituted for the words "Chairperson of the Corporation" by Mah. 27 of 1999, s. 12(*a*).

5 This portion was substituted for the portion begining with the words "as a Member of any Committees" and ending with the words "any such Committee" by Mah. 27 of 1999, s. 12(*b*).

6 The words "or Standing Committee" were deleted by Mah. 10 of 1998, s. 18.

7 These words were substituted for the word "Committee" by Mah. 27 of 1999, s. 13.

8 These words were substituted for the word "Committee" by Mah. 27 of 1999, s. 13.

9 These words were substituted for the word "Committee" by Mah. 27 of 1999, s. 13.

10 Sections 53A and 53B were inserted by Mah. 32 of 2011, s. 5.

11 This heading was substituted for the heading "(*C*) The Municipal Commissioner" by Bom. 48 of 1950, s. 26.

54. Appointment of the Commissioner.— (*1*) The Municipal Commissioner for [1][Brihan Mumbai] shall be from time to time appointed by the [2][3][State] Government]. [4][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.]

[5][* * * *]

(*2*) [6][Notwithstanding the provisions of sub-section (*1*), the Commissioner shall] be forthwith removed by [7][the [8][[9][State] Government]] from the office if at a meeting of the corporation not less than [10][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 [11][12][State] Government] at any time if it shall appear to the [13][[14][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:

[15][Provided that when the Commissioner holds a lien on the service of [16][the [17][18][State] Government]], he shall not during the period of his appointment as Commissioner be removed from office without the approval of the corporation.]

[19][(*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.]

[20][The Director

1 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2.

2 The words "Provincial Government" were s r-in-Council" by the Adaptation of Laws

Order in Council.

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

4 This portion was substituted for the words "for a renewable period of three years." by Mah. 22 of 1968, s. 2(*a*).

5 The 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.

6 These words were substituted for the words "But he shall" by Mah. 8 of 1992, s. 2(*b*).

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

8 The words "Provincial Government" were substituted for the words "Governor-in-Council" 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 These words were substituted for the words "sixty-four councillors" by Bom. 7 of 1950, s. 9.

11 The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of Indian Laws Order in Council.

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

13 The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of Indian Laws Order in Council.

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

15 This proviso was added by Bom. 1 of 1925, s. 14.

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

17 The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of Indian Laws Order in Council.

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

19 Sub-sections (*3*), (*4*) and (*5*) were added by Mah. 43 of 1983, s. 8.

20 This heading and section 54A were inserted by Mah. 53 of 1981, s. 8.

54A. Appointment of the Director.— (*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.

(*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. Appointment of a Deputy Municipal Commissioner.— (*1*) Subject to confirmation by the 1[2[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.

3[(*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.

56. Functions of 4[the Director and Deputy Commissioner].— (*1*) 5[The Director or a Deputy Commissioner] 6[or 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,—

7[* * * * * * * *]

(*b*) The Commissioner shall inform the corporation of the powers and duties which he from time to time deputes to 8[the Director or a Deputy Commissioner.]

9[(*2A*) Provided further that when an additional Deputy Commissioner or more than one additional Deputy Commissioner have been appointed, the Commissioner shall prescribe the respective spheres of duties of each of such additional De 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 [10][the Director or a Deputy Commissioner] [11][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.

[12][56A. Appointment of Deputy Municipal Commissioner (Improvements).— (*1*) Subject to the previous approval of [13][the [14][State] Government] the Corporation shall, as soon as conveniently may be after the commencement of the City of Bombay Municipal (Amendment) Act, 1933 (Bom. XIII of 1933), appoint a Deputy Municipal Commissioner to be styled the Deputy Municipal Commissioner

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 Sub-section (*1A*) was inserted by Bom. 7 of 1950, s. 10.
4 These words were substituted for the words "a Deputy Commissioner" by Mah. 53 of 1981, s. 9(*d*).
5 These words were substituted for the words "a Deputy Commissioner" by Mah. 53 of 1981, s. 9(*a*).
6 These words were inserted by Bom. 7 of 1950, s. 11(*a*).
7 Clause (*a*) was deleted by Bom. 1 of 1897.
8 These words were substituted for the words "a Deputy Commissioner" by Mah. 53 of 1981, s. 9(*b*).
9 Sub-section (*2A*) was inserted by Bom. 7 of 1950, s. 11(*b*).
10 These words were substituted for the words "a Deputy Commissioner" by Mah. 53 of 1981, s. 9(*c*).
11 These words were inserted by Bom. 7 of 1950, s. 11(*c*).
12 This section was inserted by Bom. 13 of 1933, s. 7.
13 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
14 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(Improvements). Such appointment shall be in addition to any appointment of a Deputy Municipal Commissioner made under sub-section (*1*) of section 55.

(*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 as a 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:

[1][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.]

(*4*) The person appointed to be the Chief Officer, under section 26 of the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 1925), and holding that office at the commencement of the City of Bombay Municipal (Amendment) Act, 1933 (Bom. XVI of 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.]

[2][56B. Functions of the Deputy Commissioner (Improvements).— (*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:

Provided that the Commissioner shall inform the Corporation of the powers and duties which he from time to time deputes to the Deputy Municipal Commissioner (Improvements).

(*2*) All acts and things performed a icipal Commissioner

(Improvements), during his tennure of the said office and in virtue thereof shall for all purposes be deemed to have been performed and done by the Commissioner.]

Remuneration of Commissioner [3][, *Director*] *and Deputy Commissioner*

57. Salary of the Commissioner.— (*1*) The Commissioner shall receive [4][such monthly salary [5][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.

(*2*) **Duties which may be undertaken by the Commissioner outside of this Act.—** 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 purposes of any local inquiry or for the furtherance of any object of local importance or interest.

[6][* * * * * * * *]

1 This proviso was added by Bom. 76 of 1948, s. 3.

2 This section was inserted by Bom. 13 of 1933, s. 7.

3 The word "Director" was inserted by Mah. 53 of 1981, s. 10.

4 These words were substituted for the original words by Bom. 13 of 1938, s. 26(*1*).

5 These 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.

6 Sub-section (*3*) was deleted by Bom. 13 of 1938, s. 26(*2*).

58. Remuneration of [1][the Director and Deputy Commissioner.].—[2][The Director and a Deputy Commissioner] shall receive such monthly salary [3][as the Corporation shall, from time to time, with the approval of the State Government, determine:

Provided that, the salary of [4][the Director or a Deputy Commissioner] shall not be altered to his disadvantage during his period of office.]

[5][**58A. Remuneration of the Deputy Municipal Commissioner (Improvements).—** The Deputy Municipal Commissioner (Improvements) shall receive such monthly salary [6][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 (Bom. XVI of 1925) at the commencement of the City of Bombay Municipal (Amendment) Act, 1933 (Bom. XIII of 1933), shall, so long as he, continues to be the Deputy Municipal Commissioner (Improvements) under the provisions of sub-section (*4*) of section 56A, receive a monthly salary of rupees two thousand and five hundred:

Provided further that if the said person be appointed as 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 (Bom. XIII of 1933) such monthly salary [7][* * *] as the Corporation shall from time to time determine:

[8][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, [9][*Director*] *or Deputy Commissioner on leave*

59. Grant of leave of absence to the Commissioner, [10]**[Director] or Deputy Commissioner.—** (*1*) Leave of absence may be granted, from time to time—

(*a*) to the Commissioner, by the [11][12][State] Government], with the assent of [13][Standing Committee].

(*b*) to [14][the Director or a Deputy Commissioner] by [15][the Commissioner].

(*2*) **Allowance whilst absent on leave.—** The allowance to be paid to the Commissioner or [16][to the Director or a Deputy Commissioner] whilst so absent on leave shall be of such amount not exceeding

1 These words were substituted for the words "a Deputy Municipal Commissioner" by Mah. 53 of 1981, s. 11(*c*).

2 These words were substituted for the words "a Deputy Municipal Commissioner" by Mah. 53 of 1981, s. 11(*a*). 3 This 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.

4 These words were substituted for the words "a Deputy Municipal Commissioner" by Mah. 53 of 1981, s. 11(*b*). 5 New section 58A was inserted by Bom. 13 of 1933, s. 8.

6 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. 3(*a*), with effect from 1st April 1966.

7 The words "not exceeding rupees two thousand" were deleted by Mah. 10 of 1998, s. 19.

8 This proviso was added by Mah. 5 of 1970, s. 3(*b*), with effect from 1st April 1966.

9 The word "Director" was inserted by Mah. 53 of 1981, s. 12(*a*).

10 These words were substituted for the words "to a Deputy Commissioner" by Mah. 53 of 1981, s. 12(*c*)(*i*).

11 The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of Indian Laws Order in Council.

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

13 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 14.

14 These words were substituted for the words "a Deputy Commissioner" by Mah. 53 of 1981, s. 12(*b*)(*i*).

15 These words were substituted for the words "the Corporation" by Mah. 10 of 1998, s. 20.

16 These words were substituted for the words "Deputy Commissioner" by Mah. 53 of 1981, s. 12(*c*)(*i*).

respectively the amount of the salary of the Commissioner [1][or the Director or Deputy Commissioner] as shall be fixed by the [2][[3][State] Government] or the corporation, respectively:

Provided that if the Commissioner [4][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*) **Appointment and remuneration of acting Commissioner or acting [6][Director or a Deputy Commissioner].—** During any absence of the Commissioner or of [7][the Director or a Deputy Commissioner] the [8][9][State] Government] or the corporation may appoint a person to act as Commissioner or [10][as the Director or a Deputy Commissioner,] as the case may be. Every person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act or by any other enactment at time in force on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable, and shall receive such monthly salary, within the limits prescribed in sections 57, [11][58 and 58A], for [12][the Commissioner, Director and a Deputy Commissioner] as [13][the [14][State] Government] or the corporation, respectively, shall determine.

Disqualifications of the Commissioner, [15][Director] and Deputy Commissioner

60. [16][Commissioner, Director and Deputy Commissioner] not to be interested in any [17][contract] with the corporation.— (*1*) No person shall be qualified to be appointed or to be Commissioner [18][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 [19][* * * *].

(*2*) Any Commissioner [20][, Director] or Deputy Commissioner who shall acquire directly or indirectly, by himself or his partner, any share or interest in any such contract [21][* * *] as aforesaid shall cease to be Commissioner, [22][Director or a Deputy Commissioner] as the case may be, and his office shall become vacant.

1 These words were inserted by Mah. 53 of 19

2 The words "Provincial Government" were substituted for the words "Governor-in-Council" 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 inserted by Mah. 53 of 1981, s. 12(*c*)(*ii*).
5 The words "Government Officer" were substituted for the words "Servant of the Crown" by the Adaptation of Laws Order, 1950.
6 These words were substituted for the words "acting Deputy Commissioner" by Mah. 53 of 1981, s. 12(*e*).
7 These words were substituted for the words "a Deputy Commissioner" by Mah. 53 of 1981, s. 12(*d*)(*i*).
8 The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of Indian Laws Order in Council.
9 This word was substituted the word "Provincial" by the Adaptation of Laws Order, 1950.
10 These words were substituted for the words "as Deputy Commissioner" by Mah. 53 of 1981, s. 12(*d*)(*ii*).
11 The words, figures and letter "58 and 58A" were inserted by Bom. 13 of 1933, s. 9.
12 These words were substituted for the words "a Commissioner and a Deputy Commissioner" by Mah. 53 of 1981, s. 12(*d*)(*iii*).
13 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
14 This word was substituted the word "Provincial" by the Adaptation of Laws Order, 1950.
15 This word was inserted by Mah. 53 of 1981, s. 13(*a*).
16 These words were substituted for the words "Commissioner and Deputy Commissioner" by Mah. 53 of 1981, s. 13(*d*).
17 This word was substituted for the words "contract, etc.," by Mah. 42 of 1977, s. 2(*b*).
18 These words were inserted by Mah. 53 of 1981, s. 13(*b*).
19 The 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*).
20 This word was inserted by Mah. 53 of 1981, s. 13(*c*)(*i*).
21 The words "or employment" were deleted by Mah. 42 of 1977, s. 2(*b*).
22 These words were substituted for the words "Commissioner, or a Deputy Commissioner" by Mah. 53 of 1981, s. 13(*c*)(*ii*).

(*3*) Nothing in this section shall apply to any such share or interest in any contract [1][* * *] 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.

[2][(*G*) *The General Manager*]

[3][60A. Appointment of General Manager.— (*1*) The Corporation shall, subject to the approval of the [4][State] Government, appoint a fit person to be the General Manager of the [5][Brihan Mumbai Electric Supply and Transport Undertaking] who shall—

(*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 [6][State] Government determine [7][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 [8][State] Government for a period not exceeding five years at a time.

[9][* * * * * * *]

60B. Leave of absence to General Manager.— (*1*) Leave of absence may be granted from time to time to the General Manager [10][by the Brihan Mumbai Electric Supply and Transport Committee with the assent of the Corporation].

(*2*) The allowance to be paid to the 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 [11][Committee with the assent of the Corporation] 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. Disqualifications of General Manager.— (*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 [12][* * * * * * *].

1 The words "or employment" were deleted by Mah. 42 of 1977, s. 2(*a*).

2 This heading was substituted for the original heading "(*D*) The General Manager" by Bom. 48 of 1950, s. 29.

3 Sections 60A to 60C were inserted by Bom. 48 of 1948, s. 7.

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

5 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

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

7 These words were inserted by Mah. 5 of 1970, s. 4.

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

9 Sub-section (*3*) was deleted by Mah. 32 of 2011, s. 6.

10 These words were substituted for the words "by the Member in-charge of the Brihan Mumbai Electric Supply Transport Undertaking with the assent of the Mayor" by Mah. 27 of 1999, s. 15(*a*).

11 These words were substituted for the word "Mayor" by Mah. 27 of 1999, s. 15(*b*).

12 The words "or in employment with by or on behalf of the corporation other than the 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 the Bombay Electric Supply and Tramways Company, Limited.]

[3]**[60D. Appointment of Chief Accounts Officer.—** (*1*) [4][The Brihan Mumbai Electric Supply and Transport Committee] shall appoint a fit person to be the Chief Accounts Officer of the [5][Brihan Mumbai Electric Supply and Transport Undertaking]. He shall—

(*a*) keep the accounts of the [6][Brihan Mumbai Electric Supply and Transport Undertaking] and perform such duties with regard to the Undertaking's accounts as shall be required of him by the [7][Brihan Mumbai Electric Supply and Transport Committee] or by the General Manager;

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

(*c*) receive such monthly salary as [8][the Brihan Mumbai Electric Supply and Transport Committee] 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 [9][Brihan Mumbai Electric Supply and Transport Committee].]

[10][* * * * * *]

CHAPTER III

DUTIES AND POWERS OF THE MUNICIPAL AUTHORITIES

Obligatory and Discretionary Duties of the Corporation

61. Matters to be provided for by the corporation.— 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 latrines, urinals and similar conveniences;

11[(*aa*) planning for economic and social development;

(*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;

1 The words "or employment" were deleted by Mah. 42 of 1977, s. 3(*b*).

2 The words "or employment" were deleted by Mah. 42 of 1977, s. 3(*c*).

3 This section was inserted by Mah. 42 of 1976, s. 4.

4 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 16(*a*).

5 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

6 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

7 These words were substituted for the words "by the Member in-charge of the Brihan Mumbai Electric Supply Transport Undertaking" by Mah. 27 of 1999, s. 16(*b*).

8 These words were substituted for the words "by the Member in-charge of the Brihan Mumbai Electric Supply Transport Undertaking" by Mah. 27 of 1999, s. 16(*b*).

9 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 16(*d*).

10 Sub-section (*2*) was deleted by Mah. 32 of 2011, s. 7.

11 These clauses were inserted by Mah. 41 of 1994, s. 35.

(*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 Vaccination Act, 1877 (l of 1877);]

(*g*) measures for preventing and checking the spread of dangerous diseases;

2[(*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, causeways and the like 3[and also other measures for ensuing the safe and orderly passage of vehicular and pedestries traffic on streets];

(*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 accommodating schools for primary education 4[subject always to the grant of building grants by 5[the 6[State] Government] in accordance with the Government Grant-in-aid Code for the time being in force];

(*r*) the maintenance of a muni monuments and other property

vesting in the corporation;

[7][(*s*) the obligations imposed by the City of Bombay Municipal (Amendment) Act, 1933 (Bom. XIII of 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 Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 1925);

(*t*) the improvement of [8][Brihan Mumbai]].

[9]**[62. Corporation to provide a monthly sum to [10][State] Government for maintaining certain medical institutions in [11][Mumbai].—** (*1*) The corporation shall also provide and pay to [12][the [13][State]

1 Clause (*ff*) was inserted by Bom. 3 of 1907, s. 9(*1*).

2 Clause (*gg*) was inserted by Bom. 3 of 1907, s. 9(*1*).

3 This portion was added by Mah. 11 of 2002, s. 4.

4 These words were added by Bom. 3 of 1907, s. 9(*2*).

5 The words "the Provincial Government" were substituted for the word "Govern-ment" 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 New clauses (*s*) and (*t*) were inserted by Bom. 13 of 1933, s. 10.

8 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Sch.

9 Sections 62 to 62D were substituted for s. 62 by Bom. 3 of 1907, s. 10.

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

11 This word was substituted for the word "Bombay" by Mah. 25 of 1996, s. 4(*2*).

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

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

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 [1][the [2][State] Government] shall continue to control and maintain the institutions specified in Schedule U.

(*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.

[3]**[62A. Fees to be charged by the corporation in public hospitals and dispensaries.—** 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.

[4]**[62B. Extent of benefit to corporation by change in policy of [5][State] Government in regard to their liability, in respect of primary education.—** If there should be at any time a change in the general policy of [6][the [7][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.]

[8]**[62BB. Directions by State Government regarding subjects etc., in schools.—** 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.]

[9]**[62C. Primary schools and schools maintained by grants to be open to officers appointed by [10][State] Government for inspection.—** (*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 [11][the [12][State] Government] for the inspection of schools, and all resonable facilities shall be given to any such officer for visiting any such school for the purpose of inspection or examination.

(*2*) Every recommendation made regarding any such school by any such officer shall be duly considered by the [13][corporation] and the [14][corporation] may there upon take such action as may in their opinion be required and shall, if so re f Education], in any particular case,

inform him of their decision and the action, if any taken.

(*3*) In all matters connected with grants for the aid of primary schools other than municipal schools the [16][corporation] shall administer aid to schools complying with the necessary conditions in accordance with the provisions of the Government Grant-in-aid Code, subject to such modifications, if any, as may,

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 Sections 62A and 62C came into force on the 1st March 1909, see B.G.G., 1909, pt. I, p. 229.
4 This section was substitued for the original section 62B by Bom. 15 of 1920, s. 20.
5 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
6 The words "the Provincial Government" were substituted for the word " 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 62BB was inserted by Bom. 48 of 1950, s. 30.
9 Sections 62A and 62C came into force on the 1st March 1909, see B.G.G., 1909, pt. I, p. 229.
10 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
11 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
12 The words "the Provincial Government" were substituted for the word " Government" by the Adaptation of Indian Laws Order in Council.
13 This word was substituted for the words "school-committee" by Bom. 48 of 1950, s. 31.
14 This word was substituted for the words "school-committee" by Bom. 48 of 1950, s. 31.
15 These 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.
16 This word was substituted for the words "school committee" by Bom. 48 of 1950. s. 31.

from time to time be made in the said Code by the Corporation with the previous sanction of [1][the [2][State] Government].

[3]**[62D. Corporation to provide annual sum for the Prince of Wales Museum of Western India.—** The Corporation shall provide and pay 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.]]

[4]**[62E. Corporation to provide for maintenance of lunatics.—** [5][(*1*) The corporation shall make payments at such rates per head as [6][the [7][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 [8][the [9][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 [10]Code of Criminal Procedure, 1898 (V of 1898), is in force, resident within or under any enactment for the time being in force removed from, the city:

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:

[11][Provided also that where an application is made to the High Court under the provisions of section 88 of the Indian Lunacy Act, 1912 (IV of 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]:

Provided further that the rates prescribed by [12][the [13][State] 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 maintenace and treatment the corporation shall be liable under this section.

[14][(*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.]

63. Matters which may be provided for by the corporation at their discretion.— The corporation may, in their descretion, provide from time to time, either wholly or partly, for all or any of the following matters, namely:—

15[(*a*) slum improvement and upgradation;

(*aa*) urban poverty alleviation;]

16[(*b*) the furtherance of educational objects other than those mentioned in clause (*q*) of section 61;

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 This section was substituted for the original by Bom. 48 of 1950, s. 32.
4 The new section 62E was inserted by Bom. 1 of 1905, s. 16.
5 This section was renumbered as sub-section (*1*) of that section by Bom. 76 of 1948, s. 4(*1*).
6 The words "the Provincial Government" were substituted for the word "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 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 See now the Code of Criminal Procedure, 1973 (2 of 1974).
11 This proviso was inserted by Bom. 76 of 1948, s. 4(*1*).
12 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
13 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
14 This sub-section was inserted by Bom. 76 of 1948, s. 4(*2*).
15 Clauses (*a*) and (*aa*) were inserted by Mah. 41 of 1994, s. 36.
16 Clauses (*b*) to (*e*) were substituted for the original clauses by Bom. 12 of 1947, s. 2(*i*).

(*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;

(*jjb*) the purchase, maintenance, management and conduct of any undertaking for the supply of electric energy or gas to the public or the subsiding of any such undertaking;

(*jjc*) the acquistion 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 buildings necessary for such purposes];

3[(*jjd*) 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 Greater Bombay 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 Jatis* 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 [7]Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950) for establishing or running a hospital to provide medical facilities to the employees of the [8][Brihan Mumbai Electric Supply and Transport Undertaking] and the members of the families.]

1 Clause (*h*) was substituted for the original clause by Bom. 12 of 1947, s. 2(*ii*).
2 Clauses (*jj*), (*jja*), (*jjb*) and (*jjc*) were substituted for clause (*jj*) by Bom. 12 of 1947, s. 2(*iii*).
3 Clause (*jjd*) was inserted by Mah. 42 of 1976, s. 5.
4 Clause (*jje*) was inserted by Mah. 21 of 1989, s. 11(*a*).
5 This 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.
6 Clause (*m*) was added by Mah. 21 of 1979, s. 11(*b*).
7 Now the Maharashtra Public Trusts Act.
8 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2.

[1]**[63A. Performance of functions by agencies.—** 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.

63B. Environment Status Report.— The [2][Commissioner] shall, before the 31st day of July every year, place before the Corporation a report on the status of environment within Greater Bombay 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

[3]**[64. Functions of the several municipal authorities.—** (*1*) The respective functions of the several municipal authorities and of any Committee appointed under sections 39, 40, 41, 49A or 50 shall be such as are specifically prescribed in or under this Act.

(*2*) Except as in this Act otherwise expressly provided, the municipal Government of Brihan Mumbai vests in the Corporation.

(*2A*) On the occurrence of any accident or unforseen event, or on the threatened occurrence of any disaster, involving or likely to involve extensive damage to any property of the Corporation or danger to human or animal life, the Mayor and the Commissioner with the approval of the Mayor shall take such immediate action, as the emergency sha and require, reporting forthwith to the

Standing Committee or the Corporation, when they have done so, the action they have taken and their reasons for taking the same and the cost, if any, incurred or likely to be incurred in consequence of such action which is not covered by a current budget grant:

Provided that, in the absence of either the Mayor or the Commissioner, any one who is present shall take such immediate decision and action.

(*3*) Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the Corporation or the Standing Committee or the Improvements Committee, or the Education Committee 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 this Act vests in the Commissioner, who shall also—

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

(*b*) prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants, other than the municipal secretary and the municipal officers and servants immediately subordinate to him and subject to 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*) 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;

(*d*) give such directives to the General Manager, in the performance of his duties and exercise of his powers, as the Commissioner may, from time to time, consider necessary. Where any such directives are given, the General Manager shall be bound to carry them out within the period specified on such directives or within such extended period as the Commissioner may, *suo motu* at the request of the General Manager, permit, so, however, that, the extended period shall not exceed three months in the aggregate. Where the General Manager fails to carry out the directives even

1 Sections 63A and 63B were inserted by Mah. 41 of 1994, s. 37.

2 This word was substituted for the word "Mayor" by Mah. 27 of 1999, s. 17. 3 Section 64 was substituted by Mah. 27 of 1999, s. 18.

within the extended period, the Commissioner shall be entitled to act under clause (*c*) above, as if there has been a failure by the General Manager to perform his duties or exercise his powers:

Provided that, the Brihan Mumbai Electric Supply and Transport Committee may, by a resolution passed by a majority of not less than three-fourths of the total number of its members restrain the General Manager from carrying out any such directive or directives received by him from the Commissioner; and in case of such a restraint, the General Manager shall not be deemed to have failed in carrying out any such directive;

(*e*) be responsible for implementing the decision of the Corporation, the Standing Committee, the Improvements Committee, the Brihan Mumbai Electric Supply and Transport Committee and the Education Committee:

Provided that, the Corporation, the Standing Committee or any other Committee, as the case may be, shall obtain and take into consideration the remarks of the Commissioner, before making any resolution:

Provided further that, if the Commissioner is of the opinion that the resolution passed or decision taken by the Corporation or any of the Committee is against the provisions of any law, for the time being in force or may lead to wastage of municipal fund or seeks to divert the funds allocated for any of the obligatory duties of the Corporation to some other purpose or is against the policy of the State Government, he may, before implementing the decision, seek the direction from the State Government shall, within forty-five days from the date of receipt of such reference made by the Commissioner, issue direction to the Commissioner whether such decision should be implemented or not and the direction

issued by the State Government shall be binding on the Corporation, or the concerned Committee, as the case may be.

[1][(*3A*) Where, any proposal of the Commissioner requires sanction or approval of any committee 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.]

(*4*) Subject whenever expressly so directed in this Act to the approval of the Corporation or the Brihan Mumbai Electric Supply and Transport Committee 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 this Act and perform such other duties in connection with the Brihan Mumbai Electric Supply and Transport Undertaking as may be required of him by 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 for unforeseen event involving or likely to involve extensive damage to any property of the corporation pertaining to the 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 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.]

1 Sub-section (*3A*) was inserted by Mah. 32 of 2011, s. 8.

[1][*Prevention of delay in discharge of official duties*

64A. Citizens' Charter.— (*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.

64B. Delegation of powers.— (*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 or powers delegated to the subordinate officers and the levels of submission shall be prepared and published within one year from the date of commencemet of the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2010 (Mah. XXIX of 2011) and shall be updated on the 1st April of every succeeding year.

64C. Disciplinary action.— (*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:

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 file 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 approriate 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. Non-application of provisions of section 64C in certain circumstances.— 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;

1 This heading and sections 64A, 64B, 64C and 64D were inserted by Mah. 29 of 2011, s. 2.

(*v*) cases related to Legislation; and

(*vi*) cases involving major policy decisions.]

1**[65. Corporation may call for extracts from proceedings etc., from committees.—** The Corporation may at any time call for 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.]

66. Corporation may require the 2[Commissioner] to produce documents and furnish returns, reports, etc.— (*1*) The corporation may at any time require the 3[Commissioner]—

(*a*) to produce any record, correspondence, plan or other document which is in his possession or under his control as [4][Commissioner], or which is recorded or filed in his office or in the office of any municipal officer or servant subordinate to him;

(*b*) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act or the municipal government of [5][Brihan Mumbai] [6][except in regard to [7][the 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 [8][Brihan Mumbai] [9][except in regard to the [10][Brihan Mumbai Electric Supply and Transport Undertaking]].

(*2*) [11][Except as is hereinafter provided, every] such requisition shall be complied with by the [12][Commissioner] without unreasonable delay; and it shall be incumbent on every municipal officer and servant to obey any order made by the Commissioner in pursuance of any such requisition.

(*3*) Provided that if, on such requisition as aforesaid being made, the [13][Commissioner] 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 repeat the requisition, and it shall then still appear to the [14][Commissioner] inexpedient to comply therewith, he shall make a declaration to that effect, whereon it shall be lawful for the corporation [15][to elect one councillor, who with the Mayor and the Chairman of the Standing Committee (or, if the Mayor is also Chairman of the Standing Committee, with the Mayor and one member of their own body elected by the Standing Committee) shall form a Committee] who shall engage to keep secret save as thereinafter provided, the existence and purport of such documents and matter as may be disclosed to them; and to the said committee the [16][Commissioner] shall be bound to make known and to disclose all writings and matters within his knowledge, under his control, or

1 Section 65 was substituted for the original by Mah. 10 of 1998, s. 25.
2 This word was substituted for the word "Mayor" by Mah. 27 of 1999, s. 19(*a*).
3 This word was substituted for the word "Mayor" by Mah. 27 of 1999, s. 19(*a*).
4 This word was substituted for the word "Mayor" by Mah. 27 of 1999, s. 19(*a*).
5 This word was substituted for the word "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
6 These words were added by Bom. 48 of 1948, s. 9.
7 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.
8 This word was substituted for the word "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
9 These words were added by Bom. 48 of 1948, s. 9.
10 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.
11 These words were substituted for the word "Every" by Mah. 27 of 1999, s. 19(*b*).
12 This word was substituted for the word "Mayor" by Mah. 27 of 1999, s. 19(*a*).
13 This word was substituted for the word "Mayor" by Mah. 27 of 1999, s. 19(*a*) 14
This word was substituted for the word "Mayor" by Mah. 27 of 1999, s. 19(*a*).
15 This portion was substituted for the portion begining with the words "to form a Committee" and ending with the words "one Councillor chosen by the Corporation" by Mah. 27 of 1999, s. 19(*c*).
16 This word was substituted for the word "Mayor" by Mah. 27 of 1999, s. 19(*a*).

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][Commissioner] 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.

[2][(*4*) The heads of departments sub ner] 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-sections (*1*), (*2*) and (*3*) shall have effect as if for the word [6][Commissioner] 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. Right to ask questions.—** (*1*) Subject to any regulations made in this behalf under section 36, a councillor may question the [9][Commissioner] who shall answer any question concerning or connected with the administration of this Act or the Municipal Government of [10][Brihan Mumbai]:

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 propositions; 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 [11][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 [12][Mayor] shall disallow any question which is, in his opinion, in contravention to 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 [13][Mayor] shall decide the point and his decision shall be final.

1 This word was substituted for the word "Mayor" by Mah. 27 of 1999, s. 19(*a*).
2 This sub-section was substituted for the original by Bom. 48 of 1950, s. 34.
3 This word was substituted for the word "Mayor" by Mah. 27 of 1999, s. 19(*a*).
4 This sub-section was added by Bom. 48 of 1948, s. 9.
5 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.
6 This word was substituted for the word "Mayor" by Mah. 27 of 1999, s. 19(*a*).
7 These words were substituted for the words "Bombay Electric Supply and Transport Committee" by Mah. 25 of 1996, s. 2, Schedule.
8 Section 66A was inserted by Bom. 23 of 1930, s. 3.
9 This word was substituted for the word "Mayor" by Mah. 27 of 1999, s. 19(*a*).
10 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
11 These words were substituted for the words "His Majesty's possession" by the Adaptation of Laws Order, 1950.
12 This word was substituted for the words "Mayor or any member of the Mayor-in-Council" by Mah. 27 of 1999, s. 20(*a*).
13 This word was substituted for the words "Chairperson of the Corporation" by Mah. 27 of 1999, s. 20(*c*).

(*4*) The [1][Mayor] 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.]

[2][(*5*) The General Manager shall without unreasonable delay furnish the [3][Commissioner] with such information relating to the [4][Brihan Mumbai Electric Supply and Transport Undertaking] as he may require for the purpose of answering any question under this section.]

[5][**66B. Discussion on urgent public matters.—** (*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 [6][Mayor in his absence, the Deputy Mayor] authorised by him and circulate the same among the Councillors in such manner, as he may think fit.

(*3*) There shall be no formal resolution or voting.

66C. Asking for statement from [7][Commissioner].— (*1*) Any Councillor may ask for statement to be made by the [8][Commissioner] on an urgent matter relating to the administration of the Corporation by giving a notice to [9][the Commissioner] at least one hour before the commencement of the sitting on any day.

(*2*) The Mayor [10][* *] 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 [11][Mayor] more urgent and important.

(*4*) There shall be no debate on such statement at the time it is made.]

67. Exercise of power to be subject to sanction by Corporation of the necessary expenditure.— 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 [12][or of section 460DD] be subject to the following provisos, namely:—

(*a*) that such expenditure, so far as it is to be incurred in the official year in which such power is exercised or duty performed shall be provided for under a current budget grant, within the meaning of that expression as defined in section 130; [13][* *]

(*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;

[14][(*c*) that, where the sanction to 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.]

1 This word was substituted for the word "Mayor or any member of the Mayor-in-Council" by Mah. 27 of 1999, s. 20(*d*). 2 Sub-section (*5*) was added by Bom. 48 of 1948, s. 10.

3 This word was substituted for the words "Member of the Mayor-in-Council" by Mah. 27 of 1999, s. 20(*e*).

4 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

5 Sections 66B and 66C were inserted by Mah. 10 of 1998, s. 28.

6 These words were substituted for the words "Chairperson of the Corporation, or in his absence, the Deputy Chairperson" by Mah. 27 of 1999, s. 21.

7 This word was substituted for the word "Mayor" by Mah. 27 of 1999, s. 22(*a*).

8 This word was substituted for the word "Mayor" by Mah. 27 of 1999, s. 22(*a*).

9 This words was substituted for the words "Chairperson of the Corporation or, in his absence, the Deputy Chairperson" by Mah. 27 of 1999, s. 22(*b*).

10 The words "or the Member-in-charge" were deleted by Mah. 27 of 1999, s. 22(*c*).

11 This word was substituted for the words "Chairperson of the Corporation or, the Deputy Chairperson" by Mah. 27 of 1999, s. 22(*d*).

12 These words were inserted by Bom. 48 of 1948, s. 10.

13 The word "and" was deleted by Mah. 42 of 1976, s. 6(*a*).

14 Clause (*c*) was added by Mah. 42 of 1976, s. 6(*b*).

[1][**68. Delegation of powers of Municipal Authorities.—** Any of the powers, duties and functions conferred upon, assigned to or vested in the Corporation, the [2][Mayor,] 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 power, duties or functions are delegated by the concerned authority by general or special order made, from time to time, in this behalf.]

68A. [3][* * * * * * * *]

[4][**68AA. Government officers may be empowered to exercise certain powers, etc., of the Commissioner.—** (*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 sections 314, 351 and 352A, the word "Commissioner" shall be deemed to include any such officer.]

68B.[5][* * * * * * * *]

Contracts

69. Power to the Commissioner to execute contracts on behalf of the corporation.— 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;

[6][(*c*) no contract, other than a contract relating to the acquisition of immovable property or any interest therein or any right thereto, which involves an expenditure exceeding rupees [7][fifty lakhs but not exceeding rupees seventy-five lakhs], shall be made by the Commissioner, unless the same is previously approved by the Mayor. For contracts involving expenditure in [8][excess of seventy-five lakh rupees], approval of the Standing Committee shall be necessary:

1 Section 68 was substituted by Mah. 10 of 1998, s. 29.

2 This word was substituted for the words "Mayor-in-Council, the Mayor, Member-in-charge" by Mah. 27 of 1999, s. 23. 3 Section 68A was deleted by Mah. 10 of 1998, s. 30.

4 Section 68AA was inserted by Mah. 71 of 1981, s. 2.

5 Section 68B was deleted by Mah. 10 of 1998, s. 31.

6 Clause (*c*) was substituted by Mah. 11 of 2002, s. 5.

7 These words were substituted for the words "ten lakhs but not exceeding rupees fifteen lakhs" by Mah. 32 of 2011, s. 9(*a*).

8 These words were substituted for the words "excess of fifteen lakh rupees" by Mah. 32 of 2011, s. 9(*b*).

[1][Provided that, every contract made by the Commissioner involving an expenditure exceeding five lakh rupees and not exceeding seventy-five lakh rupees shall be reported by him within fifteen days after the same has been made to the Standing Committee:]

[2][Provided further that], the total amount of all sanctions granted by the Mayor shall not exceed [3][seven crore fifty lakh rupees] during a year:

[4][Provided also that, notwithstanding anything contained in section 64,] the Standing Committee shall consider and dispose of the proposals made by the Commissioner within thirty days from the receipt thereof failing which the previous approval to such contract shall be deemed to have been given by the Standing Committee and a report thereof shall be made by the Commissioner to the Corporation.]]

[5][*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 or not.]

[6][* * * * * * * *]

(*e*) the foregoing provisions of this section [7][shall, as far as may be,] apply to every contract which the Commissioner shall have occassion to make in the execution of this Act; and the same provisions of this section which apply to an original contact shall be deemed to apply also to any variation or discharge of such contract.

70. Mode of excecuting contracts.— (*1*) Every contract entered into by the Commissioner on behalf of the corporation shall be entered into in such manner and in 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 [8][fifty thousand rupees] shall be in writing and shall be sealed with the common seal of the corporation [9][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.

[10][(*1A*) Notwithstanding anything contained in the proviso (*b*) to sub-section (*1*) it shall be lawful for the Commissioner in 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.]

[11][(*2*) The common seal of the corporation which shall remain in the custody of the Municipal Secretary, shall be affixed in the presence of [12][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] to every contract or other instrument [13][other than contract relating to the acquisition of immovable property or interest therein or a right thereto,

1 This proviso was inserted by Mah. 32 of 2011, s. 9(*c*).

2 These words were substituted for the words "provided that" by Mah. 32 of 2011, s. 9(*d*)(*i*).

3 These words were substituted for the words "one crore rupees" by Mah. 32 of 2011, s. 9(*d*)(*ii*).

4 These words and figures were substituted for the words "Provided further that" by Mah. 32 of 2011, s. 9(*e*)(*i*). 5 This *Explanation* was added by Mah. 32 of 2011, s. 9(*e*)(*ii*).

6 Clause (*d*) was deleted by Mah. 37 of 1981, s. 4(*b*).

7 These words were substituted by Bom. 13 of 1933, s. 12(*b*).

8 These words were substituted for the words "ten thousand rupees" by Mah. 10 of 1998, s. 33(*a*).

9 These words, figure and brackets were inserted by Bom. 10 of 1935, s. 2(*1*).

10 Sub-section (*1A*) was inserted by Bom. 12 of 1936, s. 4.

11 Sub-section (*2*) was substituted for the original sub-section by Bom. 13 of 1933, s. 13.

12 These words were substituted for the words "two members of the standing committee" by Mah. 32 of 2011, s. 10(*a*). 13 These words were substituted for the words "other than a contract relating to the acquisition of immovable property or interest therein or right thereto" by Bom. 10 of 1935, s. 2(*2*).

require to be under seal] and such contract or instrument shall be signed by [1][the said two persons] in token that the same was sealed in [2][their] presence. [3][The signature of [4][the said two persons]] shall be distinct from the signatures of any witnesses to the execution of any such contract or insturment:]

[5][Provided that, in the case of any contract entered into for the purposes of clause (*q*) of section 61, the seal shall be so affixed in the presence of, and the contract shall be signed by, two members of the Education Committee [6][* * * * *].]

71. Contract not binding on the corporation unless executed as prescribed in section 70.—No contract [7][of the nature specified in sub-section (*2*), of the last preceding section] not executed as in the [8][said] section provided shall be binding on the corporation.

72. Tenders to be invited for contracts involving expenditure exceeding [9][three lakhs rupees].— (*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 [10][three lakhs rupees] give notice by advertisement in the local newspapers, inviting tenders for such contract.

[11][Provided that, the notice of any tender for contract not exceeding the amount of three lakh rupees shall be uploaded on the official website of the corporation.]

(*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 so made which appears to him, upon a view of all the circumstances, to be the most advantageous.

[12][(*3*) Provided that the standing committee or in the case of a contract to be entered into for the purposes of clause (*q*) of section 61, the Education Committee may authorize the Commissioner, for reasons which shall be recorded in their proceeding, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.]

[13][**72A. Power to execute contracts with unemployed Engineers.—** Notwithstanding anything contained in this Act but subject to the terms and conditions, as may be determined by the State Government, by general or special orders, the Commissioner may enter into any contract for the execution of work, which involves expenditure not exceeding rupees five lakhs, with unemployed Engineers:

Provided that, the terms and conditions so determined by the State Government shall also include the conditions as to the qualification, experience and the provisions for registration of the unemployed Engineers:

Provided further that, the Corporation may also specify the terms and conditions, not inconsistent with the terms and conditions determined by the State Government for the execution of such contract.]

73. Security when to be taken for performance of contract.— The Commissioner shall require sufficient security for the due performance of every contract in 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.

1 These words were substituted for the words "the said two members" by Mah. 32 of 2011, s. 10(*b*). 2 This word was substituted for the word "his" by Mah. 27 of 1999, s. 25(*b*).

3 These words were substituted for the words "Members-in-charge" by Mah. 27 of 1999, s. 25(*c*).

4 These words were substituted for the words "the said two members" by Mah. 32 of 2011, s. 10(*c*). 5 This proviso was inserted by Mah. 27 of 1999, s. 25(*d*).

6 The words "in lieu of two members of the standing committee" were deleted by Mah. 32 of 2011, s. 10(*d*). 7 These words were inserted by Bom. 13 of 1933, s. 14(*i*).

8 The word "said" was substituted for the words "last preceding" by Bom. 13 of 1933, s. 14(*ii*).

9 These words were substituted for the letters and figures "Rs. 50,000" by Mah. 32 of 2011, s. 11(*2*).

10 These words were substituted for the words "fifty thousand rupees" by Mah. 32 of 2011, s. 11(*1*)(*a*). 11 This proviso was added by Bom. 13 of 1933, s. 11(*1*)(*b*).

12 This sub-section was substituted by Mah. 27 of 1999, s. 26.

13 Section 72A was inserted by Mah. 11 of 2002, s. 6.

[1][**73-1A. Saving of contracts under Chapter XVI-A.—** Nothing in sections 69 to 73, both inclusive, shall apply to contract made u Act.]

CHAPTER IV

MUNICIPAL OFFICERS AND SERVANTS

[2][*Special Engineer, City Engineer, Hydraulic Engineer, Executive Health Officer, Education Officer, Municipal Secretary, Municipal Chief Auditor and other Officers*]

[3][73A. Appointment of Special Engineer.— (*1*) The Corporation may as soon as conveniently may be after the coming into operation of the City of Bombay Municipal (Amendment) Act, 1947 (Bom. IV of 1947) appoint a Special Engineer to execute powers and perform duties in connection with all schemes for postwar 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 [4][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.

(*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 [5][State] Government.

(*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. Appointment of [6][city engineer,] executive health officer and hydraulic engineer.— (*1*) The corporation shall appoint fit persons to be municipal [7][city engineer], [8]*municipal executive health officer, [9][and municipal hydraulic engineer].

(*2*) Each of the said officers shall—

(*a*) be appointed for a renewable term of five years :

[10][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;

1 This section was inserted by Bom. 48 of 1948, s. 13.

2 This heading was substituted for the heading "Special Engineer, City Engineer, Executive Health Officer and Hydraulic Engineer" by Bom. 48 of 1950, s. 39.

3 Section 73A was inserted by Bom. 4 of 1947, s. 3.

4 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].

5 This word was substituted for the word "Provincial" by the Adaption of Laws Order, 1950.

6 The words "city engineer" were substituted for the original words "Executive Engineer" by Bom. 19 of 1930, s. 6.

7 The words "city engineer" were substituted for the original words "Executive Engineer" by Bom. 19 of 1930, s. 6.

8 The word "and" was omitted by Bom. 2 of 1911, s. 2(*a*).

9 These words were added by Bom. 2 of 1911, s. 2(*b*).

10 This proviso was added by Bom. 76 of 1948, s. 6.

[1][(*c*) receive such monthly salary as the corporation [2][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 ;]

[3][* * * * * * *]

(*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;

[4][(*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 probationary, for a limited period only, to [5][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 [6][the [7][State] Government].

[8][(*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.]

75. Time within which vacancy in office of [9][city engineer] or executive health officer or hydraulic engineer must be filled up.— (*1*) On the occurance of a vacancy in the office of [10][city engineer] or of executive health officer [11][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 [12][the [13][State] Government] within thirty days from the date of the receipt by the corporation of the order of [14][the [15][State] Government].

(*2*) In default of an appointment being made by the corporation as aforesaid [16][the [17][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.

1 This clause was substituted for the original by Bom. 13 of 1938, s. 28.

2 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.

3 Bom. 6 of 1943 by which the proviso was added to clause (*c*) 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.

4 This clause was inserted by Bom. 6 of 1916, s. 3(*3*).

5 The word “any” was substituted for the word “either” by Bom. 2 of 1911, s. 2(*c*).

6 The words “Provincial Government” were substituted for the words “Governor-in-Council” by the Adaptation of Indian Laws Order in Council.

7 This word was substituted for the words “Provincial” by the Adaptation of Laws Order, 1950.

8 Sub-section (*4*) was added by Mah. 53 of 1981, s. 14.

9 The words “city engineer” were substituted for the words “executive engineer” by Bom. 19 of 1930, s. 6.

10 The words “city engineer” were substituted for the words “executive engineer” by Bom. 19 of 1930, s. 6.

11 These words were inserted by Bom. 2 of 1911, s. 3.

12 The words “Provincial Government” were substituted for the words “Governor-in-Council” by the Adaptation of Indian Laws Order in Council.

13 This word was substituted for the words “Provincial” by the Adaptation of Laws Order, 1950.

14 The words “Provincial Government” were substituted for the words “Governor-in-Council” by the Adaptation of Indian Laws Order in Council.

15 This word was substituted for the words “Provincial” by the Adaptation of Laws Order, 1950.

16 The words “Provincial Government” were substituted for the words “Governor-in-Council” by the Adaptation of Indian Laws Order in Council.

17 This word was substituted for the words “Pr s Order, 1950.

(*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 [1][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.

76. Executive health officer to be the consulting officer of health under Bombay Act VI of 1867.— 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*).

[2][*Education Officer*

76A. Appointment of Education Officer.— 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 [3][and secondary] education, as the Commissioner may from time to time assign to him;

(*b*) 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];

(*c*) be removable at any time from office by the Corporation for misconduct or for neglect of or incapacity for duties of the office.]

[5][*Appointment of medical officers in connection with measures of public medical relief*

76B. Corporation to appoint qualified medical practitioners to the charge of hospitals maintained by the corporation.—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.]

Municipal Secretary

77. Appointment of Municipal Secretary.— (*1*) The [6][corporation] shall from time to time appoint a fit person to be Municipal Secretary.

(*2*) The Municipal Secretary shall be secretary of the corporation and also of [7][the Standing Committee and the Improvements 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 [8][the Standing Committee and the Improvements 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 [9][under section 38 [10][or 38A];]

1 These words were substituted for the original words by Bom. 2 of 1900, s. 1.

2 This heading and section 76A were substituted for the original by Bom. 48 of 1950, s. 41.

3 These words were inserted by Mah. 21 of 1989, s. 14.

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. 6, with effect from 1st April 1966.

5 This heading and section 76B were inserted by Bom. 3 of 1907, s. 13(*1*).

6 The word "corporation" was substituted for the original words "standing committee" by Bom. 6 of 1922, s. 24(*a*).

7 These words were substituted for the words "the Municipal Accounts Committee" by Mah. 27 of 1999, s. 27(*a*).

8 These words were substituted by Mah. 27 of 1999, s. 27(*b*).

9 These words and figures were added by Bom. 48 of 1948, s. 14.
10 The word, figures and letter were inserted by Mah. 27 of 1999, s. 27(*c*)(*i*).

1[(*ii*) the Standing Committee and any sub-Committee thereof;]

(*iii*) the Improvements Committee and any sub-Committee thereof;

(*iv*) the Education Committee and any sub-Committee thereof;

2[(*v*) the Wards Committees;]

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

3[(*d*) 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];]

(*e*) be removable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office by the 5[* * *] corporation.

78. Appointment of clerks and servants subordinate to the municipal secretary.— (*1*) 6[The Standing Committee in consultation with the Mayor and the Commissioner,] may from time to time —

(*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.

(*2*) **Control, etc., of the said clerk and servant.—**The municipal secretary, subject to the orders 7[of the Standing Committee] shall exercise supervision and control over the acts and proceedings of the said clerks and servants, 8[and the Standing Committee,] 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.

9[*Municipal Chief Auditor*

78A. Appointment of Municipal Chief Auditor.— (*1*) 10[On and from the 10th March 2011 being the date of commencement of section 2 of the Maharashtra Municipal Corporation (Amendment) Act, 2011 (Mah. XII of 2011), the State Government, shall appoint, on deputation a suitable officer, not below the rank of the Joint Director from the Maharashtra Finance and Account Services to be the Municipal Chief Auditor, on such terms and conditions as may be prescribed], who shall —

11[(*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 12[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 13[Standing Committee] and with regard to the audit of the accounts of the 14[Brihan Mumbai Electric Supply and Transport Fund] as shall be required of him by the corporation or by the 15[Brihan Mumbai Electric Supply and Transport Committee];]

1 These clauses were inserted by Mah. 27 of 1999, s. 27(*c*)(*ii*).
2 Sub-clause (*v*) was inserted by Mah. 41 of 1994, s. 38.
3 Clause (*d*) was substituted by Bom. 48 of 1950, s. 42(*i*).
4 This portion was substituted for the portion begining with the words "not exceeding" and ending with the words "time to time determine" by Mah. 5 of 1970, s. 7, with effect from the 1st April 1966.
5 The words were deleted by Bom. 6 of 1922, s. 24(*b*).
6 This portion was substituted for the words "The Municipal Secretary in consultation with the Chairperson of the Corporation and the Mayor" by Mah. 27 of 1999, s. 28(*a*).
7 These words were substituted for the words "of the Corporation" by Mah. 27 of 1999, s. 28(*b*)(*i*).
8 These words were substituted for the words "and the Chairperson of the Corporation" by Mah. 27 of 1999, s. 28(*b*)(*ii*).
9 This heading and these sections were inserted by Bom. 2 of 1938, s. 3.
10 This portion was substituted for the words " time appoint a fit person to be Municipal

Chief Auditor" by Mah. 12 of 2011, s. 2(*a*).

11 Clause (*a*) was substituted for the original by Bom. 48 of 1948, s. 15.

12 These words were inserted by Mah. 34 of 1973, s. 3.

13 These words were substituted for the words "Municipal Accounts Committee" by Mah. 27 of 1999, s. 29(*a*).

14 These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Sch.

15 These words were substituted for the words "Municipal Accounts Committee" by Mah. 27 of 1999, s. 29(*b*).

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

(*c*) receive such monthly salary 1[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[Provided that, nothing in this section shall affect the appointment and terms and conditions of services of the Municipal Chief Auditor holding office as such on the 10th March 2011 being the date of commencement of section 2 of the Maharashtra Municipal Corporation (Amendment) Act, 2011 (Mah. XII of 2011).]

(*2*) The municipal chief auditor shall not be eligible for further office under the corporation after he has ceased to hold his office.

78B. Appointment, salaries, fees, allowances and duties of assistant auditors, clerks and servants subordinate to the municipal chief auditor.— (*1*) The 3[Standing Committee] 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.

(*2*) **Control, etc., of the said assistant, auditors, clerks and servants.—** Subject to the orders of the 4[Standing Committee], the municipal chief auditor shall exercise supervision and control over the acts and proceedings of the said assistant auditors, clerks and servants, and the 5[Standing Committee], 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.]

6[*Municipal Chief Accountant*

78C. Appointment of Municipal Chief Accountant 7[(Finance)].— (*1*) The Corporation shall from time to time appoint a fit person to be the Municipal Chief Accountant 8[(Finance)]. He shall—

9[(*a*) be the Principal Municipal Finance Officer to advice the Commissioner on financial matters and perform such duties with regard to the municipal finance as shall be required of him by the Corporation, 10[Standing Committee] or the Commissioner;]

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

(*c*) receive such monthly salary 11[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.

1 This was substituted for the portion begining with the words "not exceeding" and ending with the words "from time to time determine" by Mah. 5 of 1970, s. 8, with effect from 1st April 1966.

2 This proviso was added by Mah. 12 of 2011, s. 2(*b*).
3 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 30.
4 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 30.
5 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 30.
6 This heading and section 78C were inserted by Bom. 48 of 1950, s. 44.
7 These brackets and word were added by Mah. 11 of 2002, s. 7.
8 These brackets and word were added by Mah. 11 of 2002, s. 7.
9 Clause (*a*) was substituted for the original by Mah. 70 of 1975, s. 5(*a*).
10 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 31.
11 This was substituted for the portion beginning with the words "not exceeding" and ending with the words "from time to time determine" by Mah. 5 of 1990, s. 8, with effect from 1st April 1966.

1[* * * * * * *]

2**[78D. Appointment of 3[Municipal Chief Accountant (Water Supply and Sewerage)].—** The Corporation shall, from time to time, appoint a fit person to be the 4[Municipal Chief Accountant (Water Supply and Sewerage).] He shall—

(*a*) keep the accounts of the Water and Sewerage Fund and the Consolidated Water Supply and Sewerage Disposal Loan Fund and perform such duties with regard to the said accounts as shall be required of him by the Corporation or 5[Standing Committee] 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.]

6**[78E. Appointment of 7[Municipal Chief Accountant (Treasury)].—**The Corporation shall, from time to time, appoint a fit person to be the 8[Municipal Chief Accountant (Treasury)]. He shall—

(*a*) be the Principal Municipal Trasury 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, the 9[Standing Committee] 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 or incapacity for the duties of his office, by the Corporation.]

Other Officers and Servants

79. Schedule of other officers and servants to be prepared by the commissioner and sanctioned by the Standing Committee 10[or the Education Committee].— (*1*) The Commissioner shall,11[* *] from time to time, prepare and bring before the 12[Standing Committee] a schedule setting forth the designations and grades of the other officers and servants 13[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.

14[(*1A*) The Commissioner shall, from time to time, prepare and bring before the 15[Education Committee] 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].

1 Sub-section (*2*) was deleted by Mah. 70 of 1975, s. 5(*b*).
2 Section 78D was inserted by Mah. 34 of 1973, s. 4.

3 These words were substituted for the words “Additional Municipal Chief Accountant” by Mah. 11 of 2002, s. 8.
4 These words were substituted for the words “Additional Municipal Chief Accountant” by Mah. 11 of 2002, s. 8.
5 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 32.
6 Section 78E was inserted by Mah. 70 of 1975, s. 6.
7 These words were substituted for the words “Joint Municipal Chief Accountant” by Mah. 11 of 2002, s. 9.
8 These words were substituted for the words “Joint Municipal Chief Accountant” by Mah. 11 of 2002, s. 9.
9 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 33.
10 These words were inserted by Bom. 48 of 1950, s. 45(*4*).
11 These words were deleted by Act 16 of 1895.
12 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 34(*a*).
13 This portion was inserted by Bom. 48 of 1950, s. 45(*1*).
14 Sub-section (*1A*) was inserted by Bom. 48 of 1950, s. 45(*2*).
15 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 34(*b*).

(*2*) 1[The Standing Committee or the Education Committee, as the case may be,] 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 [2][rupees five hundred] per month shall be created without the sanction of the Corporation:

[3][Provided further that the [4][Education Committee shall before sanctioning the schedule] obtain thereto the previous approval of the State Government and make such modifications therein as the State Government may direct:]

[5][Provided also that, any 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.]

[6][(*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.]

80. Restriction of employment of permanent officers and servants.— No permanent officer or servant shall be entertained in any department of the municipal administration unless he has been appointed under sections [7][* *] [8][60A], [9][73A], 74, [10][76A and 76B], 77, [11][78, 78A], [12][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:

[13][* * * * * * * * *]

[14,15]**[80A. Power of appointment in whom to vest.—** (*1*) The power of appointing municipal officers, whether temporary or permanent [16][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:

[17][Provided that, temporary appointments to such posts for loan works may be made for a period of not more than six months by the Commissioner with the previous sanction of the Standing Committee; or in the case of works undertaken for the purpose of clause (*q*) of section 61, of the Education Committee; the Commissioner shall forthwith report every such appointment when made to the

1 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 34(*c*).

2 These words were substituted for the words "rupees two hundred" by Mah. 39 of 1961, s. 6.

3 This proviso was added by Bom. 48. of 1950, s. 45(*3*).

4 These words were substituted for the words "Mayor-in-Council shall before sanctioning the schedule, for the purposes of clause (*q*) of section 61" by Mah. 27 of 1999, s. 34(*c*)(*ii*).

5 This proviso was added by Mah. 7 of 1971, s. 2.

6 This sub-section was added by Bom. 76 of 1948, s. 7.

7 The figure "39" was deleted by Bom. 48 of 1950, s. 46(*1*).

8 The figure and letter "60A" were inserted by Bom. 48 of 1948, s. 16.

9 The figure and letter "73A" were inserted by Bom. 4 of 1947, s. 5.

10 These figures, word and letters were inserted by Bom. 3 of 1907, s. 13(*1*).

11 These figures, word and letters were substituted for "or 78" by Bom. 2 of 1938, s. 4.

12 The word, figures and letters were substituted for the word, figures and letters "or 78B" by Bom. 48 of 1950, s. 46(*2*).

13 The proviso was deleted by Mah. 10 of 1998, s. 43.

14 Section 6 of Bom. 4 of 1947 reads as follows :—

"6. Validation of act of Special Engineer appointed under section 80A.—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 (Bom. IV of 1947) comes into operation shall be deemed to be and always be deemed to have been validly excercised 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 the 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.".

15 Section 80A was added by Bom. 6 of 1922, s. 20.

16 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(*a*)(*i*).

17 This proviso was inserted by Mah. 27 of 1999, s. 35(*a*).

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 1[whether temporary or permanent, shall] vest in the Commissioner:]

2[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 3[4[to a post which ranks higher than the post of a Registration Assistant 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 the 5[Standing Committee or of the Education Committee, as the case may be].]

6[*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 later.]

7**[80B. Manner of making appointment.—**8[(*1*) No person shall be appointed to a post—

9[(*a*) the power of appointment to which vest in the corporation or the 10[Standing Committee] 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]

11[(*b*) the power of appointment to which vest in the Brihan Mumbai Electric Supply and Transport Committee and which 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 and the Corporation under section 460R;]

except after consultation with the Commission in accordance with the rule made under this section:]]

12[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 13[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.]

(*2*) Nothing in sub-section (*1*) shall apply to any acting or temporary appointment for a period not exceeding six months 14[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].

15[(*2A*) The provisions of sub-section (*1*) shall not apply also to appointment of any officer,—

1 These words were substituted for the original by Bom. 76 of 1948, s. 8.
2 These provisos were added by Bom. 76 of 1948, s. 8.
3 This portion was substituted by Mah. 43 of 1983, s. 10(*2*).
4 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*).
5 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 35.
6 This *Explanation* was added by Mah. 33 of 1989, s. 6 (*c*).
7 This section was substituted by Bom. 48 of 1950, s. 47(*2*).
8 Sub-section (*1*) was substituted by Mah. 11 of 1964, s. 5(*a*).
9 Clause (*a*) was substituted by Mah. 33 of 1989, s. 7(*a*).
10 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 36(*a*)(*i*).
11 Clause (*b*) was inserted by Mah. 27 of 1999, s. 36(*a*)(*ii*).
12 This proviso was added by Mah. 34 of 1973, s. 5.
13 This portion was substituted for the portion beginning with words "and the minimum" and ending with the words "per annum" by Mah. 33 of 1989, s. 7(*c*).
14 These words were inserted by Bom. 64 of 1953, s. 3.
15 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 May 1954 [See s. 2(*2*) of Bom. 62 of 1954].

1[* * * * * * * *]

(*b*) who is a member of the Indian Administrative Service, 2[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;

3[(*b*) the procedure to be followed by the Commission for selecting candidates and by the Corporation or the Brihan Mumbai Electric Supply and Transport Committee, as the case may be, for consultation with the Commission;]

(*c*) the procedure for enabling the Municipal 4[or the 5[Brihan 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 6[or the 7[Brihan 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.

[8][(*4*) (*a*) in the case of posts referred to in clause (*a*) of sub-section (*1*)—the Corporation, and

(*b*) in the case of posts referred to in clause (*b*) of that sub-section—the Brihan Mumbai Electric Supply and Transport Committee,

shall with the previous sanction of the State Government, make rules prescribing the qualifications to be possessed by candidates eligible for appointment to such posts:

Provided that, any such rule to be made by the Brihan Mumbai Electric Supply and Transport Committee, before submission to the State Government, shall be confirmed by the Corporation.]

(*6*) [9][(*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 (Bom. XLVIII of 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.

[10][(*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 (Mah. XI of 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.]

1 Clause (*a*) was deleted by Mah. 10 of 1998, s. 45(*b*).

2 These words were substituted for the words "Indian Police Service" by Mah. 1 of 1964, s. 3.

3 Clause (*b*) was substituted by Mah. 27 of 1999, s. 36(*b*).

4 These words were inserted by Mah. 11 of 1964, s. 5(*b*).

5 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

6 These words were inserted by Mah. 11 of 1964, s. 5(*b*).

7 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

8 Sub-section (*4*) was substituted by Mah. 27 of 1999, s. 36(*c*).

9 Sub-section (*6*) was re-numbered as clause (*a*) and clause (*b*) was inserted by Mah. 11 of 1964, s. 5(*d*).

10 Sub-section (*6*) was re-numbered as clause (*a*) and clause (*b*) was inserted by Mah. 11 of 1964, s. 5(*d*).

(*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 the [1][Standing Committee or the Brihan Mumbai Electric Supply and Transport Committee,] or any Committee of the Corporation or no disclosure relating thereto shall be made in the public.]

Leave of Absence, Acting Appointments, etc.

81. [2][Standing Committee] to frame regulations for grant of leave, etc.— (*1*) The [3][Standing Committee] shall from time to time frame regulation in 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;

(*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;

[4][(*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 [5][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 of provident fund which may, with the approval of the [6][Standing Committee], be established by the said officers and servants [7][or to such provident fund, if any, as may be established by the corporation for the benefit of the said officers and servants];

[8][(*h*) in general, prescribing any other conditions of service of the said officers and servants.]

(*2*) **Such regulations to be subject to confirmation by the corporation, and, if made under clause (*f*) by [9][State] Government.—** No regulation made by the Standing Committee 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 [10][the [11][State] Government].

82.[12][*Power of appointment in whom to vest.*] repealed by Bom. VI of 1922.

1 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 36(*d*).
2 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 37.
3 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 37.
4 Clause (*dd*) was inserted by Bom. 12 of 1936, s. 5(*1*).
5 These words were substituted for the original by Bom. 76 of 1948, s. 9.
6 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 37.
7 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.
8 Clause (*h*) was inserted by Bom. 12 of 1936, s. 5(*2*).
9 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
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 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 effect from such date as may be fixed by the corporation.

83. [1][Power of suspending, reducing, removing or dismissing and imposing other penalties in whom to vest].— (*1*) Every municipal officer and servant may be [2][reduced, removed] or dismissed for any breach of departmental rules or discipline of for carelessness, unfitness, neglect of duty or other misconduct, by the authority by whom such officer or servant is appointed:

(*2*) Provided that—

(*a*) No officer [3][appointed to a post], [4][to which the provisions of [5][sub-section (*1*) of section 80A] apply shall be dismissed by the Commissioner, without the [6][previous] approval of the [7][Standing Committee or in the case of an officer appointed for the purposes of clause (*q*) of section 61, of the Education Committee];

[8][(*b*) any officer appointed by the Corporation under sections 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;]

[9][(*c*) any officer appointed by the Corporation otherwise than under sections 54A, 55, 56A, 74, 75, 76A, 76B, 77, 78A, 78C, 7 ch 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 [10][the Standing Committee, or in the case of an officer appointed for the purposes of clause (*q*) of section 61, of the Education Committee,] be reduced, removed or dismissed by the Commissioner;]

[11][(*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 [12][Standing Committee] may deem fit to prescribe, and subject to a right of appeal to the [13][Standing Committee] 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.]

[14][(*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 This marginal note was substituted by Mah. 8 of 1992, s. 5(*d*).
2 These words were substituted for the words "fined, reduced, suspended" by Mah. 8 of 1992, s. 5(*a*).
3 These words were substituted for the words "whose monthly emoluments exceed rupees four hundred" by Mah. 5 of 1986, s. 2.
4 These words, figures and letter were substituted for the words "the monthly minimum salary exclusive of allowances of which is rupees one thousand two hundred or more" by Mah. 33 of 1989, s. 8.
5 These words, brackets, figures and letter were substituted for the words, figures and letter "section 80A" by Mah. 12 of 1990, s. 4.
6 The word "previous" was inserted by Bom. 19 of 1930, s. 9.
7 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 38(*a*).
8 Clause (*b*) was substituted by Mah. 8 of 1992, s. 5(*b*)(*ii*).
9 Clause (*c*) was substituted by Mah. 8 of 1992, s. 5(*b*)(*ii*).
10 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 38(*b*).
11 Clause (*d*) was added by Bom. 76 of 1948, s. 10.
12 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 38(*c*).
13 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 38(*c*).
14 Sub-section (*3*) was added by Mah. 8 of 1992, s. 5(*c*).

84. Leave of absence by whom to be granted.—(*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—

(*a*) to any clerk or servant appointed under section 78; [4][or to any assistant auditor, clerk or servant appointed under section 78B] :

[5][Provided that leave of absence for a period not exceeding three months, may be granted to a clerk or servant whose salary, exclusive of allowances, does not exceed rupees two hundred per month—

(*i*) by the municipal secretary where such clerk or servant has been appointed under section 78; or

(*ii*) by the municipal chief auditor where such clerk or servant has been appointed under section 78B];

(*b*) for a period exceeding one month, to any other municipal officer, the power of appointing whom is not vested in the Commissioner [6][or who is not employed for the purposes of clause (*q*) of section 61.]

[7][(*3*) Leave of absence may be granted, subject as aforsaid, by the Education Committee for a period exceeding one month to any municipal officer employed for the purpose of clause (*q*) of section 61, the power of appointing whom is not vested in the Commissioner.]

[8]**[84A. Saving in respect of officers and servants appointed under Chapter XVI-A.—** Nothing in sections 79, 80, 80A, [9][* *] 81, 83 and 84 shall apply to officers and servants appointed under the provisions of Chapter XVI-A of this Act.]

85. Acting appointment.— (*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 [10][city engineer] or the executive health officer [11][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;

1 These words were inserted by Bom. 2 of 1938, s. 6(*1*).
2 The words "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 These words, figures and letter were inserted by Bom. 2 of 1938, s. 6(*2*).
5 This proviso was added by Bom. 76 of 1948, s. 11.
6 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 39(*a*).
7 Sub-section (*3*) was added by Mah. 27 of 1999, s. 39(*b*).
8 Sub-section 84A was inserted by Bom. 48 of 1948, s. 17.
9 The figures and letter "80-B" were deleted by Mah. 11 of 1964, s. 5.
10 The words "city engineer" were substituted for the words "Executive Engineer" by Bom. 19 of 1930, s. 6.
11 These words were inserted by Bom. 2 of 1911, s. 4(*a*).

(*b*) any appointment of person to act [1][city engineer] or as executive health officer [2][or as hydraulic engineer] may be disallowed by the [3][4][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.

(*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.

[5]**[85A. Temporary appointment.—** Notwithstanding anything contained in the foregoing provisions, when a vacancy occurs in any of the posts referred to in sub-section (*1*) of section 80B the corporation [6][or [7][the Brihan Mumbai Electric supply and Transport Committee,] as the case may be] may, pending the appointment of a person in accordance with the provision [8][* *] of the said section, appoint any person to be 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. Municipal officer or servant not to be interested in any [9][contract] with the corporation.— (*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, [10][* * * * *] shall be disqualified for being a municipal officer or servant.

(*2*) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract [11][* * * *] 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 [12][* * * *] 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.

[13]**[86A. Sanction for prosecution of officers and servants of Corporation.—** 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.]

[14][CHAPTER IV-A

1 The words "city engineer" were substituted for the words "Executive Engineer" by Bom. 19 of 1930, s. 6.
2 These words were inserted by Bom. 2 of 1911, s. 4(*b*).
3 The words "Provincial Government" were substituted for the words "Governor-in-Council," by Adaptation of Indian Laws Order in Council.
4 This word was substituted for the word "Provincial" by Adaptation of Laws Order, 1950.
5 Section 85A was inserted by Bom. 18 of 1939, s. 3
6 These words were inserted by Mah. 11 of 1939, s. 7.
7 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 40.
8 The words, brackets and figure "of sub-section (*2*)" were deleted by Bom. 48 of 1950, s. 51.
9 This word was substituted for the words "contract, etc.," by Mah. 42 of 1977, s. 5(*d*).
10 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*).
11 The words "or employment" were deleted by Mah. 42 of 1977, s. 5(*b*).
12 The words "or employment" were deleted by Mah. 42 of 1977, s. 5(*c*).
13 Section 86A was inserted by Mah. 29 of 2011, s. 3.
14 This Chapter and section 86A was inserted by Mah. 33 of 2007, s. 2.

DISCLOSURE OF SPECIFIED INFORMATION

86A. Disclosure of specified information.— (*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 m 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

MUNICIPAL PROPERTY AND LIABILITIES

Acquisition of Property

87. Powers of Corporation as to acquisition of property.— 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 [1][Brihan Mumbai].

88. Transfer to the Corporation of the property of the Municipal Corporation.— All such immovable and other property as is held by, or in trust for, or has been granted by [2][the [3][Government]] to the Corporation under, or in pursuance or for the purposes of any Act hereby repealed, shall, upon and after the date when this Act comes into force, vest in the Corporation in trust for the purposes of this Act, but subject to all charges and liabilities affecting the same.

89. Conditions affecting the vesting of the Vehar water works in the Corporation.— (*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 [4][1872] and [5][1878] the Vehar Lake and the property appurtenant thereto, hereinafter referred to as "the Vehar water works," were vested in the Corporation, the [6][[7][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 ninetynine years as shall seem expedient.

(*2*) Provided that on the expiry of the said first term of ninety-nine years or of any further term for

which the [8][9][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 [10][the State Government].

[11][(*3*) Notwithstanding anything contained in sub-sections (*1*) and (*2*), the State Government may 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 Borivali 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.]

[12]**[89A. Lands and buildings specified in Schedule V to vest in [13][Government].—** On and from the commencement of the City of Bombay Police Charges Act, 1907 (Bom. III of 1907), all the estate, right, title and interest of the corporation in and to the lands and buildings specified in Schedule V free

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

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 word “Crown” by the Adaptation of Laws Order, 1950.

4 Bom. 3 of 1872 and Bom. 4 of 1878 are repealed by s. 2 of this Act.

5 Bom. 3 of 1872 and Bom. 4 of 1878 are repealed by s. 2 of this Act.

6 The words “the Provincial Government” were substituted for the words “Governor-in-Council” 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 The words “the Provincial Government” were substituted for the words “Governor-in-Council” 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 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.

11 Sub-section (*3*) was inserted by Mah. 51 of 1975, s. 6.

12 Sections 89A to 89F were inserted by Bom. 3 of 1907, s. 14.

13 This word was substituted for the words “His Majesty” by the Adaptation of Laws Order, 1950.

from all liabilities and charges affecting the same and created by the Corporation shall vest in [1][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.

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*).

89C. The Victoria and Albert Museum [2][renamed as Dr. Bhau Daji Lad Museum] and the site thereof to vest in the Corporation.—[3][(*1*)] On and from the commencement of the City of Bombay Police Charges Act, 1907 (Bom. III of 1907), all the estate, right, title and interest of [4][Government] in and to the Victoria and Albert Museum and the site thereof shall vest in the Corporation free from all liabilities and charges affecting the same and [5][created by the [6][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 [7][[8][State] Government].

[9][(*2*) On and from the commencement of the Bombay Municipal Corporation and Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1975 (Mah. LI of 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.]

89D. Central Vaccine Depot at Parel to vest in the Corporation.— On and from the commencement of the City of Bombay Police Charges Act, 1907 (Bom. III of 1907), all the estate, right, title and interest of [10][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 [11][created by the [12][Government]].

89E. All buildings used for primary education and the sites thereof to vest in the Corporation.— On and from the commencement of the City of Bombay Police Charges Act, 1907 (Bom. III of 1907), all the buildings used for primary education and the sites thereof within the city thereto for vesting in [13][Government] shall vest in the Corporation free from all liabilities and charges affecting the same and [14][created by the [15][Government]].

89F. Corporation to repay to [16][State] Government the amount of grant made for purpose of primary education in respect of certain buildings or sites if used for other purposes.— Notwithstanding anything contained in section 89E, if any buildings or sites in respect of

1 This word was substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.
2 These words and letters were inserted by Mah. 51 of 1975, s. 7(*2*).
3 Section 89C was re-numbered as sub-section (*1*) and sub-section (*2*) was inserted by Mah. 51 of 1975, s. 7(*1*).
4 This word was substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.
5 The words "created by the Crown" were substituted for the words "created by Government" by the Adaptation of Indian Laws Order in Council.
6 This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.
7 The words "the Provincial Government" were substituted for the word "Government" 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 Sub-section (*2*) was inserted by Mah. 51 of 1975, s. 7.
10 This word was substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.
11 The words "created by the Crown" were substituted for the words "created by the Government" by the Adaptation of Indian Laws Order in Council.
12 This word was substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.
13 This word was substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.
14 The words "created by the Crown" were substituted for the words "created by the Government" by the Adaptation of Indian Laws Order in Council.
15 This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.
16 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

which, before or after the commencement of the City of Bombay Police Charges Act, 1907 (Bom. III of 1907), any grant has been made by the [1][the [2][State] Government] for the purposes of primary education shall, without the sanction of [3][the [4][State] Government] be used for any other purpose, the Corporation shall thereupon repay to [5][the [6][State] Government] the amount of such grant.]

90. Acquisition of immovable property by agreement.— (*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 agreement [7][subject to the provisions of sub-section (*3*)].

(*2*) And wherever, under any provision of this Act, 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 the [8][the Improvements Committee] as aforesaid.

[9][(*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.]

10[(*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 right exceeds five lakhs rupees unless such contract has been approved by the Improvements Committee and by the Corporation if the price or compensation exceeds two crores rupees.]

11[(*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 of 12[two members of the Improvements Committee and shall also have the signatures of the said members], 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.]

91. Procedure when immovable property cannot be acquired by agreement.— (*1*) Whenever the Commissioner is unable to acquire any immovable property under the last preceding section by agreement 13[the 14[State] Government] may, in their discretion, upon the application of the

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 "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 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, brackets and figure were substituted for the portion beginning with the words "on such terms" and ending with the words "any particular case" by Mah. 34 of 1933, s. 6(*a*).

8 These words were substituted for the words "Mayor-in Council" by Mah. 27 of 1999, s. 4(*a*).

9 Sub-section (*2A*) was inserted by Bom. 13 of 1933, s. 17(*c*).

10 Sub-section (*3*) was substituted by Mah. 27 of 1999, s. 41(*b*).

11 New sub-sections (*4*), (*5*) and (*6*) were inserted by Bom. 13 of 1933, s. 17(*e*).

12 These words were substituted for the words "the Member-in-charge and shall also have the signature of the said Member-incharge" by Mah. 27 of 1999, s. 41(*c*).

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

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

Commissioner, made with the approval of 1[the Improvements Committee] 2[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 a land needed for a public purpose within the meaning of the 3Land 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.

4**[91A. Transfer of property to the corporation.—** (*1*) From the date on which the City of Bombay Municipal (Amendment) Act, 1933 (Bom. XIII of 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 (Bom. XIII of 1933), all the immovable and other property and all other interests and rights of the Boards of Trustees for the Improvement of the City of

Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVl of 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 doposited plans.

(*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 (*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 [5][the [6][State] Government] and on such conditions as may be approved by [7][the [8][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-l*) part 1(*b*) Cadastral Survey No. 3/383 the Body Guard Lines Plot No.3 the Cooperage Plot and Plot No. 4(*b*) the Marine Lines Maidan shall vest absolutely in [9][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 [10][the [11][State] Government] for any temporary purpose.

(*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

1 These words were substituted for the words “the Mayor-in-Council” by Mah. 27 of 1999, s. 42.

2 These words were inserted by Bom. 13 of 1933, s. 18(*b*).

3 See now the Land Acquisition Act, 1894 (1 of 1894).

4 New sections 91A to 91C were inserted by Bom. 13 of 1933, s. 19.

5 The words “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 The words “Provincial Government” were substituted for the word “Government” 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 This word was substituted for the words “His Majesty” by the Adaptation of Laws Order, 1950.

10 The words “Provincial Government” were substituted for the word “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.

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 [4][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 [5][Central or [6][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 [7][the Central or the [8][State] Government] for a public purpose may at any time, after giving six months notice to the corporation, be resumed by [9][that Government].

(*9*) [10][The [11][State] Government] may, by notification in the [12][*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 plants, 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.]

[13]**[91AA. Power to grant lease of plot No. 3 the Cooperage Plot, or part thereof.—**[14][(*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

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 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

5 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.

6 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

7 The words “the Central or the Provincial Government” were substituted for the word “Government” 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 The words “that Government” were substituted for the word “Government” by the Adaptation of Indian Laws Order in Council.

10 The words “the Provincial Government” were substituted for the word “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 The words “*Official Gazette*’’ were substituted for the word “*Bombay Government Gazette*” by the Adaptation of Indian Laws Order in Council.

13 Section 91AA was inserted by Bom. 20 of 1952, s. 5.

14 Section 91AA was renumbered as sub-section (*1*) and sub-section (*2*) was added by Mah. 62 of 1977, s. 2.

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.

(*2*) Notwithstanding anything contained in sub-section (*3*) of section 91A or sub-section (*1*) of this section or in the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 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 91A 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.]]

[1][**91AAA. Power to lease part of plot No. 4(*b*) the Marine Lines Maidan, for certain purposes.—** 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 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.]

91B. Vesting of property in [2][Government] on the termination of leases granted by the corporation.—[3][(*1*)] Upon the determination of the further period mentioned in sub-section (*4*) of section 91A the property vested or revested 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 revest absolutely in [4][the State Government].

[5][(*2*) Notwithstanding anything contained in sub-section (*1*) or sub-section (*4*) of section 91A, it shall be lawful for the State Government to lease afresh, to the Mumbai Municipal Corporation for the purposes specified in section 91C, any land specified in Schedule W, for a term not exceeding thirty years and thereupon the land shall revest in the Corporation. On such revesting of the land, the provisions of sub-section (*1*) shall not apply to the said land so long as such lease remains in force and is not determined or is not surrendered or otherwise terminated in accordance with law.

(*3*) On such re-vesting of the land in the Corporation, as provided in sub-section (*2*), the Corporation shall pay to the State Government, [6][an amount equal to seventy per cent. of the lease rent] that may be received by it.

(*4*) The Corporation may revise the rates of the lease rent [7][at any time within a period of ten years]:

Provided that, while revising such rates the Corporation shall be bound by the policy of [8][the Urban Development Department or, where the policy of the Urban Development Department does not exist in respect of such land then of, the Revenue and Forests Department] of the State Government, for granting lease of the Government land.

(*5*) After the expiry of the lease period as provided in sub-section (*2*), the land shall again vest or revest absolutely, free from all encumbrances in the State Government.]

91C. Power to apply certain lands vested in the corporation to the purpose of any scheme under this Act.— 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 [9][any of the purposes for which land acquired

1 Section 91 AAA was inserted by Mah. 10 of 1969, s. 2.

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

3 Section 91B was re-numbered as sub-section (*1*) thereof and sub-sections (*2*) to (*5*) were added by Mah. 8 of 2002, s. 4, with effect from 20th October 2001.

4 This word was substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.

5 Section 91B was re-numbered as sub-section (*1*) thereof and sub-sections (*2*) to (*5*) were added by Mah. 8 of 2002, s. 4, with effect from 20th October 2001.

6 These words were substituted for the words "an amount equal to half of the lease rent" by Mah. 5 of 2017, s. 2(*a*). 7 These words were substituted for the words "after every ten years" by Mah. 5 of 2017, s. 2(*b*)(*i*).

8 These words were substituted for the words "the Revenue and Forest Department" by Mah. 5 of 2017, s. 2(*b*)(*ii*). 9 These words were substituted for the original words by Bom. 34 of 1954, s. 2.

under Chapter XII-A may be applied including the purposes of any of the schemes referred to in sub-section (*2*) of section 354B.]

[1][**91D. Property of abolished municipalities and local authorities vesting in corporation.—**All immovable and other property, which on the date immediately preceding the appointed date was held by or vested in—

(*a*) any municipality or other local authority which has been abolished by or under the Bombay Municipal (Extension of Limits) Act, 1950 (Bom. VII of 1950), in consequence of the inclusion in [2][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 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 [3][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.]

[4][**91DA. Property of abolished municipalities and local authority in extended suburbs vesting in corporation.—** 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 (Bom. LVIll of 1956), was held by or vested in—

(*a*) any municipality or other local authority which has been abolished by or under that Act in consequence of the inclusion in [5][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 [6][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.]

91E. Decision of claims to property by or against the corporation in the suburbs [7][and the extended suburbs].— (*1*) Where any immovable property situated in the suburbs, [8][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.

1 Sections 91D to 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, s. 2, Sch. 3
These words were substituted for the words “Greater Bombay” by Mah. 25 of 1996, s. 2, Sch. 4
Section 91DA was inserted by Bom. 58 of 1956, s. 5.

5 These words were substituted for the words “Greater Bombay” by Mah. 25 of 1996, s. 2, Sch. 6
These words were substituted for the words “Greater Bombay” by Mah. 25 of 1996, s. 2, Sch. 7
These words were inserted by Bom. 58 of 1956, s. 6(*2*).

8 These words were inserted by Bom. 58 of 19

(*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.

(*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 (Bom. V of 1879)[1].

(*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.]

[2]**[91F. Requisitioning of premises, vehicles, etc., for elections.—**[3][(*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 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 station.]

(*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.

(*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.

91G. Payment of compensation.— (*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 r in the time prescribed by rules made

1 Now, *see* the Maharashtra Land Revenue Code, 1966. 2 Sections 91F to 91L were inserted by Bom. 54 of 1955, s. 8.

3 Sub-section (*1*) was substituted by Mah. 10 of 1998, s. 52.

by the State Government under section 91K 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 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 requsitioning 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. Power to obtain information.— 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 may be specified in the order such information in his possession relating to such property as may be so specified.

91I. Eviction from requisitioned premises.— (*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.

(*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 volt or break open any door of any building or do any other act necessary for effecting such eviction.

91J. Release of premises from requisition.— (*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.

(*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 ioning 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. Power to make rules.— The State Government shall make rules for prescribing—

(*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. Penalty for contravention of any order regarding requisitioning.— If any person contravences 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.]

Disposal of Property

92. Provisions governing the disposal of Municipal property.— With respect to the disposal of property belonging to the corporation [1][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], of 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 where of 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][Improvements Committee];]

[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 [9][Standing Committee], dispose off any moveable 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 [10][any immovable property] belonging to the corporation;

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, s. 2, Schedule.

3 These words were substituted for the words “in his discretion” by Mah. 10 of 1998, s. 53(*a*)(*i*).

4 These words were substituted for the words “one lakh rupees” by Mah. 10 of 1998, s. 53(*a*)(*ii*).

5 This proviso was substituted for the original

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 "Mayor-in-Council" by Mah. 27 of 1999, s. 43(*a*).
8 Clause (*b*) was substituted by Mah. 13 of 1998, s. 16.
9 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 43(*b*).
10 These words were substituted for the words "any property, movable or immovable" by Mah. 21 of 1989, s. 15.

1[(*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;]

2[(*d*) sanction of the 3[Standing Committee] under clauses (*b*) and (*c*) may be given either generally for any class of cases or specially in any particular case;]

4[(*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 (Bom. XXIX of 1950) 5[or to a society registered under the Societies Registration Act, 1860 (XXI of 1860) or the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961), a public trust registered under the Bombay Public Trust Act, 1950 (Bom. XXIX of 1950), or a company registered under the Companies Act, 1956 (I of 1956) 6[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 of 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;]

7[(*dd-1*) 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, namely CTS/FP No. 501, 502 and 1495, Mahim Division, alongwith structures situated thereon, for the purpose of erection of a memorial of late Shri Bala Saheb Thackeray, to the society namely, the Bala Saheb Thackeray Rashtriya Smarak, a society registered under the Societies Registration Act, 1860 (21 of 1860), at a nominal rent of rupee One for the grant of such lease, and subject to the terms and conditions as may be decided by the State Government;]

8[(*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 9[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 Redevelopment) Act, 1971 (Mah. XXVIII of 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;]

10[(*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

1 New sub-clause (*cc*) was inserted by Bom. 1

2 Clause (*d*) was substituted by Mah. 10 of 1998, s. 53(*c*).
3 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 43(*c*).
4 Clause (*dd*) was inserted by Mah. 50 of 1981, s. 2.
5 This portion was inserted by Mah. 13 of 1990, s. 3.
6 These words were inserted by Mah. 12 of 1993, s. 2.
7 Clause (*dd-1*) was inserted by Mah. 27 of 2017, s. 2.
8 Clause (*ddd*) was inserted by Mah. 5 of 1986, s. 3.
9 These words and figures were substituted for the words and figures "not exceeding 30 years" by Mah. 8 of 1992, s. 6.
10 This clause was added by Mah. 20 of 2012, s. 2, with effect from 22nd June 1993.

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.]

(*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[Provided that nothing in this section shall apply 2[* * * * * * * *] 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].]]

7**[92A. Obligation annexed to property binding on transferee.—** 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

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

(*a*) to the 8[Government]—

(*i*) **Vehar water-works debt.—** 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 (Bom. III

1 This proviso was added to section 92 by Bom. 3 of 1907, s. 15.
2 The words "to the Statue of Her Majesty Qu ah. 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 sections 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 1872, 4 of 1878 and 2 of 1880 are repealed by s. 2 of this Act.

of 1872) and 1878[1] (Bom. IV of 1878) with simple interest thereon at the rate of four per centum per annum;

(*ii*) **The consolidated loan.—** the balance of the consolidated loan, as the same was defined in section 3, clause (*3*) of the Bombay Municipality's Consolidated Loan Act, 1880[2] (Bom. II of 1880), due on various accounts, with interest thereon at the rate of four-and-a-half per centum per annum;

(*b*) to municipal security-holders—

(*iii*) **House rate and market loans of 1867-1868.—** the house rate loan and the two market loans raised in 1867 and 1868 under the provisions of the Bombay Municipal Act, 1865[3] (Bom. II of 1865) with interest thereon at the rate of six per centum per annum;

(*iv*) **New drainage loan of 1878.—** the drainage loan of 1878 raised under the provisions of the Public Works' Loan Act, 1871[4] (XXVI of 1871), with interest thereon at the rate of five per centum per annum;

(*v*) **Sanitary works' loans of 1885, 1886 and 1888.—** the sanitary works' loan of 1885, 1886 and 1888 contracted under the provisions of the Local Authorities Loans Act, 1879[5] (XI of 1879) with interest thereon at the rate of five per centum per annum;

(*vi*) **Tansa water-works' loan.—** the portion of the Tansa water-works' loan contracted under the Act last aforesaid previous to the coming into force of this Act;

(*vii*) **Drainage and water works' loan of 1888.—** 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.

Repayment of Moneys to the [6][*Government*]

94. Vehar water-works' debt repayable in-monthly installments.— 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 [7][the [8][Government]], a sum of rupees [9][nine thousand four hundred and ninety eight].

95. Period of repayment of consolidated loan.— (*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.

(*2*) **Mode of repayment.—** For better securing the repayment of the said loan, the Commissioner shall pay half-yearly to [10][the [11][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 paise.

96. Payments to whom to be made.— (*1*) Every payment to be made by the Commissioner under either of the two last preceding sections shall be made [12][to the officer for the time being appointed to receive [13][the [14][State] Government] dues or into the Bank of Bombay].

1 Bom. 3 of 1872, 4 of 1878 and 2 of 1880 are repealed by s. 2 of this Act.
2 Bom. 3 of 1872, 4 of 1878 and 2 of 1880 are repealed by s. 2 of this Act.
3 Bom. 2 of 1865 was repealed by Bom. 3 of

4 Act 24 of 1871 was repealed by Act 11 of 1879, which in its turn was repealed by Act 9 of 1914.
5 See now the Local Authorities Loans Act, 1914 (9 of 1914).
6 This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.
7 The words "the Crown" were substituted by the words "the Government" by the Adaptation of Laws Order, 1950.
8 This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.
9 These words were substituted with effect from 31st December 1892 of the original words by Bom. I of 1894, s. 3.
10 The words "the Crown" were substituted by the words "the Government" by the Adaptation of Laws Order, 1950.
11 This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.
12 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.
13 The words "the Crown" were substituted by the words "the Government" by the Adaptation of Laws Order, 1950.
14 This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

(*2*) **Notice of payments to be published.—** Notice of every such payment having been made shall

97. In case of non-payment report to be made to the Chief Secretary to 2[State] Government.— 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 3[the 4[State] Government] or other officer acting in that capacity.

98. Arrears may be recovered by detention of moneys due to the corporation or by attachment of the municipal fund, etc.— (*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 5[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, 6[to the officer for the time being appointed to receive 7[the 8[State] Government] dues, or into the Bank of Bombay].

(*3*) The moneys so paid shall be applied in or towards satisfaction of the amount for the time being due in respect of the 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.

99. Attachment not to defeat prior charge legally made.— (*1*) If the amount in arrear cannot be recovered in the manner provided in the last preceding section, the 9[10[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 11[12[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:

(*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. Revision of Vehar water-works to the 13[Government] in case of default in payment of any installment of the debt due on their account.— 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

Laws Order in Council.
2 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
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 substituted for the words "servant of the Crown " by the Adaptation of Laws Order, 1950.

6 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.

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

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

11 The words "Provincial Government" were substituted for the words " Governor-in Council" by the Adaptation of Indian Laws Order in Council.

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

13 This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

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 purposes for which the same were previously vested in the corporation.

101. Other rights, remedies of the 6[Government] not to be affected.— Nothing in the four last preceding sections shall affect the rights or remedies which the 7[Government] has or shall have independently of this Act for the recovery of the moneys aforesaid.

102. Method of appropriating payments on account of the Vehar water-works.— The annual sum of the monthly installments 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:—

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 8[the 9[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. Method of appropriating payments on account of the consolidated loan.— 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.

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

104. Sinking fund for house-rate and market loans to be maintained.— (*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 10Bombay Municipal Act, 1865 (Bom. II of 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:

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 *protanto* the amount of the said sinking fund.

Publication of Annual Account of Balance due on Loans

1 The words "the Provincial Government" were substituted for the words "the 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 "to the President of the Corporation" by Mah. 10 of 1998, s. 54.

4 The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Laws Order, 1950.
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" by the Adaptation of Laws Order, 1950.
7 This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.
8 This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.
9 This word was substituted for the words "the Crown" by the Adaptation of Indian Laws Order in Council.
10 Bom. 2 of 1865 was repealed by Bom. 3 of 1872.

105. Account of balances due on loans to be published by the Commissioner yearly.—(*1*) The Commissioner shall, in the month of 1[April in each year, publish in the 2[*Official Gazette*] an account showing the balances due by the corporation on the last preceding thirty-first day of 3[March] to the 4[Government] and to municipal security holders, 5[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 (Bom. IV of 1898), and the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 1925)] respectively, on account of each debt or loan, if any, at the time still repayable by the corporation.

(*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.

6[CHAPTER V-A

POWER TO EVICT PERSONS FROM CORPORATION PREMISES

105A. Definitions.— In this Chapter—

(*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.

105B. Power to evict person from Corporation premises.— (*1*) Where the Commissioner is satisfied—

(*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 (Mah. XIV of 1961)—

(*i*) not paid for a period of more than two months, 8[the rent, taxes, fees or compensation] lawfully due from him in respect of such premises; or

(*ii*) sub-let, 9[* * *] 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,

1 The words "April" and "March" were respectively substituted for the original words "January" and "December" by Bom. 10 of 1928.

2 The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*'' by the Adaptation of Laws Order in Council.
3 The words "April" and "March" were respectively substituted for the original words "January" and "December" by Bom. 10 of 1928.
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, s. 2, Schedule.
8 These words were substituted for the words "the rent or taxes" by Mah. 21 of 1989, s. 16(*i*).
9 The words "contrary to the terms or conditions of his occupation" were deleted by Mah. 21 of 1989, s. 16(*ii*).

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 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 persons 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.

(*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*).

(*5*) 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 t ice, 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.

105C. Power to recover rent or damages as arrears of property taxes.— (*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. Rent to be recovered by deduction from salary or wages in case of corporation employees.— 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. Commissioner to have powers of Civil Court.— 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 (V of 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. Appeals.— (*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 [1][Brihan Mumbai] of not less than ten years' 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, s. 2, Schedule.

105G. Finality of orders.— 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.

105H. Power to make regulations.—[1][The Commissioner, with the approval of the Standing Committee and the General Manager with the approval of the Brihan Mumbai Electric Supply and Transport Committee], may make regulations for all or any of the following matters, namely:—

(*a*) the forms of notices under sections 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

[2][106. Power to borrow from Central or [3][State] Government or other persons.— The corporation may from time to time borrow or re-borrow and take up at interest from [4][the Central or the [5][State] Government] or with the sanction of the [6][[7][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.

[8][* * * * *]

[9][106A. Restrictions on utilisation of funds created by corporation.— 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 s for which the funds are created be

made by the corporation.]

1 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 44.

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

4 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 Orders in Council.

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

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

7 The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of Indian Laws Order in Council.

8 The proviso was omitted by the Adaptation of Indian Laws Order in Council.

9 This section was inserted by Mah. 32 of 2011, s. 12.

107. Provisions applicable to any new loan contracted with Central or [State] Government.— If any new loan shall be contracted by the corporation under this Act with [the Central or the [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, [by the Central Government, or, as the case may be, the [State] Government]].

[* * * * * *]

108. Mortgage of taxes or immovable property.— (*1*) The corporation may borrow or re-borrow any such sum as aforesaid from any person other than [the Central or the [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 [or of the Bombay Electric Supply and Transport Undertaking] or of all or any of those securities.

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

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

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

[(*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 Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 1925), [or other than for discharging any obligation arising out of the acquisition, extension, administration, operation or maintenance of the [Brihan Mumbai Electric Supply and Transport Undertaking]] [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 [three time] the rateable value of the premises in [Brihan Mumbai] assessable, as hereinafter provided, to property taxes; and

(*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

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

2 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.

3 This word was substituted for the word "Pro s Order, 1950.

4 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 Orders in Council.
5 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
6 The proviso was omitted by the Adaptation of Indian Laws Order in Council.
7 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.
8 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
9 These words were inserted by Bom. 48 of 1948, s. 19.
10 These words were added, by Bom. 48 of 1948, s. 19.
11 The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.
12 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
13 Clauses (*b*), (*c*) and (*d*) were substituted for the original clause (*b*) by Bom. 13 of 1933, s. 23(*a*).
14 These words were inserted by Bom. 48 of 1948, s. 20.
15 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.
16 These words and figures were inserted by Mah. 34 of 1973, s. 7(*a*).
17 These words were substituted for the words "double" by Mah. 21 of 1989, s. 17(*a*).
18 These words were substituted for the words "Greater Bombay" by Mah. 25 ot 1996, s. 2, Schedule.

the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 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 (Bom. IV of 1898), and the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 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

(*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, adminstration, operation, or maintenance of the [3][Brihan Mumbai 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 [4][three times] the rateable value of the premises in [5][Brihan Mumbai] assessable, as hereinafter provided, property taxes; and]

[6][(*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 [7][on the whole thrice] the rateable value of the premises in [8][Brihan Mumbai] assessable, as hereinafter provided, to property taxes; and]

[9][(*e*) the money may be borrowed for such time, not exceeding sixty years as the corporation, with the sanction of the [10][[11][State] Government], determine in each case;

[12][(*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 [13][the [14][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 [15][the [16][State] Government];]

(*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 that they pay into the fund each time that interest would have been received by the corporation in respect of the sinkin ing 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

1 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

2 This portion was inserted by Bom. 48 of 1948, s. 20.

3 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

4 These words were substituted for the word "double" by Mah. 21 of 1989, s. 17(*b*).

5 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

6 Clause (*ddd*) was inserted by Mah. 34 of 1973, s. 7(*b*).

7 These words were substituted for the words "in the whole double" by Mah. 10 of 1998, s. 50.

8 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

9 Original clauses (*c*) to (*g*) of section 109 were re-lettered as (*e*) to (*i*) by Bom. 13 of 1933, s. 23(*b*).

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 word "Provincial" by the Adaptation of Indian Laws Order, 1950.

12 New clause (*f*) was substituted for the original by Bom. 13 of 1933, s. 23(*c*).

13 The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of Indian Laws Order in Council.

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

15 The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of Indian Laws Order in Council.

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

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 Chapters IX and X].

[6]**[109A. Investment of sinking fund and surplus moneys in debentures issued by the Corporation.—** (*1*) 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][[8][State] Government, [9][* * *] 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 (Bom. IV of 1898) or section 68 of the City of Bombay Improvement Trust Transfer Act, 1925 (Bom.
XVI of 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.

(*2*) The issue of any such debentures direct to and in the name of "The Municipal Commissioner for [10][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 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 transferred, assigned or endorsed to any other person.]

[11]**[109AA. Annual examination of sinking funds.—** (*1*) All sinking funds established under this Act shall be subject to annual examination by [12][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

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 "the 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 This proviso was added by Mah. 34 of 1973, s. 7(*c*).

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

9 The words "or of the Governor-General in Council" were omitted by the Adaptation of Laws Order, 1950.

10 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

11 This section was inserted by Bom. 76 of 1948, s. 13.

12 These words were substituted for the words "the Accountant General Bombay" by Mah. 42 of 1976, s. 7.

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 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 (Bom. IV of 1898), or under the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 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.

(*4*) The corporation shall forthwith pay into any sinking fund any amount which [1][the Chief Auditor, Local Fund Accounts,] may certify to be deficient, unless the [2][3][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, [4][the Chief Auditor, Local Fund Accounts,] shall certify the amount of such excess sum and the corporation may thereupon transfer the excess sum to the municipal fund.

(*6*) If any dispute arise as to the accuracy of any certificate made by [5][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 [6][7][State] Government] whose decision shall be final.

[8][**109B. Corporation may take advance from banks and grant mortgage.—**(*1*) Notwithstanding anything contained in sections 106, 108 and 109, the corporation may, with the previous sanction of the [9][10][State] 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 (Bom. XVI of 1925), take from any bank or banks credit on a cash account to be opened and kept with 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.

(*2*) The corporation may also, with the previous sanction of [11][the [12][State] 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. Corporation to have power to borrow from banks against Government promissory notes or securities.— Notwithstanding anything contained in sections 106 and 109, the corporation may also borrow, for the purpose of this Act, from any bank 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.]

1 These words were substituted for the words “the Accountant General Bombay” by Mah. 42 of 1976, s. 7.

2 The words “Provincial Government” were substituted for the words “Local 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 “the Accountant General Bombay” by Mah. 42 of 1976, s. 7.

5 These words were substituted for the words “the Accountant General Bombay” by Mah. 42 of 1976, s. 7.

6 The words “Provincial Government” were substituted for the words “Local 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 New sections 109A, 109B and 109C were inserted by Bom. 13 of 1933, s. 24.

9 The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation of Indian Laws Order in Council.

10 This word was substituted for the word “Provincial” by the Adaptation of Laws Orders, 1950.

11 The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation of Indian Laws Order in Council.

12 This word was substituted for the word “Provincial” by the Adaptation of Laws Orders, 1950.

110. Form of Security.— (*1*) Every mortgage authorized to be made under this Chapter [1][other than a mortgage made under section 1 in the form, contained in Schedule C

or in such other form as the Corporation, with the consent of [2][the Provincial Government], shall from time to time determine.

(*2*) Every debenture issued under this Act [3][other than a debenture issued under section 110D] shall be transferable by endorsement [4][* * * * * * * * * *]

(*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.

[5]**[110A. Issue of duplicate securities.—** (*1*) When a debenture issued under this Act or any previous Act relating to the Municipal Government of the city [6][or under the City of Bombay Improvement Act, 1898 (Bom. IV of 1898), or the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XIV of 1925)], is alleged to have been [7][lost, stolen or destroyed either wholly or in part] and a person claims to be the person to whom but for the loss, [8][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, [9][theft] or destruction and of the justice of the claim, obtain from him an order for,—

[10][(*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 [11][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, [12][stolen] or destroyed.

[13][(*3*) A list of the debentures in respect of which an order is passed under sub-section (*1*) shall be

[14][(*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

1 These words and figure were inserted by Bom. 13 of 1933, s. 25(*a*).

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

3 These words were inserted by Bom. 13 of 1933, s. 25(*b*).

4 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.

5 Sections 110A to 110C were inserted by Bom. 1 of 1910, s. 2, Serial No. 16.

6 These words and figures were inserted by Bom. 13 of 1933, s. 26.

7 These words were substituted for the word "wholly or partly lost or destroyed" by Bom. 5 of 1938, s. 12(*a*)(*i*).

8 This word was inserted by Bom. 5 of 1938, s. 12(*a*)(*ii*).

9 This word was inserted by Bom. 5 of 1938, s. 12(*a*)(*ii*).

10 These clauses were substituted for the original by Bom. 5 of 1938, s. 12(*a*)(*iii*).

11 This word was inserted by Bom. 5 of 1938, s. 12(*b*)(*i*).

12 This word was inserted by Bom. 5 of 1938, s. 12(*b*)(*ii*).

13 This sub-section was substituted for the original by Bom. 5 of 1938, s. 12(*c*).

14 This sub-section was added by Bom. 5 of 1938, s. 12(*d*).

or destroyed, such debenture is found, any order passed in respect thereof under this section shall be cancelled.]

[1][**110AA. Renewal of debentures.—** 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 (Bom. IV of 1898), or the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 1925), may on applying to the Commissioner and on satisfying him of the justice of his claim and delivering the debenture receipted in such manner and paying such fee as may be prescribed by the Commissioner obtain a renewed debenture payable to the person applying.

110AB. Renewal of debentures in case of dispute as to title.— (*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 (Bom. IV of 1898), or the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 1925), in respect of which an application for renewal has been made, the Commissioner may—

(*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, 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. Liability in respect of debenture renewed.— (*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.

(*2*) No such renewal shall affect the rights as against the corporation of any other person to the debenture so renewed.

110AD. Discharge in certain cases.— 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—

1 Sections 110AA to 110AE were inserted by Bom. 5 of 1938, s. 13.

(*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.

110AE. Indemnity.— 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.]

110B. Right of survivors of joint payees of securities.— (*1*) Notwithstanding anything in section 45 of the Indian Contract Act, 1872 (IX of 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 (Bom. IV of 1898), or the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 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.

(*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 occured or occurs before or after this section comes into force.

110C. Power of one or two or more joint holders to grant receipts.— Notwithstanding anything in section 45 of the Indian Contract Act, 1872 (IX of 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 (Bom. IV of 1898), or the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 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.]

[3]**[110D. Debentures issued under Bombay Act IV of 1898, and XVI of 1925.—** (*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 (Bom. IV of 1898), or the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 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 [5][State] Government], prescribe.

(*2*) Every debenture issued under the City of Bombay Improvement Act, 1898 (Bom. IV of 1898), or the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 1925), or by the corporation under sub-section (*1*) shall be transferable—

(*a*) if it is in the form of Schedule AA by endorsement, and

(*b*) if it is in any other form, in such manner as is therein expressed.

(*3*) The rights to sue in respect of the moneys secured by debentures issued under this section or the City of Bombay Improvement Act, 1898 (Bom. IV of 1898), or the City of Bombay Improvement

1 These words and figures were inserted by Bom. 13 of 1933, s. 26.

2 These words and figures were inserted by Bom. 13 of 1933.

3 Sections 110D 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 Indian Laws Order in Council.

5 These words were substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

Trust Transfer Act, 1925 (Bom. XVI of 1925), shall vest, in the respective holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

110DD. Issue of stock certificates.— (*1*) The 1[Standing Committee] at its discretion may, at the time of issue or at any time during the currency of any debentures or securities issued under the provisions of this Act or any previous Act relating to the municipal government of the city or under the City of Bombay Improvement Act, 1898 (Bom. IV of 1898), or the City of Bombay Improvement of Trust Transfer Act, 1925 (Bom. XVI of 1925), upon the application of the subscriber for, 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 name of a stock, certificate in respect of the loan to which such debentutes 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 as may be, apply to the interest on the stock certificate.

[3][(*1A*) The repayment of the principal sum mentioned in a stock certificate issued under sub-section (*1*) in lieu of a debenture or any other security, not being a debenture issued under the City of Bombay Improvement Act, 1898 (Bom. IV of 1898), or the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 1925), or a debenture issued under the Act in renewal of such a debenture, and the interest payable thereon shall be deemed to be 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*) The [4][Standing Committee] 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 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.

(*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*.]

110E. Provisions for loans, etc., raised by the Board of Trustees under Bombay Act IV of 1898 and Bombay Act XVI of 1925.— 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 (Bom. IV of 1898), and the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 1925), before the City of Bombay Municipal (Amendment) Act, 1933 (Bom. XIII of 1933), comes into operation the following provisions shall apply:—

1 These words were substituted for the words "Mayor-in-Council" by Bom. 27 of 1999, s. 45.

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 "Mayor-in-Council" by Bom. 27 of 1999, s. 45.

5 These sub-sections were added by Bom. 5 of 1938, s. 14.

(*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 [1][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 (Bom. IV of 1898), or the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 1925)," were substituted;

(*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 word "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 (Bom. IV of 1898), or the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 1925)", were substituted ;

(*ix*) 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 (Bom. XIII of 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—

(*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 (Bom. IV of 1898), and the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 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 (Bom. XIII of 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:

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

Provided that nothing contained in clauses (*a*) and (*b*) above shall affect any express provision of the City of Bombay Municipal (Amendment) Act, 1933 (Bom. XIII of 1933), relating to such loans, funds and debts.

110F. Procedure in event of default by corporation in payment of interest or investment of sinking fund charges.— (*1*) If the corporation fail—

(*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 (Bom. IV of 1898), or the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 1925), for the repayment of which the corporation have become liable under section 110E;

(*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 a s 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 of 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 [1][the Provincial Government] may attach the rents and other income of the corporation sufficient to pay 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 [2][the [3][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:

[4][Provided that nothing in this sub-section shall authorize the levying of any tax which could not be imposed in the [5][State] by the [6][State] Legislature under the [7][Constitution]].

110G. Procedure in case of default by Commissioner.— If the Commissioner to make the payment as required by section 110F [8][the [9][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 [10][the [11][State] Government] attaches a special tax leviable under sub-section (*2*) of section 110F, [12][the [13][State] Government] may require the corporation to levy the said tax.

110H. Certain sums to be a charge upon the property of the Corporation.— 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

1 The words “the Provincial Government” were substituted for the word “Government” 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 This proviso was substituted for the original proviso by the Adaptation of Indian Laws Order in Council.

5 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

6 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

7 This word was substituted for the word and figures “Government of India Act, 1935” by the Adaptation of Laws Order, 1950.

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

13 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

The Municipal Fund

111. Constitution of the municipal fund.—[1][Subject to the provisions of sections [2][119A, 119B], 120, 120A and 460Z] all moneys received by or on behalf of the Corporation under the provisions of this Act or any other enactment at the time in force, or under any contract:—

all proceeds or the disposal of property by, or on behalf of, the corporation,

all rents accuring 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 [3][other than fines imposed by a court],

[4][the balance, after all necessary contingent expenses have been defrayed, of all fees] for licences for public conveyances granted by the Police Commissioner under [5][the Bombay Police Conveyances Act, 1920 (Bom. VII of 1920)],

[6][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 (Bom. IV of 1902)],

[7][* * * * * *]

all moneys received by or on behalf of the corporation [8][from any Government] or private individuals by way of grant or gift or deposit, and

all interest and profits arising from any investment of, or from any transaction in connection with any money, belonging to the corporation, [9][including loans advanced under section 354W, [10][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.

[11][* * * * * *]

[12][**111A. Annual grant by State Government from proceeds of entertainments duty.—** The State Government may, under appropriation duly made in this 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 [13][Brihan Mumbai] under the Bombay Entertainments Duty Act, 1923 (Bom. I of 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:]

[14][Provided that it shall be competent for the State Government to deduct—

(*a*) from the grants made by the State Government, or

1 This portion was inserted by Bom. 48 of 1948, s. 21.

2 These figures and letters were inserted by Mah. 34 of 1973, s. 8.

3 These words were inserted by the Adaptation of Indian Laws Order in Council.

4 These words were substituted for the words "all fees" by Bom. 3 of 1907, s. 16(*a*).

5 These words and figures were substituted for the original by Bom. 76 of 1948, s. 15.

6 This clause was inserted by Bom. 3 of 1907, s. 16(*b*).

7 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.

8 The words "from any Government" were substituted for the words "from Government" by the Adaptation of Indian Laws Order in Council.

9 These words, figures and letters were inserted by Bom. 13 of 1933, s. 28.

10 These figures, letters and word were inserted by Bom. 34 of 1954, s. 4.

11 The proviso was deleted by Bom. 48 of 1948, s. 21.

12 Section 111A was inserted by Mah. 63 of 1975, s. 3.

13 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

14 These provisos were added by Mah. 41 of 1994, s. 39.

(*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].

112. Commissioner to receive payments on accounts of the municipal fund and to lodge them in a bank.— 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 (XXCIII of 1955) or any corresponding new Bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980)] to the credit of an account, which shall be styled the account of the municipal fund of [3][Brihan Mumbai].

[4][* * * * * *]

[5][113. How the fund shall be drawn against.— (*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][Standing Committee], 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 [10][Standing Committee] 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 [11][Standing Committee] may from time to time fix) signed as aforesaid, being drawn from time to time to cover such payments.

114. Deposit of portion of the municipal fund may be made with bank or agency out of [12][Mumbai] when convenient.— Notwithstanding anything contained in the last two preceding sections, the Commissioner may, with the [13][previous] approval of [14][Standing Committee] from time to time, remit any portion of the municipal fund to a bank or other agency at any place beyond the city at which it may be desirable for the corporation to have funds in deposit, and any money payable to the credit of the municipal fund or chargeable there against, which can, in the opinion of the Commissioner

1 These words were 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 The 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 "Mayor-in-Council" by Mah. 27 of 1999, s. 46. 9 These words were substituted for the words "ten thousand rupees" by Mah. 12 of 1993, s. 3(*b*).

10 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 46.

11 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 46. 12 These words were substituted for the word "Bombay" by Mah. 25 of 1996, Schedule.

13 The word "previous" was inserted by Bom. 19 of 1930, s. 9.

14 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 46.

be most conveniently paid into or out of the account of the Corporation at any such bank or agency, may be so paid.

115. Only sums covered by budget-grant to be expended from the municipal fund.—(*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:

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

(*a*) sums of which the expenditure has been sanctioned by the [1][Standing Committee] under section 132;

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

(*c*) refunds of taxes and other moneys which the Commissioner is by or under this Act 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 exercise of the power conferred upon him by section 434;

(*h*) costs incurred by the Commissioner under [2][clause (*c*) or (*d*) of sub-section (*3*)] of section 64:

[3][Provided further that, in the case of an emergent necessity for funds, and upon a representation by the [4][Brihan Mumbai Electric Supply and Transport Committee] 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. Drafts on the municipal fund to be checked by [7][officer of the Corporation].— The [8][Officers of the Corporation] [9][* * * *] 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.

117. Procedure when money not covered by a budget grant is expended under clause (*e*), (*f*), (*g*) or (*h*) of section 115.— Whenever any sum is expended by the Commissioner under clause (*e*), (*f*), (*g*) or (*h*) of [10][sub-section (*2*) of] section 115, he shall forthwith communicate the circumstances to the

1 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 48(*c*).

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 "Mayor-in-Council" by Mah. 27 of 1999, s. 48(*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 1935, s. 15.

7 These words were substituted for the words "Members of the Standing Committee" by Mah. 10 of 1998, s. 61.

8 These words were substituted for the words "Members of the Standing Committee" by Mah. 10 of 1998, s. 61. 9 The words "and the municipal secretary" were omitted by Bom. 32 of 1935, s. 8.

10 This portion was inserted by Bom. 5 of 1938, s. 16.

[1][Standing Committee] who shall take action under [2][sub-section (*2*) of] section 133 or recommend the corporation to take, under section 131 [3][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.

118. Purpose for which the municipal fund is to be applied.— 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 sections 61, 62, [4][62D], [5][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 [6][* * *] held under this Act;

[7][(*b*) sum payable to the [8][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 [9][Brihan Mumbai Electric Supply and Transport Undertakings] 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 [10][Brihan Mumbai Electric Supply and Transport Fund];

(*c*) the salaries [11][joining time allowances] and other allowances of the Commissioner, [12][of the Director] and of any Deputy Commissioner appointed under this Act [13][and of any officer whose services may, at the request of the corporation, be placed by [14][the [15][State] Government] at their disposal];

(*d*) the salaries and other allowances of all municipal officers and servants and all [16][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 [17][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];

[18][(*dd*) the fees and costs payable to the Commissioner 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;

[19][(*ee*) the loans advanced in accordance with the provisions of section 354-W, [20][354WA, 354 WB or 354WBB;]

(*f*) every sum payable—

1 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 49.

2 This portion was inserted by Bom. 5 of 1938, s. 16.

3 This portion was inserted by Bom. 5 of 1938, s. 16.

4 The figures and letter “62D” were inserted by Bom. 3 of 1907, s. 17.

5 The figures and letter “62E” were inserted by Bom. 12 of 1925, s. 3.

6 The words “and of every justices election” were omitted by Bom. 32 of 1935, s. 9.

7 Clause (*b*) was inserted by Bom. 48 of 1948, s. 23.

8 These words were substituted for the words “Bombay Electric Supply and Transport Fund” by Mah. 26 of 1996, Schedule.

9 These words were substituted for the words “Bombay Electric Supply and Transport Undertaking” by Mah. 26 of 1996,

10 These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 26 of 1996, Schedule.
11 These words were inserted by Bom. 5 of 1905, s. 8(*a*).
12 These words were inserted by Mah. 53 of 1981, s. 16(*a*).
13 These words were added by Bom. 5 of 1905, s. 8(*b*).
14 The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.
15 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
16 These words were added by Bom. 6 of 1922, s. 30.
17 These words were added by Mah. 27 of 1979, s. 2.
18 Clause (*dd*) was inserted by Bom. 48 of 1950, s. 53.
19 The new clause (*ee*) was inserted by Bom. 13 of 1933, s. 29(*i*).
20 These figures, letters and words were inserted by Bom. 34 of 1954, s. 5.

(*i*) under 1[sub-section (*1*) of section 110F], 2[section 513-A, and] sub-section (*1*) of section 520 to 3[the 4[State] Government];

(*ii*) under a decree or order of a civil or criminal court passed against the corporation or against the Commissioner 5[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.

6**[118A. Municipal fund where to be expended.—** Expenditure by the corporation out of the municipal fund shall, save as otherwise provided by this Act, be made within 7[Brihan Mumbai] only, but may by a resolution of the corporation supported by at least 8[half the total number of] councillors, be made outside the city for any of the purposes of this Act.]

119. Temporary payments from the municipal fund for works urgently required for public service.— (*1*) On the written requisition of a Secretary to 9[the 10[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 11[the 12[State] Government] and credited to the municipal fund.

(*2*) On receipt of any requisition under sub-section (*1*) the Commissioner shall forthwith forward a copy thereof to the corporation, together with a report of the steps taken by him in pursuance of the same.

13[* * * * * * *]

14[* * * * * * *]

Special funds

15**[119A. Constitutions of the consolidated Water Supply and Sewage Disposal Loan Fund.—** (*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.

(*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 106 as the Corporation may, from time to time, determine.

(*3*) The Fund so established shall be applied for,—

1 These words, figures, letter and brackets were inserted by Bom. 13 of 1933, s. 20(*ii*).
2 These words, figures and letters were inserted by Bom. 10 of 1930, s. 3.
3 The words "the Provincial Government" wer rnment" 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 inserted by Mah. 53 of 1981, s. 16(*b*).
6 New section 118A was inserted by Bom. 10 of 1928, s. 11.
7 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
8 These words were substituted for the words "fifty-four" by Bom. 7 of 1950.
9 The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.
10 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
11 The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.
12 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
13 The heading "School-fund and section 120" were repealed by Bom. 3 of 1907, s. 18.
14 Portion repealed by Bom. 3 of 1907, s. 19 are omitted.
15 Sections 119A and 119B were inserted by Mah. 34 of 1973, s. 9.

(*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[Standing Committee], in such manner as he deems fit and proper.

119B. Constitution of the Water and Sewage Fund.— (*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 2[Standing Committee] 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 3[Standing Committee], 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 purposes of carrying into 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 4[Standing Committee] 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 5[Standing Committee], 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'].

6**[120. Constitution of Fine Fund.—** Fines collected under 7[section 83] shall be credited to a separate fund to be called "the Fine 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.

120A. Constitution of Welfare Fund.— 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.]

1 These words were substituted for the words "Mayor-in Council" by Mah. 27 of 1999, s. 50.

2 These words were substituted for the words "Mayor-in Council" by Mah. 27 of 1999, s. 51.

3 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 51.

4 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 51.

5 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 51.

6 Sections 120 and 120A were added by Bom. 48 of 1948, s. 24.

7 This word and figures were substituted for the word and figures "section 82" by Mah. 10 of 1998, s. 65.

121. Special funds may be created with the approval of the Corporation.— With the 1[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.

Disposal of Balances

4**[122. Investment of surplus money.—** (*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 5[a Nationalised Bank] 6[or deposited with the State Government or with any statutory corporation approved by the State Government] or be invested in public securities 7[or in bonds or debentures of the Central Government, State Government, Government undertakings, Government Financial Institutions or Unit Trust of India.]

(*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 8[Standing Committee], be favourably deposited or invested as aforesaid, may be deposited at interest at any bank or banks in the city of Bombay which the 9[Standing Committee] 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 10[Standing Committee], 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 11[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. Accounts to be kept in forms prescribed by 12[Standing Committee].—13[Subject 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 14[Standing Committee] shall from time to time prescribe:

15[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 16[Standing Committee].

17**[123A. Separate *pro-forma* accounts to be kept by the Commissioner.—** (*1*) There shall be

kept by the Commissioner under a separate heading in the municipal accounts, accounts of all the

1 The word "previous" was inserted by Bom. 19 of 1936, s. 9.

2 Portion repealed by Bom. 3 of 1907, s. 19.

3 Portion repealed by Bom. 3 of 1907, s. 19.

4 This section was substituted for the original section 122 by Bom. I of 1894, s. 5.

5 These words were substituted for the words "the Bank of Bombay" by Mah. 10 of 1998, s. 66(*a*).

6 These words were inserted by Mah. 7 of 1986, s. 2.

7 These words were added by Mah. 32 of 2011, s. 13

8 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 52.

9 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 52.

10 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 52.

11 These words were substituted for the words "by three persons" by Mah. 10 of 1998, s. 66(*c*)(*ii*).

12 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 53.

13 This portion was inserted by Bom. 48 of 1948, s. 25.

14 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 52.

15 This proviso was added by Mah. 34 of 1973, s. 10.

16 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 53.

17 New section 123A was inserted by Bom. 13 of 1933, s. 30.

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 (Bom. XVI of 1925), 1[and of all property acquired by, and of all receipts and expenditure of, the Corporation for any of the purposes of Chapter XII-A].

(*2*) Such accounts shall be maintained so far as may be, in such manner and in such forms as the 2[Standing Committee] shall from time to time prescribe in accordance with the rules contained in Schedule BB.

123B. [*Separate pro-forma accounts in respect of the suburbs to be kept.*] *Deleted by Mah. 1 of 1964, s. 4.*

123BB. [*Provisions of section 231-B to apply mutatis mutandis in respect of extended suburbs.*] *Deleted by Mah. 1 of 1964, s. 4.*

5**[123C. Accounts in respect of primary education.—** (*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 (*q*) of section 61.

(*2*) Such accounts shall be maintained so far as may be, in such manner and in such forms as the 6[Education Committee] shall from time to time prescribe in accordance with the rules contained in Schedule BBA].

124. Preparation of annual administration report and statement of accounts.— (*1*) 7[8[The Commissioner] shall, as soon as may be, after each first day of April but not later than 9[thirty-first day of July]] have prepared a detailed report of the municipal administration of 10[Brihan Mumbai] 11[other than the administration of the 12[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.

13[(*2*) The Commissioner shall incorporate with his said report and statement—

(*a*) a report for the same period from each head of a department subordinate to him;

(*b*) the account of balance due on loans then last published under section 105;

and shall cause the same to be printed.

(*3*) After examination and review of the said printed report and statement by the Standing Committee, there shall be added to the compilation printed copies of such of the appendices attached to the reports of the several heads of departments, if any, as the Standing Committee direct and a printed

copy of the Standing Committee's review; and a copy of the complete compilation shall 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 Commissioner, with the previous approval of the Standing Committee, shall determine.]

1 These words were added by Bom. 34 of 1954, s. 6.

2 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 54.

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

4 The word "half" was omitted by Bom. 5 of 1938, s. 17.

5 Section 123C was inserted by Bom. 48 of 1950, s. 54.

6 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 55.

7 These words were substituted for the words "The Commissioner shall, as soon as may be, after each first day of April" by Mah. 10 of 1998, s. 70(*a*).

8 These words were substituted for the words "The Member-in-charge" by Mah. 27 of 1999, s. 56(*a*).

9 These words were substituted for the words "thirtieth day of November" by Mah. 14 of 2008, s. 2.

10 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

11 These words were inserted by Bom. 48 of 1948, s. 26.

12 These words were substituted for the "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, Schedule. 13 Sub-sections (*2*) and (*3*) were substituted by Mah. 27 of 1999, s. 56(*b*).

Annual Budget Estimate

1[125. Estimate of expenditure and income to be prepared annually by the 2[Commissioner].—3[The Commissioner] shall on or before each 4[fifth day of February,] have prepared and lay before 5[the Standing Committee, in such form as the said Committee] shall from time to time approve,

(*1*) (*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—

6[* * * * * *]

(*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 (Bom. XVI of 1925) 7[or for any of the purposes of Chapter XII-A]; and

(*iii*) expenditure to be incurred on account of the 8[Brihan Mumbai Electric Supply and Transport Undertaking];

9[(*iv*) expenditure to be incurred for the purposes of clause (*q*) of section 61;]

10[(*v*) expenditure to be incurred for the purposes of Chapters IX and X;]

(*b*) an estimate of the balances, if any (other than balances) shown in the 11[accounts maintained under sections 12[123A 13[* *] and 123C]] 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 other than from taxation 14[and from the 15[Brihan Mumbai Electric Supply and Transport Undertaking] and other than that referred to 16[* * *] in clause (*c*) of sub-section (*2*) 17[and in clause (*d*) of section 126C] 18[and in section 126E];

19[(*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;

20[* * * * * *]

(*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

1 Section 125 was substituted for the original by Bom. 13 of 1933, s. 31.

2 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 57(*c*).

3 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 57(*a*).

4 These words were substituted for the words "first day of March" by Mah. 21 of 1939, s. 21.

5 These words were substituted for the words "the Mayor-in-Council, in such form as the said Council" by Mah. 27 of 1999, s. 57(*b*).

6 Paragraph (*i*) was deleted by Mah. 1 of 1964, s. 5(*a*)(*i*).

7 These words were inserted by Bom. 34 of 1954, s. 7(*1*).

8 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

9 Sub-clause (*iv*) was inserted by Bom. 48 of 1950, s. 55(*1*).

10 Sub-clause (*v*) was inserted by Mah. 34 of 1973, s. 11(*a*).

11 This portion was substituted for the portion "account maintained under section 123A" by Bom. 7 of 1950, s. 15(*1*)(*b*).

12 These figures, word and letters were substituted for the figures, word and letters "123A and 123B" by Bom. 48 of 1950, s. 55 (*2*).

13 The figures and letters "123-B, 123-BB" were deleted by Mah. 1 of 1964, s. 5(*a*)(*ii*).

14 These words were inserted by Bom. 48 of 1948, s. 27.

15 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

16 The portion "in clause (*c*) of sub-section (*1A*) and" was deleted by Mah. 1 of 1964, s. 5(*a*)(*iii*).

17 This portion was inserted by Bom. 48 of 1950, s. 55(*5*).

18 This portion was inserted by Mah. 34 of 1973, s. 11(*b*).

19 This clause was inserted by Bom. 48 of 1948, s. 27.

20 Clause (*1A*) was deleted by Mah. 1 of 1964, s. 5(*b*).

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 (Bom. XVI of 1925) 1[or for any of the purposes of Chapter XII-A];

(*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 (Bom. XIII of 1933) 2[or acquired by the Corporation for any of the purposes of Chapter XII-A]; and

(*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;

3[* * * * * *]

4[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" was substituted;]

5[(*e*) an estimate of the Corporation's receipts 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.]

6**[125A. Classification of budget heads.—** The expenditure side of a budget estimate shall be classified under major heads, minor heads, subordinate heads and primary units—

(*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 sub-divided 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 sub-divided 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.]

7**[126. Budget estimates to be prepared by the** 8**[Standing Committee].—** (*1*) The 9[Standing Committee] shall, on or as soon as may be after each] 10[fifth day of February] consider the estimates and proposal of the 11[Commissioner] and after having obtained from the 12[Commissioner] such further detailed information, if any as they shall think fit to require, and having regard to all the requirements of

1 These words, figures and letter were inserted by Bom. 34 of 1954, s. 7(*2*)(*a*).
2 These words, figures and letter were inserted by Bom. 34 of 1954, s. 7(*2*)(*b*).
3 This proviso was deleted by Mah. 10 of 1998, s. 71(*c*).
4 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*). 5 Sub-clause (*e*) was substituted for the original by Bom. 34 of 1953, s. 7(*2*)(*c*).
6 This section was inserted by Bom. 5 of 1938, s. 18.
7 Section 126 was substituted for the original section by Bom. 13 of 1933, s. 32.
8 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 58(*b*).
9 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 58(*a*).
10 These words were substituted for the words "first day of March" by Mah. 21 of 1989, s. 22(*a*).
11 This word was substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 58(*b*).
12 This word was substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 58(*b*).

this Act, shall frame therefrom subject to such modifications and additions therein or thereto as they shall think fit, 1[two budget estimates] as follows:—

2[(*a*) Budget Estimate "A"— of the income and expenditure other than—

3[* * * * * *]

(*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 (Bom. XVI of 1925)4 [or for any of the other purposes of Chapter XX-A]; 5[* *]

(*iii*) income and expenditure in respect of the 6[Brihan Mumbai Electric Supply and Transport Undertaking;]

7[(*iv*) income and expenditure for, or in connection with, the purposes of clause (*q*) of section 61;]

8[(*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 9[or for any of the other purposes of Chapter XII-A];

10[* * * * * *]

(*2*) In budget estimate "A" the 11[Standing Committee] shall—

(*a*) propose with reference to the provisions of Chapter VIII, the levy of municipal taxes at such rates [12][* * *] 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 [13][and (*iii*) for which the corporation may be liable by reason of the acquisition, extension, administration, operation and maintenance of the [14][Brihan Mumbai Electric Supply and Transport Undertaking];]

[15][* * * * * *]

[16][(*v*) for which the corporation may be liable by reason of the construction of school buildings;]

1 These words were substituted for the words "for budget estimates" by Mah. 1 of 1964, s. 6(*a*)(*i*).
2 Clause (*a*) was substituted for the original by Bom. 7 of 1950, s. 16(*1*)(*b*).
3 Sub-clause (*i*) was deleted by Mah. 1 of 1964, s. 6(*a*)(*ii*).
4 These words were inserted by Bom. 34 of 1954, s. 8(*1*).
5 The word "and" was deleted by Bom. 48 of 1950, s. 56(*1*).
6 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.
7 Paragraph (*iv*) was inserted by Bom. 48 of 1950, s. 56(*1*).
8 Paragraph (*v*) was inserted by Mah. 34 of 1973, s. 12.
9 These words were inserted by Bom. 34 of 1954, s. 8(*2*).
10 Clauses (*b1*) and (*b2*) were deleted by Mah. 1 of 1964, s. 6(*a*)(*iii*).
11 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 58(*a*).
12 The words "and, in the case of octroi on such articles" were deleted by Mah. 42 of 2017, s. 3, *w.e.f.* 1st July 2017.
13 This portion was added by Bom. 4 of 1948, s. 28.
14 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.
15 Sub-clause (*iv*) was deleted by Mah. 1 of 1964, s. 6(*b*)(*i*).
16 This portion was added by Bom. 48 of 1950, s. 56(*2*).

(*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;

[1][* * * * * * *]

[2][(*c-2*) allow for appropriation to budget estimate "E" of the sum estimated revised as they shall think proper, under clause (*c*) of section 126C [3][and such additional sum estimated under clause (*c-1*) 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 [4][Standing Committee] shall, if necessary, make proposals to meet any deficit in such budget estimate by borrowing:

Provided that the [5][Standing Committee] shall not make any proposal to borrow for that purpose a sum of more than twenty lakhs of rupees.

[6][* * * * * * *]

(*4*) The [7][Commissioner] shall cause the budget estimates, finally approved by the [8][Standing Committee], [9][to be printed or corrected, and shall not later than the [10][first day of March], forward a printed or corrected copy] thereof to the usual or last known local place of abode of each councillor.

[11][126A. Estimates of expenditure and income of the [12][Brihan Mumbai Electric Supply and Transport Undertaking] to be prepared annually by [13][General Manager].—[14][The General Manager shall, on or before each tenth day of October have prepared and lay before the Brihan Mumbai Electric Supply and Transport Com ommittee 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 ensuing official year on account of the [15][Brihan Mumbai Electric Supply and Transport Undertaking];

(*b*) an estimate of all balances, if any, which will be available for re-appropriation or expenditure at the commencement of the next ensuing official year, 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 corporation's receipts and income from the [16][Brihan Mumbai Electric Supply and Transport Undertaking] for the next ensuing official year.

126B. Budget estimate to be prepared [17][Brihan Mumbai Electric Supply and Trasport Committee].— (*1*) [18][The Brihan Mumbai Electric Supply and Transport Committee] shall, on or as

1 Clause (*c-1*) was deleted by Mah. 1 of 1964, s. 6(*b*)(*ii*).

2 Clause (*c-2*) was inserted by Bom. 48 of 1950, s. 56(*2*).

3 This portion was added by Bom. 13 of 1958, s. 3.

4 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 58(*a*).

5 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 58(*a*).

6 Sub-sections (*3A*) and (*3B*) were deleted by Mah. 1 of 1964, s. 6(*c*).

7 This word was substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 58.

8 These words were substituted for the words "Mayor-in-Council", by Mah. 27 of 1999.

9 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*).

10 These words were substituted for the words "fifteenth day of March" by Mah. 21 of 1989, s. 22(*b*).

11 Sections 126A and 126B were inserted by Bom. 48 of 1948, s. 29.

12 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

13 These words were substituted for the words "Member-in-Charge" by Mah. 27 of 1999, s. 59(*b*).

14 These words were substituted for the portion beginning with the words "The Member-in-charge shall" and ending with the words "time to time approve" by Mah. 27 of 1999, s. 59(*a*).

15 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

16 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

17 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 60(*a*)(*i*).

18 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 60(*a*)(*i*).

soon as may be after each tenth day of October, consider the estimates of [1][the General Manager and, after having obtained from the General Manager] 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 [2][Brihan Mumbai Electric Supply and Transport Undertaking].

(*2*) In budget estimate "C" [3][the Committee] shall—

[4][(*i-a*) propose, subject to the provisions of the Motor Vehicles Act, 1939 (IV of 1939), the Electricity (Supply) Act, 1948 (LIV of 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 energy, by the [5][Brihan Mumbai Electric Supply and Transport Undertaking] at such rates as would in the opinion of [6][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 installments 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 [7][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.

[8][(*3*) The General Manager shall lay budget estimate 'C' as framed by the Brihan Mumbai Electric Supply and Transport Committee before the Standing Committee on or before each first day of December and the Standing Committee shall prepare a report to the Corporation thereon, incorporating the remarks and recommendations, if any, of the Standing Committee.

(*4*) The Municipal Secretary shall cause budget estimate 'C' and the report of the Standing Committee thereon to be printed and shall, not later than the 31st day of December, forward a printed copy thereof to the usual or last known local place of abode of each councillor.]

[9]**[126C. Estimates of expenditure and receipts of primary education.—** [10][The Commissioner] shall on or before each [11][fifth day of February] have prepared and lay before [12][the Education Committee in such form as the Committee] 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;

1 These words were substituted for the words "Member-in-charge" of the Brihan Mumbai Electric Supply and Transport Undertaking and after having obtained from the said Member-in-charge" by Mah. 27 of 1999, s. 60(*a*)(*ii*).

2 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

3 These words were substituted for the words "the Member-in-charge" by Mah. 27 of 1999, s. 60(*b*).

4 Clause (*i-a*) was inserted by Mah. 32 of 1966, s. 3.

5 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

6 These words were substituted for the words "the Committee" by Mah. 10 of 1998, s. 74(*b*).

7 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

8 Sub-sections (*3*) and (*4*) were inserted by Mah. 27 of 1999, s. 60(*c*).

9 Sections 126C and 126D were inserted by Bom. 48 of 1950, s. 57.

10 These words were substituted for the words "the Member-in-charge" by Mah. 27 of 1999, s. 61(*a*).

11 These words were substituted for the words "first day of March" by Mah. 21 of 1989, s. 23.

12 These words were substituted for the words "the Mayor-in-Council in such form as the Council" by Mah. 27 of 1999, s. 61(*b*).

(*c*) an estimate of five time 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 ;

[1][(*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 (*1*) 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 [2][clauses (*c*) and (*c-1*)].

126D. Budget estimate "E" to be prepared by [3][Educational Committee].— (*1*) The [4][Education Committee] shall on or as soon as may be after each [5][fifth day of February] consider the estimates of [6][the Commissioner] and after having obtained [7][from the Commissioner] such further 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 addit hey 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 (*q*) of section 61.

(*2*) In budget estimate "E" [8][the Education Committee] 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.

[9][(*3*) The Education Committee shall forward the budget estimate 'E' as framed by them to the Standing Committee on or before each first day of March and the Standing Committee shall prepare a report to the Corporation thereon incorporating the remarks and recommendations, if any, of the Standing Committee.]

(*4*) [10][The Municipal Secretary shall forward a printed or corrected copy of budget estimate 'E' together with the report of the Standing Committee thereon] 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].

[11]**[126E. Estimate expenditure and receipts for the purposes of Chapters IX and X.—**[12][The Commissioner] shall on or before [13][fifth day of February] have prepared and lay before [14][the Standing Committee in such form as the Committee] 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 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;

1 This clause was inserted by Bom. 13 of 1958, s. 4(*1*).

2 These words, brackets, letters and figure were substituted for the words "the preceding clause" by Bom. 13 of 1958, s. 4(*2*).

3 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 62(*a*)(*i*).

4 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 62(*a*)(*i*).

5 These words were substituted for the words "first day of March" by Mah. 21 of 1989, 24(*a*).

6 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, 62(*a*)(*ii*).

7 These words were substituted for the words "from him" by Mah. 27 of 1999, s. 62(*a*)(*iii*).

8 These words were substituted for the words "The Mayor-in-Council" by Mah. 27 of 1999, s. 62(*b*).

9 Sub-section (*3*) was inserted by Mah. 27 of 1990, s. 62(*c*).

10 These words were substituted for the words "The Member-in-charge shall forward in printed or corrected copy of budget estimate "E" by Mah. 27 of 1999, s. 62(*d*).

11 Sections 126E and 126F were inserted by Mah. 34 of 1973, s. 13.

12 These words were substituted for the words "The Member-in-charge" by Mah. 27 of 1999, s. 63(*a*).

13 These words substituted for the words "first day of March" by Mah. 21 of 1989, s. 25.

14 These words were substituted for the words "the Mayor-in-Council in such form as the Council" by Mah. 27 of 1999, s. 63(*b*).

(*c*) an estimate of the Corporation's receipts and expenditure for the next official year from the services under Chapters IX and X.

126F. Budget Estimate "G" to be prepared by [1][Standing Committee].— (*1*) The [2][Standing Committee] shall on or as soon as may be after the [3][fifth day of February,] consider the said estimates of [4][the Commissioner]. After having obtained from [5][the Commissioner] such further information if any as it shall think fit to seek, and having regard to all the requirements of this Act, [6][Standing Committee] shall frame therefrom, subject to such modification and 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" [7][the Committee] 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 [8][the Commit nue for meeting the expenditure and

all other obligation or which the Corporation may be liable for the purposes of Chapters IX and X.

(*3*) The [9][Municipal Secretary] shall cause the budget estimate "G" as finally approved by [10][the Standing Committee] [11][to be printed or corrected and shall, not later than the [12][first day of March] forward a printed or corrected copy] thereof to the usual or last known local place of abode of each Councillor.]

[13][**126G. Report on services provided in a subsidised manner.—** (*1*) Notwithstanding anything contained in this Chapter [14][the Commissioner or as the case may be, the General Manager shall while submitting the budget estimates to the Standing Committee or the Brihan Mumbai Electric Supply and Transport Committee] append thereto a report indicating whether the following services are being provided in a subsidised manner and, if so, the extent of subsidy, the source from which the subsidy was met and the sections or categories of the local population who were the beneficiaries of such supply, namely:—

(*a*) water supply and disposal of sewerage,

(*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.

[15][(*2*) The Standing Committee or, as the case may be the *Brihan Mumbai* Electric Supply and Transport Committee, shall examine the report and place it before the Corporation, with its recommendations, if any]].

1 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 64(*a*)(*i*).
2 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 64(*a*)(*i*).
3 These words were substituted for the words "first day of March" by Mah. 21 of 1989, s. 26(*a*).
4 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 64(*a*)(*ii*).
5 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 64(*a*)(*ii*).
6 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 64(*a*)(*i*).
7 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 64(*b*).
8 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 64(*b*).
9 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 64(*c*)(*i*).
10 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 64(*c*)(*ii*).
11 This portion was substituted for the portion beginning with "to be printed" and ending with "printed copy" by Mah. 70 of 1975, s.12(*b*).
12 These words were substituted for the words "fifteen day of March" by Mah. 21 of 1989, s. 26(*b*).
13 This section was inserted by Mah. 41 of 1994, s. 40.
14 These words were substituted for the words "the Member-in-charge shall, while submitting the budget estimate to the Mayor-in-Council" by Mah. 27 of 1999, s. 65(*a*).
15 Sub-section (*2*) was substituted by Mah. 27 of 1999, s. 65(*b*).

127. Consideration of budget estimates by Corporation.—[1][(*1*) At a meeting of the Corporation which shall be called for some day [2][in March], [3][not later than the tenth] [4][Budget Estimates 'A', 'B' and 'C' prepared by the Standing Committee as also the Budget Estimates 'E' prepared by the Education Committee with the report of the Standing Committee thereon] shall be laid before the Corporation and they shall proceed to consider the same.

[5][(*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 the [6][the Brihan MumbaiElectric Supply and Transport Committee with the report of the Standing Committee thereon] shall be laid before the Corporation and they shall proceed to consider the same.]]

[7]**[128. Fixing rates of municipal taxes and of fares and charges of [8][Brihan Mumbai Electric Supply and Transport Undertaking].—** (*1*) The Corporation shall, on or before the [9][twentieth day of March] after considering the [10][Standing Committee's] 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, [11][* *] in the next ensuing [12][official year:]

[13][Provided that, the Corporation may determine different rates of property taxes for different categories of users of a building or land or part thereof; 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 [14][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.]

[15][(*3*) Notwithstanding anything contained in sub-sections (*1*) and (*2*), the Corporation may, [16][at any time during the official years 2010-2011, 2011-2012 and 2012-2013] determine, separately for each of the said [17][three years], the rates of property taxes for different categories of users of a building or land or part thereof. The rates of property taxes so determined shall be effective and shall be deemed to have been effective from the 1st of April of those [18][three years] and the taxes for the said [19][three years] shall be leviable and payable at the rates so determined.]

[20]**[129. Final adoption of Budget estimates.—** Subject to the requirements of sub-section (*1*) of section 128, the Corporation may refer [21][Budget Estimate 'A' or Budget Estimate 'B' or Budget Estimate 'E' or all or any of those estimates back to the Standing Committee and Budget Estimate 'C' back to the Brihan Mumbai Electric Supply and Transport Committee and Budget Estimate 'E' back to the Education Committee] for further consideration, or adopt the budget estimate, or any revised budget estimates submitted to them as they stan n as they deem expedient:

1 Section 127 was renumbered as sub-section (*1*) and sub-section (*2*) was inserted by Mah. 70 of 1975, s. 13(*1*).
2 These words were substituted for the words "in January, not later than the tenth" by Mah. 70 of 1975, s.13(*2*).
3 These words were substituted for the words "first later than the twentieth" by Mah. 21 1989, s. 29.
4 These words were substituted by Mah. 27 of 1999, s. 66(*a*).
5 Section 127 was renumbered as sub-section (*1*) and sub-section (*2*) was inserted by Mah. 70 of 1975, s. 13(*1*).
6 These words were substituted by Mah. 27 of 1999, s. 66(*b*).
7 Section 128 was substituted for the original by Mah. 32 of 1966, s. 4.
8 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.
9 These words were substituted for the words "twenty fifth day of March" by Mah. 21 of 1989, s. 21.
10 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 67.
11 The words "and the articles on which octroi shall be levied," were deleted by Mah. 42 of 2017, s. 4, *w.e.f.* 1st July 2017.
12 These words were substituted for the words "official year; and" by Mah. 27 of 2010, s. 2(*1*)(*a*).
13 This proviso was added by Mah. 27 of 2010, s. 2 (*1*)(*b*).
14 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.
15 Sub-section (*3*) was substituted by Mah. 11 of 2011, s. 2.
16 These words and figures were substituted for the words and figures "at any time during the financial years 2010-2011, 2011-2012 and 2012-2013" by Mah. 6 of 2012, s. 2(*i*).
17 These words and figures were substituted for the words "two years" by Mah. 6 of 2012, s. 2(*ii*).
18 These words and figures were substituted for the words "two years" by Mah. 6 of 2012, s. 2(*ii*).
19 These words and figures were substituted for the words "two years" by Mah. 6 of 2012, s. 2(*ii*).
20 This section was substituted for the original by Bom. 48 of 1948, s. 31.
21 This portion was substituted by Mah. 27 of 1999, s. 68.

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*) [1][of section 126] and for each of the matters specified in sub-section (*3*) of section 126B [2][and clauses (*a*) and (*b*) of sub-section (*2*) of section 126D] [3][and sub-section (*2*) of section 126F], as the case may be.]

[4]**[129A. Estimates of expenditure and income deemed to be budget estimates.—** 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 [5][and estimate prepared by the General Manager under section 126A] 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.]

[6]**[130. Budget grant defined.—** 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. Corporation may increase amount of budget grants and make additional grants.—[7][(*1*) On the recommendation of the [8][Standing Committee in case of expenditure from the municipal fund for purposes other than clause (*q*) of section 61 and the Brihan Mumbai Electric Supply and Transport Committee in case of expenditure from the [9][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 [10][Brihan Mumbai Electric Supply and Transport Fund:]

[11][* * * * *]

[12][[13][Provided 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 [14][budget estimates] adopted by the Corporation for the year in which they are made.

132. Rules as to unexpended budget grants.—[15][If the whole budget grant or any portion thereof] remains unexpended at the close of the year in the [16][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

1 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*).
2 This portion was inserted by Bom. 48 of 1950, s. 59(*2*).
3 This portion was inserted by Mah. 34 of 1973, s. 15(*b*).
4 This section was inserted by Mah. 32 of 2011, s. 14.
5 These words, figures and letter were inserted by Mah. 6 of 2012, s. 3.
6 This section was substituted for the original by Bom. 5 of 1938, s. 19.
7 This sub-section was substituted for the original by Bom. 48 of 1948, s. 32.
8 This portion was substituted by Mah. 27 of 1999, s. 69.
9 These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.
10 These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.
11 The first proviso was deleted by Mah. 1 of 1964, s. 9(*a*).
12 This proviso was added by Bom. 48 of 1950, s. 60(*2*).
13 These words were substituted for the words "Provided further that" by Mah. 21 of 1964, s. 9(*b*).
14 The words "budget estimates" were substituted by Bom. 13 of 1933, s. 33.
15 These words were substituted for the original by Bom. 76 of 1948, s.17.
16 The words "Budget estimates" were substituted for the original by Bom. 13 of 1933, s. 33.

municipal fund [1][or the [2][Brihan Mumbai Electric Supply and Transport Fund, as the case may be], entered in the [3][budget estimates] of [4][any of the next two following years], [5][the Standing Committee or the Education Committee or the B ly and Transport Committee, as the

case may be] may sanction the [6][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.

[7]**[133. Reduction and transfer.—** Reductions in, and transfers from a budget grant shall be made as under :—

(*a*) Subject to the provisions of sub-section (*1*) of section 131, on the recommendations of [8][the Standing Committee] the Corporation may, from time to time, during an official year, sanction the transfer of any amount exceeding [9][twenty lakh] rupees from one budget grant to another budget grant.

(*b*) The [10][Standing Committee] 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;

[11][* * * * *]

[12][(*c*) The Commissioner may, at any time during an official year sanction the transfer of any amount not exceeding five thousand rupees within a budget grant if such transfer does not involve a recurring liability:

Provided that, every transfer of an amount exceeding one thousand rupees made under this clause shall be reported forthwith by the Commissioner to the Standing Committee and the Committee may pass with regard thereto such order as they may think fit, and it shall be incumbent on the Commissioner to give effect to such order.]

(*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 [13][five lakh rupees], the Corporation may pass with regard thereto such order as they think fit ; and it shall be incumbent on [14][the Standing Committee] and the Commissioner to give effect to such order.

[15][(*f*) in case of expenditure for the purposes of clause (*q*) of section 61 the provisions of this section shall apply as if for the words "Standing Commiittee" the words "Education Committee" had been substituted.]

[16][(*g*) For the purposes of expenditure from the Brihan Mumbai Electric Supply and Transport Fund, the provisions of this section shall apply as if for the words "Standing Committee" and

1 These words were inserted by Bom. 43 of 1948, s. 33.
2 These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.
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 substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 70.
6 These words were inserted by Bom. 48 of 1950, s. 61.
7 Section 133 was substituted by Mah. 39 of 1961, s. 10.
8 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 71(*a*).
9 These words were substituted for the words "fifteen thousand" by Mah. 10 of 1998, s. 85(*b*).
10 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 71(*a*).
11 This clause was deleted by Mah. 10 of 1998, s. 85(*c*).
12 This clause was substituted by Mah. 27 of 1999, s. 71(*b*).
13 These words were substituted for the words "five hundred rupees" by Mah. 10 of 1998, s. 85(*e*).
14 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 71(*a*).
15 Clause (*f*) was inserted by Mah. 27 of 1999, s. 71(*c*).
16 Clause (*g*) was substituted by Mah. 27 of 1999, s. 71(*d*).

"Commissioner" the words "Brihan Mumbai Electric Supply and Transport Committee" and "General Manager" respectively, had been substituted.]

[1][**134. Re-adjustment of income and expenditure to be made by the corporation during course of official year whenever necessary.—** (*1*) If it shall at any time during any official year appear to the Corporation, upon the representation of [2][the Standing Committee or the Brihan Mumbai Electric Supply and Transport Committee, that notwithstanding any reduction of budget grants that may have been made by the appropriate committee] under section 133, the income of the municipal fund or the [3][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 [4][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 income to the expenditure.

[5][* * * * * *]

(*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 [6][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 [7][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

135. Monthly scrutiny of accounts by municipal chief auditor and scrutiny of account by the [8][Standing Committee.].—[9][(*1*) The Municipal Chief Auditor shall conduct the monthly examination and audit of the municipal accounts and shall report thereon to the Standing Committee who shall publish monthly an abstract of the receipts and expenditure of the month last preceding, signed by not less than two members of the said Committee and by the Municipal Chief Auditor. The Standing Committee may also from time to time and for such period as they think fit conduct independently an examination and audit of the Municipal Accounts.]

(*2*) For these purposes [10][the Standing Committee] and the municipal chief auditor shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the [11][Commissioner] shall forthwith furnish to [12][the Standing Committee] or the municipal chief auditor any explanation concerning receipts and disbursements which they may call for.

[13][**136. Duties and powers of the municipal chief auditor.—** 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].

1 This section was substituted for the original by Bom. 48 of 1948, s. 35.

2 This portion was substituted by Mah. 27 of 1999, s. 72.

3 These words were substituted for the words "the Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.

4 These words were substituted for the words "the Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.

5 The proviso was deleted by Mah. 1 of 1994, s. 10.

6 These words were substituted for the words "the Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

7 These words were added by Mah. 32 of 1966, s. 5.

8 These words were substituted for the words "Municipal Account Committee" by Mah. 27 of 1999, s. 73(*c*).

9 Sub-section (*1*) was substituted by Mah. 27 of 1999, s. 73(*a*).

10 These words were substituted for the words "Municipal Accounts Committee" by Mah. 27 of 1999, s. 73(*b*)(*i*). 11 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 73(*b*)(*ii*).

12 These words were substituted for the words "Municipal Accounts Committee" by Mah. 27 of 1999, s. 73(*b*)(*i*). 13 Sections 136 and 137 were substituted for th .

137.Report by the municipal chief auditor.— (*1*) The municipal chief auditor shall—

(*a*)report to [1][the Standing 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 [2][the Standing Committee] such information as the said committee shall from time to time require concerning the progress of the audit.

(*2*) The [3][Standing Committee] shall cause to be laid before the corporation every report made by the municipal chief auditor to the [4][Standing 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 [5][Standing Committee] to place before the corporation, together with a report stating what orders have been passed by the [6][Standing 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 [7][Standing Committee] a report upon the whole of the municipal accounts for the previous official year.

(*4*) The [8][Commissioner] 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.]

[9]**[137A. Application of sections 135, 136 and 137 to accounts of the [10][Brihan Mumbai Electric Supply and Transport Fund.].—** Sections 135, 136 and 137 shall apply to the accounts of the [11][Brihan Mumbai Electric Supply and Transport Fund] as if—

[12][(*i*) for the words "Standing Committee", wherever they occur, the words "Brihan Mumbai Electric Supply and Transport Committee" and for the word "Commissioner", wherever it occurs, the words "General Manager" had been substituted; and]

(*ii*) for the words, brackets and figures, "sub-section (*3*) of section 124 in sub-section (*4*) of section 137, the words, brackets, figures and letters "sub-section (*2*) of section 460NN" had been substituted.]

138. A special audit be directed by [13][State] Government.—[14][(*1*) The [15][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 [16][Brihan Mumbai Electric Supply and Transport Undertaking], and of reporting thereon to the [17][State] Government and the costs of any such audit as determined by the [1][State]

1 These words were substituted for the words "the Mayor-in-Council and the Municipal Accounts Committee" by Mah. 27 of 1999, s. 74(*a*)(*i*) and (*c*).
2 These words were substituted for the words "the Mayor-in-Council and the Municipal Accounts Committee" by Mah. 27 of 1999, s. 74(*a*)(*i*) and (*c*).
3 These words were substituted for the words "the Municipal Accounts Committee" by Mah. 27 of 1999, s. 74(*a*)(*ii*) and (*b*).
4 These words were substituted for the words "the Municipal Accounts Committee" by Mah. 27 of 1999, s. 74(*a*)(*ii*) and (*b*).
5 These words were substituted for the words "the Municipal Accounts Committee" by Mah. 27 of 1999, s. 74(*a*)(*ii*) and (*b*).
6 These words were substituted for the words "the Municipal Accounts Committee" by Mah. 27 of 1999, s. 74(*a*)(*ii*) and (*b*).
7 These words were substituted for the words "the Mayor-in-Council and the Municipal Accounts Committee" by Mah. 27 of 1999, s. 74(*c*).
8 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 74(*d*).
9 This section was inserted by Bom. 4 of 1948, s. 36.
10 These words were substituted for the words "the Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.
11 These words were substituted for the words "the Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.
12 This clause was inserted by Mah. 27 of 1999, s. 75.
13 This word was substituted for the word "Provincial" by Adaption of Laws Order, 1950.
14 This sub-section was substituted for the original by Bom. 48 of 1948, s. 37.
15 This word was substituted for the word "Pro er, 1950.

16 These words were substituted for the words "the Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.

17 This word was substituted for the word "Provincial" by Adaption of Laws Order, 1950.

1[State] Government shall be chargeable to the municipal fund or to the 2[Brihan Mumbai Electric Supply and Transport Fund], as the case may be.]

(*2*) An auditor so appointed may exercise any power which 3[the municipal chief auditor] may exercise.

CHAPTER VIII

MUNICIPAL TAXATION

Municipal Taxes defined

139. Taxes to be imposed under this Act.— For the purpose of this Act, taxations shall be imposed as follows, namely :—

(*1*) property taxes;

(*2*) a tax on 4[dogs];

5[(*3*) a theatre tax;]

6[* * *]; and

7[* * *]

8[* * * * *]

PROPERTY TAXES

9[*Property taxes leviable on rateable value or capital value*]

10**[139A. Property Taxes what to consist.—** (*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 11[and building or land used for administrative or any such purposes, by the Maharashtra State Electricity Distribution Company Limited and its franchisees as defined in clause (*27*) of section 2 of the Electricity Act, 2003 (36 of 2003) or the Maharashtra State Electricity Transmission Company Limited but does not include buildings or lands used only for electricity distribution infrastructure such as electrical transformers, any electrical equipment, overhead and underground cables or such similar equipment created or maintained by the Maharashtra State Electricity Distribution Company Limited and such franchisees or the Maharashtra State Electricity Transmission Company Limited].

(*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 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.]

1 This word was substituted for the word "Provincial" by Adaption of Laws Order, 1950.

2 These words were substituted for the words "the Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.

3 These words were substituted for the words "and auditor appointed by the Corporation" by Bom. 2 of 1938, s. 8.

4 This word was substituted for the words "Vehicles and Animals" and proviso was deleted by Mah. 11 of 2002, s. 10. 5 This entry was inserted by Bom. 44 of 1950, s. 63.

6 The figure and words repealed by Bom. 7 of 1921, s. 4, are omitted and the repeal shall have effect from 1st April 1920. 7 This entry was deleted by Mah. 42 of 2017, s. 5, *w.e.f.* 1st July 2017.

8 This word was substituted for the words "Vehicles and Animals" and proviso was deleted by Mah. 11 of 2002, s. 10. 9 This sub-title was substituted for the sub-title "*Property Taxes Leviable*" by Mah. 11 of 2009, s. 2.

10 Section 139A was inserted by Mah. 11 of 2009, s. 3.

11 These words, brackets and figures were adde

140. [1][Property taxes leviable on rateable value, or capital value, as the case may be, and at what rate.].—[2][(*1*) [3][The following property taxes shall be levied on building and lands in *Brihan Mumbai*, namely]:—

[4][(*a*) (*i*) the water tax of so many per centum of their rateable value, [5][or their capital value, as the case may be,] as the [6][Standing Committee] 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, [7][or their capital value, as the case may be,] as the [8][Standing Committee] 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, [9][or their capital value, as the case may be,] as the [10][Standing Committee] 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, [11][or their capital value, as the case may be,] as the [12][Standing Committee] may consider necessary for meeting the whole or a part of the expenditure incurred or likely 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;]

(*c*) **General tax.—** a general tax of not less than eight and not more than [13][fifty] per centum of their rateable value, [14][or of not less than 0.1 and not more than 1 per centum of their capital value, as the case may be,] together with not less than one-eight and [15][not more than five per centum] of their rateable value [16][or not less than 0.01 and not more than 0. 2 per centum of their capital value, as the case may be,] 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:

[17][* * *]

[18][(*ca*) **Education cess.—**the education cess leviable under section 195E;]

[19][(*cb*) the street tax leviable under section 195G;]

[20][(*d*) betterment charges leviable under Chapter XII-A.]

[21][* * * *]

1 This marginal note was substituted for the original by Mah. 11 of 2009, s. 4(*1*).

2 Section 140 was re-numbered as sub-section (*1*) and clauses (*a*) and (*b*) were substituted by Mah. 34 of 1973, s. 16(*1*).

3 These words were substituted for the portion beginning with the words "The following" and ending with the word "namely" by Mah. 11 of 2009, s. 4(*2*)(*a*).

4 Section 140 was re-numbered as sub-section (*1*) and clauses (*a*) and (*b*) were substituted by Mah. 34 of 1973, s. 16(*1*).

5 These words were inserted by Mah. 11 of 2009, s. 4(*2*)(*b*).

6 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 76.

7 These words were inserted by Mah. 11 of 2009, s. 4(*2*)(*b*).

8 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 76.

9 These words were inserted by Mah. 11 of 2009, s. 4(*2*)(*b*).

10 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 76.

11 These words were inserted by Mah. 11 of 2009, s. 4(*2*)(*b*).

12 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 76.

13 This word was substituted for the words "twenty-six" by Mah. 20 of 1995, s. 2(*a*).

14 These words were inserted by Mah. 11 of 2009, s. 4(*2*)(*c*)(*i*).

15 These words were inserted by Mah. 11 of 2009, s. 4(*2*)(*c*)(*i*).

16 These words were inserted by Mah. 11 of 2009, s. 4(*2*)(*c*)(*ii*).

17 This proviso and *Explanation* were deleted and shall be deemed to have been deleted with effect from the 1st January 2022, by Mah. 25 of 2022, s. 2(*a*).

18 This clause was inserted by Bom. 13 of 1958, s. 5.

19 Clause (*cb*) was inserted by Mah. 33 of 1989, s. 9.

20 This clause was added by Bom. 34 of 1954,

21 The *Explanation* was deleted by Mah. 11 of 2009, s. 4(*2*)(*d*).

1[(1*A*) Notwithstanding anything contained in this section or any other provisions of the Act, from the 1st January 2022, the Corporation shall not levy any tax component of property tax specified in sub-section (*1*) of section 139A, on the residential buildings or residential tenements, having carpet area of 46.45 sq. meter (500 sq. feet) or less.

2[(*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 (Mah. Ord. III of 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;]

3[* * * *]

4[140A. Property taxes to be levied on capital value and the rate thereof.— 5[(*1*)] Notwithstanding anything contained in section 140 or any other provision 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:

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 preceding such date:

6[Provided further that, where the property taxes levied in respect of any residential or non-residential building or portion thereof were on the basis of annual letting value arrived at considering the leave and licence charges, by whatever name called, then for the purposes of the first proviso it shall be lawful for the Commissioner to ascertain such tax leviable during such immediately preceding year, as if such building or portion thereof were self-occupied and had been so entered in the assessment book:]

Provided 7[also] 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:

8[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:]

9[Provided also that, for the Financial Year 2019-20, the provisions of the preceding proviso shall apply as if the general tax leviable under clause (*c*) of sub-section (*1*) of section 140 do not form part of the property tax leviable under that section.]

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

1 This sub-section was inserted and shall be deemed to have been inserted with effect from the 1st January 2022, of Mah. 25 of 2022, s. 2(*b*).

2 Sub-section (*2*) was added by Mah. 34 of 1973, s. 16(*2*).

3 The proviso was deleted by Mah. 11 of 2009, s. 4(*2*)(*e*).

4 Section 140A was inserted by Mah. 11 of 20

5 Section 140A was re-numbered as sub-section (*1*) thereof and sub-sections (*2*) and (*3*) were added by Mah. 27 of 2010, s. 3.
6 This proviso was inserted by Mah. 11 of 2011, s. 3(*1*)(*a*).
7 This word was substituted for the word "further" by Mah. 11 of 2011, s. 3(*1*)(*b*).
8 This proviso was inserted by Mah. 34 of 2015, s. 2.
9 This proviso was added by Mah. 24 of 2019, s. 3.

every five years and on each such revision, such amount of property tax, shall not in any case exceed forty per cent. of the amount of the property tax levied and payable in the year immediately preceding the year of the revision.]

1[2[(*2*) Notwithstanding anything contained in sub-section (*4*) of section 139A or any other provisions of this Act or Resolution, if any, passed by the Corporation for adopting the levy of property tax on the basis of capital value but subject to the provisions of section 154A, buildings and lands in respect of which the process of fixing capital value is in progress on the 26th August 2010, being the date of coming into force of section 3 of the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2010 (Mah. XXVII of 2010), until it is so fixed, the tax leviable and payable in respect of such buildings and lands shall provisionally be equal to the amount of tax leviable and payable in the preceding year, that is to say, for the year commencing on the first day of April 2009 and ending on the thirty-first day of March 2010 and such provisional tax shall be leviable and payable for each of the years 3[2010-2011, 2011-2012 and 2012-2013,] according to the provisional bills which may be issued separately for each such year; so, however, that on fixation of capital value of the respective buildings and lands, final bill of assessment of property taxes on the basis of capital value may then be issued for each such year as aforesaid. After such final assessment, if it is found that the assessee has paid excess amount, such excess shall, notwithstanding anything contained in section 179, be refunded within three months from the date of issuing the final bill, alongwith interest from such date as provided in the first proviso to sub-section (*5*) of section 217, or after obtaining the consent of the assesse, shall be adjusted towards payment of property tax due, if any, for the subsequent years; and if the amount of taxes on final assessment is more than the amount of tax already paid by the assesse, the difference shall be recovered from the assesse.]

4[(*2A*) Notwithstanding anything contained in sub-section (*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.]

(*3*) Notwithstanding anything contained in section 163 or 217 or any other provisions of this Act and having regard to the fact that the property tax bill has been issued in accordance with the provisions of sub-section (*2*), not being a final bill, such bill shall not be questioned before any forum; and no complaint or appeal shall lie against such bill merely on the ground that capital value in respect of the property which is subject matter of the bill is not yet fixed, or that the amount of tax leviable and payable at the rate of property tax determined by the Corporation is not yet finally ascertained, or on any other ground whatsoever.]

141. 5[Water taxes] on what premises to be levied.— 6[(*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 7[Brihan Mumbai] in which the Commissioner has given public notice that sufficient water is available from municipal waterworks for furnishing a reasonable supply to all the premises in the said portion.

1 Section 140A was re-numbered as sub-section (*1*) thereof and sub-sections (*2*) and (*3*) were added by Mah. 27 of 2010, s. 3.

2 Sub-section (*2*) was substituted by Mah. 11 of 2011, s. 3(*2*).
3 These figures and word were substituted for the figures and word "2010-2011 and 2011-2012" by Mah. 6 of 2012, s. 3(*a*).
4 This sub-section was inserted by Mah. 6 of 2012, s. 3(*b*).
5 These words were substituted for the words "Water tax" by Mah. 34 of 1973, s. 17(*2*).
6 Section 141 was re-numbered as sub-section (*1*) thereof and sub-section (*2*) was added by Mah. 34 of 1993, s. 17(*1*). 7 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

1[(*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.]

142. 2[Sewerage taxes] on what premises to be levied.— (*1*) 3[Subject to the provisions of section 170, the sewerage tax] shall be levied only in respect of premises—

(*a*) situated in any portion of 4[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.

(*2*) Provided that the said tax shall not be levied in respect of any premises situated in any portion of 5[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*) 6[or (*3*)] of section 248 that a separate water-closet, privy or urinal need not be required for any premises 7[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.

8[(*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.]

143. General tax on what premies to be levied.— (*1*) The general tax shall be levied in respect of all buildings and lands in 9[Brihan Mumbai] except—

10[(*a*) buildings and lands or portions thereof exclusively occupied for public worship or for charitable purposes;]

(*b*) buildings and lands vesting in 11[Government] 12[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 13[Government] or, the corporation respectively;

14[(*c*) such buildings and lands vesting in, or in the occupation of, any consul de carriers, whether called as a consul general, 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

1 Sub-section (*2*) was substituted *w.e.f.* 1st April 1967 by Mah. 6 of 2012, s. 4.
2 These words were substituted for the words "Halalkhor tax" by Mah. 34 of 1973, s. 18(*d*).
3 These words and were substituted for the words "The halalkhor tax" by Mah. 34 of 1973, s. 18(*a*).
4 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

5 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 6 The word, brackets and figure "or (*3*)" were inserted by Bom. 2 of 1911, s. 5.
7 These words were substituted for the words "the halalkhor tax" by Mah. 34 of 1973, s. 18(*b*).
8 This sub-section was substituted with effect from 1st April 1967 by Mah. 6 of 2012 s. 5.
9 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 10 This clause was substituted for the original by Bom. 2 of 1911, s. 6(*1*).
11 The word "Government" was substituted for the original words by the Adaptation of Laws Order, 1950. 12 These words were inserted by Bom. 10 of 1928, s. 12.
13 The word "Government" was substituted for the word "Crown" by the Adaptation of Laws Order, 1950. 14 Clause (*c*) was substituted by Mah. 6 of 2012, s. 6.

lands or parts thereof which are used or intended to be used for any purpose other than for the purpose of profit.]

(*2*) The following buildings 1[and lands or portions thereof] shall not be deemed to be 2[* * *] exclusively occupied for public worship or for charitable purposes within the meaning of clause (*a*), namely:—

(*c*) 3[those] in which any trade or business is carried on; and

(*d*) 4[those] in respect of which rent is derived whether such rent is or is not applied exclusively to religious or charitable purposes.

5[(*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 purpose, such portion shall be deemed to be a separate property for the purpose of municipal taxation.]

144. Payment to be made to the corporation in lieu of the general tax by the Central Government or 6[* * *] the 7[State] Government as the case may be.— (*1*) The 8[Central Government 9[* * * *] or the 10[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 in 11[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 12[Brihan Mumbai] vesting in 13[Government] and beneficially occupied, in respect of which but for the said exemption, general tax would be leviable from the 14[Central Government 15[* * * *] or the 16[State] Government, as the case may be], shall be fixed by a person from time to time appointed in this behalf by the 17[State] 18[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 building and lands vesting in 19[Government] in 20[Brihan Mumbai] materially increases or decreases.

21[(*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 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 vestings in Government in *Brihan Mumbai* materially increases or decreases.]

1 These words were inserted by Bom. 2 of 1911, s. 6(*2*)(*a*).
2 This portion was repealed by Bom. 2 of 1911, s. 6(*2*)(*b*) is omitted.
3 The word "those" was substituted for the word "buildings" by Bom. 2 of 1911, s. 6(*2*)(*c*).
4 The word "those" was substituted for the word "buildings" by Bom. 2 of 1911, s. 6(*2*)(*c*).
5 This sub-section was added by Bom. 2 of 1911, s. 6(*3*).
6 The words "or the Crown Representative" were deleted by the India (Adaptation of Existing Indian Laws) Order, 1947. 7 This word was substituted for the original by Adaptation of Laws Order, 1950.
8 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.

9 The words "or the Crown Representative" were deleted by the India (Adaptation of Existing Indian Laws) Order, 1947. 10 This word was substituted for the original by Adaptation of Laws Order, 1950.
11 The word "Government" was substituted for the original words by the Adaptation of Laws Order, 1950.
12 These words were substituted for the word "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
13 The word "Government" was substituted for the original words by the Adaptation of Laws Order, 1950.
14 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.
15 The words "or the Crown Representative" were deleted by the India (Adaptation of Existing Indian Laws) Order, 1947. 16 This word was substituted for the original by Adaptation of Laws Order, 1950.
17 This word was substituted for the original by Adaptation of Laws Order, 1950.
18 The word "Government" was substituted for the original words by the Adaptation of Laws Order, 1950.
19 The word "Government" was substituted for the original words by the Adaptation of Laws Order, 1950.
20 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
21 Sub-section (*2A*) was inserted by Mah. 11 of 2009, s. 6(*1*).

(*3*) The sum to be paid annually to the corporation by the 1[Central Government 2[* * * *] 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 4[Brihan Mumbai], on account of the general tax, on a rateable value 5[or on capital value, as the case may be,] of the same amount as that fixed under sub-section (*2*), 6[or sub-section (*2A*), as the case may be].

7**[144A. Concession in payment of property tax.—** 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[*Explanation*.— For the purposes of this section, "ecologically beneficial scheme" includes rain water harvesting system, vermi composting, use of solar energy and other non-conventional sources of energy, recycling and re-use of waste water, or any scheme for promoting environment friendly and ecologically beneficial building construction or the like as the Corporation or the State Government may identify.]

9**[144B. Temporary provisions for levy of property tax at reduced rates in respect of certain buildings.—** 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 (Mah. V of 1996), 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:—

(*a*) buildings which are constructed under the Low Cost Housing Scheme for economically weaker sections and Low Income Group 10[by the corporation, the Mumbai Metropolitan Region Developments Authority or 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 (Mah. XXVIII of 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 Authoriry (MHADA) or the Corporation; or

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 the 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 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

5 These words were added by Mah. 11 of 2009, s. 6(*2*).

6 These words, brackets, figure and letter were added by Mah. 11 of 2009, s. 6(*2*).

7 Section 144A was substituted by Mah. 11 of 2009, s. 7.

8 This *Explanation* was added by Mah. 27 of 2010, s. 4.

9 Section 144B was substituted by Mah. 11 of 2009, s. 8.

10 These words were substituted for the words "by the Maharashtra Housing and Area Development Authority " by Mah. 6 of 2012, s. 7(*i*).

(*e*) buildings constructed on lands belonging to public authority under rehabilitation project where there is a component of tenements for rehabilitating slum dwellers; [1][or]

[2][(*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:]

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 utilised 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.]

[3]**[144C. Temporary provisions for levy of property tax at reduced rates in respect of buildings or tenements constructed for economically weaker sections of society, by certain institutions.—** 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 Mumbai Municipal Corporation (Amendment) Act, 2005 (Mah. XV of 2005), or from the date of first occupation of the premises, whichever is later, the property tax in respect of the residential tenements constructed for economically weaker sections of the society with carpet area not exceeding 350 square feet, constructed before or after such commencement, by the institutions, as may be notified by the State Government, which have been allotted the land by the State Government at nominal rates for the purpose of constructing such tenements, shall be levied at such reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time fix, and different rates may be fixed for different period and for different classes of buildings or tenements.]

[4]**[144D. Temporary provisions for levy of property tax at reduced rates in respect of cessed buildings.—**Notwithstanding anything contained in section 140 or any other provisions of this Act, during the period of twenty years [5][from the 23rd November 1995] or from the date of first occupation of the tenements hereinafter specified, whichever is later, the property tax in respect of the residential tenements having carpet area not exceeding 350 square feet, situated in a building, in the Island City of Mumbai, which,—

(*a*) is entitled to FSI benefit under regulation 33(*7*) of the Development Control Regulations for Brihan Mumbai, 1991; and

(*b*) is a cessed building governed by the Maharashtra Housing and Area Development Act, 1976 (Mah. XXVIII of 1977) and is reconstructed or redeveloped by,—

(*i*) the co-operative housing society formed by existing tenants; or

(*ii*) the co-operative society formed by the occupiers (including owner occupier) of the building classified as Category 'A' under section 84 of the Maharashtra Housing and Area Development Act, 1976 (Mah. XXVIII of 1977); or

(*c*) belongs to the Corporation, was first constructed prior to 1940 and is reconstructed or redeveloped, by the co-operative housing society formed by its occupiers;

shall be levied at such reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix ; and different rates may be fixed for different periods and for different tenements:

Provided that, no tax at reduced rate shall be levied in respect of the residential tenement, in the building reconstructed or redeveloped by the co-operative housing society of the existing tenants or

1 This word was added by Mah. 6 of 2012, s. 7(*ii*).

2 These clauses were added by Mah. 6 of 2012, s. 7(*iii*).

3 Section 144C was inserted by Mah. 15 of 2005, s. 2.

4 Section 144D was inserted by Mah. 44 of 2005, s. 2

5 These words were substituted for the words, brackets and figures "from the date of commencement of the Mumbai Municipal Corporation (Second Amendment) Act, 2005," by Mah. 27 of 2006, s. 2.

occupiers, if the existing tenant or occupier ceases to occupy the tenement in the reconstructed or redeveloped building as a member of such co-operative housing society.]

[1]**[144E. Levy of property tax at reduced rates in respect of buildings and lands of Special Development Project.—** Notwithstanding anything contained in section 140 or any other provisions of this Act, the property tax in respect of buildings and lands belonging to the Special Development Project shall be levied at such reduced rate, as the State Government may, by notification in the *Official Gazette*, from time to time, fix; and different rates may be fixed for different periods and for different Special Development Projects.

Explanation.— For the purposes of this section, "Special Development Project" means,—

(*i*) a development project undertaken either by the Government or by the Planning Authority, within the meaning of clause (*19*) of section 2 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966); or

(*ii*) "a Mega Project" within the meaning of the Package Scheme of Incentives, 2001,

approved by the High Power Committee under the Chairmanship of the Chief Secretary to Government and declared by the State Government, by notification in the *Official Gazette*, to be the Special Development Project.]

[2]**[144F. Additional stamp duty on certain transfers of immovable properties.—** (*1*) Without prejudice to the provisions of this Act, the stamp duty leviable under the Maharashtra Stamp Act (LX of 1958), on the instruments of sale, gift and usufructuary mortgage, respectively, of immovable property shall, in the case of any such instrument relating to immovable property situated in the area of Brihan Mumbai Municipal Corporation in which one or more Vital Important Urban Transport Projects (hereinafter in this section referred to as "City having notified projects") and executed on or after such date as may be specified by the State Government, by notification in the *Official Gazette*, be increased by a surcharge at the rate of one per cent., in case of instrument of sale or gift, on the value of the property so situated and in case of an instrument of usufructuary mortgage, on the amount secured by the instrument as set forth in the instrument and shall be collected accordingly under the said Act.

[3][Provided that, the stamp duty leviable under the Maharashtra Stamp Act (LX of 1958), in instrument of sale, gift and usufructuary mortgage, respectively, of immovable property shall, in the case of any such instrument relating to immovable property situated in the City,—

(*a*) for the period commencing from the 1st April 2020 and ending on the 31st March 2022, not be increased by any surcharge, under this sub-section;

(*b*) with effect from the 1st April 2022, in case the State Government reduces or remits the stamp duty under the Maharashtra Stamp Act (LX of 1958), be reduced or remitted by a surcharge at such rate as the State Government may, by an order in the *Official Gazette*, specify, under this sub-section.]

(*2*) For the purposes of this section, section 28 of the Maharashtra Stamp Act (LX of 1958), shall be read and enforced as if, it specifically requires the particulars therein referred to be set forth separately in respect of the property situated in the City having notified projects.

(*3*) The State Government shall, every year, after due appropriation made by law in this behalf, pay to the Corporation or the agency which has undertaken the notified project, a grant-in-aid approximately equal to the amount of additional duty realized on account of surcharge levied and collected under this section in respect of the immovable properties situated in the City having notified projects and such grant-in-aid shall be utilised on such notified projects in the manner specified by the Government.

(*4*) The sum of money required to meet the expenditure by the State Government under sub-section (*3*), shall be charged on the Consolidated Fund of the State.

1 Section 144E was inserted by Mah. 19 of 2006, s. 2.

2 Section 144F was inserted by Mah. 73 of 2018, s. 2.

3 This proviso was inserted and shall be deemed to have been inserted with effect from the 1st April 2020 by Mah. 33 of 2020, s. 2.

(*6*) All rules made under this section shall be subject to the condition of previous publication.

(*7*) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session or sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Explanation.— For the purposes of this section, the term "notified project" means a Vital Important Urban Transport Project related to Mass Rapid Transport System such as Metro Rail, Mono Rail, Bus Rapid Transport System and includes Freeway, Sea-link, *etc*., in respect of which the State Government has, by notification in the *Official Gazette*, declared its intention to undertake such project either by itself or through the planning authority, a New Town Development Authority, and other statutory authority, an agency owned and controlled by the Central Government or the State Government or a Government Company incorporated under the provisions of the Companies Act, 2013 (18 of 2013) or any other law relating to companies for the time being in force.

145. Amendment of section 36 of Bombay Act VI of 1879.— For section 36 of the Bombay Port Trust Act, 1879 (Mah. VI of 1879), the following section shall be substituted, namely:—

See *Supra.*

Liability for Property-taxes

146. Primary responsibility for property taxes on whom to rest.— (*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 1[the 2[Government]] or from the corporation or from a fazendar:

3[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; [4][□□□]

(*c*) if the premises are unlet, from the person in whom the right to let the same vests;

[5][(*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 actual sale is effected.]

[6][(*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.]

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 original by Adaptation of Laws Order, 1950.

3 This proviso was added by Bom. 28 of 1957, s. 5(*1*).

4 The word "and" was deleted by Mah. 11 of 2009, s. 9(*1*).

5 Clauses (*d*) and (*e*) were added by Mah. 11 of 2009, s. 9(*2*).

6 This sub-section was substituted for the original by Bom. 28 of 1957, s. 5(*2*).

147. Apportionment of responsibility for property tax when the premises assessed are let or sub-let.— (*1*) If any premises assessed to any property-tax are let, and their rateable value [1][or the amount of property tax levied on the basis of capital value, as the case may be,] 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 [2][or the amount of property tax levied on the basis of capital value, as the case may be,] 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.

148. Person primarily liable for property-tax entitled to credit, if he is a rent payer.— If any person who is primarily liable for the payment of any property-tax himself pays rent to another person other than [3][the [4][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 where the rateable value [5][or the amount of property tax levied on the basis of capital value, as the case may be,] of the said premises.

Notice of transfer, etc. of premises assessable to property-taxes

149. Notice to be given to Commissioner of all transfers of title of persons primarily liable to payment of property-tax.— (*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 s ll, 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.

150. Form of notice.— (*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, [6][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*) 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 [7]Indian Registration Act, 1877 (III of 1877).

1 These words were inserted by Mah. 11 of 2009, s. 10(*1*).

2 These words were inserted by Mah. 11 of 2009, s. 10(*2*).

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

4 This word was substituted for the original by Adaptation of Laws Order, 1950.

5 These words were inserted by Mah. 11 of 2009, s. 11.

6 These words were substituted for the portion beginning with the words "and shall state" and ending with the words "the said form" by Mah. 11 of 2009, s. 12(*1*).

7 *See* now the Indian Registration Act, 1908 (16 of 1908).

[1][(*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.]

151. Liability for payment of property-taxes to continue in the absence of any notice of transfer.— (*1*) Every person primarily liable for the payment of a property-tax on any premises who transfers his title to or over such premises without giving notice of such transfer to the Commissioner as aforesaid, shall in addition to any other liability which he incurs through such neglect, continue liable for the payment of all property-taxes from time to time payable in respect of the said premises until he gives such notice, or until the transfer shall have been recorded in the Commissioner's books.

(*2*) But nothing in this section shall be held to diminish the liability of the transfer 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. Notice to be given to Commissioner of erection of a new building, etc.— (*1*) When any new building is erected, [2][or occupied or re-occupied or when there is change of user of part or whole of the building;] 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, [3][or of the re-occupation, or of the change of user of part or whole of the building, as the case may be.]

[4]**[152A. Levy of penalty on unlawful building.—** (*1*) Whoever unlawfully constructs or reconstructs any building or part of a 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 and bye-laws made thereunder,

5[shall be liable to pay a penalty, at such rate as may be decided by the corporation, on such building], so long as it remains unlawful construction without prejudice to any proceedings which may be instituted against him in respect of such unlawful construction:

Provided that, every 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 existance:

6[Provided further that, the rates decided by the Corporation under this sub-section shall be deemed to have came into effect from the 1st April 2010, being the date of commencement of the Mumbai Municipal Corporation (Third Amendment) Act, 2006 (Mah. XI of 2009).]

1 Sub-section (*3*) was added by Mah. 11 of 2009, s. 12(*2*).

2 These words were substituted for the words "or when any building which has been vacant is re-occupied" by Mah. 11 of 2009, s. 13(*1*).

3 These words were substituted for the portion beginning with the words "as the case may be" and ending with the words "reoccupation thereof" by Mah. 11 of 2009, s. 13(*2*).

4 Section 152A was inserted by Mah. 11 of 2009, s. 14

5 These words were substitutal for the words ''shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building'' by Mah. 51 of 2017, s. 2.

6 This proviso was added by Mah. 53 of 2018, s. 2.

(*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 any such person.]

153. Notice to be given to Commissioner of demolition or removal of building.— (*1*) When any building or any portion of a building, which is liable to the payment of a property-tax, is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said tax shall give notice thereof in writing, to the Commissioner.

(*2*) Until such notice is given the person aforesaid shall continue liable to pay every such property-tax as he would have been liable to pay in respect of such building if the same, or any portion thereof, had not been demolished or removed.

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. Rateable value 2[or capital value] how to be determined.— (*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.

3[(*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 4Bombay Stamp Act, 1958, (Bom. LX of 1958) 5[as a base value] 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 6[taking into consideration the market value of such building or land, as a base value. The Commissioner while fixing the capital value as aforesaid, shall have regard to the following factors, namely:—]

(*a*) the nature and type of the lding,

(*b*) area of land or carpet area of building,

(*c*) user category, that is to say, (*i*) residential, (*ii*) commercial (shops 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 [7][assigned to various such factors and 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.]

1 This sub-section was added by Bom. 8 of 1918, s. 3.

2 These words were inserted by Mah. 11 of 2010, s. 15(*1*).

3 Sub-sections (*1A*), (*1B*) and (*1C*) were inserted by Mah. 11 of 2009, s. 15(*2*).

4 Now read as Maharashtra Stamp Act.

5 These words were inserted by Mah. 27 of 2010, s. 5(*1*)(*a*).

6 These words were substituted for the words "taking into consideration the market value of such building or land, as a base value; and also have regard to the following factors, namely:—" by Mah. 27 of 2010, s. 5(*1*)(*b*).

7 These words were substituted for the words "assigned to various such categories" by Mah. 27 of 2010, s. 5(*2*).

[1][(*1D*) (*a*) Notwithstanding anything contained in sub-section (*1C*),—

(*i*) due to the spread of COVID-19 pandemic, the capiptal value of any building or land fixed under sub-section (*1A*) shall not be revised in the year 2020-21 [2][, the year 2021-22 and the year 2022-23];

(*ii*) for the year 2020-21, the property tax bill for any building or land shall be the same as is for the year 2019-20 [3][, the year 2021-22 and the year 2022-23];

(*iii*) the capital value of any building or land fixed under sub-section (*1A*) shall be revised [4][in the year 2023-24], as if the clause (*i*) is not applicable for the year 2020-21.

[5][(*a-1*) Notwithstanding anything contained in sub-section (*1C*),—

(*i*) the capital value of any building or land fixed under sub-section (*1A*) shall not be revised in the year 2023-24;

(*ii*) for the year 2023-24, the property tax bill for any building or land shall be the same as was for the year 2022-23;

(*iii*) the capital value of any building or land fixed under sub-section (*1A*) shall be revised in the year 2024-2025, as if clause (*i*) is not applicable for the year 2023-24.]

(*b*) Subject to the proviso to sub-section (*1C*), the next revision shall be in the year 2020-21 [6][, the year 2021-22 and the year 2022-23], and, thereafter, the revision of capital value of any building or land shall be in accordance with the provisions of sub-section (*1C*).]

(*2*) The value of any machinery contained or situated in or upon any building or land shall not be included in the rateable value [7][or the capital value, as the case may be,] of such building or land.

[8][* * *]

[9]**[154A. Provisional fixation of capital value in certain cases.—** Notwithstanding anything

contained in section 154, the rateable value of any building or land or part thereof, for the official year 2009-2010, shall be the provisional capital value of such building and lands in respect of the [10][official years 2010-2011, 2011-2012 and 2012-2013], and such provisional capital value shall be deemed to be the capital value validly and legally fixed under the provisions of this Act, pending fixing the capital value thereof; and it shall be lawful for the Commissioner to treat it as such for the purposes of assessment book kept under the provisions of this Act, and the bill for property taxes issued under sub-section (*2*) of section 140A shall be deemed to have been validly and legally issued under the provisions of this Act.]

[11][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].

155. Commissioner may call for information or returns from owner or occupier or enter and inspect assessable premises.— (*1*) To enable him to determine the rateable value [12][or the capital value, as the case may be,] of any building or land and the person primarily liable for the payment of any

1 This sub-section was inserted by Mah. 32 of 2020, s. 2.
2 These words and figures were substituted for the words and figures "and the year 2021-22" by Mah. 1 of 2023, s. 2(*a*)(*i*).
3 These words and figures were substituted for the words and figures "and the year 2021-22" by Mah. 1 of 2023, s. 2(*a*)(*ii*).
4 These words and figures were substituted for the words and figures "in the year 2022-23" by Mah. 1 of 2023, s. 2(*a*)(*iii*).
5 This clause was inserted by Mah. 22 of 2024, s. 2.
6 These words and figures were substituted for the words and figures "and the year 2021-22" by Mah. 1 of 2023, s. 2(*b*).
7 These words were inserted by Mah. 11 of 2009, s. 15(*3*).
8 Sub-section (*3*) was deleted by Mah. 11 of 2010, s. 15(*4*).
9 Section 154A was substituted by Mah. 11 of 2011, s. 4.
10 These words and figures were substituted by Mah. 6 of 2012, s. 8(*i*).
11 This proviso was added by Mah. 6 of 2012, s. 8(*ii*).
12 These words were inserted by Mah. 11 of 2009, s. 16(*a*).

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 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

[1][(*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 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

156. Assessment book what to contain.—[2][The Commissioner shall keep a book, in such form and in such manner as he may, with the approval of the Standing Committee, [3][determine], and such book shall be called "the assessment book" in which shall be entered every official year].

(*a*) a list of all buildings and lands in [4][Brihan Mumbai] distinguishing each either by name or number, as he shall thinks fit;

(*b*) the rateable value [5][or the capital value, as the case may be,] 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;

[6][(*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 be;]

(*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 [7][or, the capital value, as the case may be] entered in any portion of the assessment-book, has expired, and in the case of any such entry which is complained against, when such complaint has been disposed of in accordance with the provisions hereinafter contained, the amount at 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;

[8][(*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. The assessment book to be made separately for each ward and in parts, if necessary.—(*1*) The assessment-book shall be made in separate books, called "ward assessment-books" one for each

1 Clause (*b*) was substituted by Mah. 11 of 2009, s. 16(*b*).

2 These words were substituted for the portion beginning with the words "The Commissioner" and ending with the words "every official year" by Mah. 11 of 2009, s. 17(*1*).

3 This word was substituted for the words "prescribed by rules" by Mah. 27 of 2010, s. 7.

4 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

5 These words were inserted by Mah. 11 of 2009, s. 17(*2*).

6 Clause (*d*) was substituted by Mah. 11 of 2009, s. 17(*3*).

7 These words were inserted by Mah. 11 of 2009, s. 17(*4*).

8 Clause (*f*) was substituted by Mah. 34 of 1973, s. 19.

of the wards into which [1][Brihan Mumbai] is for the time being divided [2][for the administrative purposes]; 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. Treatment of property which is let to two or more persons in separate occupancies.—(*1*) When any building or land is let to two or more persons holding in severaity 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. Person primarily liable for property-taxes how to be designated if his name cannot be ascertained.—(*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*) **Occupier liable for property taxes until he gives information.—** 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. Public notice to be given when valuation of property in any ward has been completed.— (*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.

(*2*) Such public notice shall be given by advertisement in the [4][*Official Gazette*] and in the local newspapers, and also by posting placards in conspicuous places throughout the ward [5][or by any other mode including electronic media as the Commissioner may think fit].

161. Assessment book to be open to inspection.— (*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 [6][by the Commissioner, with the approval of the Standing Committee].

162. Time for filing complaints against valuations to be publicly announced.— (*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 [7][twenty one days] from the publication of such notice, on or before which complaints

1 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

2 These words were substituted for the words and figures "under the provisions of section 24" by Mah. 11 of 2009, s. 18. 3 Sub-sections (*2*) and (*3*) were deleted by Mah. 10 of 1998, s. 91.

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

5 These words were inserted by Mah. 11 of 2009, s. 19.

6 These words were substituted for the words "Member-in-charge with the approval of the Mayor-in Council" by Mah. 27 of 1999, s. 77.

7 These words were substituted for the words "fifteen days" by Mah. 11 of 2009, s. 20(*1*)(*a*).

against the amount of any rateable value [1][or the capital value, as case may be,] entered in the ward assessment-book will be received in his office.

(*2*) **Special notice to be issued in certain cases.—** In every case in which any premises have for the first time been entered in the assessment-book as liable to the payment of [2][property taxes or in which rateable value, or capital value, as the case may be] 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 [3][twenty-one days] from the service of the special notice.

163. Time and manner of filing complaints against valuation.— (*1*) Every complaint against the amount of any rateable value [4][or the capital value, as the case may be,] 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.

164. Notice to complainants of day fixed for investigating their complaints.— 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.

165. Hearing of complaint.— (*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.

166. Authentication of ward assessment-book when all complaints have been disposed of.—(*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 [5][or the capital values, as the case may be,] entered in the said book.

(*2*) Thereupon the said ward assessment-book subject to such alterations as may thereafter be made therein under the provisions of the next following section, shall be accepted as conclusive evidence of the amount of each property-tax leviable on each building and land in the ward in the official year to which the book relates.

167. Assessment-book may be amended by Commissioner during official year.— (*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 reteable value [6][or, the capital value, as the case may be,] and of the assessment based thereupon, or by making of cancelling an entry exempting any premises from liability to any property-tax.

1 These words were inserted by Mah. 11 of 2009, s. 20(*1*)(*b*).

2 These words were substituted for the words "property taxes or in which rateable value" by Mah. 11 of 2009, s. 20(*2*)(*a*). 3 These words were substituted for the words "fifteen days" by Mah. 11 of 2009, s. 20(*2*)(*b*).

4 These words were inserted by Mah. 11 of 2009, s. 21.

5 These words were inserted by Mah. 11 of 2009, s. 22.

6 These words were inserted by Mah. 11 of 2009, s. 23.

(*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. New assessment-book need not be prepared every official year.— (*1*) It shall not be necessary to prepare a new assessment-book every official year. Subject to the provisions of sub-section (*3*), the Commissioner may adopt the entries in the last preceding year's book with such alterations as he thinks fit as the entries for each new year.

(*2*) But public notice shall be given, in accordance with sections 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 least once in every [1][five years].

[2][*Special provisions concerning the Water and Sewerage taxes and charges*]

169. Rules for water taxes and charges.— (*1*) Notwithstanding anything contained in section 128, the [3][Standing Committee] 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—

(*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 [4][or, the capital value, as the case may be,] 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*) of 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.

[5][(*3*) Notwithstanding anything contained in section 146, the water taxes and charges shall be primarily recoverable from person or persons actually occupying the premises.].

170. Rules for sewerage taxes and charges.— (*1*) Notwithstanding anything contained in section 128, the [6][Standing Committee] 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 [7][by the Committee] 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 [8][levied under section 140 of a percentage of the rateable value] [9][or the capital value, as the case may be] 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 dicharges from the premises; or

1 These words were substituted for the words "four years" by Mah. 27 of 2010, s. 8.

2 This heading and sections 169 to 172 were substituted by Mah. 34 of 1973, s. 20.

3 These words were substituted for the word "Corporation" by Mah. 27 of 1999, s. 78. 4 These words were inserted by Mah. 11 of 2009, s. 24.

5 Sub-section (*3*) was added by Mah. 21 of 1989, s. 29.

6 These words were substituted for the word "Corporation" by Mah. 27 of 1999, s. 79(*a*). 7 These words were inserted by Mah. 27 of 1999, s. 79(*b*).

8 These words were inserted by Mah. 11 of 2009, s. 25.

9 These words were inserted by Mah. 11 of 2009, s. 24.

(*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.

[1]**171.** [*Deleted*].

[2]**[172. Rules for water taxes and charges and sewerage taxes and charges and amendment thereof.—** (*1*) The provisions of sections 140A and 154A, as amended by the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2011 (Mah. XI of 2011), shall, *mutatis mutandis* apply, for the purposes of levy of water taxes and charges and sewerage taxes and charges [3][for the years 2010-2011, 2011-2012 and 2012-2013].

(*2*) The Standing Committee may, from time to time, add to, amend or rescind any rules made or deemed to be made by it under sections 169 and 170 (both inclusive), but such revision of rules shall, subject to the provisions of sub-section (*1*), come into force on the date appointed by the Committee for this purpose so however that such date shall not be earlier than the 1st April of the official year during which the decision to make such revisio ommittee:

Provided that, [4][the rules fixing the rates for the official years 2010-2011, 2011-2012 and 2012-2013 shall be effective from the first day of each respective official year.]

[5][(*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 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.]

173. Water-tax, [6][water charges,] [7][sewerage charges] paid by any person may be recovered by him from the occupier of premises for which it is paid.—(*1*) Any person who has paid to the Commissioner any [8][water-tax, or a sum on account of water charges or] [9][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.

(*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.

[10][**173A. Owner of premises entitled to recover water charges from occupiers of tenements.—** (*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:

1 Section 171 was deleted by Mah. 27 of 1999, s. 95.

2 Section 172 was substituted by Mah. 11 of 2011, s. 5.

3 These words and figures were substituted by Mah. 6 of 2012, s. 9(*a*).

4 These words and figures were substituted by Mah. 6 of 2012, s. 9(*b*).

5 This sub-section was added by Mah. 6 of 2012, s. 9(*c*).

6 These words were inserted by Bom. 62 of 1954, s. 4(*2*).

7 These words were substituted for the words "any halalkhor tax" by Mah. 51 of 1975, s. 9(*b*).

8 These words were substitued for the words "water tax or" by Bom. 62 of 1954, s. 4(*1*). 9 These words were substituted for the words "any halalkhor tax" by Mah. 51 of 1975, s. 9(*a*). 10 Sections 173A and 173B were inserted by Bom. 62 of 1954, s. 5.

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. Water charges paid by owners but not recovered from occupiers not to operate to diminish annual rent for purposes of section 154.— 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

173A, 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.]

[1][**173BA. Section 173B not to have effect.—** 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.]

[2][**173BB. Owner of premises entitled to recover sewerage charges from occupiers of tenements.—** 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:

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 sewerage 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.]

[3][**173C. Occupier of premises entitled to recover water taxes and charges from owner when he is not bound to pay but pays them to Commissioner.—** 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.]

174. Refund of [4][water tax and sewerage tax] when and to what extent obtainable.— 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

1 Section 173BA was inserted by Mah. 11 of 2009, s. 27.

2 Section 173BB was inserted by Mah. 34 of 1973, s. 21.

3 Section 173C was inserted by Mah. 51 of 1975, s. 10.

4 These words were substituted for the words "water and halalkhore taxes" by Mah. 51 of 1975, s. 22(*b*).

shall, subject to the provisions hereinafter contained, refund the amount of the water tax [1][and the sewerage tax], if any, paid for the number of days that such vacancy lasted.

175.[2][* * * * * * * *]

176. Refund not claimable unless notice of vacancy is given to Commissioner.— (*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 one half 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.

177. Refund of water tax inadmissible unless application for stopping water supply has been made.— 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.[3][* * * * * * * *]

179. Applications for refund when and how to be made.— 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 [4][accompanied by the original receipt of any valid proof a payment of the amount of the bill presented to the applicant under section 200] for the amount of the tax from which the refund is claimed.

180-191.[5][* * * * * * * *]

[6][Tax on Dogs]

[7]**[191A. Tax on Dogs.—** (*1*) A tax not exceeding [8][one hundred rupees] per annum shall be levied on every dog kept within [9][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.

(*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.

1 These words were substituted for the words "and halalkhore tax" by Mah. 34 of 1973, s. 22(*a*).

2 Section 175 was deleted by Mah. 10 of 1998, s. 97.

3 Section 178 was deleted by Mah. 10 of 1998, s. 97.

4 These words and figures were substituted for the words and figures "accompanied by the Bill presented to the applicant under section 200" by Mah. 11 of 2009, s. 28.

5 Sections 180 to 191 were deleted by Mah. 11 of 2002, s. 12.

6 This heading was substituted by Mah. 11 of 2002, s. 13.

7 Section 191A was substituted for the original by Mah. 51 of 1975, s. 11.

8 These words were substituted for the words "seven rupees" by Mah. 12 of 1993, s. 4.

9 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

(*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.

(*6*) The Commissioner shall maintain a register showing the names and addresses of the persons liable to pay the tax under this section.]

[1][2]**[191B. Licence and number ticket for dogs.—** (*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.]

[3]**[191BA. Control and other provisions as to dogs.—** (*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 days 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 reasons 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 determined by the Commissioner.

(*4*) If any dog detained under sub-section (*2*) or (*3*) is after examination found to be suffering from rabis, the Commissioner shall order it to be destroyed forthwith.

(*5*) No damage shall be payable in respect of any dog destroyed under this section.]

1 Sections 191B and 191BA were inserted by Bom. 2 of 1943, read with Bom. 8 of 1948, s. 2. 2 Section 191B was substituted for the original by Mah. 51 of 1975, s. 12.

3 Section 191BA was inserted by Mah. 51 of 1975, s. 13.

[1,2]**[191BB. Exemption of dogs kept by certain Consular Officers.—** Nothing contained in sections 191A and 191B 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.]

[3]**[191C. Protection of persons acting in good faith.—** 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 provision of [4][section 191B or section 191BA].

[5]**[191D. Certain sections not to apply.—** Nothing contained in [6][* * * * *] the second sentence of sub-section (*2*) of section 200 shall apply in respect of the tax leviable under section 191A].

[7][THEATRE TAX]

Tax on cinemas, theatres, circuses, carnivals and other performances or shows

191E. Theatre tax.— (*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.

(*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 [8][Schedule G] as the Corporation shall from year to year, in accordance with section 128, determine.

191F. Liability to pay theatre tax.— 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 :

Provided that the Commissioner may, subject to such terms and conditions as he may impose [9][* * *] 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.

191G. Register of persons liable to pay theatre tax.— 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.

1 Section 80 of Bom. 48 of 1950 read as follows :—

"**80. Amendment made by sections 64, 65, 67, 68 and 76 to have retrospective effect.—** (*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 from anything in good faith done or intended to be done in pursuance of any such order or action, as the case may be."

2 Section 191BB was inserted by Bom. 48 of 1950, s. 65.

3 Sections 191C and 191D were inserted by Bom. 2 of 1943, s. 3, read with Bom. 8 of 1948, s. 2.

4 This portion was substituted for the words, brackets and letter "sub-sections (*2*), (*3*) and (*5*) of section 191B" by Mah. 51 of 1975, s. 14.

5 Sections 191C and 191D were inserted by Bom. 2 of 1943, s. 3, read with Bom. 8 of 1948, s. 2.

6 The words and figures "sections 180 to 182,185 to 188, 189,190, 191, 198 and" were deleted by Mah. 11 of 2002, s. 14. 7 This heading and sections 191E to 191K were inserted by Bom. 48 of 1959, s. 66.

8 This word and letter was substituted for the words, letter and figure "Schedule G-1" by Mah. 11 of 2009, s. 29. 9 The words "with the sanction of the Member-in-charge" were deleted by Mah. 27 of 1999, s. 83.

191H. Returns by persons liable to pay theatre tax.— 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.

191I. Power of Inspection.— 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.

191J. Notice of demand.— (*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 movable property or attachment and sale of the immovable property of the defaulter as if the amount were a Property-Tax due by him.

191K. Rules governing theatre tax.— [1][The Commissioner may, with the previous approval of the Standing Committee] 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][* * *]

192-195-1B.[3][* * *]

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.

[4]**[195C. Accounts to be kept ; exercise by corporation of option to take over arbitration.—**

(*1*) [5][The [6][State] Government] shall keep a separate account of all moneys [7][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 [1][the [2][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 [3][the [4][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 [5][the [6][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.

(*3*) For the purpose of determining 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 [9][the [10][State] Government] from time to time sufficient moneys—

(*a*) to satisfy all interest on such loan as the same may become payable by [11][the [12][State] Government]; and

(*b*) to make up, after taking in , the amount which [13][the [14][State]

1 These words were substituted for the words "The Corporation may" by Mah. 27 of 1999, s. 84.

2 The heading "Octroi" was deleted by Mah. 42 of 2017, s. 6, *w.e.f.* 1st July 2017.

3 Sections 192, 193, 194, 194-1A, 194A, 195, 195-1A, and 195-1B were deleted by Mah. 42 of 2017, s. 7, *w.e.f.* 1st July 2017.

4 Section 195C was inserted by Bom. 20 of 1920, s. 2.

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 The 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.

Government]may be liable at the maturity of such loan.

(*4*) For the purpose of enabling the corporation to determine whether such right shall be exercised [15][the [16][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 [17][Chief Justice of Maharashtra] who shall be assisted by two assessors one to be nominated by [18][the [19][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 [20][the [21][Government]] in such lands and buildings shall vest in the corporation.

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.
3 The words "the Crown" were substituted for the word "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 Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
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7 The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
8 This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.
9 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
10 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
11 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
12 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
13 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
14 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
15 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
16 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
17 These words were substituted for the words "Chief Justice of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
18 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
19 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
20 The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
21 This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

[1]* * * * *

[2]**[195D. Definition of Loan.—** Loans raised and utilised for the purpose of repaying (whether directly or indirectly) loans raised and utilised [3][* * *] for provision of such tenements as are referred to in sub-section [4][(*1*) of section 195C] shall be deemed to be loans raised and utilised [5][* * *] for the provision of such tenements [6][* * * * * *]].

[7][*Education Cess*

195E. Levy of education cess.—[8][(*1*) For the purposes of clause (*a*) of section 61, the Corporation may, [9][* * *] levy within its area an additional tax on building and lands (hereinafter referred to as "the education cess"), of so many centum, [10][not exceeding twelve], of their rateable value, [11][or of so many per centum of their capital value, as the case may be, as the Corporation may 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 [12][or the capital value, as the case may be,] below such sum as the Corporation may d from the education cess.]

(*2*) [13][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 11.

[14]**[195F. Payment to be made to Corporation in lieu of education cess by State Government.—** (*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 [15][Brihan Mumbai] on account of the education cess, on a rateable values [16][or the capital values, as

1 Sub-sections (*7*) and (*8*) were repealed by Bom. 2 of 1934, s. 2.
2 Section 195D was inserted by Bom. 20 of 1920, s. 2.
3 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*).
4 These words, figures, letter and brackets were substituted for the original words, figures, letters and brackets "(*2*) of section 195B," by Mah. 2 of 1934, s. 4(*2*).
5 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*).
6 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*).
7 This heading and sections 195E and 195F were inserted by Bom. 48 of 1950, s. 69.
8 This sub-section was substituted for the original by Bom. 13 of 1958, s. 6(*1*).
9 The words "with previous sanction of the State Government" were deleted by Mah. 20 of 1995, s. 3(*a*).
10 These words were substituted for the words "not exceeding five" by Mah. 20 of 1995, s.3(*b*).
11 These words were substituted for the portion beginning with the words "as the Corporation" and ending with the words "graduated scale" by Mah. 11 of 2009, s. 30(*1*).
12 These words were inserted by Mah. 11 of 2009, s. 30(*2*).
13 This portion was substituted for the original by Bom. 13 of 1958, s. 6(*2*).
14 Section 195F was inserted by Bom. 6 of 1959, s. 4.
15 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
16 These words were inserted by Mah. 11 of 2009, s. 31(*1*).

the case may be,] of the same amount as that fixed under sub-section (*2*) [1][or sub-section(*2A*)]of section 144 in respect of the exempted buildings and lands.]

[2][*Street Tax*

195G. Street Tax.— (*1*) The Corporation may, for the purposes of clause (*m*) of section 61, levy within its area, an additional tax on buildings and lands (hereinafter referred to as "the street tax"), of so many *per centum*, not exceeding fifteen, of their, rateable value [3][or of so many *per centum* of their capital value, as the case may be,] as the [4][Standing Committee] may, from time to time determine:

Provided that,—

(*a*) all buildings and lands vesting in the Central Government,

(*b*) all other buildings and lands exempted from the general tax under section 143,

(*c*) all buildings and lands of a rateable value [5][or the capital value, as the case may be,] 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* al 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 street tax as if it were part of the general tax levied under this Act.]

Supplementary Taxation

196. Any tax imposable under this Act may be increased by way of imposing supplementary taxation.— 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 imposable under this Act is being levied [6][* * *] but every such increase or addition shall be made subject to the limitation and conditions on which any such tax is imposable.

Collection of Taxes

197. Property taxes payable half yearly in advance.— 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 [7][as specified in a bill served under section 200].

[8]**198.** [*Deleted*]

[9]**199.** [*Deleted*]

1 These words, brackets, figure and letter were inserted by Mah. 11 of 2009, s. 31(*2*).
2 This heading and section 195G was inserted by Mah. 33 of 1989, s. 10.
3 These words were inserted by Mah. 11 of 2009, s. 32(*1*).
4 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 89.
5 These words were inserted by Mah. 11 of 2009, s. 32(*2*).
6 The words "or by adding to the number of articles on which octroi is being levied" were deleted by Mah. 42 of 2017, s. 8, *w.e.f.* 1st July 2017.
7 These words and figures were added by Mah. 11 of 2009, s. 33.
8 Section 198 was deleted by Mah. 11 of 2002, s. 15.
9 Section 199 was deleted by Mah. 42 of 2017, s. 9, *w.e.f.* 1st July 2017.

200. [1][Service] of bills for certain taxes.— (*1*) When any property tax [2][* * *] or [3][* *] installment of any such tax, or 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, [5][dog] in respect of which, the tax is charged and shall also give notice of the time within which appeal may be preferred, as hereinafter provided against such tax [6][* * *].

[7][**200A. Rebate in respect of advance payment of tax.—** Notwithstanding anything contained in this Act, the Corporation may, by general or special order give such rebate in the payment of property tax, as the Corporation may, from time to time decide, to any person, primarily liable for payment of the property tax, who pays such tax, before the date specified in the Bill for the purpose or, pays such tax for the entire year in advance, and different rates of rebate may be specified for different classes of user of the property.]

201. When one bill may be [8][served] for several claims.— (*1*) All the sums due for each half-year for all or any of the [9][* * *] 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 said notice:

[10][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.]

[11][**202. Levy of penalty on unpaid amount of bill.—** 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 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:

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 (Mah. XI of 2009) 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 penalty as provided under this section, on and from the date when the penalty could be levied but is not so levied.]

1 This word was substituted for the word "Presentation" by Bom. 20 of 1952, s. 7(*2*).

2 The words "or tax on vehicles and animals other than vehicles and animals referred to in sub-sections (*2*) and (*3*) of section 198" were deleted by Mah. 11 of 2002, s. 16(*a*)(*i*).

3 The word "any" was deleted by Mah. 11 of 2002, s. 16(*a*)(*ii*).

4 This word was substituted for the words "presented to" by Bom. 20 of 1952, s. 7(*i*)(*b*).

5 This word was substituted for the words "vehicle or animal" by Mah. 11 of 2002, s. 16(*b*)(*i*).

6 The words "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 section 188 to 191" were deleted by Mah. 11 of 2002, s. 16(*b*)(*ii*).

7 Section 200A was inserted by Mah. 7 of 2009, s. 3.

8 This word was substituted for the word "presented" by Bom. 20 of 1952, s. 8.

9 The word "three" was deleted by Mah. 11 of 2009, s. 34.

10 The proviso was added by Bom. 2 of 1911, s. 9.

11 Section 202 was substituted by Mah. 11 of 2009, s. 35.

203. [1]**[Distress and attachment.]—**[2][(*1*)] If the person liable for the payment of the [3][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], 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 [4][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 chattels found on the said premises [5][* * * *].

[6][(*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.]

[7][(*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 benefits from such transfer or charge, and declaring that such property will be sold unless the amount of [8][tax due, penalty or interest or both, if any, due and payable together] with all costs of recovery is paid into the municipal office within [9][twenty-one days].

[10][(*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.]

(*5*) Any transfer of or charge on th terest therein made without the

written permission of the Commissioner shall be void as against all claims of the Corporation enforceable under the attachment.]

204. Goods of defaulter may be distrained wherever found.— The goods and chattels of any person liable for the payment of any tax [11][* * * *] for levy of which a warrant has been issued as aforesaid may be distrained wherever the same may be found.

205. Inventory and notice of distress and sale.— 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 [12][* * * *] which he seizes under such warrant, and shall at the same time give a written notice in the form of Schedule K [13][or in a similar form] to the person in possession thereof at the time of seizure that the said goods and chattles [14][* * * *] will be sold as therein mentioned.

[15]**[206. Sale.—** (*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

1 These words were substituted for the word "Distress" by Bom. 64 of 1953, s. 6(*3*).

2 Section 203 was numbered as sub-section (*1*) of section 203 by Bom. 8 of 1918, s. 4.

3 This portion was substituted for the portion beginning with the words "the said tax" and ending with the words "satisfaction of the Commissioner" by Mah. 11 of 2009, s. 36(*1*)(*a*).

4 These words were inserted by Bom. 64 of 1953, s. 6(*1*).

5 The words "or if the tax be due in respect of any vehicle or animal, by distress and sale of such vehicle or animal in whatsoever's ownership, possession or control, as the case may be" were deleted by Mah. 11 of 2002, s. 17.

6 Sub-section (*2*) was substituted by Mah. 11 of 2009, s. 36(*2*).

7 Sub-sections (*3*) to (*5*) were inserted by Bom. 64 of 1953, s. 6(*2*).

8 These words were substituted for the words "tax due" by Mah. 11 of 2009, s. 36(*3*)(*b*).

9 These words were substituted for the figures and words "15 days" by Mah. 11 of 2009, s. 36(*3*)(*b*).

10 Sub-section (*4*) was substituted by Mah. 11 of 2009, s. 36(*4*).

11 The words "or the vehicles or animals in respect of which tax is due" were deleted by Mah. 11 of 2002, s. 18.

12 The words "and vehicle, animal" were deleted by Mah. 11 of 2002, s. 19.

13 These words were inserted by Bom. 8 of 1942 read with Bom. 8 of 1948, s. 3.

14 The words "and vehicles or animals" were deleted by Mah. 11 of 2009, s. 37.

15 This section was substituted for the original by Bom. 64 of 1953, s. 7.

distrained, to the effect that it will be sold at once, and shall sell it accordingly unless the sum due and all costs 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 [1][, or by auction inviting sealed bids] 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 Commissioner in this behalf with the approval of the Standing Committee.]

(*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 Improvements Committee] is obtained whether generally or for any particular property.

(*8*) Subject to sub-section (*7*), on 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.]

[4]**[207. Fees for warrants, distraints and attachments and maintenance of animals seized.—**(*1*) For every warrant issued and distraint or attachment made under this Act, a fee shall be charged at such rates, as [5][the Standing Committee] 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 [6][the Standing Committee] may, from time to time, specify.

(*3*) In addition to the fees chargeable under sub-section (*1*) or (*2*), when peons are kept incharge of the distrained property, a fee of [7][rupees fifty] per day, for each peon employed shall be charged.

(*4*) All fees charged under this section shall be include in the costs of recovery.

207A. [Penalty]. *Deleted by Mah. 11 of 2009, s. 39.*

1 These words were inserted by Mah. 11 of 2009, s. 38.

2 These words, were substituted for the words "made by the Mayor-in-Council" by Mah. 27 of 1999, s. 90(*a*). 3 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 90(*b*).

4 Section 207 was substituted for the original by Mah. 42 of 1976, s. 8.

5 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 91.

6 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 91.

7 These words were substituted for the words "rupees ten" by Mah. 10 of 1998, s. 109(*b*).

208. Fees for cost of recovery [1][and penalty may be remitted].— The [2][Commissioner may, in his discretion, remit the whole or any part [3][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)].

208A.[4][Seizure of vehicles and animals if tax on vehicles and animals not paid and number plate not obtained]. *Deleted by Mah. 11 of 2002, s. 20.*

209. When occupiers may be held liable for payment of property taxes.— (*1*) If the sum due on account of any property-tax remains unpaid after a bill for the same has been duly [5][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 [6][serve a bill for the amount on] the occupier of the said premises, or, if there are two or more occupiers thereof may [7][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.

[8][(*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 provision 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*) If the occupier or any of the occupiers fails within [9][thirty days] from the [10][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 [11][*****] which is due on account of any period for which the occupier not in occupation of the premises on which the tax is assessed.

(*4*) If any sum is paid by or credit therefor in account with the person primarily liable for the payment of the same.

[12][209A. When tenant-members may be held liable for payment of property- taxes due from co-operative housing societies.— (*1*) Notwithstanding anything contained in the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961) 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 [13][or the amount of tax based on capital value, as the case may be,] under section

1 These words were inserted by Bom. 64 of 1953, s. 10(*1*).

2 These words were substituted for the words "The Commissioner may, subject to general guidelines, if any, issued by the Mayor- in-Council" by Mah. 27 of 1999, s. 92.

3 This portion was substituted for the portion beginning with the words "of any fee" and ending with the word, figures and letter "section 207A" by Mah. 11 of 2009, s. 40.

4 These words were inserted by Bom. 64 of 1953, s. 10(*1*).

5 These words were substituted for the words "presented to" by Bom. 20 of 1952, s. 11(*1*).

6 These words were substituted for the words "present a bill for the amount to" by Bom. 20 of 1952.

7 These words were substituted for the words "present a bill to" by Bom. 20 of 1952.

8 Sub-section (*1A*) was inserted by Mah. 11 of 2009, s. 41(*1*).

9 These words were substituted for the words "fifteen days" by Mah. 11 of 2009. s. 41(*2*).

10 This word was substituted for the word "presentation" by Bom. 20 of 1952, s.11(*2*).

11 The words "which has remained due for more than one year, or" were deleted by Mah. 11 of 2009, s. 41(*3*).

12 Section 209A was inserted by Mah. 63 of 1975, s. 4.

13 These words were inserted by Mah. 11 of 2009, s. 42(*1*)(*a*).

154 in respect of his tenement bears to the aggregate amount of estimated rent [1][or the amount of tax based on capital value, as the case may be,] for the whole property.

(*2*) If the tenant-member fails within [2][thirty 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.]

[3][209B. When joint owners of property may be held liable severally for payment of property tax due from them.— (*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 [4][or the capital value, as the case may be,] 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 [5][thirty 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.

(*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. Summary proceedings may be taken against persons about to leave [6][Brihan Mumbai].— (*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 [7][* * * * * *] [8][or theatre tax] [9][* * *] is about forthwith to remove from [10][Brihan Mumbai] the Commissioner may direct the immediate payment by such person of the sum so due [11][* * *] by him and cause a bill for the same to be [12][served on] him.

(*2*) If, on [13][service] of such bill, the said person do not forthwith pay the sum due [14][* * * *] by him, the amount shall be leviable by distress and sale in the manner herein before prescribed [15][* * * * * * * * * *] and the Commissioner's warrant for distress and sale may be issued and executed without any delay.

211. Defaulters may be sued for arrears, if necessary.— Instead of proceeding against a defaulter by distress and sale as herein before 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 [16][* * * * * * *] may be recovered from him by a suit in any court of competent jurisdiction.

1 These words were inserted, by Mah. 11 of 2009, s. 42(*1*)(*b*).

2 These words were substituted for the words "fifteen days" by Mah. 11 of 2009, s. 42(*2*).

3 Section 209B was inserted by Mah. 10 of 1998, s. 111.

4 These words were inserted by Mah. 11 of 2009, s. 43(*1*).

5 These words were substituted for the words "fifteen days", by Mah. 11 of 2009, s. 43(*2*).

6 These words substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

7 The words "or tax on vehicles and animals" were deleted by Mah. 11 of 2002, s. 21 and 22.

8 These words were inserted by Bom. 30 of 1951, s. 4.

9 Words deleted by s. 16 of Bom. 8 of 1942, read with Bom. 8 of 1948, s. 3 are omitted.

10 These words substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

11 Words deleted by s. 16 of Bom. 8 of 1942, read with Bom. 8 of 1948, s. 3 are omitted.

12 These words were substituted for the words "presented to" by Bom. 20 of 1952, s. 12(*1*).

13 This word was substituted for the word "presentation" by Bom. 20 of 1952, 12(*2*).

14 Words deleted by s. 16 of Bom. 8 of 1942, read with Bom. 8 of 1948, s. 3 are omitted.

15 The words "except that it shall not be necessary to serve upon the defaulter any notice of demand," were deleted by Mah. 11 of 2009, s. 44.

16 The words "or of the tax on vehicles and animals" were deleted by Mah. 11 of 2002, s. 21 and 22.

212. Property taxes to be a first charge on premises on which they are assessed.— Property-tax 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 [1][the [2][State] Government thereupon be a first charge [3][in the case of any building or land held] immediately from the [4][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.

[5][* * *]

214. [*Repealed by Bom. VII of 1921*].

215. [*Power of person authorised to collect and refund town duties.*] *Deleted by Mah. 32 of 1964, s. 17.*

216. Writing-off of irrecoverable taxes.— The Commissioner may, with 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.

[6][216A. Special provision for facility for payment of property taxes.— 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.]

[7][**216A. Power of Corporation to grant rebate for payment of arrears of tax.—**Notwithstanding anything contained in section 216 or any other provisions of this Act, the Corporation may, grant such rebate, as may be approved by the State Government, to any person or class of persons, primarily liable for payment of property tax, who pays the amount of arrears of the property tax, as per the Schedule of payment fixed by the Corporation.]

[8][**216B. Power to assess in cases of escape from assessment.—** Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or fees leviable under this Chapter has escaped assessment in any year, the Commissioner may, at anytime within six years from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax or fee due and demanding payment thereon within 15 days from the date of such service; and the provisions of this Act and the rules made thereunder shall, so far as may be, apply as if assessment was made in the year to which the tax or fee relates.]

Appeals against Valuations and Taxes

[9][**217. Appeals when and to whom to lie.—** (*1*) Subject to the provisions hereinafter contained, appeals against any rateable value [10][or the capital value, as the case may be,] or tax fixed or charged under this Act shall be heard and determined; by the Chief Judge of the Small Cause Court.

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 Bom. 1 of 1942, s. 2, read with Bom. 8 of 1948, s. 2.

4 This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

5 Section 213 was deleted by Mah. 42 of 2017, s. 10, *w.e.f.* 1st July 2017.

6 This section was inserted by Mah. 11 of 2009, s. 45.

7 This section was inserted by Mah. 7 of 2009, s. 4.

8 Section 216B was inserted by Mah. 11 of 2011, s. 6.

9 As to reference by the Chief Judge of the Court of Small Causes to High Court or on the hearing of an appeal under section 217, *see* Act 12 of 1888, s. 2.

10 These words were inserted by Mah. 11 of 2009, s. 46(*1*).

(*2*) But no such appeal by the Chief Judge of the Small Cause Court, [1][shall be entertained] by the said Chief Judge, unless—

(*a*) it is brought within [2][twenty-one days] after the accrual of the cause of complaint;

(*b*) in the case of an appeal against a rateable value [3][or the capital value, as the case may be,] 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 [4][twenty-one 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 [5][or the capital value, as the case may be] [6][the amount of the disputed tax claimed the appellant, or the amount of the tax chargeable on the basis of the disputed rateable value [7][or the capital value, as the case may be] upto the date of filing of the appeal, has been deposited by the appellant with the Commissioner [8][and such appeal is accompanied by a receipt of the full amount of tax to which appeal relates]].

[9][(*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 dismissed.]

[10][(*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 (Mah. LXIII of 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 filling 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 appellant a notice under sections 484 and 485 and other relevant provisions of this Act, for intimating the amount to be deposited by the appellant with him.

(*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.

11[(*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 bill, which may have been issued, from time to time, since the filling 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

1 These words were subsuited for the words "shall be heard" by Mah. 63 of 1975, s. 5(*a*)(*i*).
2 These words were substituted for the words "fifteen days" by Mah. 11 of 2009, s. 46(*2*)(*a*).
3 These words were inserted by Mah. 11 of 2009, s. 46(*2*)(*b*).
4 These words were substituted for the words "fifteen days" by Mah. 11 of 2009, s. 46(*2*)(*c*).
5 These words were inserted by Mah. 11 of 2009, s. 46(*2*)(*d*)(*i*).
6 This portion was substituted for the portion begining with the words "after a bill" and ending with the words "with the Commissioner" by Mah. 63 of 1975, s. 5(*a*)(*ii*).
7 These words were inserted by Mah. 11 of 2009, s. 46(*2*)(*d*)(*i*).
8 These words were inserted by Mah. 11 of 2009, s. 46(*2*)(*d*)(*ii*).
9 Sub-section (*2A*) was inserted by Mah. 11 of 2009, s. 46(*3*).
10 Sub-sections (*3*), (*4*) and (*5*) were inserted by Mah. 63 of 1975, s. 5(*b*).
11 Sub-section (*5*) was substituted by Mah. 10 of 1998, s. 113.

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 applicant and the amount of the property tax deposited with the Corporation is more than the property tax payable him, the Commissioner shall adjust the excess amount of the property tax with interest at 6.25 *per centum per annum* for the date on which the amount is deposited with the Corporation towards the property taxes payable thereafter.]]

218. Cause of complaint when to be deemed to have accrued.— 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 1[or the capital value, as the case may be,] on the date when the complaint made to the Commissioner under section 163 against such value is disposited 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 thereof is 2[served].

3**[218A. Arbitration.—** Where in any appeal under section 217 all the parties interested agree that any matter in difference between them tion, 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 (26 of 1996)] relating to arbitration in suits shall, so far as they can be made applicable, apply to such applicant and the proceeding 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.]

[5][**218B. Appointment of expert valuer.—** 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 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.]

[6][**218BA. Section 218B not to have effect.—** 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.]

1 These words were inserted by Mah. 11 of 2009, s. 47.

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.

5 Sections 218A, 218B, 218C, 218D and 218E were inserted by Bom. 76 of 1948, s. 23.

6 Section 218BA was inserted by Mah. 11 of 2009, s. 48.

[1][**218C. Reference to High Court.—** (*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 provision of rules 2 to 5, both inclusive, of Order XLVI in the First Schedule to the Code of Civil Procedure, 1908 (V of 1908), shall, so far as they can be made applicable apply to the said Chief Judge and to the High Court, respectively.]

[2][**218D. Appeals.—** (*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 [3][or the capital value, as the case may be,] 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 (V of 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 made by himself:

Provided that, no such appeal shall be heard by the High Court unless it is filed within one month from the date of the decision of the Chie

[4][**218E. Cost of proceedings in appeal.—** The costs of all proceedings in appeal under section 217 before the Chief Judge of 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 thereof shall, if necessary, be recoverable as if the same were due under a decree of the Small Cause Court.]

219. Unappealed values and taxes and decision to appeal to be final.— (*1*) Every reteable value [5][or the capital value, as the case may be,] 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 [6][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.

[7][**219A. Assessment subject to valuation or revision by Municipal Property Tax Board.—** (*1*) Notwithstanding anything contained in sections 217, 218, 218A, 218B, 218BA, 218C, 218D, 218E and 219, every rateable value or the capital value, as the case may be, shall be subject to the valuation or revision by the Maharashtra Municipal Property Tax Board established under section 3 of the

1 Sections 218A, 218B, 218C, 218D and 218E were inserted by Bom. 76 of 1948, s. 23.

2 Sections 218A, 218B, 218C, 218D and 218E were inserted by Bom. 76 of 1948, s. 23.

3 These words were substituted for the words "in excess of two thousand rupees" by Mah. 11 of 2009, s. 49. 4 Sections 218A, 218B, 218C, 218D and 218E were inserted by Bom. 76 of 1948, s. 23.

5 These words were inserted by Mah. 11 of 2009, s. 49.

6 This portion was inserted by Bom. 76 of 1948, s. 24.

7 This section was inserted by Mah. 14 of 2011, Schedule Para I.

Maharashtra Municipal Property Tax Board Act, 2011 (Mah. XIV of 2011) (hereinafter referred to as "the Municipal Property Tax Board").

(*2*) Notwithstanding anything contained in this Act, no appeal against rateable value or the capital value, as the case may be, or tax fixed or charged under this Act shall lie to the Chief Judge of the Small Causes Court, when the subject matter of such rateable value, or the capital value or tax fixed or charged under this Act is under consideration of the Municipal Property Tax Board and where any such appeal is already preferred or reference under section 218C is already made, the same shall, upon proceedings being initiated by the Board, stand transferred to and be dealt with by the Municipal Property Tax Board.]

[1][2][**219AB]. Certain provisions to have overriding effect.—** The provisions of sections 128, 140A, 154A, 156 and 168, as amended by the Maharashtra Municipal Corporations and Municipal Councils (Third Amendment) Act, 2010 (Mah. XXVII of 2010) [3][the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Act, 2011 (Mah. XI of 2011) or the Mumbai Municipal Corporation and the Maharashtra (Urban Areas) Protection and Preservation of Trees (Amendment) Act, 2012 (Mah. VI of 2012), as the case may be], shall have effect notwithstanding anything inconsistent contained in Chapter VIII or in any other provisions of this Act, or in any judgment, decree or order of any court.]

CHAPTER IX

DRAINS AND DRAINAGE WORKS

Municipal Drains

220. Municipal drains to be under the control of the Commissioner.— All drains [4][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.

[5][220A. **Vesting of water courses.—** (*1*) Any natural water-course heretofore belonging to [6][Government] by which rain water or drainage of any kind is carried, may, on application to [7][the [8][State] Government] made by the Commissioner with the previous approval of the [9][Standing Committee] be vested in the corporation, Provided that—

(*a*) it shall be in the discretion of [10][the [11][State] Government] in each case to determine whether a particular water-course so applied for shall be so vested, and

(*b*) a resolution of [12][the [13][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. Drains to be constructed and kept in repair by the Commissioner.—[14][(*1*) The commissioner shall maintain and keep in repair all municipal drains and, when authorised by the

1 This section was inserted by Mah. 27 of 2010, s. 9.
2 This section was re-numbered by Mah. 6 of 2012, s. 10.
3 These words, brackets and figures were substituted by Mah. 6 of 2012, s. 10.
4 These words were inserted by Bom. 5 of 1905, s. 10.
5 Section 220A was added by Bom. 5 of 1905, s. 11.
6 This word was substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.
7 The words "Provincial Government" were substituted for the word "Government" 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 These words were substituted for the words "Mayor-in-council" by Mah. 27 of 1999, s. 94.
10 The words "Provincial Government" were substituted for the word "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 The words "Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
13 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
14 Section 221 was re-numbered as section 221, sub-section (*1*), by Bom. 5 of 1905, s. 12(*1*).

corporation in this behalf, shall construct such new drains as shall from time to time be necessary for effectually draining [1][Brihan Mumbai.]

[2][(*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.]

222. Powers for making drains.— (*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 [3][Brihan Mumbai], or, for the purpose of out fall or distribution of sewage without [4][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 alter any municipal drain so constructed.

(*3*) In the exercise of any power under this section, as little damage as can be, shall be done, and compensation shall be paid by the Commissioner to any person who sustains damage by the exercise of such power.

223. Buildings, etc., not to be erected without permission over drains.— (*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 [5][Standing Committee], remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

224. Alteration and discontinuance of drains.— (*1*) The Commissioner may enlarge, arch over or otherwise improve any Municipal drain, and may discontinue, close up or destroy any such drain which has, in his opinion, become useless or unnecessary.

(*2*) Provided that the discontinuance, closing up or destruction of any drain shall be so done as to create the least practicable nuisance or inconvenience to any person and, 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.

225. Cleansing drains.— (*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.

[6]**[226. Powers of Commissioner to dig, construct and maintain tunnels below any land and to undertake related works for carrying sewage or storm water.—** (*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.

1 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 2 Sub-section (*2*) was inserted by Bom. 5 of 1905, s. 12(*2*).

3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

4 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 5 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 95.

6 Sections 226 and 226A which were repealed by Bom. 5 of 1905, were inserted by Mah. 37 of 1987, s. 7.

(*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, Gujrati 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 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 sections 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. Provision for payment of amount for any damage sustained by reason of powers to construct tunnels, etc., under last preceding section.— (*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.

(*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].

Drains of & Private Streets and Drainage of Premises

227. Power to connect drains of private streets with municipal drains.— 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][Standing Committee] 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.

228. Power of owners and occupiers of premises to drain into municipal drains.— 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 superintendence under which [3][connections with municipal drains or other places aforesaid] are to be made.

229. Connections with municipal drains not to be made except in conformity with section 227 or 228.— 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 [4][or the place legally set apart for the discharge of drainage]; and the Commissioner may [5][* * *] 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 of offending.

[6][**229A. Buildings etc., not to be erected without permission over any drains.—** (*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 [7][* * *] remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.]

230. Right of owners and occupiers of premises to carry drains through land belonging to other persons.— (*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 [8][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 standing any objection may, with the approval of the [9][Standing Committed] if no objection is raised, or if any objection which is raised appears to him invalid or in sufficient, 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.

1 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 96.
2 These words were inserted by Bom. 5 of 1905, s. 14(*1*).
3 These words were substituted for the original words by Bom. 5 of 1905, s. 15.
4 These words were inserted by Bom. 5 of 1905, s. 14(*1*).
5 The words "with the approval of the Standing Committee" were deleted by Mah. 21 of 1989, s. 30.
6 This section was inserted by Bom. 8 of 1918, s. 5.
7 The words "apply for the approval of the Standing Committee and may with their approval" were deleted by Mah. 21 of 1989, s. 31.
8 These words were inserted by Bom. 5 of 1905, s. 14(*1*).
9 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 97(*a*).

(*2*) Every such order, bearing the signature of the Commissioner, shall be a complete authority to the person, in whose favor 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 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 [1][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 his own cost and with the least practicable delay, the ground or portion of any building or other construction, opened, broken up or removed for the purpose of executing the said work;

(*c*) pay compensation to any person who sustains damage by the execution of the said work.

(*5*) If the owner of any land, into, through or under which a drain has been carried under this section whilst such land was unbuilt upon, shall, at any time afterwards, desire to erect a building on such land, the Commissioner shall, with approval of the [2][Standing Committee] by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove or divert the same in such manner as shall be approved by the [3][said Committee] 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 [4][Standing Committee], 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.

[5][**230A. Owner of land to allow others to carry drains through the land.—** 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.]

231. Commissioner may enforce drainage of undrained premises situate within a hundred feet of a municipal drain.— Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage and a municipal drain of 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 [6][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:

[7][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 [8][the Standing Committee];

1 These words were substituted for the original words by Bom. 5 of 1905, s. 16.

2 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 97(*a*). 3 These words were substituted for the words "said Member-in-charge" by Mah. 27 of 1999, s. 97(*b*).

4 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 97(*a*). 5 This section was inserted by Bom. 8 of 1898, s. 6.

6 These words were inserted by Bom. 5 of 1905, s. 17(*b*).

7 This proviso was added by Bom. 5 of 1905, s. 17(*d*).

8 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 98.

(*b*) to provide and set up all 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.

232. Commissioner may enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.— (*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—

[1][(*a*) to construct a drain up to a point to prescribe 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.]

[2][(*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.]

[3]**[232A. Power of Commissioner to drain premises in combination.—** (*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 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 [4][the Standing Committee] 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 [5][the Standing Committee] may think fit.

(*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, cleaned and emptied by the Commissioner at the charge of the Municipal fund.]

233. Commissioner may close or limit the use of existing private drains.— (*1*) Where a drain connecting any premises with a municipal drain [6][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 [7][Brihan Mumbai] or the part of [8][Brihan Mumbai] in which such drain is situated], the Commissioner, with the approval of [9][the Standing Committee], may—

1 These words were substituted for the original words by Bom. 5 of 1905, s. 18(*a*).

2 Sub-section (*2*) was substituted for the orginal sub-section by Bom. 5 of 1905, 18(*b*).

3 Section 232A was inserted by Bom. 5 of 1905, s. 19.

4 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 99.

5 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 99. 6 These words were inserted by Bom. 5 of 1905, s. 14(*1*).

7 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 8 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

9 These words were substituted for the words "the Member-in-charge" by Mah. 27 of 1999, s. 100.

(*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;

[1][(*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 he closed, discontinued or destroyed by the Commissioner under clause (*a*), except on condition of his providing another drain-as effectual [2][or 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.

[3]**[233A. Vesting and maintenance of drains for sole use of properties.—** Subject to the provisions of sub-section (*2*) of section 221 every drain which has been constructed. [4][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 [5][or group of premises] shall—

(*a*) notwithstanding anything contained in section 242, vest in the owner of such premises [6][or group of premises] on and from the thirtieth day of September 1905; and

[7][(*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.]

234. New building not to be erected without drains.— (*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 feel from [8][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.

235. Excrementitious matter not to be passed into cesspool.— No person shall, except with the permission of the Commissioner, pass or cause or permit to be passed any excrementitious matter into

1 This clause was substituted for the original clause (*b*) by Bom. 5 of 1905, s. 20(*d*). 2 These words were inserted by Bom. 5 of 1905, s. 14(*2*).

3 Section 233A was inserted by Bom. 5 of 1905, s. 21.

4 The word "laid" was inserted by Bom. 7 of 1918, s. 7(*a*).

5 These words were inserted by Bom. 7 of 1918, s. 7(*d*).

6 These words were inserted by Bom. 7 of 1918, s. 7(*e*).

7 This clause was substituted for the original clause (*b*) by Bom. 8 of 1918, s. 7(*d*).

8 These words were substituted for the original words by Bom. 5 of 1905, s. 22.

any cesspool made or used under section 232 or section 234, or into any drain communicating with any such cesspool.

236. Obligation of owners of drains to allow use thereof or joint ownership therein to others.— Every owner of a drain connected with a municipal drain [1][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.

237. How right of use or joint ownership of a drain may be obtained by a person other than the owner.— 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.

238. Commissioner may authorise person other than the owner of drain to use the same or declare him to be joint owner thereof.— (*1*) [2][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 approval of [3][the Standing Committee] if no objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing either authorise the [4][said owner or occupier] to use the drain or declare him to be joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the [5][said premises] with the [6][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 restriction and liabilities which are specified in sub-section (*4*) of section 230.

239. Sewage and rain-water drains to be distinct.— 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 shall be one-drain for sullage, excrementitious matter and polluted water and another an 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 [7][or other places legally set apart, for the drainage] or other suitable places.

1 These words were inserted by Bom. 5 of 1905, s. 14(*1*).

2 These words were substituted for the original words by Bom. 5 of 1905, s. 23(*a*).

3 These words were substituted for the words by "the Member-in-charge" by Mah. 27 of 1999, s. 101. 4 These words were substituted for the original words by Bom. 5 of 1905, s. 23(*b*)(*i*).

5 These words were substituted for the original words by Bom. 5 of 1905, s. 23(*b*)(*i*).

6 These words were substituted for the original words by Bom. 5 of 1905, s. 23(*b*)(*ii*).

7 These words were inserted, *ibid*., 14(*1*).

240. Drains not to pass beneath building.— Except with the written permission of the Commissioner, and in conformity with such conditions as shall be prescribed by [1][the Standing Committee], either generally or specially in this behalf no drain shall be so constructed as to pass beneath any part of a building.

[2]**[241. Position of cesspools.—** 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].

242. Right of Corporation to drains, etc., constructed, etc. at charge of municipal fund on premises not belonging to the corporation.— 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 [3][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.

243. All drains and cesspools to be properly covered and ventilated.— (*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.

244. Affixing of pipes for ventilation of drains, etc.— (*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 [4][and cut through any projection from any building (including the leaves 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 [5][fifteen] feet higher than any sky-light or window situated within a distance of [6][forty] feet therefrom;

(*b*) if the same be affixed to a wall supporting the leave of a roof, be carried atleast five feet higher than such leave;

(*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 (*d*), the owner of the premises, building or tree, upon or to which the same has been erected or affixed, may apply to the Chief Judge of the Small Cause Court; and the said Chief Judge may, after such inquiry as he thinks fit to make,

1 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 102.

2 Section 241 was substituted for the original section by Bom. 5 of 1905, s. 2.

3 These words were substituted for the original words by Bom. 5 of 1905, s. 25. 4 These words were added by Bom. 5 of 1905, s. 26(*a*).

5 The word "fifteen" was substituted for the word "ten" by Bom. 5 of 1905, s. 26(*b*). 6 The word "forty" was substituted for the word "twenty" by Bom. 5 of 1905, s. 26(*c*).

direct the Commissioner to remove the shaft or pipe and it shall be incumbent on the Commissioner to obey such order.

[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. Appointment of place for emptying of drains and disposal of sewage.— 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 [3][Brihan Mumbai], and in any manner, which he shall deem suitable for such purpose:

Provided that—

(*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 in such manner as to create the least practicable nuisance;

(*c*) no municipal drain shall be made to empty into any place, and no sewage shall be disposed of at any place or in any manner which [4][the [5][State] Government] shall think fit to disallow.

246. Provision of means for disposal sewage.— (*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—

(*a*) construct any work within or without [6][Brihan Mumbai];

(*b*) purchase or take on lease any land, building, engine, material or apparatus either within or without [7][Brihan Mumbai];

(*c*) enter into an arrangement with any person for any period not exceeding twenty years, for the removal or disposal of sewage [8][within or without [9][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.

[10]**[246A. Construction of water closets and privies.—** (*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.

(*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.

1 Sub-section (*4*) of section 244 was added by Bom. 5 to 1905, s. 26(*c*).

2 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

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

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

6 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

7 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

8 These words were added by Bom. 5 of 1905, s. 27.

9 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

10 Sections 246A, 247, 248 were substituted for section 247 and 248 by Bom. 5 of 1905, s. 28.

(*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.]

[2][247. **Water closets and other accommodation in buildings newly erected or re-erected.—**(*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.]

[3][248. **Where there is no such accommodation or the accommodation is insufficient or objectionable.—** (*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 [4][* * *] 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 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. Power to require privy accommodation to be provided for factories, etc.— 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

1 The words "and with the previous approval of the Standing Committee," were deleted by Mah. 21 of 1989, s. 32. 2 Sections 246A, 247 and 248 were substituted for sections 247 and 248 by Bom. 5 of 1905, s. 28.

3 Sections 246A, 247 and 248 were substituted for sections 247 and 248 by Bom. 5 of 1905, s. 28.

4 The words "and with the previous approval of the Standing Committee," were deleted by Mah. 21 of 1989, s. 33.

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.

[1][249A. **Power of Commissioner as to unhealthy privies.—** Where the Commissioner is of opinion that any privy is likely, by rea ently detached from any buildings to

cause injury to the health of any person occupying such building, the Commissioner [2][* * *] may by written notice require the owner or occupier of the premises in or on which such privy is situate either—

(*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. Provision as to privies.— (*1*) The owner or occupier of any premises on which there is a privy shall—

(*a*) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business an air space of at least three feet in width and open to the sky;

(*b*) have such privy shut off by a sufficient roof and wall, or fence, from the view of persons dwelling in the neighbourhood or passing by;

(*c*) unless and except for such period as he shall be permitted by the Commissioner, under the power next hereinafter conferred, to continue any existing door or trap-door, close up and not keep any door or trap-door in such privy opening on to a street.

(*2*) Provided that the Commissioner may permit the continuance for such period as he may think fit of any existing door or trap-door in a privy opening on to a street if a nuisance is not thereby created.

(*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.

251. Provisions as to water-closets.— The owner or occupier of any premises on which there is a water-closets 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 filled 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

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.

supplied shall not be used or be connected with another cistern which is used, for supplying water for any other purpose.

[1][251A. **Position of privies and water-closets.—** 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, bathroom or terrace;

(*b*) to be within a distance of twenty feet from any well or from any spring, tank or stream of 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.]

[2][251B. **Use of place for bathing or washing clothes or domestic utensils.—** 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 fitting as shall, in the opinion of the Commissioner, be necessary for collecting the drainage thereof and conveying the same therefrom.]

252. Public necessaries.— The Commissioner shall provide and maintain in proper and convenient situations and on sites vesting in the corporation, water-closet, latrines, privies and urinals and other similar conveniences for public accommodation.

[3][252A. **Obligation of corporation to partake common facility.—** 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, given 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.]

Inspection

253. Drains, etc., not belonging to the corporation to be subject to inspection and examination.— All drains, ventilation-shafts and pipes, cess-pools, house-gullies, water-closets, privies, latrines and urinals [4][and bathing and washing places] which do not belongs 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.

254. Power to open ground etc., for purposes of such inspection and examination.— 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 [5][the Standing Committee] 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.

255. When the expenses of inspection and examination are to be paid by the Commissioner.—If upon any such inspection and examination as aforesaid, it shall be found that the drain, ventilation-

1 Section 251A was inserted by Bom. 5 of 1905, s. 30.

2 Section 251B was inserted by Bom. 5 of 1905, s. 31.

3 Section 252A was inserted by Mah. 28 of 2012, s. 2.

4 These words were inserted by Bom. 5 of 1905, s. 32(*1*).

5 These words were substituted for the words "the Member-in-charge" by Mah. 27 of 1999, s. 103.

shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine or urinal [1][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 of 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.

256. When the expenses of inspection and examination are to be paid by the owner.— But if it shall he found that any drain, ventilation-shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine or urinal [2][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—

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.

[3]**[257. Commissioner may requires repairs, etc., to be made.—** (*1*) when the result of such inspection and examination as aforesaid is as described in section 256, the Commissioner may—

(*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 [4][subject to the proviso to clause (*c*) of section 258, to remove any projection over the same, or]

(*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 sewerage is carried through, 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].

[5]**[257A. Cost of inspection and execution of work in certain cases.—** 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 owner of such premises, in such proportions, [6][as shall be determined by the Commissioner].

1 These words were inserted by Bom. 5 of 1905, s. 32(*2*).

2 These words were inserted by Bom. 5 of 1905, s. 32(*2*).

3 Section 257 was substituted for the original section by Bom. 5 of 1905, s. 33.

4 These words were added by Bom. 8 of 1918, s. 8.

5 Section 257A was inserted by Bom. 5 of 1905, s. 34.

6 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.

258. Prohibition of acts contravening the provisions of this Chapter or done without sanction.— [1][(*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 anyway 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 [2][or bathing or washing place] or any tray, covering or other fitting or appliance connected herewith;

(*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 [3][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 [4][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 [5][bathing or washing place;]

[6][Provided that nothing in this clause shall apply to any weather-shade in width not exceeding two feet over any window which does not front a wall of window of an adjoining house;]

(*d*) drop, pass or place, or cause of 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.

[7][(*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 months or both.]

259. When material and work, may be supplied and done under this Chapter for any person by the Commissioner.— (*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 necssary 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 said materials, fillings and work.

(*2*) [8][* * * *]

1 Section 258 was re-numbered as sub-section (*1*) of that section by Mah. 21 of 1989, s. 36. 2 These words were inserted by Bom. 5 of 1905, s. 32(*2*).
3 These words were inserted by Bom. 5 of 1905, s. 32(*2*).
4 These words were inserted by Bom. 8 of 1918, s. 9(*a*).
5 These words were inserted by Bom. 5 of 1905, s. 32(*2*).
6 This proviso was added by Bom. 8 of 1918, s. 9(*d*).
7 Sub-section (*2*) was added by Mah. 21 of 1989, s. 36.
8 Sub-section (*2*) was repealed by Bom. 5 of 1905, s. 35.

[1][259A. Work to be done by licensed plumber ; permission to use as drain.— (*1*) No person shall permit any work described in this Chapter to be executed except by a licensed plumber:

[2][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 work:

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.]

260. Commissioner may execute certain works under this Chapter without allowing option to person concerned of executing the same.— (*1*) The Commissioner may, if he thinks fit, cause any work described in [3][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.

(*2*) **Expenses in such cases by whom to be paid.—** 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

[4]**[260A. Definition.—** In this chapter, unless there is anything repugnant in the subject or context—

1 Section 259A was inserted by Bom. 5 of 1905, s. 36.

2 This proviso was added by Bom. 32 of 1935, s. 11.

3 The words "this Chapter" were substituted for the original words by Bom. 5 of 1905, s. 37. 4 This section was inserted by Bom. 5 of 1938, s. 21.

(*a*) 'communication pipe' means 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 provision of this Act for the payment of water tax or any sum for the water supplied from a municipal water work;

(*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, it any, and any pipe subject to pressure from a municipal water main.]

261. General powers for supplying the city with water.— For the purpose of providing [1][Brihan Mumbai] with a supply of water proper and sufficient for public and private purposes, the Commissioner, when authorised by the Corporation in this behalf, may—

(*a*) construct and maintain water-work, either within or without [2][Brihan Mumbai] and do any other necessary acts;

[3][(*aa*) construct and maintain tunnels and undertake other related work, 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 [4][Brihan Mumbai];

(*c*) enter into an arrangement with any person or a supply of water.

262. Municipal water-works to be managed and kept in repair by the Commissioner.—The Commissioner shall manage all water-works belonging to the 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 alteration and extensions to be from time to time made in the said water-work as shall necessary or expedient for improving the said work.

263. Power of access to Municipal water-works.— (*1*) The Commissioner, and any person appointed by [5][the [6][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 waterworks, at all reasonable time—

(*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;

1 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

2 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

3 Clause (*aa*) was inserted by Mah. 37 of 1981, s. 8.

4 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

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

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

[1][(*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

(*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 [2][the [3][State Government] has caused the damage, by [4][the [5][State] Government].

264. Inspection of Municipal water-works by persons appointed by [6][State] Government.— Any person appointed by [7][the [8][State] Government] in this behalf shall at all reasonable times have liberty to enter upon and inspect a municipal water-work.

[9][**265. Power of carrying water-mains and constructing tunnels, etc.—** The Commissioner shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water-mains, pipe and ducts, and for construction and maintenance of tunnels below any land or undertaking other related works, without [10][Brihan Mumbai] as he has and is 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 [11][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.]

266. Fire-hydrants to be provided.— 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 [12][Brihan Mumbai] where a municipal fire-engine is kept, and do such other things for the purpose aforesaid as he shall deem expedient.

267. Prohibition of building and other act which would injure sources of water supply.— (*1*) Except with the sanction of the Corporation and, in the case of the Vehar waterworks, of [13][the [14][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 water-shed 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.

1 Clause (*c*) was inserted by Mah. 37 of 1981, s. 9.
2 The words “the Provincial Government” were substituted for the words “Government” by Adaptation of Indian Laws Order in Council.
3 This word was substituted for the word “Provincial” by the Adaptation of Law Order, 1950.
4 The words “the Provincial Government” were substituted for the words “Government” by Adaptation of Indian Laws Order in Council.
5 This word was substituted for the word “Provincial” by the Adaptation of Law Order, 1950.
6 This word was substituted for the word “Provincial” by the Adaptation of Law Order, 1950.
7 The words “the Provincial Government” were substituted for the words “Government” by Adaptation of Indian Laws Order in Council.
8 This word was substituted for the word “Provincial” by the Adaptation of Law Order, 1950.
9 Section 265 was substituted for the original section by Mah. 37 of 1981, s. 10.
10 This words was substituted for the words “Greater Bombay” Mah. 25 of 1996, s. 2, Schedule
11 This words was substituted for the words “Greater Bombay” Mah. 25 of 1996, s. 2, Schedule.
12 This words was substituted for the words “Greater Bombay” Mah. 25 of 1996, s. 2, Schedule.
13 The words “the Provincial Government” were substituted for the words “Government” by Adaptation of Indian Laws Order in Council.
14 This word was substituted for the word “Provincial” by the Adaptation of Law Order, 1950.

(*2*) The limits of the water-shed of the Vehar 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 Member of Council, and deposited in the office of the Secretary to the Government of Bombay.

268. Buildings, etc., not be erected over municipal water-main without permission.—(*1*) Without the written permission of the Commissioner no building, wall or other structure shall be newly erected, and no street or railway shall be constructed, over any municipal water-main.

(*2*) If any building, all other structure be so erected, or any street of railway be so constructed, the Commissioner may, with the approval of [1][the Standing Committee], cause the same to be removed or otherwise dealt with as to him shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

Public Gratuitous Water-supply

269. Vesting of public drinking fountains etc., in the corporation.— (*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.

(*2*) The Commissioner may maintain the said works and provide them with water, and, when authorised by [2][the Corporation] 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 approval of [4][the Corporation] 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 [5][the Corporation] provided that if any such work, which is permanently closed, either entirely or partially, was a gift to the public by some private person, the said site and materials or the proceeds of the sale-thereof shall, unless by reason of their value being insignificant or for other sufficient reason [6][the Corporation] 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 [7][the Corporation] and by the heirs or other representative, if any, of the said person.

270. Public drinking fountains, etc., may be set apart for particular purposes.— (*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.

(*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.

Private Water-supply

1 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 104.

2 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 105. 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 Mayor-in-Council" by Mah. 27 of 1999, s. 165(*e*). 5 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 165(*e*). 6 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 165(*e*). 7 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 165(*e*).

[1][270A. Premises not to be occupied without Commissioner's certificate in respect of adequate water-supply.— 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 (Bom. LXIV of 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 [2][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.]

271. Application for private water-supply from whom to be received.— (*1*) [3][Supply pipes] for conveying to any premises a private supply of water from [4][a municipal water-work] shall not [5][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:

[6][Provided 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 or such premises made to the Commissioner, after holding necessary inquiry and 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.]

[7][(*2*) **Commissioner may in certain case require owners to obtain private water-supply.—** But it shall appear to the Commissioner that any premises situated within any portion of [8][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.]

[9]**[272. Making and renewing connection with municipal water-works.—** (*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 sub-section (*4*) has been given.

[10][(*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 [11][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 order; and the cost of all such materials and work shall be charged to the municipal fund.]

(*3*) [12][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.

1 Section 270A was inserted by Bom. 64 of 1953, s. 11.

2 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 3 These words were substituted by Bom. 5 of 1938, s. 23(*a*).

4 These words were substituted by Bom. 5 of 1938, s. 23(*a*).

5 These words were substituted by Bom. 5 of 1938, s. 23(*a*).

6 This proviso was added by Mah. 51 of 1975, s. 15.

7 This sub-section was substituted for the original by Bom. 5 of 1938, s. 23(*b*).

8 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

9 Sections 272, 273 and 273A were substituted for sections 272 and 273 by Bom. 5 of 1905, s. 38.

10 This Sub-section was substituted for the original sub-section (*2*) by Bom. 8 of 1918, s. 10. 11 This word was substituted for the original by Bom. 5 of 1938, s. 24(*a*).

12 These words were substituted for the Original by Bom. 5 of 1938, s. 24(*b*).

[1][(*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 fitting have been laid, applied and executed in a satisfactory manner and when proper and sufficient arrangements have been made for draining off waste water.]

[2][(*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 [3][the Standing Committee] 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. Commissioner may take charge of private connections.—** 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 fitting:

Provided that, if any such pipe 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. Power of Commissioner to alter position of connections.—** 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 fitting not less than four days previous notice of his intension 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 work shall he carried out at the expenses or 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.]

274. Provisions as to cisterns and other fittings, etc., to be used for connections with water-work.—[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.]

[7][(*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 [8][pipe and fittings] to be; employed for the [9][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.]

1 These sub-sections were substituted for the original by Bom. 5 of 1938, s. 24(*c*) and (*d*).

2 These sub-sections were substituted for the original by Bom. 5 of 1938, s. 24(*c*) and (*d*). 3 These words were substituted for the words "the Member-in-charge" by Mah. 27 of 1999, s. 100. 4 This section was substituted for the original by Bom. 5 of 1938, s. 25.

5 This section was substituted for the original by Bom. 5 of 1938, s. 26.

6 This sub-section was substituted for the original by Bom. 5 of 1938, s. 27(*a*).

7 This sub-section was inserted by Bom. 5 of 1938, s. 27(*d*).

8 These words were substituted for the original by Bom. 5 of 1938, s. 27(*c*)(*i*).

9 This word was substituted for the word "purpose" by Bom. 5 of 1938, s. 27(*c*)(*ii*).

[1][(*3*) The Commissioner shall likewise prescribe the size, material, quality and description of the [2][pipes, cisterns and fitting] to be employed for the purpose of replacing [3][pipes, cisterns and fittings] found on an examination under section 2 ey cannot be effectively repaired.]

[4][**274A. Provision for keeping cisterns locked.—** (*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.]

275. Communication-pipes etc., to be kept in efficient repair by owner or occupier of premises.—[5][(*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, [6][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 [7][every cistern and fitting] in or connected with any such pipe, so as effectually to prevent the water from running to waste.

[8][(*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 [9][three] days notice in writing, himself have to the repairs executed and in such event he 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.]

276. Provision of meters when water is supplied by measurement.— (*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:

[11][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 water, let by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

277. Register of meter to be evidence.— Where water is supplied by measurement, the register of the meter or other instrument of measuring water shall be *prima facie* evidence of the quantity consumed.

Inspection

1 This sub-section was added by Bom. 8 of 1928, s. 11(*B*).

2 These words were substituted for the original by Bom. 5 of 1938, s. 27(*d*).

3 These words were substituted for the original by Bom. 5 of 1938, s. 27(*d*).

4 This section was inserted by Bom. 5 of 1938, s. 28.

5 Section 275 was re-numbered as sub-section (*1*) of section 275 by Bom. 8 of 1918, s. 12. 6 These words were substituted for the original by Bom. 5 of 1938, s. 29(*a*).

7 These words were substituted for the original by Bom. 5 of 1938, s. 29(*a*).

8 This sub-section was added by Bom. 8 of 1918, s. 12.

9 This word was substituted for the original by Bom. 5 of 1938, s. 29(*b*).

10 This word was substituted for the original by Bom. 5 of 1938, s. 29(*b*).

11 This proviso was inserted by Bom. 62 of 1954, s. 6.

278. Commissioner, etc., may inspect premises in order to examine meter, communication-pipes, etc.— (*1*) The Commissioner may make an inspection of any premises to which a private water-supply is furnished by the corporation in order—

(*a*) to remove, test, examine and replace any meter for measuring water; or

[1][(*b*) to examine any supply or distributing pipe, cistern, lock or fitting; or]

(*c*) to see if there be any waste or misuse of water.

[2][(*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. Power to cut off private water-supply or to turn water.— (*1*) The Commissioner may [3][* * * * *] 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 :—

(*a*) in default of payment of any instalment of water-tax or any sum due for water [4][or hire of meter] [5][or expenses of any work done under or by virtue of the provisions of sections 272, 276 or 287A] within [6][sixty days after the date of the bill] for such tax or sum has been duly [7][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;]

(*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 municipal water-work;

[9][(*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;]

[10][(*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 licenced plumber;]

[11][Provided that—

1 This clause was substituted for the original by Bom. 5 of 1938, s. 30(*a*).
2 This sub-section was substituted for the original by Bom. 5 of 1938, s. 30(*d*).
3 The words "with the sanction of standing committee" were repealed by Bom. 6 of 1913, s. 2.
4 These words were inserted by Bom. 5 of 1938, s. 31(*1*)(*a*).
5 These words and figures were inserted by Bom. 10 of 1928, s. 13(*a*)(*i*).
6 These words were substituted for the words "fifteen days after a notice of demand" by Mah. 11 of 2009, s. 51.
7 This word was substituted for the word "presented" by Bom. 20 of 1952, s. 15.
8 This clause was substituted for the original by Bom. 5 of 1938, s. 31(*1*)(*b*).
9 This clause was substituted for the original by Bom. 5 of 1938, s. 31(*1*)(*c*).
10 This clause was inserted by Bom. 8 of 1918, s. 13(*b*).
11 This proviso was added by Bom. 6 of 1913, s. 2.

[1][(*i*) in any case under [2][clause] (*a*), the Commissioner shall not take action unless not less than fifteen days a previo emand in receipt of the tax or sum

has been affixed to a conspicuous part of the premises;]

[3][(*ii*)] in case under [4][clauses] (*a*), (*b*), [5][(*d*) and (*f*)] the Commissioner shall not take action without the sanction of the [6][Standing Committee];

[7][(*iii*)] in case under [8][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;

[9][(*iv*) in any case falling under [10][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][Standing Committee] cut off water supply or turned of water, and there is recurrence of any case under any of these clauses, the Commissioner shall take action without the sanction of the [13][Standing Committee].

(*2*) The expenses of cutting of the connection or of turning off the water in any such case aforesaid shall be paid by the owner or occupier of the premises.

280. Conditions as to use of water not to be contravened.— 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.

[14]**[280A. Powers of Commissioner to carry private mains through land belonging to other persons.—** The Commissioner shall have the same powers and be subject to the same restriction 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.]

[15]**[280B. Recovery of expenses of laying water pipes.—** The expenses for carrying, renewing and repairing private water mains, pipe and ducts referred to in section 280A shall be recovered from the owner or occupiers in accordance with the provisions of this Act.]

281. Water-pipes, etc., not to be placed where water will be polluted.—[16][(*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 cess-pool, or in any position where the pipe is likely to be injured or the water therein polluted; and no

1 New proviso (*i*) was inserted by Bom. 10 of 1928, s. 13(*b*)(*i*).

2 These words "clause" and "clauses" were substituted for the words "sub-clause" and "sub-clauses" by Mah. 21 of 1989, s. 37(*a*).

3 Original clauses (*i*) and (*ii*) were re-numbered as clauses (*ii*) and (*iii*), respectively by Bom. 10 of 1928, s. 13(*c*).

4 These words "clause" and "clauses" were substituted for the words "sub-clause" and "sub-clauses" by Mah. 21 of 1989, s. 37(*a*).

5 These letters, word and brackets were substituted for the original word, letter and brackets "and (*b*)" by Bom. 8 of 1918, s. 13(*e*).

6 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 107.

7 Original clauses (*i*) and (*ii*) were re-numbered as clauses (*ii*) and (*iii*) by Bom. 10 of 1928, s. 13(*c*).

8 These words "clause" and "clauses" were substituted for the words "sub-clause" and "sub-clauses" by Mah. 21 of 1989, s. 37(*a*).

9 This paragraph was added by Bom. 5 of 1938, s. 3(*i*)(*d*).

10 These words "clause" and "clauses" were substituted for the words "sub-clause" and "sub-clauses" by Mah. 21 of 1989, s. 37(*a*).

11 This proviso was added by Mah. 21 of 1989, s. 37(*b*).

12 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 107.

13 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 107.

14 Section 280A was inserted by Bom. 8 of 1918, s. 14.

15 Section 280B was inserted by Mah. 21 of 1989, s. 39.

16 Section 281 was re-numbered as sub-section (*1*) of that section by Mah. 21 of 1989, s. 39.

well or tank, and except with the consent of the Commissioner, no cistern shall be constructed within twenty feet of a [1][privy, water-closet or] cess-pool.

[2][(*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 then five hundred rupees and which may extend upto five thousand rupees or with both.]

282. Prohibition of fraudulent and unauthorised use of water.— (*1*) No person shall fraudulently dispose of any water supplied to him by the corporation.

(*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. Prohibition of fraud in respect of meters.— (*1*) No person shall fraudulently—

(*a*) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied;

(*b*) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

(*2*) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use shall be evidence that the consumer has fraudulently effected the same.

[3][(*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

284. Prohibition of wilful or neglectful acts relating to water-works.— [4][(*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, [5][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 [6][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;

[7][(*f*) except with the permission of the Commissioner open, break, injure or tamper with any lock furnished under section 274A];

1 These words were inserted by Bom. 5 of 1905, s. 39.

2 Sub-section (*2*) was added by Mah. 21 of 1989, s. 39.

3 Sub-section (*3*) was added by Mah. 21 of 1989, s. 40.

4 Section 284 was re-numbered as sub-section (*1*) of that section by Mah. 21 of 1989, s. 41. 5 These words were substituted for "or engine" by Bom. 5 of 1938, s. 32(*a*).

6 These words were inserted by Bom. 8 of 1918, s. 15.

7 This clause was inserted by Bom. 5 of 1938, s. 32(*b*).

[1][(*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.]

[2][(*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 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.]

285. Compensation to be payable by offenders against section 283 or 284.— 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.

[3]**[286. What persons to be liable for offences under certain provisions of this Chapter.—** 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.]

[4]**[287. When materials and works may be supplied and done under this Chapter for any person by the Commissioner.—** On the written request of any person who is required under any of the provisions of this Chapter to supply any materials, fittings, cistern or lock and key or to do any work, the Commissioner may, on 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.]

[5]**[287A. Commissioner may execute works under this Chapter without allowing option to persons concerned of executing the same.—** (*1*) The Commissioner may, if he thinks fit, cause any work described in this Chapter to be executed [6][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 [7][or supplied] the option of doing [8][or supplying] 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 [9][or the supply of such lock and key], at the charge of the municipal fund.]

[10]**[287B. Works under Chapter X to be done by licensed plumber.—** (*1*) No person other than a licensed plumber shall execute any work described in this Chapter, [11][(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.

(*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.

1 Clause (*g*) was added by Mah. 21 of 1989, s. 41(*a*).

2 Sub-section (*2*) was added by Mah. 21 of 1989, s. 41(*b*).

3 This section was substituted for the original by Bom. 5 of 1938, s. 33. 4 This section was substituted for the original by Bom. 5 of 1938, s. 34. 5 Section 287A was inserted by Bom. 5 of 1905, s. 40.

6 These words were inserted by Bom. 5 of 1938, s. 35.

7 These words were inserted by Bom. 5 of 1938, s. 35.

8 These words were inserted by Bom. 5 of 1938, s. 35.

9 These words were inserted by Bom. 5 of 1938, s. 35.

10 This section was inserted by Mah. 8 of 1918

11 These words and brackets were inserted by Mah. 8 of 1918, s. 36(*1*).

1[(*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 into 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. Power to supply water without 2[Brihan Mumbai].— The Commissioner may supply water from a municipal water-work to any local authority or person without 3[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.

CHAPTER XI

REGULATION OF STREETS

Construction, Maintenance and Improvement of Public Streets

289. Vesting of public streets in the Corporation.— (*1*) All streets within 4[Brihan Mumbai] being or which at any time become public streets, and the payments, stones and other materials thereof shall vest in the 5[Corporation] and be under the control of the Commissioner:

6[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 (Bom. VII of 1950), 7[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 (Bom. VIII of 1956)], vested in Government shall, unless the State Government so directs, vest in the 8[Corporation] by virtue of this sub-section.]

(*2*) **Powers of Commissioner in respect of public streets.—** The Commissioner shall from time to time, cause all such streets to be levelled, metalled or paved, channelled, 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 9[ten lakhs rupees,] shall be undertaken by the Commissioner unless or until such undertaking has been authorised by the 10[Corporation].

(*3*) With the sanction of the 11[Corporation] the Commissioner may permanently close the whole or any part of a public street:

Provided that such sanction of the 12[Corporation] 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 in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting, have been received and considered by the 13[Corporation].

290. Disposal of land forming site of closed streets.— 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.

1 This sub-section was substituted for the original by Mah. 8 of 1918, s. 36(*2*).

2 These words were substituted for the word “Greater Bombay” by Mah. 25 of 1996, s. 2, Schedule. 3 These words were substituted for the word “Greater Bombay” by Mah. 25 of 1996, s. 2, Schedule. 4 These words were substituted for the word “Greater Bombay” by Mah. 25 of 1996, s. 2, Schedule.

5 This word was substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 108. 6 This proviso was added by Bom. 7 of 1950, s. 21.

7 This portion was inserted by Bom. 58 of 1956, s. 14.

8 This words were substituted for the words “the Mayor-in-Council” by Mah. 27 of 1999, s. 108.

9 These words were substituted for the words “three lakhs rupees” by Mah. 10 of 1998, s. 129(*a*).

10 This words were substituted for the words “the Mayor-in-Council” by Mah. 27 of 1999, s. 108.

11 This words were substituted for the words “t of 1999, s. 108.

12 This words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 108.

13 This words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 108.

291. Power to make new public streets.— 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;

1[(*c*) declare any street made under an improvement scheme duly executed in pursuance of the provisions of the City of Bombay Improvement Act, 1898 (Bom. IV of 1898), or the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 1925), to be a public street.]

292. Saving of provisions of sections 37 and 38 of Bom. Act VI of 1879.— 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).

293. [*Permission to lay tramways or railways on public streets to need the sanction of the corporation and confirmation by Provincial Governments.*] *Repealed by Bom. XLVIII of 1948, s. 39.*

294. Minimum width of new public streets.— 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.

295. Power to construct or adopt public bridges, etc., over or under railways, etc.— The Commissioner, when authorised by the corporation in this behalf, may agree—

(*a*) with any person to adopt and maintain any existing or projected bridge, via duct or arch, and the approaches thereto, and may accordingly adopt and maintain such bridge, via duct or arch and approaches as parts of public streets, or as property vesting in the corporation; or

(*b*) for the construction of alteration of any such bridge, via duct 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. Power to acquire premises for improvement of public street.— (*1*) The Commissioner may, subject to the provisions of section 90, 91 and 92—

(*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

2**[297. Prescribing the regular line of a street.—** (*1*) The Commissioner may:—

(*a*) prescribe a line on each side of any public street:

1 Clause (*c*) was inserted by Bom. 13 of 1933, s. 34.

2 Section 297 was substituted for the original section by Bom. 5 of 1905, s. 42.

[1][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 day immediately preceding the date of coming into force of the Bombay Municipal (Extension of Limits) Act, 1950 (Bom. VII of 1950), [2][land 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 Schedule BBA (Amendment)] Act, 1956 (Bom. LVIII of 1956)] shall be deemed to be a line prescribed by the Commissioner under this clause.]

(*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 [3][*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 gives such permission, at the same time report his reasons in writing to the [4][Standing Committee].

298. Setting back buildings to regular line of the street.— (*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 therefor occupied by the said building, and, if necessary, clear the same.

(*3*) Land acquired under this section shall thence forward be deemed a part of the public street and shall vest, as such, in the corporation.

299. Acquisition of open land or of land occupied by platforms, etc., within the regular line of a street.— (*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, *verandah*, step or some other structure external to a building abutting on a public street, or a portion of a platform, *verandah*, step or other such structure, is within the regular line of such street, the Commissioner may, after giving to the owner of the land or building not less than seven clear days written notice of his intention so to do, take possession on behalf of the corporation of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, *verandah*, step or other such structure as aforesaid, or of the portion of the

1 This proviso was added by Bom. 7 of 1950, s. 22.

2 These words, brackets and figures were inserted by Bom. 58 of 1956, s. 15.

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

4 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 109.

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 thence forward be deemed a part of the public street:

(*2*) Provided that, when the land or building is vested in 1[the 2[Government]] 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 6[State] Government].

300. Setting forward of buildings to regular line of the street.— (*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 reerection 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, alternation 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. Compensation to be paid in cases under the three last sections.—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.

(*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 8[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 9[the price fixed to be paid to the corporation or any of the other] terms and conditions

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" wer nment", *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.
8 These words were added by Bom. 7 of 1921, s. 9(*a*).
9 These words were substituted for the original words by Bom. 7 of 1921, s. 9(*b*).

of the conveyance, the Commissioner shall, upon the application of the said owner at anytime 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

1**[302. Notice to be given to Commissioner of intention to lay out lands for building and for private streets.—** (*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 the 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.

(*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.]

2**[302A. Commissioner may call for further particulars.—** If any notice given under section 302 does not supply all the information which the Commissioner deems necessary to enable to him to deal satisfactorily with the case, he may, at anytime 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:—

(*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.

(*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 3[Standing Committee] for their approval of the determination of the Commissioner.]

[4][302B. **Commissioner may require plan to be prepared by licensed surveyor.—** The Commissioner may decline to accept any plan, section or description as sufficient for the purposes of

1 Sections 302, 302-A, 302-B, 303 and 304 were substituted for sections 302, 303 and 304 by Bom. 5 of 1920, s. 3. 2 Sections 302, 302-A, 302-B, 303 and 304 were substituted for sections 302, 303 and 304 by Bom. 5 of 1920, s. 3. 3 These words were substituted for the words "Mayor-in-council" by Mah. 27 of 1999, s. 110.

4 Sections 302, 302-A, 302-B, 303 and 304 were substituted for sections 302, 303 and 304 by Bom. 5 of 1920, s. 3.

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.]

[1][303. **Laying out of land, private streets and buildings to be determined by Commissioner.—** (*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 [2][Standing Committee] 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.]

[3][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.—** (*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.

(*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. Levelling and draining of private streets.— 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 [4][Standing Committee], 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.

306. Power to declare private streets when sewered etc., public streets.— (*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 [5][and if all land-revenue payable to [6][the [7][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:

1 Sections 302, 302-A, 302-B, 303 and 304 were substituted for sections 302, 303 and 304 by Bom. 5 of 1920, s. 3. 2 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 111.

3 Sections 302, 302-A, 302-B, 303 and 304 were substituted for sections 302, 303 and 304 by Bom. 5 of l920, s. 3. 4 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 112.

5 These words were inserted by Bom. 19 of 1930, s. 12.

6 The words "Provincial Government" were substituted for the word "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.

(*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 thereof shall, by notice in writing to the Commissioner, object thereto.

(*3*) Nothing in this section shall be deemed to affect the provisions of sections 37 and 38 of the Bombay Port Trust Act, 1879 (Bom. VI of 1879).

307. Applicability of sections 305 and 306 when a street is in part public and in part private.— 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.

Projections and Obstructions

308. Prohibition of projections upon streets, etc.— (*1*) No person shall erect, set up or place against or in front of any premises any structure or fixture, which will—

(*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,

(*2*) **Power to require removal of the same.—** The Commissioner may, by written notice, require the owner or occupier of 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 2[Bombay Municipal Act, 1872 (Bom. III of 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 (Bom. VII of 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 (Bom. LVIII of 1956)] or to alter the same in such manner as the Commissioner thinks fit to direct.

(*3*) If the occupier of the said premises removes or alters any structure or 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.

309. Power to require removal or alteration of structures etc., in suburbs 5[and extended suburbs].—6[(*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 (Bom. VII of 1950) 7[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 (Bom. LVIII of 1956)] constituted a municipal district or municipal borough;

(*b*) before the date of the coming into operation of the [8][said Acts] in the case of premises situated in any area of the suburbs [9][or, as the case may be, the extended suburbs] other than the area referred to in clause (*a*); and

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, bracket and figures were inserted by Bom. 7 of 1950, s. 23.

4 These words, bracket and figures were inserted by Bom. 58 of 1956, s. 16.

5 These words were added, by Bom. 58 of 1956, 17(*2*).

6 Sub-section (*1*) was substituted for the original by Bom. 7 of 1950, s. 24.

7 These words, bracket and figures were inserted by Bom. 58 of 1956, s. 17(*1*)(*a*). 8 These words were substituted for the words "said Act" by Bom. 58 of 1956, s. 17(*1*)(*b*). 9 These words were inserted by Bom. 58 of 1956.

(*c*) before the Bombay Municipal Act, 1872 (Bom. III of 1872) came into force, in the case of premises situated in the city;

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.

310. Projections over streets may be permitted in certain cases.— (*1*) The Commissioner may give a written permission, on such terms [1][as he shall in each case think fit] 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:

(*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 sanction 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. Ground-floor doors, etc., not to open outward on streets.— 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. Prohibition of structures or fixtures which cause obstruction in streets.— (*1*) No person shall, except with the permission of the Commissioner under section 310 or 317, erect or setup any wall, fence, rail, post, step, booth or other structure or fixture in or upon any street or upon 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. Prohibitions of deposit etc., of things in streets.— (*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 [2][or in any public place] any stall, chair, bench, box, ladder, bale or other things 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.

[3]**[313A. Licence for sale in public places.—** 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

1 These words were substituted for the words "may be sanctioned by the Member-in-Charge" by Mah. 27 of 1999, s. 113. 2 These words were inserted by Bom. 19 of 1930, s. 13.

3 Section 313A was inserted by Bom. 1 of 1925, s. 19-A.

sale in any public place or in any public street any article whatsoever, whether it be for human] consumption or not.]

[1]**[313B. Licence for use of skill in handicraft or rendering services for purposes of gain in public place or street.—** 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.]

314. [2][Power to remove without notice anything erected, deposited or hawked in contravention of section 312 or 313A].— The Commissioner may, without notice, cause to be removed—

(*a*) any wall, fence, rail, post, step, booth or other structure or fixture which shall be erected or set up in or upon any street, or upon or over any open channel drain, well or tank contrary to the provisions of sub-section (*1*) of section 312, after the same comes into force [3][in the city or in the suburbs, after the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950 (Bom. VII of 1950) [4][or 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, 1956 (Bom. LVIII of 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;

[5][(*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 placed or kept for the purpose of sale.]

[6][(*d*) any person, unauthorisedly occupying or wrongfully in possession of any public land, from such land together with all the things and material unauthorisedly placed, projected or deposited on such land by such person:

Provided that, the Commissioner shall, while executing such removal, allow such person to take away his personal belongings and household articles, such as cooking vessels, bed and beddings of the family, etc.]

315. Power to require removal of any structure or fixture erected or set up before section 312 came into force.— (*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 [7][in the city or in, the suburbs, before the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950 (Bom. VII of 1950)] [8][or, 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 (Bom. LVIII of 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.

1 This section was inserted by Bom. 5 of 1938, s. 37.

2 This marginal note was substituted for the original by Bom. 26 of 1956, s. 2(*2*).

3 These words, brackets and figures were inserted by Bom. 7 of 1950, s. 25.

4 These words, brackets and figures were inserted by Bom. 58 of 1956, s. 18.

5 Clause (*c*) was inserted by Bom. 26 of 1956, s. 2(*1*).

6 Clause (*d*) was added by Mah. 11 of 2002, s. 23.

7 These words, brackets and figures were inserted by Bom. 7 of 1950, s. 26.

8 These words, brackets and figures were inserted by Bom. 58 of 1956, s. 19.

316. Prohibition of the tethering of animals in the public streets.— (*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

317. Commissioner may permit booths, etc., to be erected on streets on festivals.— 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.

Provisions concerning execution of works in or near to streets

318. Street when broken up for any municipal purpose to be restored without delay.— Whenever the soil or pavement of any street is opened or broken up by or under the order of the Commissioner, or of any municipal officer or servant, for the execution of any work on behalf of the corporation 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.

319. Commissioner may close street in which work is in progress.— (*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 a conspicuous position an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as he shall think proper for preventing or restricting traffic therein.

(*2*) No person shall, without the permission of the Commissioner or without the lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic on set up.

320. Commissioner to provide for traffic, etc., pending execution of municipal work in any street.— 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.

321. Precautions to be taken for the public safety whilst municipal works are in progress in any street.— (*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 building;

(*b*) have any place where the soil or pavement has been opened or broken up fenced and guarded;

(*c*) have a light sufficient for the warning of passengers set up and kept every night against any such place and against any bars, chains or posts set up under section 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.

322. Streets not to be opened or broken up and building materials not to be deposited therein without permission.— (*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.

(*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.

[1][(*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 (*2*), 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. Precautions for public safety to be taken by persons to whom permission is granted under section 322.— 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.

324. Persons to whom permission is granted under section 322 must reinstate streets, etc.—(*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.

(*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. Provisions to be made by persons to whom permission is granted under section 322 for traffic etc., when their works interrupt streets.— 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.

326. Hoards to be set up during work on any building adjacent to a street.— (*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 hoards or fence.

(*2*) No hoard or fence shall be so put up without the previous written permission of the Commissioner, and every such hoard or fence put up with such permission, with such platform and 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

1 Sub-section (*3*) was inserted by Bom. 6 of 1913, s. 3.

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][*Provision for parking or halting places or lots*

326A. Provision for parking or halting places or lots and fees or charges thereof.— (*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.

(*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 (Mah. XXXXIV of 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.]

[2]**[326B. Powers of Commissioner to introduce traffic demand measures.—** (*1*) The Commissioner may, from time to time, in consultation with the Commissioner of Police, specify any area for being notified as an area for introduction of any "traffic demand measure" including road pricing mechanisms, such as, area licensing, cordon pricing, supplementary licensing, charging for, on street and off street parking, etc., for entry of all vehicles.

Explanation.— For the purposes of this sub-section,—

(*i*) "cordon pricing" means the charges payable by the vehicles crossing at all the points of entry to the designated area;

(*ii*) "supplementary licensing" means the licence fees levied in certain areas of the city for usage of vehicles during specified hours.

(*2*) The Commissioner may charge, subject to such terms and conditions as may be determined by the Corporation, such fees or charges from any person or organisation or, as the case may be, institution, for use of such areas for each day or part thereof.]

Naming of Streets, etc.

327. Naming streets, and numbering of [3][premises].— (*1*) [4][The Commissioner] may, from time to time—

(*a*) with the sanction of the corporation, determine the name by which any street shall be known;

(*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;

[5][(*c*) with the sanction of the corporation [6][determine the number or sub-number by which any premises or part thereof] shall be known;

1 This heading and section 326A shall be deemed to have been inserted with effect from the 15th October 1988 by Mah. 34 of 1990, s. 4.

2 Section 326B was inserted by Mah. 11 of 2002, s. 24.

3 This word was substituted for the word "house" by Bom. 22 of 1956, s. 2(*1*)(*e*).

4 These words were substituted for the words "The Mayor-in-Council" by Mah. 27 of 1999, s. 114(*a*).

5 Clauses (*c*) and (*d*) were substituted for the original clause (*c*) by Bom. 2 of 1911, s.10(*1*).

6 These words were substituted for the words "determine the number by which any premises" by Bom. 22 of 1956, s. 2(*1*)(*a*)(*i*).

[1][(*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 [2][* *] that such work shall be executed under the orders of the Commissioner.]]

(*2*) No person shall without the written permission of the Commissioner or without other lawful authority destroy, remove, deface or [3][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.]

[4][(*3*) [5][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 [6][Corporation].

[7][*Explanation*.— In this section 'premises' does not include land which is not built upon.]

[8][*Sky-signs and Advertisements*

328. Regulations as to sky-signs.— (*1*) No person shall, without the written permission of the Commissioner, erect, fix or retain any sky-sign, whether now existing or not, [9][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:

[10][* * * * *]

[11][Provided 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 [12][city engineer];

(*b*) if any change be made in the sky-sign, or any part thereof;

(*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.

1 This clause was substituted by Bom. 22 of 1956, s. 2(*1*)(*a*)(*i*).

2 The words "his desire" were deleted by Mah. 10 of 1998, s. 155(*a*)(*ii*).

3 This 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 Bom. 22 of 1956, s. 2(*1*)(*b*).

4 This sub-section was added by Bom. 2 of the 1911, s.10(*2*).

5 This 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(*i*)(*c*).

6 This word was substituted for the words "Member-in-Charge" by Mah. 27 of 1999, s. 114(*b*).

7 This *Explanation* was added by Bom. 22 of 1956, s. 2(*1*)(*d*).

8 This heading and new sections 328 and 328A were substituted for the original heading and section 328 by Bom. 7 of 1921, s. 10.

9 These words were substituted for the words "no such written permission" by Mah. 42 of 1976, s. 9.

10 The proviso was deleted by Mah. 27 of 1999, s. 115(*a*).

11 These words were substituted for the words 7 of 1999, s. 115(*6*).

12 The words "city engineer" were substituted for the words "executive engineer" by Bom. 19 of 1930, s. 6.

(*2*) Where any sky-sign shall be erected, fixed or retained after the 1[coming into force of this section in the city or in the suburbs after the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950 (Bom. VII of 1950)] 2[or in the extended suburbs after the coming into force of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956 (Bom. LVIII of 1956)] upon or over any land, building or structure save, and except as permitted as herein before 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;

(*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 building to be sold, or let, placed upon such land or buildings.]

3**[328A. Regulation and control of advertisements.—** (*1*) No person shall, without the written permission of the Commissioner, erect, exhibit, fix or retain any advertisement whether now Regulation existing or not, upon any land, building wall, hoarding or structure. 4[Where an advertisement depicts any scene from a cinematographic film, stage advertisements, 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:]

5[Provided that, the power of the Commissioner under this sub-section shall be subject to the regulations framed in this behalf:]

Provided always that 6[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—

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.

3 The heading and new sections 328 and 328A were substituted for the original heading, section 328 by Bom. 7 of 1921, s. 10.

4 These words were substituted by Mah. 42 of 1976, s. 10(*a*).

5 This proviso was inserted by Mah. 10 of 1998, s. 137.

6 These words were substituted for the words "such permission" by Mah. 42 of 1976, s. 10(*a*).

(*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; 1[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:

2[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) Act, 1950 (Bom. VII of 1950) in respect of advertisements upon a site in the suburbs which was occupied by advertisements on the first day of January 1950;

(*ii*) after the coming into force of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956 (Bom. LVIII of 1956) in respect of advertisements upon a site in the extended suburbs which was occupied by advertisement on the first day of January 1956.]

(*2*) Where any advertisement shall be erected, exhibited, fixed or retained after three months from the enactment of this section 3[or, as the case may be, the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950 (Bom. VII of 1950)] 4[or the coming into force of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956 (Bom. LVIII of 1956)], upon any land, building, wall hoarding or structure save and except as permitted or exempted from permission as herein before 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*) 5[(*a*)] The word "structure" in this section shall include 6[a tram-car, omnibus and any other vehicle and any moveable board] used primarily as an advertisement or an advertising medium; 7[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 it's 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. Commissioner to take proceedings for repairing or enclosing dangerous places.— (*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 s cess thereto to the neighbourhood

1 These words were inserted by Bom. 19 of 1930, s. 15(*a*).

2 This proviso was substituted by Bom. 58 of 1956, s. 21(*1*).

3 These words, brackets and figures were inserted by Bom. 7 of 1950, s. 28(*d*).

4 These words, brackets and figures were inserted by Bom. 58 of 1956, s. 21(*9*).

5 The brackets and letter "(*a*)" were inserted by Bom. 12 of 1935, s. 2(*1*).

6 These words were substituted for the words "any moveable board on wheels" by Bom. 19 of 1930, s. 15(*d*). 7 These words, brackets, figures and letter were added by Bom. 12 of 1935, s. 2(*2*).

thereof, he may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the said place or take such other step as shall appear to the Commissioner necessary, in order to prevent danger therefrom.

(*2*) The Commissioner may, before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent danger from the said place. Any expense incurred by the Commissioner in taking such temporary measures shall be paid by the owner or occupier of the place to which the said notice refers.

Lighting of streets

330. Public streets to be lighted.— 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 immoveable 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.

331. Prohibition of removal etc., of lamps.— 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, brackets 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.

332. Persons accidentally breaking lamp to repair the damage.— 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.

333. Manner of laying gas pipes.— (*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 water-pipes, having regard to the width of the street. Where the width of the street will allow of it, the said distance shall not be less than four feet.

(*3*) When it is necessary for a gas pipe to cross a water-pipe, a gas pipe shall, if practicable, be laid above the water-pipe. A gas-pipe so laid shall be atleast nine feet in length and, as nearly as the situation will admit of shall be so place, as to from 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 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 thinks necessary and the expenses thereof shall be paid by the person under whose order or management the pipe has been laid.

334. Situation of gas-pipes, etc., may be altered by Commissioner.— (*1*) The Commissioner may, whenever for any of the purposes of this Act it shall appear to him necessary, by written notice, require the owner of any gas-pipe or of any other gas-work laid in any street to raise, sink or otherwise, alter the situation of such pipe or work.

(*2*) Every alteration required to be made under sub-section (*1*) shall be made at the charge of the municipal fund, and compensation shall be paid to the owner by the Commissioner for the damage, if any, which he sustains by reason of such alteration:

(*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 requirement of this Act, is practicable.

335. Buildings, etc., not to be erected without permission over municipal gas-pipes.— (*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.

(*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. Measures for watering.— The Commissioner may,—

(*a*) take measures for having the public streets watered at such time and seasons and in such manner as he shall thinks fit.

(*b*) procure and maintain such water-carts, animals and apparatus as he shall thinks fit for the said purpose.

CHAPTER XII

BUILDINGS REGULATIONS

Notices regarding Erection of Buildings

337. Notice to be given to Commissioner of intention to erect a building.— (*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, [1][* *] its dimensions [2][and the name of the person whom he intends to employ to supervise its erection].

[3][(*2*) In this Chapter "to erect a building" means—

(*a*) newly to erect a building, or

[4][(*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,—

[5][(*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".]

1 The word "and" was deleted by Bom. 5 of 1905, s. 44.

2 These words were added by Bom. 5 of 1905, s. 44.

3 This sub-section was substituted for the original sub-section (*2*) by Bom. 1 of 1916, s. 4. 4 This clause was substituted by Mah. 10 of 1998, s. 138(*1*).

5 Clause (*c*) was deleted by Mah. 10 of 1998, s. 138(*2*).

338. Commissioner may require plan and other documents to be furnished.— 1[(*1*)] At any time within thirty days after receipt of any notice under section 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:—

2[(*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, from, dimension and means of ventilation of and of access to the several parts of such building and its appurtenances 3[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 two or more families or for carrying on any trade or business in which a number of people exceeding twenty may be employed are 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 dimension 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;]

4[(*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 fitting 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 5[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 6[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.

7[(*2*) At any time within the said period the Commissioner may also by the 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. Commissioner may requires plans etc., submitted under last proceeding section, to be prepared by licenced surveyor.— The Commissioner may decline to accept any plan, section or description sufficient for the purpose of the last preceding section, which does not bear the signature of a licenced surveyor in token of its having prepared by such surveyor or under his supervision.

340. Additional information and the attendance of the person who gave the notice may be required.— If the notice given tinder section 337 and the document, 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, 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.

341. Effect of non- compliance with requisition under section 338 or 340.— 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.

1 Section 338 was re-numbered as section 338 (*1*) by Bom. 5 of 1905, s. 45(*1*).

2 Clause (*a*) was substituted for the original clause (*a*) by Mah. 10 of 1998, s. 45(*2*).

3 These words were inserted by Bom. 1 of 1916, s. 5(*1*).

4 Clause (*b*) was substituted for the original clause (*6*) by Bom. 5 of 1905, s. 45(*2*).

5 These words were substituted for the words "a scale of not less one inch to every forty feet" by Bom. 1 of 1916, s. 5(*2*). 6 These words were added by Bom. 5 of 1905, s. 45(*3*).

7 Sub-section (*2*) was inserted by Bom. 5 of 1905, s. 45(*4*).

Notices regarding execution of works not amounting to the erection of a building

342. Notice to be given to the Commissioner of intention to make additions, etc., to 1**[or change of user of] a building.—** 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.

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 fitting; 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*) * * * *]

5[(*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, 6[* *] the nature and extent of the intended work, 7[the particular part or parts, if any, of such work which is or are intended to be used for human habitation] 8[and the name of the person whom he intends to employ to supervise its execution],

343. Plans and additional information may be called.— (*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 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 herein before in this section mentioned, to

1 These words were substituted for the words "to a building" by Mah. 10 of 1998, s. 139(*d*).

2 These words were added by Mah. 10 of 1998, s. 139(*a*). 3 This portion was substituted by Mah. 10 of 1998, s. 139(*b*).

4 This clause was deleted by Mah. 10 of 1998, s. 139(*c*).

5 This clause was inserted by Bom. 6 of 1916, s. 5.

6 The word "and" was deleted by Bom. 5 of 1

7 These words were inserted by Bom. 1 of 1916, s. 6(*3*).
8 These words were added by Bom. 5 of 1905, s. 46.

furnish plans and sections 1[of the building and] of the intended new work or of any specified portion of the intended new work, 2[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.]

3[(*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. Printed forms of notices to be supplied to the public.— (*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 4[* * *] for each form as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the 5[Standing Committee].

(*2*) There shall be printed on the reverse of every such notice, or on a separate paper supplied without extra charge therewith, a copy of sections 337, 338, 339, 340, 341, 342, 343, 6[344A], 345, 346, 347, 348, 7[349, 349A, 349B], 8[349C 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

9**[344A. Supervision of buildings and works.—** (*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.

(*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.]

345. When building or work may be proceeded with.— 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

1 These words were inserted by Bom. 5 of 1905, s. 47(*1*).
2 These words were substituted for the original words by Bom. 5 of 1905, s. 47(*7*).
3 Sub-section (*2*) was substituted for the original sub-section, by Bom. 5 of 1905, s. 47(*2*).
4 The words "not exceeding eight annas" were deleted by Mah. 10 of 1998, s. 140(*a*).

5 These words were substituted for the words "Member-in-Charge" by Mah. 27 of 1999, s. 116.
6 These figures and letters were inserted by Bom. 5 of 1905, s. 48(*a*).
7 These figures and letters were substituted for the original word and figures by Bom. 5 of 1905, s. 48(*b*).
8 These figures and letters were substituted for the original word, figures and letter by Bom. 2 of 1911, s. 11.
9 Section 344A was inserted by Bom. 5 of 1905, s. 49.

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 under this Act at the time in force.

346. Building or work which is disapproved by the Commissioner may be proceeded with subject to terms.— (*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 bye-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 plan, section, description or further information, if any, called for under section 388, 340 or 343, as the case may be, by a written notice intimate to the person who gave the notice first herein before 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 bye-law made hereunder at the time in force.

347. When work may be commenced.— (*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 hereinbefore required to erect such building or execute such work and the Commissioner has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period prescribed in this behalf in section 345 or 346;

1[(*aa*) until he has given notice to 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. Building not to be converted to other purposes without the permission of the Commissioner.—** No person shall, without the written 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. Building for human habitation not to be used as godown, etc.—** 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

1 Clause (*aa*) was inserted by Bom. 5 of 1905,

2 The word "city engineer" were substituted for the words "executive engineer" by Bom. 19 of 1930, s. 6. 3 Section 347A was inserted by Bom. I of 1916, s. 7.

4 Sections 347B and 347C were inserted by Bom. 76 of 1948, s. 25.

authorised to be used for human habitation as godown, warehouse, workshop, workplace, factory, stable or a motor garage.]

1**[347C. No alterations to be made in building for human habitation without written permission of Commissioner.—** 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.]

Provision as to Structure, Materials, etc.

348. Provisions as to building which are to be newly erected.— (*1*) With respect to building which are to be newly erected 2[* * *] 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 3[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 4[the Standing Committee] be disapproved by the Commissioner, unless the site proposed for such building is, in the opinion of the Commissioner, such as, with reference to the positions occupied by the buildings, if any, already existing in the neighbourhood, will admit of the construction in the future of one or more new streets convenient for occupiers 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 determine, 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.

(*d*) 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.

5[* *](*e*) In additions to any means of ventilation required by any bye-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 end thereof.

1 Sections 347B and 347C were inserted by Bom. 76 of 1948, s. 25.

2 The words repealed by Act 5 of 1905, are omitted.

3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
4 These words were substituted for the words "the Member-in-Charge" by Mah. 27 of 1999, s. 117.
5 The original clause (*e*) was deleted by Bom. 5 of 1905, s. 51(*b*), and subsequent clauses were re-numbered accordingly.

(*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 1[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 2[eight] feet from floor to the ceiling 3[and a minimum height of not less than four feet.]

(*h*) Every such rooms shall have a clear superficial area of not less than 4[one hundred] square feet.

(*i*) In addition to any means of ventilation required by any bye-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.

(*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 5[the Central Government] to determine, under section 38 of the Bombay Port Trust Act, 1879 (Bom. VI of 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. Roofs and external walls of buildings not to be of inflammable materials.— (*1*) No external wall and no covering of a roof built or renewed since the 6Bombay Municipal Act, 1872 (Bom. III of 1872) came into force shall, except with the written permission of the Commissioner, consist of wood, doth, canvas, grass, leaves, mats or any other inflammable material.

(*2*) If any external wall or covering of a roof is or has been, since the said Act came into force, constructed of any such material, the Commissioner may, by written notice, require the owner or occupier of the building to which such wall or roof appertains to remove such wall or covering.

7[(*3*) In relation to buildings in the suburbs 8[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 (Bom. III of 1872) reference had been made to the Bombay Municipal (Extension of Limits) Act, 1950 (Bom. VII of 1950) 9[or, as the case may be, the Bombay Municipal] [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956 (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)

1 The word "ten" was substituted for the word "eight" by Bom. 5 of 1905, s. 51(*c*).
2 The word "eight" was substituted for the word "seven" by Bom. 5 of 1905, s. 51(*d*)(*i*).
3 These words were inserted by Bom. 5 of 1905, s. 51(*d*)(*2*).
4 The words "one hundred" were substituted for the word "eight" by Bom. 5 of 1905, s. 51(*e*).
5 The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

6 Bom. 3 of 1872 was repealed by s. 2 of this Act.
7 Sub-section (*3*) and proviso were added by Bom. 7 of 1950, s. 29.
8 These words were inserted by Bom. 58 of 1956, s. 22(*i*).
9 These words, brackets and figures were inserted by Bom. 58 of 1956, s. 22(*ii*).

Act, 1950 (Bom. VII of 1950) 1[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. LVIII of 1956)].

2**[349A. Maximum height of buildings.—** (*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*).]

3**[349B. Height of buildings with reference to width of streets.—** Subject to the maximum prescribed by section 349A, the height to which a building may be erected or raised shall be regulated by 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.]

4**[349C. Frame buildings.—** 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 storey:

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 or of thoroughly sound material and construction and can safely support the same.]

5**[349D. Provisions of sufficient means of egress.—** Where 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 6[the Standing Committee] 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.]

1 These words, brackets and figures were inserted by Bom. 58 of 1956, s. 22(*iii*).
2 Sections 349A and 349B were inserted by Bom. 5 of 1905, s. 52.
3 Sections 349A and 349B were inserted by B

4 Section 349C was inserted by Bom. 5 of 1905, s. 52.
5 Section 349D was inserted by Bom. 2 of 1911, s. 12.
6 These words were substituted for the words "the Member-in-Charge" by Mah. 27 of 1999, s. 118.

1**[349E. Special conditions with respect to erection or re-erection of buildings, maximum heights of buildings, etc., in suburbs** 2**[and extended suburbs.]—** (*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 3[or in the extended suburbs] or in any part thereof.

(*2*) Until such bye-laws are made or until the expiration of two years from the date of the coming into force of the Bombay Municipal (Extension of Limits) Act, 1950 (Bom. VII of 1950) 4[or, as the case may be, from the date of coming into force of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956 (Bom. LVIII of 1956) whichever respectively is earlier] the conditions provided by or under the Bombay Land Revenue Code, 18795 (Bom. V of 1879), or rules made thereunder or by bye-laws or rules made by any local authority abolished by the provisions of the Bombay Municipal (Extension of Limits) Act, 1950 (Bom. VII of 1950) 6[or by the provisions of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956 (Bom. LVIII of 1956)] shall continue to be applicable to the erection or re-erection of buildings, the maximum heights of buildings, roofs and external walls of buildings, set- back of buildings and other matters relating to buildings in the suburbs 7[or in the extended suburbs] or in any part thereof, as the case may be:

Provided that, in the case of any land in the suburbs 8[or in the extended Bom. suburbs] there are no provisions in force of the Bombay Land Revenue Code, 18799 (Bom. V of 1879) or rules made thereunder or of the bye-laws or rules of any local authority, 1879 (Bom. V of 1879) the Commissioner or any officer authorised by him in this behalf may impose such conditions as he thinks fit until the bye-laws aforesaid are made.]

Inspection

350. Inspection of buildings in course of erection, alteration, etc.— 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. Proceedings to be taken in respect of buildings or work commenced contrary to section 347.—10[(*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.]

11[(*1A*)] 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]. 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 12[section 342 or 347] the 13[Designated Officer], 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, 14[or who is the owner for the time being of

1 Section 349E was inserted by Bom.7 of 1950, s. 30.
2 These words were added by Bom. 58 of 1956, s. 23(*3*).
3 These words were inserted by Bom. 58 of 1956, s. 23(*1*).
4 These words, brackets and figures were inserted by Bom. 58 of 1956, s. 23(*2*)(*i*).
5 *See* now the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).
6 These words, brackets and figures were inserted by Bom. 58 of 1956, s. 23(*2*)(*ii*).
7 These words were inserted by Bom. 58 of 1956, s. 23(*2*)(*iii*).
8 These words were added by Bom. 58 of 195

9 *See* now the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).
10 This sub-section was inserted by Mah. 2 of 2012, s. 3(*1*).
11 The existing sub-section (*1*) was renumbered as sub-section (*1A*) by Mah. 2 of 2012, s. 3(*1*).
12 These words and figures were substituted for the words and figures "section 347" by Mah. 10 of 1998, s. 143(*a*).
13 For the word "Commissioner" the words "Designated Officer" was substituted by Mah. 2 of 2012, s. 3(*2*). 14 These words were inserted by Bom. 64 of 1953, s. 14.

such building or work] 1[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 2[Designated Officer] to show sufficient cause why such building or work shall not be removed, altered, or pulled down; or

(*b*) shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally, or by an agent duly authorized by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered or pulled down.

3[*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 sections 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 4[Designated Officer] 5[* * *] may remove, alter or pull down the building or work and the expenses thereof shall be paid by the said person. 6[In case of removal or pulling down of the building or the work by the Commissioner, the debries of such building or work together with other building material, if any, at the sight of the construction, belonging to such person, shall be seized and disposed of in the prescribed manner and after deducting from the receipts of such sale or disposal, the expenditure incurred for removal and sale of such debris and material, the surplus of the receipts shall be returned by the 7[Designated Officer], to the person concerned.]

8[(*3*) No Court shall stay the proceeding of any public notice including notice for eviction, demolition or removal from any land or property belonging to the State Government or the Corporation or any other local authority or any land which is required for any public project or civil amenities, without first giving the Commissioner reasonable opportunity of representing in the matter.]

352. Buildings or works commenced contrary to section 374 may be cut into and laid open for purposes of inspection.— (*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 9[Designated Officer] may, with the approval of 10[the Standing Committee] by written notice, require the person who has erected such building or executed such work or is erecting such building or executing such work to cause so much of the building or work as prevents any such fact being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.

(*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 11[Designated Officer] to the person aforesaid for the damage and loss incurred by cutting into, laying open or pulling down, the building or work.

12[352A. Conferment temporarily of summary powers for demolitions on the 13[Designated Officer.]— (*1*) If the erection of any building or the execution of any such work as is described in section

1 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*).
2 For the word "Commissioner" the words "Designated Officer" was substituted by Mah. 2 of 2012, s. 3(*2*).
3 This Explanation was inserted by Mah. 10 of 1998, s. 143(*c*).
4 These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s. 3(*2*).
5 The words "with the approval of the standing committee" were deleted by Mah. 37 of 1971, s. 2.

6 This portion was inserted and sub-section (*3*) was added by Mah. 11 of 2002, s. 25.
7 These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s. 3(*2*).
8 This portion was inserted and sub-section (*3*) was added by Mah. 11 of 2002, s. 25.
9 These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s. 4(*1*).
10 These words were substituted for the words "the Member-in-charge" by Mah. 27 of 1999, s. 119.
11 These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s. 4(*2*).
12 Section 352A was inserted by Mah. 23 of 1979, s. 2 which shall remain inforce 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 1881, s. 2. 13 These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s. 5(*5*).

342, is commenced contrary to the provisions of section 347, and the 1[Designated Officer] 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 2[the Standing Committee]' shall be deleted.

(*2*) Notwithstanding anything contained in this Act, any notice to be given by the 3[Designated Officer] 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 matter stated therein.

(*3*) Where the 4[Designated Officer] 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 5[Designated Officer] 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*) 6[* * * * *]

353. Enforcement of provisions concerning buildings and works.— 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.

7**[353A. Completion certificates, permission to occupy or use.—** (*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:

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 a 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

1 These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s. 5.

2 These words were substituted for the words "the Member-in-charge" by Mah. 27 of 1999, s. 120. 3 These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s. 5.

4 These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s. 5(*3*).

5 These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s. 5(*3*). 6 Sub-section (*4*) was deleted by Mah. 2 of 2012, s. 5(*4*).

7 Section 353A was inserted by Bom. 5 of 1905, s. 53.

(*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.

(*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].

1**[353B. Structural Stability Certificate.—** (*1*) Every owner or occupier of a building in respect of which a period of thirty years, from the date of,—

(*i*) issue of its completion certificate by the Corporation; or

(*ii*) issue of permission to occupy a building under section 353A; or

(*iii*) its physical occupation of at least 50 per cent., of its builtup area,

whichever is earlier, has expired, shall cause such building to be examined by a Structural Engineer registered with the Corporation for the purposes of certifying that the building is fit for human habitation (such certificate hereinafter referred to as "the Structural Stability Certificate"). The Structural Stability Certificate issued by such Structural Engineer shall be submitted to the Commissioner.

(*2*) The Structural Stability Certificate shall be submitted within one year from the expiry of a period of thirty years referred to in sub-section (*1*), and every ten years thereafter or such earlier period as the Commissioner may determine having regard to the condition of the building and the corrective repairs carried out by the owner or occupier.

(*3*) Notwithstanding anything contained in sub-section (*1*), the Commissioner may, at any time, after having recorded the reasons, in writing, direct the owner or occupier of a building, to cause such building to be examined by such Structural Engineer and to submit to the Commissioner, the Structural Stability Certificate, as required under sub-section (*1*), within the period not exceeding thirty days as specified by the Commissioner, in such direction.

(*4*) If the Structural Engineer recommends any corrective repairs for securing the structural stability of the building, such corrective repairs shall be carried out by the owner or occupier of a building to the satisfaction of the Commissioner.

(*5*) Any owner or occupier, as the case may be, who fails to carry out corrective repairs for securing structural stability, within a period of six months from the date of report of the Structural Engineer, shall be punished with the fine as provided in section 471.

(*6*) Notwithstanding anything contained in sub-section (*5*), the Commissioner may, after giving the owner or occupier, a notice in writing, require him to carry out, within the period specified in the notice, corrective repairs for securing structural stability of a building. If the owner or occupier fails to carry out such corrective repairs within the period specified in the notice, the Commissioner may carry out the same

and the expenses incurred by the Commissioner on such repairs shall, on demand if not paid within thirty days, be recovered from the owner or occupier as arrears of property tax.

(*7*) If there is any dispute about the amount of expenses for which demand is made under sub-section (*6*), 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.

1 Section 353B was inserted by Mah. 6 of 2009, s. 2.

(*8*) 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.]

Dangerous Structures

354. Removal of structures, etc., which are in ruins or likely to fall.— (*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 provisions of section 342], of danger therefrom.

(*2*) The Commissioner may also if he thinks fit, require the said owner or occupier, by the said notice, either forthwith or before proceeding to pull down, secure or repair the said structure, to set up a proper and sufficient hoard or fence for the protection of passers by and other persons, with a convenient platform and 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][(*3*) If it shall appear to the Commissioner that any building is dangerous and needs to be pulled down under sub-section (*1*), the Commissioner shall call upon the owner, before issuing notice thereunder, to furnish a statement in writing signed by the owner stating therein the names of the occupiers of the building known to him or from his record, the area in occupation and location of premises in occupation, possession of each of the respective occupiers or tenants, as the case may be.

(*4*) If he fails to furnish the statement as required by sub-section (*3*) within the stipulated period, then the Commissioner shall make a list of the occupants of the said building and carpet area of the premises in their respective occupation and possession alongwith the details of location.

(*5*) The action taken under this section shall not affect the *inter-se* rights of the owners or tenants or occupiers, including right of re-occupation in any manner.

Explanation.— For the purposes of this section, "the tenant" shall have the same meaning as assigned to it in clause (*15*) of section 7 of the Maharashtra Rent Control Act, 1999 (Mah. XVIII of 2000)].

[3][*Works unlawfully carried on*]

[4][354A. Power of [5][Designated Officer] to stop erection of building or work commenced or carried on unlawfully.— (*1*) If the [6][Designated Officer] 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 [7][Designated Officer] may, by written notice, require the person erecting such building or executing such work to stop such erection or work [8][forthwith].

[9][(*2*) If the erection of the building or execution of the work is not stopped as required by the [10][Designated Officer], 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 [11][Designated Officer] may, without further notice, remove or pull

1 The words and figures "subject to the provisions of section 342" were inserted by Mah. 10 of 1998, s. 146. 2 These sub-sections and *Explanation* were added by Mah. 22 of 2017, s. 2.

3 This heading was inserted by Bom. 5 of 1905, s. 54.

4 This section was substituted for the original by Bom. 64 of 1953, s. 15.

5 These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s. 6(*5*).

6 These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s. 6(*1*).

7 These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s. 6(*1*).

8 This word was substituted for the words "within the period specified in the notice" by Mah. 10 of 1998, s. 147(*a*).

9 Sub-section (*2*) was substituted and sub-sections (*3*) and (*4*) were added by Mah. 10 of 1998, s. 147(*b*) and (*c*). 10 These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s. 6(*2*).

11 These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s. 6(*2*).

down the building or work and the expenses thereof shall be paid by the said person or owner of the building or work. The [1][Designated Officer] 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.]

[2][(*3*) In addition to the action that the [3][Designated Officer] 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 [4][Designated Officer] under sub-sections (*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.]

[5][*Regulation of certain classes of buildings in particular localities*

354AA. Power to regulate future construction of certain classes of buildings in particular streets of localities.— (*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 street or portion of streets specified in such notice the elevation and construction of the frontage of all buildings or any classes of buildings thereafter 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 [6][the Standing Committee] in this behalf and subject to the terms of such permission only.

(*2*) [7][The Standing Committee] 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 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*) on 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.

1 These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s. 6(*2*).

2 Sub-section (*2*) was substituted and sub-sections (*3*) and (*4*) were added by Mah. 10 of 1998, s. 147(*b*) and (*c*). 3 These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s. 6(*3*).

4 These words were substituted for the words "Commissioner" by Mah. 2 of 2012, s. 6(*4*).

5 This heading and section 354AA where inserted by Bom. 48 of 1950, s. 70.

6 These words were substituted for the words "the Corporation" by Mah. 27 of 1999, s. 121(*a*).

7 These words were substituted for the words "The Mayor-in-Council" by Mah. 27 of 1999, s. 121(*b*).

(*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.]

[1][354AB. **Responsibility of owner or occupier to keep and maintain exterior of building in good condition.—** (*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 (Mah. XXVIII of 1971) and the buildings in respect of which the redevelopment plan is sanctioned by the Competent Authority is or under consideration of the Competent Authority.

(*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 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.

[2]**354AC. Power of Commissioner to make declaration of aesthetic harmony.—** (*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 newspapers, declare that with a view to creating aesthetic harmony, maintaining architectural character and beautifying and improving the aesthetic

1 Sections 354AB and 354AC were inserted by Mah. 9 of 2011, s. 2. Section 354 AB is not yet brought into force. 2 Section 354AC was brought into force with effect from the 1st November 2011, *vide* G.N., U.D.D., No. BMC- 5007/267/C.R. 71/UD-32, dated the 1st November 2011.

appearance of a particular urban space, the external appearance of any building or buildings including any fixtures thereof, 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 newspapers 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.]

[1]**[354AAA. Empowerment of Slum Rehabilitation Authority for implementation of Slum Rehabilitation Scheme.—** 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 (Mah. XXVIII of 1971) for the slum rehabilitation area declared under that Act.]

[2][CHAPTER XII A

CITY IMPROVEMENT

354B. Transfer of right, etc. of the Board to the corporation.— (*1*) From the date on which the City of Bombay Municipal (Amendment) Act, 1933 (Bom. XIII of 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 (Bom. XVI of 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 (Bom. IV of 1898), or the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 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.

(*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

1 Section 354AAA was inserted by Mah. 5 of 1996, s. 3. 2 New Chapter XII A was inserted by Bom. 13 of 1933, s. 35.

police accommodation scheme, duly sanctioned in accordance with the provisions of the City of Bombay Improvement Act, 1898 (Bom. IV of 1898) or the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 1925) before the date on which the City of Bombay Municipal (Amendment) Act, 1933 (Bom. XIII of 1933) comes into operation, which remains unexecuted on that date, until the completion of the scheme.

Improvement Schemes

354C. Commissioner to make a draft improvement scheme.— (*1*) [1][If it shall appear to the Commissioner—

(*A*) that within certain limits in any part of [2][Brihan Mumbai]]—

(*a*) any 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 reconstruction of the streets and buildings within such area or of some of such streets or buildings, or

(*c*) it is necessary to provide for the construction of buildings for the accommodation of the poorer [3][* * *] classes, [4][or,

(*B*) that for the purpose of providing building sites for the expansion of [5][Brihan Mumbai] or of remedying the defective ventilation of any part of [6][Brihan Mumbai], or of creating new or increasing the existing means of communication and facilities for traffic between various parts of [7][Brihan Mumbai] it is expedient to form new or to alter existing streets in any part of [8][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;

some one or more English and in some two or more vernacular newspapers circulating within [10][Brihan Mumbai] a copy of the said notification;

(*iii*) proceed to make a draft improvement scheme and submit the scheme to [11][the Improvement Committee] for approval.

(*2*) In making an improvement scheme more than one area may be included in one improvement scheme.

1 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. (*1*).
2 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
3 The words "and working" were deleted by Bom. 34 of 1954, s. 10.
4 These words, brackets and letter were inserted by Bom. 12 of 1936, s. 6(*2*).
5 These words were substituted for the word "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
6 These words were substituted for the word "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
7 These words were substituted for the word "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
8 These words were substituted for the word "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
Laws Order in Council.
10 These words were substituted for the word " Greater Bombay " by Mah. 25 of 1996, s. 2, Schedule.
11 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 122.

(*3*) With the previous approval of the corporation the Commissioner may, for the purpose of making an improvement scheme, cause surveys to be made in areas either inside or outside the limits of the area comprised in the scheme to be made.

[1]**[354CC. No improvement schemes for areas for which housing schemes sanctioned under Bom. LXIX of 1948.—** 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 [2][the Maharashtra Housing and Area Development Act, 1976 (Mah. XXVIII of 1977).]

354D. [3][The Improvements Committee] to consider and approve draft scheme submitted by Commissioner.— On the submission by the Commissioner of a draft improvement scheme [4][the Improvements Committee] shall take such scheme into their consideration and may approve the same with or without such alteration as it thinks fit.

354E. Particulars to be provided for in an improvement scheme.— (*1*) The improvement scheme, which may exclude any part of the area included in the notification referred to in section 354C, 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;

(*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 sewering 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 [5][* *] 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 354C 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*).

[6][(*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,

1 This section was inserted by Bom. 69 of 1948, s. 75, Schedule.

2 These words and figures were substituted for the words and figures "the Bombay Housing Board Act, 1948" by Mah. 10 of 1998, s. 150.

3 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 123.

4 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 123.

5 The words "and working" were deleted by Bom. 34 of 1954, s. 11(*1*).

6 Sub-section (*3*) was inserted by Bom. 34 of 1954, s. 11(*2*).

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.]

354F. Considerations which shall prevail in making the scheme.— In making an improvement scheme for any area, regard shall be had to the conditions and nature of neighbouring parts of [1][Brihan Mumbai] and of [2][Brihan Mumbai] as a whole, and to the likelyhood or improvement schemes being required for the neighbouring and other parts of [3][Brihan Mumbai].

354G. Procedure on completion of the scheme.— (*1*) Upon the approval of an improvement scheme by the [4][Improvements Committee] 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 a 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*) published the notification in the manner prescribed for the publication of a notification under section 354C.

[6][(*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 reason in writing within thirty days from the date of service to the notice.]

354H. Right of owner to demand acquisition on issue of notification when building operations are in progress.— (*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 Co e 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 [7][to the Improvements Committee and the said committee] 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).

1 These words were substituted for the words "*Greater Bombay*" by Mah. 25 of 1996, s. 2, Schedule.

2 These words were substituted for the words "*Greater Bombay*" by Mah. 25 of 1996, s. 2, Schedule.

3 These words were substituted for the words "*Greater Bombay*" by Mah. 25 of 1996, s. 2, Schedule. 4 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 124.

5 These words were substituted for the words "land proposed to be acquired" by Bom. 34 of 1954, s. 12(*1*). 6 These sub-sections were substituted for sub-section (*2*) by Bom. 34 of 1954, s. 12(*2*).

7 These words were substituted for the words "the Mayor-in-Council to who" by Mah. 27 of 1999, s. 125.

(*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.

[1][(*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.]

354I. Right of owner to demand acquisition or withdrawal by the corporation after the lapse of two years from the date of notification.— (*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.

(*2*) On receipt of such notice the Commissioner shall forthwith report the matter to [2][the Improvements Committee and the said Committee shall resolve, whether in their opinion it is desirable to acquire the land set out in the notice and shall: communicate their resolution within two months to the Corporation which shall within two months after the receipt thereof communicate to the Committee and Commissioner the decision of the Corporation in the matter] 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 to 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 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.]

354J. 4[Improvement Committee] after publication and service of notices to forward the scheme to the Corporation for approval.— (*1*) Upon compliance with the foregoing provisions with respect to the publication of notices of the scheme the Commissioner shall submit to the 5[Improvements Committee] any 6[objection or representation] received under section 354G together with any suggestion he may wish to make in respect of the modification of the scheme.

1 Sub-section (*5*) was inserted by Bom. 34 of 1954, s. 13.

2 This portion was substituted by Mah. 27 of 1999, s. 126.

3 Sub-section (*5*) was added by Bom. 34 of 1954, s. 14.

4 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 127.

5 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 127. 6 These words were substituted for the words "representation or answer" by Bom. 34 of 1954, s. 15(*1*).

(*2*) The 1[Improvements Committee] shall, after consideration of any such 2[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. Corporation to consider the improvement scheme and to approve or disapprove.—The Corporation shall on receipt of a scheme from the 3[the Improvements Committee] such modification as they think fit, submit the scheme together with any 4[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.

354L. Commissioner to apply to 5[State] Government for sanction to the scheme.— (*1*) As soon as the Corporation have approved the scheme the Commissioner shall apply to 6[the 7[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 notification relating to the scheme published under sections 354C and 354G shall be deemed cancelled.

(*3*) The application to 8[the 9[State] Government] for sanction under sub-section (*1*) shall be accompanied by—

10[(*a*) a copy of the resolution passed by the Improvements Committee 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 11[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 [12][objected, with the reasons (if any) stated by such person for objection, in respect of the acquisition of their 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 either side of any street to be formed or altered in executing the scheme.

354M. On receipt of sanction 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

1 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 127.
2 These words were substituted for the words "representation, answer" by Bom. 34 of 1954, s. 15(*2*).
3 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 128.
4 These words were substituted for the words "representation, answer" by Bom. 34 of 1954, s. 16.
5 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
6 The words "the Provincial Government" were substituted for the words "the 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 The words "the Provincial Government" were substituted for the words "the 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 Clause (*a*) was substituted by Mah. 27 of 1999, s. 129.
11 These words were substituted for the words "proposed to be acquired" by Bom. 34 of 1954, s. 17(*1*).
12 These words were substituted for the original by Bom. 34 of 1954, s. 17(*2*).

scheme.— (*1*) (*a*) On receipt of the sanction of [1][the [2][State] Government], the Commissioner shall forward to [3][the [4][State] Government] a declaration for notification under the signature of a Secretary to [5][the [6][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.

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.

(*2*) (*a*) If at any time, it appears to the Commissioner, the [8][Improvements Committee] 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 [9][the [10][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 the Corporation fail to acquire the land, owner may call upon [11][Corporation] to acquire it or to withdraw from the proposal.— 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 (Bom. XIII of 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 pr ctions (*2*) to (*4*) of section 354-I shall

be followed.

Police Accommodation Schemes

354O. The Corporation to have power to make a police accommodation scheme.— (*1*) When a representation is made by [12][the [13][State] Government] to the Corporation that within any part of [14][Brihan Mumbai] accommodation is required for housing any part of the police of

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 "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 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.
Laws Order in Council.
8 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 130.
9 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
10 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
11 This word was substituted for the word "Committee" by Mah. 27 of 1999, s. 131.
12 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
13 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
14 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

[1][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.

(*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. Procedure on completion of a scheme.— 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.

354Q. Vesting of land in Corporation.— (*1*) When such scheme is sanctioned by [2][the [3][State] Government], in the case of land specified in Schedule W, [4][the [5][State] Government] shall resume the land, and the said land shall thereupon vest in the Corporation.

(*2*) The Commissioner shall then proceed to execute the police accommodation scheme.

(*3*) Any building constructed under this section shall with the site be held by [6][the [7][State] Government] for police purposes for a term of sixty years from the date of the completion of the building, and [8][the [9][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*) [10][The [11][State] Government] shall maintain the building held by them under sub-section (*3*) in a state of proper repairs.

1 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

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

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

6 The words "The Provincial Government" were substituted for the word "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 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 The words "The Provincial Government" were substituted for the word "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.

forming the site thereof shall vest absolutely in [1][Government].

(*7*) This section shall apply to all police accommodation schemes sanctioned, hereto for by [2][the [3][State] Government] in accordance with the provisions of the [4]City of Bombay Improvement Act, 1898 (Bom. IV of 1898), of the City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 1925), as if such schemes had been sanctioned under the provisions of this Act.

[5][*Clearance areas*

354R. Power to declare an area to be a clearance area.— (*1*) If it shall appear to the Commissioner in respect of any area in any part of [6][Brihan Mumbai]—

(*a*) that the residential buildings 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

(*b*) that the conditions in the area can be effectually remedied by the demolition of 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 [7][* * *] 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. Clearance orders.— (*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 [8][* * * *] 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.

1 This word was substituted for the words "His Majesty" 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 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, *See* Appendix.

5 These headings, sections were substituted for sections 354R and 354S by Bom. 34 of 1954, s. 18.

6 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

7 The words "after obtaining the approval of t d by Mah. 27 of 1999, s. 132.

8 The words "the Mayor-in-Council and" were deleted by Mah. 27 of 1999, s. 133(*a*).

(*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 buildings 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.

(*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[Improvements Committee] any objections received under sub-section (*4*) and any suggestions he may wish to make in that respect.

(*6*) The 3[Improvements Committee] 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, 4[* * *] by the 5[Improvements Committee] 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 owner 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.

1 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

2 These words were substituted for the words f 1999, s. 133(*b*).

3 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 133(*c*). 4 The words "either with or without modifications "were deleted by Mah. 10 of 1998, s. 161 (*c*)(*ii*).
5 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 133(*c*).

(*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 1[* *] the Corporation generally or specially.

(*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 sub-section (*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. Acquisition of land surrounded by or adjoining a clearance area.— 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. Provisions with respect to property belonging to the corporation within, surrounded by or adjoining a clearance area.— 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. Acquisition of land in a clearance area.— (*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 2[Improvements Committee] 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 3[* * *] 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 4[* * *] 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 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.

354RE. Treatment of a clearance area.— 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

1 The words "the Commissioner and approved by" were deleted by Mah. 10 of 1998, s. 161(*d*). 2 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 134(*a*).

3 The words "of the Mayor-in-Council and" were deleted by Mah. 27 of 1999, s. 134(*b*).

4 The words "of the Mayor-in-Council and" were deleted by Mah. 27 of 1999, s. 134(*b*).

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 Commissioner 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][Improvements Committee] 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.

354RF. Arrangements where acquisition of land in a clearance area found to be unnecessary.— 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.

354RG. Power to acquire cleared land which owners have failed to redevelop.— (*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 became 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.

(*2*) Where the Corporation have determined to acquire land under this section the Commissioner may acquire that land by agreement upon obt under section 90, or he may, with the

sanction of the [2][Improvements Committee] 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.

[1] These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 135. [2] These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 136(*a*).

(*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 [1][Improvements Committee], deal with any land acquired under this section by sale, lease or appropriation, in accordance with the provisions of section 354RE.

354RH. Power of Court to determine lease where premises demolished.— (*1*) Where any premises in respect of which a clearance order has become operative from the subject-matter of 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.

(*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. Power to declare an area to be a re-development area.— (*1*) If it shall appear to the Commissioner in respect of any area in any part of [2][Brihan Mumbai], that the following conditions exist, that is to say—

(*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 over-crowded, 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, the Commissioner shall cause that area to be defined on a plan and shall submit draft [3][re-development scheme 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 [4][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

1 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 136(*b*).

2 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

3 These words were substituted for the words "re-development Scheme to the Mayor-in-Council for the approval of" by Mah. 27 of 1999, s. 137.

4 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

the arrangement of their programme or otherwise so as to ensure that as little hardship as possible if inflicted on those dishoused.

354RJ. Re-development plan.— (*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, 1[with the approval of the Corporation] 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 2[the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966),] relating to the defined area or land in the neighbourhood thereof.

(*3*) Before submitting the plan to the State Government, the Commissioner shall—

(*a*) publish simultaneously in the *Official Gazette*, and in three or more news papers circulating within 3[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.

(*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 4[Improvements Committee] and objections received under sub-section (*3*) and any suggestions he may wish to make in that respect.

(*5*) The 5[Improvements Committee] 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 Improvements Committee 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 6[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 the re-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.

1 These words were substituted for the words "with the approval of the Mayor-in-Council and the Corporation" by Mah. 27 of 1999, s. 138(*a*).

2 These words and figures were substituted for the words and figures "the Bombay Town Planning Act, 1915" by Mah. 10 of 1998, s. 166(*b*).

3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

4 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 138(*b*).

5 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 138(*b*).

6 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

(*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. Acquisition of land for purposes of re-development.— (*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][Improvements Committee], 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—

(*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.

(*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 this 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 redevelopment area, to conditions for securing that it shall be re-developed or used in accordance with the redevelopment 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 redevelopment 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.

1 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 138(*b*).

General provisions as to land purchased for clearance or re-development

354RL. Extinguishment of ways, easements, etc., over land acquired under sections 354RD, 354 RG and 354 RK.— (*1*) The Commissioner may, with the approval of the State Government, by order extinguish 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 1[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.

(*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. Mode of provision of accommodation.— (*1*) If the Corporation, upon consideration of a representation from 2[Commissioner] other information in their possession, are satisfied that within any area in any part of 3[Brihan 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—

(*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*) [4][The Commissioner may subject to the approval of the Corporation alter,] enlarge, repair or improve any house so erected, converted or acquired.

354RN. Power of Commissioner to acquire land for housing accommodation.— The Commissioner may for the purpose of the foregoing section on behalf of the Corporation—

1 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 2 This word was substituted for the words "the Member-in-charge" by Mah. 27 of 1999, s. 140.

3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 4 These words were substituted for the words "the Commissioner, may alter" by Mah. 10 of 1998, s. 168(*b*).

(*a*) acquire any land including any buildings thereon as a site for the erection of buildings for the poorer classes;

(*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. Mode of acquisition of land for housing accommodation.— (*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][Improvements Committee], 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. Power of dealing with land acquired or appropriated for provision of housing accommodation.— (*1*) Where the Commissioner has acquired or appropriated any land for the purposes of section 354RN 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 [2][the Improvements Committee], 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;

(*c*) with the approval of [3][the Improvements Committee], 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;

1 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 141. 2 These words were substituted for the words "the Corporation" by Mah. 27 of 1999, s. 142. 3 These words were substituted for the words "the Corporation" by Mah. 27 of 1999, s. 142.

(*d*) with the approval of [1][the Improvements Committee], sell or less any building 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 dwelling 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 [2][the Improvements Committee] in this behalf, or to a payment or part thereof being secured by a mortgage of the premises.

(*2*) Where the Commissioner acquired any building 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 to some person subject to conditions for securing that he will alter, enlarge, repair or improve it.

354RQ. Supplementary powers in connection with provision of accommodation.—[3][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.

Land Acquisition

354S. Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement.— The Land Acquisition Act, 1894 (I of 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:—

(*l*) 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";

(*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 354-C, 354-O, 354-R, 354-RI, or 354-RM, 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 locality 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 notification, under sub-section (*1*) of section 4 of the Land Acquisition Act and the date of publication of the declaration under section 354M 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:

1 These words were substituted for the words "the Corporation" by Mah. 27 of 1999, s. 142.

2 These words were substituted for the words "the Corporation" by Mah. 27 of 1999, s. 142.

3 These words were substituted for the words "Subject to the general or special orders issued in this behalf by the Mayor-in-Council, the powers of the Commissioner" by Mah. 27 of 1999, s. 143.

Provided that where land is acquired under section 354-H or sub-section (*3*) of section 354I the date of publication of the notification under sub-section (*1*) of section 354-G 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 354D, 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 (Bom. XIII of 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;

(*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 to acquire under this Chapter as if it were waste or arable land needed urgently for a public purpose 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. Determination by special Tribunal in certain cases.— (*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.

(*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. Special provisions as to compensation.— In determining the amount of compensation to be awarded for any land or building acquired under this Act, the following further provisions shall apply:—

(*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 addition 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 354G 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 (*5*) 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 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.]

354U. Collector to take possession after making an award and transfer land to corporation.— When the Collector has made an award under section 11 of the Land Acquisition Act, as applied by this Act, he may take possession of the land which shall thereupon vest absolutely in 2[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 the corporation subject to

1 Clauses (*7*), (*8*) and (*9*) were inserted by Bom. 34 of 1954, s.19.

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

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.

1[*Levy of betterment charges*

354UA. Condition for levying betterment charge in clearance and development areas.— (*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, 2[in the opinion of the Commissioner be increased in value, the Commissioner may 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.

(*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 primarily liable for the payment of property taxes leviable under this Act on any land or building or part of building affected by the proposed levy of betterment charge a notice of his intention 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 3[Improvements Committee] any objections received under sub-section (*2*) and any suggestions he may wish to make in that respect.

(*4*) The 4[Improvements Committee] shall, after consideration of any of such objections and suggestions, make such modifications in respect of the proposed betterment charge 5[as they think fit,] and the Commissioner shall thereafter declare that the betterment charge, either with or without modifications, shall be leviable.

354UB. Method of calculating charge.— 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 of the increase in value of the land and 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.

354UC. Procedure for determining charge.— (*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 6[the Improvements Committee] to that effect and 7[the Improvements Committee] 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—

1 This heading and sections 354UA, 354UB and 354UC were inserted by Bom. 34 of 1954, s. 20.

2 These words were substituted for the words "in the opinion of the Mayor-in-Council be increased in value, the Commissioner may, as decided by the Mayor-in-Council, declare" by Mah. 27 of 1999, s. 144(*a*).

3 These words were substituted for the words, "the Member-in-charge" by Mah. 27 of 1999, s. 144(*b*).

4 These words were substituted for the words, "Member-in-charge" by Mah. 27 of 1999, s. 144(*c*)(*1*).
5 These words were substituted for the words "as he thinks fit," by Mah. 27 of 1999, s. 144(*c*)(*2*).
6 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s.145(*a*).
7 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s.145(*a*).

(*a*) the date declared by 1[the Improvements Committee] 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 354SA, 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.*

2[*Building Loans*]

354W. Power to grant loans for building purposes.— (*1*) Subject to the provisions of this Act and of the bye-laws made thereunder the Commissioner may, with the previous sanction of the 3[Improvements Committee] 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 (Bom. XVI 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 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

1 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 145(*b*). 2 This heading was inserted by Bom. 34 of 1954, s. 22.

3 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 146.

they are erected in favour of the corporation containing such covenants and conditions as may be prescribed in the bye-laws.

1[354WA. Power of Commissioner to make advances for the purposes of increasing housing accommodation.— (*1*) Subject to the provisions of this Act and of the bye-laws made thereunder, the Commissioner may, with the previous sanction of the 2[Improvements Committee] advance loans to persons—

(*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 having 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.

(*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. Power of Commissioner to promote and assist housing associations.— (*1*) The Commissioner, for the purpose of section 354RM may, with the previous approval of the 3[Improvements Committee] 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 4[Improvements Committee] 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 [5][Improvements Committee], make grants or loans to the association on such terms and subject to such conditions as to rate of interest and repayment or otherwise and on such security as the [6][Improvements Committee] may think fit.

1 Sections 354WA, 354WB and 354WC were inserted by Bom. 34 of 1954, s. 23.

2 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 147. 3 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999 s. 148. 4 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999 s. 148. 5 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999 s. 148. 6 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999 s. 148.

(*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.

[1][354WBB. Power of Commissioner to grant loans to municipal officers and servants for houses.— Subject 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 [2][Improvements Committee] 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 [3][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 (Mah. XV of 1971) in [4][Brihan Mumbai] or in such adjoining areas as may be specified in the bye-laws.]

Provisions relating to lands comprised in Schedules W, Y and Z

354WC. Compensation to Corporation on resumption of certain land.— 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. Payment to be made by [5][State] Government.—[6][The [7][State] Government] shall pay to the Corporation from the date on which the City of Bombay Municipal (Amendment) Act, 1933, (Bom. XIII of 1933) comes into operation and until the ninth day of November 1997 all rents and profits derived by [8][the [9][State] Government] from the lands specified or referred to in Schedule Z].

CHAPTER XIII

LICENSING OF SURVEYORS AND PLUMBERS

355. Grant of licences to surveyors and plumbers.— (*1*) The Commissioner may [10][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.

(*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 [11][Standing Committee] and upon the ground that the applicant is unfit, through in-competency, 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.

1 Section 354WBB was inserted by Mah. 50 of 1981, s. 3.

2 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 149.

3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

4 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

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

6 The words "The Provincial Government" were substituted for the word "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 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 These words were inserted by Mah. 10 of 1998, s. 178(*a*).

11 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 150.

356. Regulations may be prescribed for guidance of licensed surveyors and plumbers.— [1][The 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.

357. Fees and charges of licensed plumbers to be prescribed by the [2][Standing Committee].— The [3][Standing Committee] 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.

358. Licensed plumber to be bound to execute work properly.— 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.

CHAPTER XIV

MUNICIPAL FIRE BRIGADE

359. Maintenance of firemen and of necessary fire engines, etc.— (*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, accoutrements, tools, implements and means of inter-communication as may be necessary for the efficient discharge of their duties.

(*2*) A person may be appointed to be a member of the fire-brigade in addition to any other office or employment of such person.

360. Powers to make regulations for fire-brigade.— 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.

361. Power of chief officer of fire-brigade at a fire.—[4][(*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 the 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 These words were substituted for the words "the Commissioner may, with the approval of the Standing Committee" by Mah. 10 of 1998, s. 179.

2 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 151.

3 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 151.

4 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.

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.]

362. Police and municipal officers and servants to aid the fire-brigade.— 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.

363. Damages done by fire brigade to be deemed damaged by fire.— 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 fire brigade, shall be deemed to be damaged by fire within the meaning of any policy of insurance against fire.

364. Reports of fires to be submitted.— 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 2[Standing Committee].

CHAPTER XV

SANITARY PROVISIONS

Scavenging and Cleansing

365. Commissioner to provide for cleansing of streets and removal of refuse.— For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall take measures for securing—

(*a*) the daily surface-cleansing of all streets in 3[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. Refuse, etc. to be the property of the corporation.— All matters collected by municipal servants or contractors in pursuance of the last preceding section and of section 369 4[and carcasses of dead animals deposited in any public receptacle, depot or place under section 367] shall be the property of the Corporation.

367. Provision and appointment of receptacles, depots and places for refuse, etc.—5[* *] The Commissioner shall provide or appoint in proper and convenient situations public receptacles, depots and places for the temporary deposit or final disposal of—

(*a*) dust, ashes, refuse and rubbish;

6[(*b*) trade refuse;]

7[(*c*)] carcasses of dead anima polluted matter:

[8][* *] Provided that—

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.

2 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 152 3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 4 These words and figures were inserted by Mah. 14 of 1961, s. 5.

5 The figures (*1*) and (*2*) were omitted by Bom. 1 of 1925, s. 20(*1*).

6 This new clause (*b*) was inserted by Bom. 1 of 1925, s. 20(*2*).

7 Old clause (*b*) was re-lettered as (*c*) by Bom. 1 of 1925, s. 20(*3*).

8 The figures (*1*) and (*2*) were omitted by Bom. 1 of 1925, s. 20(*1*).

[1][(*i*)] the said matter shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of without the sanction of the corporation or in any place or manner which [2][the [3][State] Government] think fit to disallow;

[4][(*ii*)] any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

[5]**[368. Duty of owners and occupiers to collect and deposit dust, etc.—** (*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.

(*2*) [6][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.

[7][(*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.]

369. Provision may be made by Commissioner for collection, etc. of excrementitious and polluted matter.— When the Commissioner has given public notice, under clause (*a*) of section 142, of his intention to provide, in a certain portion of [8][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 [9][Brihan Mumbai].

370. Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.— It shall be incumbent on the occupier of any premises situate in any portion of the city

1 The old clause (*c*) and (*d*) were re-lettered as (*i*) and (*ii*) by Bom. 1 of 1925, s. 20(*4*).

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 The old clause (*c*) and (*d*) were re-lettered as (*i*) and (*ii*) by Bom. 1 of 1925, s. 20(*4*).

5 Section 368 was substituted for the original section by Bom. 1 of 1925, s. 21.

6 These words were substituted for the words "Provided that the Commissioner" by Mah. 10 of 1998, s. 182(*1*). 7 Sub-section (*5*) was substituted by Mah. 10 of 1998, s. 182(*2*).

8 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

9 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

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.

371. Halalkhor's duties in certain cases may not be discharged by private individuals without the Commissioner's permission.— 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.

372. No person,—

(*a*) **Prohibition of failure to remove refuse, etc. when bound to do so.—** 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;

(*b*) **Removal of refuse, etc. contrary to orders or without proper precautions.—** shall remove any dust, ashes, refuse [3][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;

(*c*) **Failure to clear away any refuse, etc., which drops during removal.—** shall, whilst engaged in the removal of any dust, ashes, refuse [4][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;

(*d*) **Leaving filth carts etc., unnecessarily in the streets.—** shall place or set down in any street any vehicle or vessel for the removal of excrementitious or polluted matter, or suffer the same to remain in any street for any greater length of time than is reasonably necessary;

(*e*) **Throwing or placing refuse etc., in any place not assigned for the purpose.—** shall throw or place any dust, ashes, refuse, [5][rubbish or trade 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;

(*f*) **Allowing filthy matter to flow or soak from any premises and keeping any thing thereupon so as to create a nuisance.—** 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;

[6][(*g*) shall deposit the skin or otherwise dispose of the carcass of any dead animal at a place not provided or appointed for this purpose under section 367.]

373. Presumptions as to offender under clause (*e*) of section 372.— If it shall in any case be shown that dust, ashes, refuse [7][rubbish or trade refuse] or any excrementitious or polluted matter, has

1 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 2 These words were substituted for the words "and rubbish" by Bom. 1 of 1925, s. 22.
3 These words were substituted for the words "and rubbish" by Bom. 1 of 1925, s. 22.
4 These words were substituted for the words "and rubbish" by Bom. 1 of 1925, s. 22.
5 These words were substituted for the words "and rubbish" by Bom. 1 of 1925, s. 22.
6 Clause (*g*) was added by Mah. 14 of 1961, s. 6.
7 These words were substituted for the words "or rubbish" by Bom. 1 of 1925, s. 23.

or have been thrown or placed on any street or place, in contravention of clause (*e*) of the last preceding section, from some building or land, it shall be presumed, until the contrary proved, that the said offence has been committed by the occupier of the said building or land.

Inspection and Sanitary Regulation of Premises

374. Power to inspect premises for sanitary purposes.— The Commissioner may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof.

375. Cleansing and lime-washing of any building may be required.— If it shall appear to the Commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected, to cause the same or some portion thereof to be lime-washed or otherwise cleansed, either externally or internally, or both externally and internally.

[1][**375A. Removal of building materials from any premises may be required.—** If it shall appear to the Commissioner that any tiles, stones, rafters, building materials or debris of building materials are stored or collected in or upon any premises without the written permission of the Commissioner in such quantity or bulk in such way as to constitute a harbourage or breeding place for rats or other vermin or otherwise a source of danger or nuisance to the occupiers of the said premises or to persons residing in the neighbourhood thereof, the Commissioner may 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.]

376. Abandoned or unoccupied premises.— If any premises, by reason of their being abandoned or unoccupied, become a resort of disorderly persons or, in the opinion of the Commissioner, a nuisance, the Commissioner, after such inquiry as he deems necessary, may give written notice to the owner of such premises, if he be known and resident within [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 to take such order with the said premises as shall in the opinion of the Commissioner be necessary to prevent the same from being resorted to as aforesaid or from continuing to be a nuisance.

377. Neglected premises.— (*1*) If it shall appear to the Commissioner that any premises are over-grown with rank and noisome vegetation or are otherwise in an unwholesome or filthy condition or, by reason of their not being properly enclosed, are resorted to by the public for purposes of nature, or are otherwise a nuisance to the neighbouring inhabitants, the Commissioner may, by written notice, require the owner or occupier of such premises to cleanse, clear or enclose the same, or with the approval of the [4][Standing Committee], may require him to take such other order with the same as the Commissioner thinks necessary.

[5][(*1-A*) **Neglected private streets.—** 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 [6][Standing Committee] require them to take such other order with the same as the Commissioner may think necessary:

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 [7][or such street] or such nuisance as abovementioned is caused by the discharge from or by any defect in the municipal

1 Section 375A was inserted by Bom. 1 of 1916, s. 8.

2 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

4 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 153(*a*). 5 Sub-section (*1-A*) was added by Bom. 1 of 1916, s. 9(*a*).

6 These words were substituted for the words "Member-in-Charge" by Mah. 27 of 1999, s. 153(*b*). 7 These words were inserted by Bom. 1 of 1916, s. 9(*b*).

drains or appliances connected therewith, it shall be incumbent on the Commissioner to cleanse such premises [1][or such street.]

[2][**377A. Nuisance arising from defective roof.—** (*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 acts to be specified in the notice.

(*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.

[3][(*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:

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 apportionment 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.]

[4]**[378. Building or rooms in buildings unfit for human habitation.—** (*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

1 These words were inserted by Bom. 1 of 1916, s. 9(*b*).

2 This new section 377A was added by Bom. 1 of 1925, s. 24. 3 Sub-sections (*4*) and (*5*) were added by Mah. 35 of 1971, s. 2. 4 Section 378 was substituted by Bom. 6 of 1916, s. 6.

may, with the previous approval of the [1][Standing Committee], 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][Standing Committee] 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 affixed 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.]]

[4]**[378A. Power to require repair of insanitary buildings.—** (*1*) If it shall appear to the Commissioner that any building intended for, or used as, a dwelling is in any respect unfit 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 interest in the building, whether as owner of the land, mortgagee, lessee, or otherwise.

378B. Power to order demolition of insanitary buildings.— (*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 [5][the Standing Committee], 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.

(*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 [6][the Standing Committee], accept from any owner or 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 [7][the Standing Committee], 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

1 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 154.

2 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 154. 3 Sub-section (*3*) was inserted by Bom. 34 of 1954, s. 24.

4 Sections 378A to 378I were inserted by Bom. 34 of 1954, s. 25.

5 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 155. 6 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 155. 7 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 155.

of [1][the Standing Committee], 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. Procedure where demolition order made.— (*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.

(*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.

378D. Regulations to determine the fitness of a building.— 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 378-A 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.

378E. Power to order demolition of obstructive building.— (*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 [2][the Standing Committee], 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, [3][the Standing Committee] 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—

1 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 155. 2 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 156. 3 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 156.

(*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.

378F. Effect of order for demolition of obstructive building.— (*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*) the 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.

(*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 buildings or part thereof, and shall pay compensation as provided for in sub-section (*6*).

(*5*) The provisions of sub-section (*2*) of section 378-C 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 378-B.

(*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 378-E.

378G. Compensation for acquiring obstructive building recoverable in certain cases as improvement expenses.— (*1*) When a demolition order in respect of an obstructive building or any part thereof has been made under section 378-E, the Commissioner may specify and declare to 1[the Standing Committee] 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.

(*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 section 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.

1 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 157.

378H. Appeal against demolition orders.— (*1*) Any person aggrieved by a demolition order made under section 378-B or section 378-E 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 378-B:

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 378-B 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 (V of 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.

(*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 1[the Limitation Act, 1963 (36 of 1963)], be deemed to be an appeal under the Code of Civil Procedure, 1908 (V of 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.

378I. Prohibition of back-to-back buildings.— 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:

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.]

2[**379. Power of Commissioner to call for statement of accommodation.—** (*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,—

1 These words were substituted for the words "the Indian Limitation Act, 1908" by Mah. 10 of 1998, s. 188. 2 Section 379 was substituted for the original section by Bom. 5 of 1905, s. 55.

(*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.]

1[**379A. Over-crowded dwellings.—** (*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 2[3[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.

(*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 the 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.

(*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 that three hundred cubic feet, two children under ten years of age counting as one adult.]

380. Insanitary huts and sheds.— 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 build 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 owning 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.

[4]**[381. Filling in of pools, etc. which are a nuisance.—**[5][(*1*) (*i*) For the purposes of this section, a nuisance shall include—

1 Section 379A was inserted by Bom. 5 of 1905, s. 55.

2 These words were substituted for the words "Presidency Magistrate" by Bom. 8 of 1954, s. 2, Schedule—Part III. 3 These words were substituted for the words "Presidency Magistrate" by Mah. 21 of 1989, s. 43.

4 This section was substituted for the original section by Bom. 6 of 1913, s. 4.

5 New sub-section (*1*) was substituted for the original sub-section (*1*) by Bom. 10 of 1928, s. 14(*a*).

(*a*) any pool, ditch, tank, well, pond, quarry-hole, drain, watercourse 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 (*z*) 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 requirement 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.

(*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 [1][any person who, by a requisition made under sub-section (*1*), is required] to fill up, cover over or drain off 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][Standing Committee] 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 [3][the

Standing Committee], 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 [4][the Standing Committee] 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 [5][the Standing Committee], whether the expenses of any work already done as aforesaid shall be paid by such [6][person], or by the Commissioner out of the municipal funds or shall be shared, and, if so, in what proportions.]

[7][**381A. Permission for new well, etc.—** (*1*) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Commissioner.

1 These words, figures and brackets were substituted for the original words by Bom. 10 of 1928, s. 14(*b*)(*i*).

2 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 158(*a*). 3 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 158(*b*). 4 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 158(*b*). 5 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 158(*b*). 6 The word "person" was substituted for the original word "owner" by Bom. 10 of 1928, s. 14(*b*)(*ii*). 7 Section 381A was inserted by Bom. 6 of 1913, s. 5.

(*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*).]

[1][**381B. Prohibition of mosquito breeding in collection of water on any land.—** 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.— Troughs 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.]

382. Dangerous quarrying may be stopped.— 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, [2][* * * *] 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.

383. Removal and trimming of trees, shrubs and hedges.— (*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 overhangs or obstructs any street to the inconvenience or danger of passengers therein;

the Commissioner may, by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has

(*c*) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet, and to remove any such prickly-pear or other rank vegetation therefrom; or

(*d*) to remove, cut, lop or trim such tree or shrub, as the case may be.

(*2*) In any case falling under clause (*b*), the Commissioner may, if for the public safety it shall appear to him necessary so to do, cause any tree or shrub to be removed, cut, lopped or trimmed, without previously giving the said owner or occupier notice as aforesaid, and the expenses thereof shall nevertheless, be paid by the owner or occupier.

Keeping and Destruction of Animals and Disposal of Carcasses

384. Prohibition as to keeping animals.— (*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 [3][Brihan Mumbai];

1 Section 381B was inserted by Mah. 51 of 1975, s. 16.

2 The words "with the approval of the Standing Committee" were deleted by Mah. 21 of 1989, s. 44. 3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

(*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 any animal, to be fed or to feed, with or upon excrementitious matter, dung, stable refuse or other filthy matter.

(*2*) Any swine found straying may be forthwith destroyed and the carcass thereof disposed of as the Commissioner shall direct. No claim shall lie for compensation for any swine so destroyed.

[1][**384A. Stabling animals or storing grain in dwelling houses may be prohibited.—** 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,

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.]

[2][**385. Removal of carcasses of dead animals**.— (*1*) It shall be the duty of the Commissioner to provide for the removal of the carcasses of all animals dying within [3][Brihan Mumbai].

(*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 which 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 [4][Brihan Mumbai] in which the death occurred or in which the carcass is found [5][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 [6][Brihan Mumbai].]

(*3*) For every carcass so removed by municipal agency, a fee for the removal, or 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. Places for public bathing, etc., to be fixed by the Commissioner.— 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.

387. Regulation of use of public bathing places, etc.— (*1*) The Commissioner may, by public notice, regulate the use by the public—

(*a*) of any portion of the seashore or other place vesting in the Corporation 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.

1 Section 384A was inserted by Bom. 1 of 1916, s. 10.

2 This section was substituted for the original section by Bom. 5 of 1920, s. 4.

3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 4 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 5 This portion was added by Mah. 14 of 1961, s. 7.

6 These words were substituted for the word "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

(*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.

388. Prohibition of bathing etc., contrary to order or regulation.— Except as permitted by any order or regulation made under section 270, 386 or 387, no person shall,—

(*a*) bath 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. Prohibition of corruption of water by steeping therein animal or other matter, etc.— No person shall,—

(*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.

390. Factory, etc., not to be newly established without permission of the Commissioner.— (*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 work-place without such permission]:

[3][Provided that, no such permission shall be required in respect of the factories, workshop or work-place in the area, notified by the Maharashtra Industrial Development Corporation, within the jurisdiction of the corporation.]

(*2*) The Commissioner may refuse to give such permission if he shall be of opinion that the establishment of such factory, workshop or work-place 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.

[4][(*3*) If any written permission for the establishment of a factory, workshop or work-place granted under sub-section (*1*) be revoked by the Commissioner in the exercise of his powers under sub-section

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 This proviso was added by Mah. 23 of 2016, s. 2.
4 Sub-section (*3*) was added by Bom. 1 of 1916, s. 11(*b*).

(*3*) of section 479, no person shall continue or resume the working or use of such factory, workshop or work-place until such written permission is renewed or a fresh written permission is granted by the Commissioner.]

391. Furnaces used in trade or manufacture to consume their own smoke.— (*1*) No person shall—

(*a*) use or permit to be used any furnace employed for the purpose of any trade or manufacture, which dose not, so far as practicable, consume its own smoke; or

(*b*) so negligently use or permit to be used any such furnace as that it shall not, as far as practicable, consume its own smoke.

(*2*) Nothing in this section shall be deemed to apply to a locomotive engine used for the purpose of traffic upon any railway or for the repair of streets.

392. Sanitary regulation of factories, etc.— (*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,

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, [2][* *] 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 [3]Bombay Boiler Inspection Act, 1887 (Bom. III of 1887) and nothing in this section which relates to the fixing or fencing of any engine, mill-gearing, hoist or other machinery shall apply on any factory to which the provisions of the [4]Indian Factories Act, 1881 (XV of 1881) are applicable.

393. Prohibition of use of steam-whistle or steam-trumpet without permission of the Commissioner.— (*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:

[5][Provided that, no such permission of the Commissioner, under this sub-section shall be required, if such factory or any other place is situated in the area, notified by the Maharashtra Industrial Development Corporation, within the jurisdiction of the corporation.]

(*2*) The Commissioner may at anytime 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 The word "bakehouse" was repealed by Bom. 2 of 1911, s. 14.

3 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.

4 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.

5 This proviso was added by Mah. 23 of 2016, s. 3.

[1]**[394. Certain articles [2][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.—** (*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 alongwith 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 article [3][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 within [4][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 article [5][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;

(*b*) to keep or to suffer or allow the keeping of an article [6][or animal] or to carry on or allow to be carried on a trade, process or operation within the meaning of clause (*d*), or, as the case may be, paragraph (*ii*) of clause (*e*), of sub-section (*1*), if he does any act in furtherance of keeping of such article [7][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.

1 Sections 394 and 394A 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(*e*).

3 These words were inserted by Mah. 42 of 1976, s.11(*a*).

4 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 5 These words were inserted by Mah. 42 of 1976, s. 11(*b*).

6 These words were inserted by Mah. 42 of 1976, s. 11(*b*).

7 These words were inserted by Mah. 42 of 1976, s. 11(*b*).

(*4*) If it appears to the Commissioner that the keeping of any article, [1][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 (*1*), 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 [3][or animal] or any machinery or device used in connection with such trade, process or operation. Any article [4][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 [5][or animal], machinery or device as may be fixed by the Commissioner in that behalf:

Provided that, if any article [6][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 [7][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 [8][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 [9][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 (*1*), 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.

(*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 [10][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.

1 These words were inserted by Mah. 42 of 1976, s. 11(*c*).
2 These words were inserted by Mah. 42 of 1976, s. 11(*c*).
3 These words were inserted by Mah. 42 of 1976, s. 11(*c*).
4 These words were inserted by Mah. 42 of 1976, s. 11(*c*).
5 These words were inserted by Mah. 42 of 1976, s. 11(*c*).
6 These words were inserted by Mah. 42 of 1976, s. 11(*c*).
7 These words were inserted by Mah. 42 of 1976, s. 11(*c*).
8 These words were inserted by Mah. 42 of 1976, s. 11(*c*).
9 These words were inserted by Mah. 42 of 1976, s. 11(*c*).
10 These words were inserted by Mah. 42 of 1976, s. 11(*d*).

(*7*) The Commissioner may from time to time with the approval of [1][the Standing Committee] 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.

394A. Power to prohibit the keeping of certain articles of dangerous character in certain premises or areas.— 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.]

395. Prohibition of corruption of water by chemicals, etc.— (*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 hour's previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits, connected with any such manufacture or trade as aforesaid, lay open and examine the said works, pipes or conduits;

and if, upon such examination, it appears that sub-section (*1*) has been, contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination and of any measure which the Commissioner shall, in his discretion, require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof, or through whose neglect or fault the said sub-section has been contravened;

but if it 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.

[2][**396. Powers of inspection, etc., of premises where licensable articles are kept or trade, process or operation carried on or where prohibited articles are kept.—** (*1*) The Commissioner 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 394-A, 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 bye-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.

(*2*) Every person in charge, whether as principal, agent, clerk, master, servant, workman, handicraftsman, watchman or otherwise of any premises where any article requiring a licence under section 394 or any article prohibited under section 394-A is kept or likely to be kept, or where any trade,

1 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 159. 2 Section 396 was substituted for the original by Mah. 32 of 1962, s. 3.

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 bye-law or notification made or issued thereunder.]

397. Regulation of washing of clothes by washermen.— (*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;

and, when any such prohibition has been made, no person who is by calling, a washermen 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*) **Washing places to be provided by the Commissioner for washermen**.— 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 [1][Standing Committee].

Maintenance and Regulation of Markets and Slaughter-Houses

398. What to be deemed municipal markets and slaughter-houses.—[2][(*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 oth uses shall be deemed to be private.

[3][(*2*) The corporation may also establish markets for the purchase and sale of or trading in agricultural produce [4][, animals, elegant or exotic birds and elegant or exotic fishes (except those animals, birds and fishes prohibited under the Wildlife (Protection) Act, 1972 (53 of 1972) or under any other law for the time being in force)] 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 [5][, animals, elegant or exotic birds and elegant or exotic fishes (except those animals, birds and fishes prohibited under the Wildlife (Protection) Act, 1972 (53 of 1972) or under any other law for the time being in force)] specified in Schedule JJ.]

399. Provisions of new municipal markets and slaughter-houses.— (*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 building 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.

1 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 160. 2 Section 398 was re-numbered as sub-section (*1*) of that section by Bom. 54 of 1955, s. 9. 3 This sub-section was added by Bom. 54 of 1955, s. 9.

4 These words, brackets and figures were inserted by Mah. 31 of 2018, s. 2(*a*).

5 These words, brackets and figures were inserted by Mah. 31 of 2018, s. 2(*b*).

(*2*) Municipal slaughter-houses may be situate within or with the sanction of [1][the [2][State] Government] without [3][Brihan Mumbai].

400. Municipal markets and slaughter- houses may be closed.—The Commissioner may, with the sanction of the corporation and of [4][the [5][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.

401. Prohibition of sale in a municipal market without licence of Commissioner.— (*1*) No person shall, without a licence from the Commissioner, sell or expose for sale any animal [6][, elegant or exotic bird and elegant or exotic fish (except those animals, birds and fishes prohibited under the Wildlife (Protection) Act, 1972 (53 of 1972) or under any other law for the time being in force)] 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.

402. Opening of new private markets.— (*1*) The corporation shall from time to time determine whether the establishment of new private markets shall be permitted in [7][Brihan Mumbai] or in any specified portion of the [8][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*). [9][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, [10][Hindi] and Urdu languages on some conspicuous spot on or near the building or place where such market is to be held.

403. [11][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].— (*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 [12][or permit to be kept open] a private market;

(*b*) use [13][or permit to be used] any place in [14][Brihan Mumbai] as a slaughter-house or for the slaughtering of any animal intended for human food;

(*c*) use [15][or permit to be used] any place without [16][Brihan Mumbai] whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in [17][Brihan Mumbai].

(*2*) Provided that—

1 The words "the Provincial Govrnment" 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 "Greater Bomaby" by Mah. 25 of 1996, s. 2, Schedule.
4 The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.
5 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
6 These words, brackets and figures were inserted by Mah. 31 of 2018, s. 3.
7 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
8 These words were substituted for the words "Greater Bomaby" by Mah. 25 of 1996, s. 2, Schedule.
9 These words were added by Bom. 5 of 1938, s. 39.
10 This word was inserted by Mah. 21 of 1989, s. 46.
11 This marginal note was substituted for the original by Bom. 20 of 1952, s. 16(*2*).
12 These words were inserted by Bom. 5 of 1938, s. 40.
13 These words were inserted by Bom. 5 of 1938, s. 40.
14 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
15 These words were inserted by Bom. 5 of 1938, s. 40.
16 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
17 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

(*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 [1][the Standing Committee].

[2][(*dd*) the Commissioner may with the previous approval of [3][the Standing Committee] 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 think fit, on the occasion of any festival or ceremony or under special circumstances;

[4][(*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.]

[5][(*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 animals unless he proves that the place was so used without his knowledge.]

(*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, [6][Hindi] and Urdu languages on some conspicuous spot on or near the building or place where such market has been held.

404. Prohibition of sale in unauthorised private markets.— 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. Provision for requiring private market- building and slaughter-houses to be properly paved and drained.— 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.

1 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 161. 2 Clause (*dd*) was inserted by Bom. 32 of 1935, s. 12.

3 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 161. 4 This clause was added by Mah. 10 of 1998, s. 192(*b*).

5 Sub-section (*2A*) and (*2B*) were inserted by Bom. 64 of 1953, s. 16.

6 This word was inserted by Mah. 21 of 1989, s. 47.

406. Regulations to be framed for markets and slaughter-houses.—[1][The Corporation may,] [2][with the approval of the Standing Committee,] 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 nuisance of 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 [4][, animals, elegant or exotic birds and elegant or exotic fishes (except those animals, birds and fishes prohibited under the Wildlife (Protection) Act, 1972 (53 of 1972) or under any other law for the time being in force)] specified in Schedule JJ in any market-building or market-place.]

407. Levy of stallages, rents and fees in municipal markets and slaughter-houses.— 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 [5][the Standing Committee,] in this behalf; or

(*b*) with the approval of [6][the Standing Committee,] from the stallages, rents and fees leviable as aforesaid or any portion thereof, g one year at a time; or

(*c*) put up to public auction, or, with the approval of [7][the Standing Committee,] 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.

[8]**[407A. Removal of live cattle, sheep, goats or swine from any municipal slaughter-house, market or premises.—** (*1*) No person shall, without the written permission of the Commissioner and without the payment of such fees as may be [9][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:

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 within such slaughter-

1 These words were substituted for the words "The Commissioner may, with the approval of the Standing Committee" by Mah. 10 of 1998, s. 193.

2 These words were inserted by Mah. 27 of 1999, s. 162.

3 This clause was added by Bom. 54 of 1955, s. 10.

4 These words, brackets and figures were inserted by Mah. 31 of 2018, s. 4.

5 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 163.

6 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 163.

7 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 163.

8 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.)

9 These words were substituted for the words "prescribed by him" by Mah. 10 of 1998, s. 195(*a*).

house, market or premises for a period longer than that prescribed under regulations made by the [1][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 [2][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. Regulations and table of stallage, rents to be posted up in markets and slaughter-houses.— (*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 [3][sections 406, 407 and 407A], in the English, Marathi, Gujarati, [4][Hindi] and Urdu languages, shall be affixed in some conspicuous spot in the market-building, market-place or slaughter-house.

(*2*) No person shall, without authority, destroy, pull down, injure or deface any copy of any regulation or table so affixed.

409. Power to expel persons contravening by-laws or regulations.—The Commissioner may expel from any municipal market of 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.

Sale [5][or Supply] of articles of food outside of markets

410. Prohibition of sale [6][or supply] of animals, etc., except in a market.— (*1*) Except as hereinafter provided, no person shall, without a licence from the Commissioner, [7][sell or supply or expose for sale or supply] any [8][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.

411. Butchers and persons who [9][sell or supply] the flesh of animals to be licensed.—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 [10][Brihan Mumbai], or at any Municipal slaughter-house the trade of a butcher;

(*b*) use any place in [11][Brihan Mumbai], [12][for the sale or supply], of the flesh of any animal [13][or bird] intended for human food, or any place without [14][Brihan Mumbai] [15][for the sale or supply] of such flesh for consumption in [16][Brihan Mumbai].

1 This word was substituted for the word "Commissioner" by Mah. 10 of 1998, s. 195(*b*).
2 This word was substituted for the word "Commissioner" by Mah. 10 of 1998, s. 195(*b*).
3 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.
4 This word was inserted by Mah. 21 of 1989, s. 48.
5 These words were inserted by Bom. 64 of 1953, s. 17(*2*).
6 These words were inserted by Bom. 64 of 1953, s. 17(*3*).
7 These words were substituted for the words "sell or expose for sale," by Bom. 64 of 1953, s. 17(*1*).
8 These words were substituted for the words "four footed animal or any meat or fish" by Mah. 10 of 1998, s. 196.
9 These words were substituted for the word "sell" by Bom. 64 of 1953, s. 18(*2*).
10 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
11 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
12 These words were substituted for the words "for the sale" by Bom. 64 of 1953, s. 18(*1*).
13 These words were inserted by Mah. 10 of 1998, s. 197.
14 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
15 These words were substituted for the words "for the sale" by Bom. 64 of 1953, s. 18(*1*).
16 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

[1]**[412. Prohibition of import of cattle, etc. into [2][Brihan Mumbai] without permission.—** (*1*) No person shall without the written permission of the Commissioner bring into [3][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 [4][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 [6][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.]

[7]**[412A. Licence required for dealing in milk, etc.—** 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 [8][Brihan Mumbai], the trade or business of a dealer in or importer or seller or hawker of milk, [9][butter [10][ghee] or other milk products];

(*b*) use any place in [11][Brihan Mumbai] for the sale of milk, [12][butter [13][ghee] or other milk products].

Inspection of place of sales, etc.

413. Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this Act is suspected.— (*1*) If the Commissioner shall have reason to believe that any animal intended for human food is bein sh 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 by-law made under this Act at the time in force is being contravened thereat.

(*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. Commissioner to provide for inspection of articles exposed for sale for human food.—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.

1 This section was substituted for the original section by Bom. 2 of 1911, s. 16.

2 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 4 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 5 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 6 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 7 Section 412A was inserted by Bom. 6 of 1923, s. 7.

8 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 9 These words were inserted by Bom. 6 of 1916, s. 8.

10 The word "ghee" was inserted by Bom. 32 of 1935, s. 13.

11 There words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 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.

415. Unwholesome articles etc., to be seized.— (*1*) The Commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensil or vessel used for preparing, manufacturing or containing the same.

(*2*) If any such animal or article appears to the Commissioner to be diseased or unsound or unwholesome or unfit for human food or for medicine, as the case may be, or is not what it is represented to be, or if any such utensil or vessel is of 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].

[2][* * *]

416. Disposal of perishable articles seized under section 415.— 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.

417. Disposal of animals and articles of a non-perishable nature seized under section 415.—(*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, [3][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 seizer, 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.*

[4]**[417B. Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food.—** 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 (XLV of 1860) do not apply, be punished with fine which may extend to [5][five] hundred rupees.

417C. Application for summons to be refused of not applied for within reasonable time.— In all prosecutions under section [6][* * *] 417B 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

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. 3 These words were substituted for the original words by Bom. 2 of 1899, s. 6(*1*)(*a*).

4 Sections 417B and 417C were inserted by Bom. 2 of 1899, s. 6(*1*)(*b*).

5 This word was substituted for the word "one" by Bom. 76 of 1948, s. 26.

6 The figures, letter and word "417A or were" repealed by Bom. 5 of 1925, s. 20, Schedule B.

418.[1][*Provision of local standards of weights and measures.*] *Repealed by Bom. 15 of l932.*

419.[2][*Verification and stamping of weights and measures.*] *Repealed by Bom. 15 of l932.*

420.[3][*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

421. Information to be given of existence of dangerous disease [4][or continuous pyrexia of unknown origin].— Every medical practitioner who treats or becomes cognizant of the existence of any dangerous disease [5][or any case of continuous pyrexia of unknown origin of more than four day's 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.

422. Any place may at any time be inspected for purpose of preventing spread of dangerous disease.— 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.

423. Prohibition of use for drinking of water likely to cause dangerous disease.— (*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.

(*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. Commissioner may order removal of patients to hospital.— (*1*) The Commissioner or any police officer empowered by him in this behalf may, on a certificate signed by the executive health officer or by any duly qualified medical practitioner, direct or cause the removal of any person who is, in the opinion of such executive health officer or other medical practitioner, without proper lodging or accommodation or who is lodged in a building occupied by more than one family, and who is suffering from a dangerous disease, to any hospital or place at which patients suffering from the said disease are received for medical treatment.

(*2*) The person, if any, who has charge of a person in respect of whom an order is made under sub-section (*1*) shall obey such order.

425. Disinfection of buildings, etc.— (*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 of disinfect such building or part thereof or article therein, and, if it shall appear to the Commissioner necessary to vacate the said building for such time as shall be prescribed in the said notice:

(*2*) Provided that, if in the opinion of the Commissioner, the owner or occupier is from poverty or other cause effectually to comply with such requisition the Commissioner may cause the building or part

1 Sections 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.

2 Sections 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.

3 Sections 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.

4 These words were inserted by Bom. 20 of 1952, s. 17(*2*).

5 These words were inserted by Bom. 20 of 1952, s. 17(*1*).

of the building or article likely to retain infection to be cleansed or disinfected and defray the cost of so doing.

426. Destruction of huts and sheds, when necessary.— (*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.

(*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.

1[426A. Second-hand clothing and bedding not to be brought into 2[Brihan Mumbai] without informing Commissioner and getting them inspected.— (*1*) Every person who brings or causes to be brought by sea into 3[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 4[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 insp

(*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, or 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 [5][Brihan Mumbai] for export to and disposal at a place outside and beyond the limits of [6][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).]

1 This section was inserted by Bom. 76 of 1948, s. 27.

2 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 4 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 5 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 6 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

427. Place for disinfection may be provided also for washing infected articles.— (*1*) The Commissioner may provide a place, with all necessary apparatus and attendance, or the disinfection of clothing, bedding for 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 [1][Standing Committee] in this behalf, or, in any case in which thinks fit, free of charge.

(*2*) The Commissioner may, from time to time, by public notice, appoint a place at which clothing, bedding, or other articles which have been exposed to infection from any dangerous disease may be washed; and no person shall wash any such article at any place not so appointed without having previously disinfected the same.

(*3*) **Infected articles may be destroyed.—** The Commissioner may direct the disinfection or destruction of bedding, clothing or other articles likely to retain infection.

(*4*) The Commissioner may, in his discretion, give compensation for any article destroyed under sub-section (*3*).

428. Person suffering from dangerous disease not to enter a public conveyance without notifying the same.— (*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.

(*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. Provision of carriages for conveyance of patients.— 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.

430. Provision as to carriage of persons suffering from dangerous disease in public conveyances.— (*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.

(*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. Public conveyance which has carried a person suffering from dangerous disease to be disinfected.— 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.

432. Infected articles not to be transmitted, etc. without previous disinfection.— (*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.

(*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.

1 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 164.

433. Infected building not to be let without being first disinfected.— (*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

434. Commissioner may take special measures on outbreak of any dangerous disease.— (*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 2[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 3[the 4[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

435. Places for disposal of the dead to be registered.— 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.

436. Provision of new places for disposal of the dead.— 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 [5][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 [6][city engineer].

437. New places for disposal of the dead not to be opened without permission of Commissioner.— No place, which has never previously been lawfully used as 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 Commission, who, with the approval of the Corporation, may grant or withhold such permission.

438. [7][State] Government may direct the closing of any place for the disposal of the dead.—(*1*) If, from information furnished by competent person and after personal inspection, the Commissioner shall at any time be of opinion—

1 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

2 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, 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 substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

6 The words "city engineer" were substituted for the words "executive engineer" by Bom. 19 of 1930, s. 6.

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

(*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][2][State] Government].

(*2*) Upon receipt of such opinions, the [3][4][State] Government], after such further inquiry, if any, as [5][it] shall deem fit to cause to be made, may, by notification published in the [6][*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 [7][8][State] 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, [9][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. [10][State] Government may sanction the reopening of places which have been closed for the disposal of the dead.— (*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 [11][12][State] Government].

(*2*) Upon receipt of such opinion, the [13][14][State] Government] after such further inquiry, if any as [15][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.

440. Burials within places of worship and exhumations not to be made without the permission of the Commissioner.— (*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;

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

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

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

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

5 The word "it" was substituted for the word "he" by the Adaptation of Indian Laws Order in Council.

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

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

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

9 This word was inserted by Mah. 21 of 1989, s. 49.

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

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

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

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

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

15 The word "it" was substituted for the word "he" by the Adaptation of Indian Laws Order in Council.

(*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 as 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 of Criminal Procedure, 1973 (2 of 1974),] or of any other law for the time being in force, from any place for the disposal of the dead.

(*2*) The Commissioner may in special cases grant permission for any of the purposes aforesaid, subject to such general or special order as the 2[3[State] 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, 1973 (2 of 1974).]

441. Acts prohibited in connection with the disposal of the dead.— 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;

(*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 internment 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.

5[CHAPTER XV-A

POUNDS AND PREVENTION OF CATTLE TRESPASS

1 These words and figures were substituted for the words and figures "Code of Criminal Procedure, 1882" by Mah. 21 of 1989, s. 50(*a*).

2 The words "Provincial Government" were substituted for the words "Government in Council" 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 These words and figures were substituted for the words and figures "Code of Criminal Procedure," by Mah. 21 of 1989, s. 50(*b*).

5 Chapter XV-A was inserted by Mah. 18 of 1974, s. 3.

441A. Sections 90 to 94 of Bombay Police Act to cease to apply to 1[Brihan Mumbai].— On the date of commencement of the Bombay Municipal Corporation and Bombay Police (Amendment) Act, 1974 (Mah. XVIII of 1974), the provisions of sections 90 to 94 (both inclusive) of the Bombay Police Act, 1951 (Bom. XXII of 1951) (hereinafter in this section referred to as "the said Act"), shall cease to apply to 2[Brihan Mumbai]:

Provided that—

(*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. Power to establish cattle pounds and appoint pound-keepers.— (*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.

(*2*) Every pound-keeper so appointed shall, in the performance of his duties, be subject to the direction and control of the Commission

441C. Impounding of cattle.— 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 staying in any street or trespassing upon any private or public property.

441D. Delivery of cattle claimed.— Subject to the provisions of section 441G, 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.

441E. Sale of cattle not claimed.— (*1*) If within ten days after an animal has been impounded, no person appearing to be the owner thereof 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 pound-keeper or other municipal officer shall, directly or indirectly, purchase any cattle at a sale under sub-section (*1*).

441F. Rates of pound fees and expenses to be fixed.— (*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. Penalty for allowing cattle to stray in street or to trespass upon private or public property.— (*1*) Whoever in any part of [3][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—

1 These words were substituted for the words “Greater Bombay” by Mah. 25 of 1996, s. 2, Schedule. 2 These words were substituted for the words “Greater Bombay” by Mah. 25 of 1996, s. 2, Schedule. 3 These words were substituted for the words “Greater Bombay” by Mah. 25 of 1996, s. 2, Schedule.

(*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.]

CHAPTER XVI

VITAL STATISTICS

Registration of Births and Deaths

442. Appointment of Registrars.— For the purpose of registering births and deaths, the Commissioner shall divide [1][Brihan Mumbai] into such and so many districts and sub-district as he shall from time to time think fit; and a Municipal Officer shall be a Registrar of Births and Death of each such districts.

443. Registrars to reside in the respective districts.— (*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 Birth 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 [2][Brihan Mumbai] shall be kept at the Municipal Office and shall be open at all reasonable times to public inspection free of charge.

444. Register books to be supplied.— The Commissioner shall provide and supply to the Registrar 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. Registrars to inform themselves of all births and deaths.— (*1*) Each Registrar shall inform himself carefully of every birth and death which shall happen in his district and of the particulars

1 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 2 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

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. Information of birth to be given within seven days.— (*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*) **Saving for father of illegitimate child.—** 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.

447. Information respecting finding of new-born child to be given.— In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief to the Registrar or other Municipal Officer aforesaid, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as informant possesses.

448. Officers to be appointed to receive information of deaths at places for disposal of the dead.— (*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.

449. Information of death to be given at the time when the corpse of the deceased is disposed of.— (*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 relative, of each person present at the death, and of the occupier of the premises in which, to his knowledge, the death took place, and, in default of the persons hereinbefore in this section mentioned, of each inmate of such premises, and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give, to the best of his knowledge and belief, to the officer appointed under the last preceding section, information of the particulars required to be registered concerning such death.

(*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.

450. Medical Practitioner who attended a deceased person to certify the cause of the death.— (*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

1 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule

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.

451. Preparation of register book of death and of mortality returns, etc.— (*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.

452. Correction of errors in registers of births or deaths.— (*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 authorised in that behalf by the Commissioner.

(*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. Registration of name of child or of alteration of name.— (*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.

(*2*) The certificate shall be in the form of Scheduled 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. Enumeration of inhabitants.— 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 2[the Central Government], an enumeration shall be made of the persons who at the time of making such enumeration shall be within 3[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,

1 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

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

3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

and all other necessary particulars, shall be given by advertisement in the 1[*Official Gazette*] and in the local newspapers.

455. Commissioner to superintend the enumeration.— 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.

456. Delivery of blank schedules and returns.— 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 2[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 or residence.

457. Obligation to fill up blank schedules and returns.— (*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.

458. Occupier to amend returns, if found defective.— 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.

459. Military, Naval and police officers and certain others, if required to act as enumerators.— (*1*) Any military or naval officer, or any officer of the Bombay City Police, or any master or person in charge of a merchant vessel, or nacoda or tindal of a vessel or boat, or any person in charge of a lunatic asylum, hospital or prison or of any public or private charitable or scholastic institution, or any keeper or a hotel or lodging-house, shall if required, act as an enumerator for the purpose of taking account of persons under his command of 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.

460. Returns of houseless persons.— The Commissioner shall obtain, by such means as shall appear to him best adapted for the purpose and as shall be sanctioned by [3][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.

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 Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

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

[1][CHAPTER XVI-A

THE [2][BRIHAN MUMBAI ELECTRIC SUPPLY AND TRANSPORT UNDERTAKING]

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

460A. Management of Undertaking by General Manager.— (*1*) Subject to the superintendence of the [3][Brihan Mumbai Electric Supply and Transport Committee] and of the Corporation, the General Manager shall manage the [4][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 [5][Brihan Mumbai Electric Supply and Transport Committee] and subject to the restrictions or conditions imposed by this Act [6][* * * * *] either within or without the city—

(*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[7] (IV of 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;

(*b*) construct or acquire, subject to the provisions of the Electricity Act, 1910 (IX of 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 [8][Brihan Mumbai Electric Supply and Transport Committee];

(*d*) purchase or take on lease or hire or otherwise acquire any movable or immovable property or rights;

(*e*) exercise any of the powers of a licensee under the Indian Electricity Act, 1910 (IX of 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

(*f*) exercise any of the powers of a licensee holding a stage carriage permit under the Motor Vehicles Act, 1939[9] (IV of 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.

[10][(*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

1 The Chapter containing sections 460A to 460PP was inserted by Bom. 48 of 1948, s. 40.

2 These words were substituted for the words "the Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

3 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 165(*a*).

4 These words were substituted for the words "the Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

5 These words were substituted for the words "Member-in-Charge" by Mah. 27 of 1999, s. 165(*b*)(*i*).

6 These words were deleted, by Mah. 27 of 1999, s. 165(*b*)(*ii*).

7 See now the Motor Vehicles Act, 1988 (59 of 1988).

8 These words were substituted for the words "Departmental Standing Committee" by Mah. 27 of 1999, s. 165(*b*)(*iii*)(*A*). 9 *See* now the Motor Vehicles Act, 1988 (59 of 1988).

10 Sub-section (*3*) was added by Mah. 17 of 2012, s. 4.

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.]

460B. Power of access to works.— (*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. Power of carrying, renewing and repairing works.— (*1*) For the purpose of carrying out, renewing and repairing works in connection with the [2][Brihan Mumbai Electric Supply and Transport Undertaking] (other than works to which the provisions of the Indian Electricity Act, 1910 (IX of 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:

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 Commissioner or with such officer as the Commissioner may designate in this behalf.

[3][* * * *]

460F. Reservation of power over streets of Bombay Gas Co. Ltd.— Nothing in this Chapter shall affect the power of the Bombay Gas Company Ltd., under the provisions of the Gas Companies Act, 1863 (Bom. V of 1863) to take up any of the streets traversed by the tramway of the [4][Brihan Mumbai Electric Supply and Transport Undertaking] for the purposes for which they may lawfully take up the same:

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.

460G. Restriction on building and other acts interfering with works of the undertaking.—(*1*) No building, wall or other structure shall be newly erected, and no street or minor railway shall be

1 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

2 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

3 Sections 460D and 460E were deleted by Mah. 10 of 1998, s. 200.

4 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

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.

(*2*) The General Manager may, with the approval of the [2][Brihan Mumbai Electric Supply and Transport Committee] 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 deal with as he deems fit, and the expenses incurred therefor shall be paid by the person responsible.

Fixing Fares and Charges

460H. Levy of fares and charges for transport services [3][and penalty for failure to pay proper fares and excess charges.].— (*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 [4][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 [5][Brihan Mumbai Electric Supply and Transport Committee] with the approval of the corporation:

[6][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 [7][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 pace inside each vehicle used by the [8][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 [9][General Manager] shall, by notice to be annexed to the list of fares, appoint.

[10][(*4*) (*a*) If a passenger travelling or having travelled in any vehicle of the [11][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 [12][equal to ten times of the fare due] or such lower sum as the General Manager with the approval of the [13][Brihan Mumbai Electric Supply and Transport Committee] 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

1 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

2 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 166.

3 These words were added by Mah. 42 of 1976, s. 12(*b*).

4 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

5 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 167(*a*).

6 This proviso was added by Mah. 12 of 1993, s. 6.

7 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

8 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

9 These words were substituted for the words "Brihan Mumbai Electric Supply and Transport Committee" by Mah. 10 of 1998, s. 202(*b*).

10 Sub-sections (*4*), (*5*), (*6*) and (*7*) were substituted by Mah. 42 of 1976, s. 12(*a*).

11 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

12 These words were substituted for the words "ten rupees" by Mah. 24 of 2006, s. 2.

13 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s.167(*b*).

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 ention 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.]

460I. Levy of charges for electricity.— Charge shall be leviable for the supply of electrical energy 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 of any licence granted to the corporation thereunder, by the [2][Brihan Mumbai Electric Supply and Transport Committee] with the approval of the corporation.

[3][* * * * *]

Contracts entered into for the purposes of the undertaking

460K. Making of contracts.— With respect to the making of contracts for the purposes of the [4][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;

(*b*) no such contract for any purpose which, in accordant 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;

[5][(*c*) no contract which will involve an expenditure exceeding [6][fifty lakhs rupees] shall be made by the General Manager unless the same, is previously approved by the Brihan Mumbai Electric Supply and Transport Committee:

Provided that, where the previous approval of the Committee is sought for any such contract by the General Manager, the Committee shall consider and dispose of such proposal within thirty days from the date of on which the item is first included in the agenda of any meeting of the Committee, failing which, the previous approval shall be deemed to have been given by the

1 These words were substituted for the words "Bombay Electric Supply and Transport Committee" by Mah. 25 of 1996, s. 2, Schedule.

2 These words were substituted for the words "Member-in-Charge" by Mah. 27 of 1999, s. 168.

3 Section 460J was deleted, by Mah. 10 of 1998, s. 204.

4 These words were substituted for the words "Bombay Electric Supply and Transport Committee" by Mah. 25 of 1996, s. 2, Schedule.

5 Clauses (*c*) and (*d*) were substituted by Mah. 27 of 1999, s. 169.

6 These words were substituted by Mah. 17 of 2012, s. 5(*1*).

Committee 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 Committee;

(*d*) every contract made by the General Manager involving an expenditure exceeding [1][five lakhs rupees] shall be reported by him within fifteen days after the same has been made to the Brihan Mumbai Electric Supply and Transport Committee;]

(*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. Mode of executing contracts.— (*1*) Every contract entered into by the General Manager on behalf of the corporation for the purposes of the [2][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:

Provided that every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding [3][ten lakh rupees] or for the disposal of property of the corporation exceeding [4][twenty thousan in writing and shall be signed by the

General Manager and countersigned by [5][two Members of the Brihan Mumbai Electric Supply and Transport Committee [6][or by two officers of the Brihan Mumbai Electric Supply and Transport Undertaking to whom the powers have been delegated by the General Manager]].

(*2*) No contract which is not executed in accordance with the provisions of sub-section (*1*) shall be binding upon the corporation.

460M. Tenders to be invited for contracts involving expenditure exceeding [7][rupees fifty thousand].— (*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 [8][three lakhs rupees] give notice by advertisement in the local newspaper inviting tenders for such contract.

[9][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.]

(*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 [10][Brihan Mumbai Electric Supply and Transport Committee] 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.

460N. Security to be taken for performance of contracts.— The General Manager shall require sufficient security for the due performance, of every contract into which he enters under section 460M and may, [11][in his discretion] require security for the due performance of any other contract into which he enters under this Act.

Acquisition and disposal of property

1 These words were substituted by Mah. 17 of 2012, s. 5(*2*).

2 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

3 These words were substituted for the words "one lakh rupees" by Mah. 10 of 1998, s. 206(*a*).

4 These words were substituted for the words "five thousands rupees" by Mah. 10 of 1998, s. 206(*b*).

5 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 170.

6 These words were added by Mah. 17 of 2012, s. 6.

7 These words were substituted for the letter and figures "Rs. 3000 " by Mah. 10 of 1998, s. 207(*c*).

8 These words were substituted by Mah. 17 of 2012, s. 7(*1*).

9 This proviso was added by Mah. 17 of 2012, s. 7(*2*).

10 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 171.

11 These words were substituted for the words "with the approve of the Member-in-charge" by Mah. 27 of 1999, s. 172.

460O. Acquisition of immovable property by agreement.— (*1*) Whenever it is necessary or expedient of the purposes of the [1][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 [2][the Brihan Mumbai Electric Supply and Transport Committee] 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 [3][Brihan Mumbai Electric Supply and Transport Committee].

460P. Procedure when immovable property cannot be acquired by agreement.—

(*1*) Whenever the General Manager is unable to acquire any immovable property under section 460O by agreement, the [4][State] Government may, in its discretion, upon the application of the General Manager made with the approval of the [5][Brihan Mumbai Electric Supply and Transport Committee] 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 the Corporation for the purposes of the [6][Brihan Mumbai Electric Supply and Transport Undertaking.]

460Q. Provisions governing disposal of municipal property.— 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 may [8][* * * *] dispose of by sale, hire purchase or otherwise, any movable property belonging to the corporation not exceeding in value in each instance, [9][ten 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:

[10][Provided that, every lease granted by the General Manager (other than a contract for monthly tenancy) the annual rent of which exceeds [11][seventy-five thousand rupees] shall be reported by him, within fifteen days after the same has been granted, to the [12][Brihan Mumbai Electric Supply and Transport Committee].]

(*c*) with the sanction of the [13][Brihan Mumbai Electric Supply and Transport Committee] the General Manager may dispose of, by sale or otherwise, any movable property belonging to the corporation of which the value does not exceed [14][five lakh rupees] and may grant a lease of any immovable property belonging to the corporation [15][for any continuous period] exceeding one year, or sell or grant a lease in perpetuity of any immovable property belonging to the corporation the

1 These words were substituted for the words “Bombay Electric Supply and Transport Undertaking” by Mah. 25 of 1996, s. 2, Schedule.
2 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 173(*a*) and 174.
3 These words were substituted for the words “the Member-in-charge and, if the price exceeds ten thousands rupees, by the Mayor-in-Council” by Mah. 27 of 1999, s. 173(*b*).
4 This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.
5 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 173(*a*) and 174.
6 These words were substituted for the words “Bombay Electric Supply and Transport Undertaking” by Mah. 25 of 1996, s. 2, Schedule.
7 These words were substituted for the words “Bombay Electric Supply and Transport Undertaking” by Mah. 25 of 1996, s. 2, Schedule.
8 These words “with the approval of the Member-in-charge” were deleted by Mah. 27 of 1999, s. 175(*a*).
9 These words were substituted for the words “two thousand rupees” by Mah. 17 of 2012, s. 8(*1*).
10 This proviso was substituted by Mah. 10 of 1998, s. 211(*b*).
11 These words were substituted for the words “fifteen thousand rupees” by Mah. 17 of 2012, s. 8(*2*).
12 These words were substituted for the words “Member-in-charge” by Mah. 27 of 1999, s.175(*b*).
13 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s.175(*c*).
14 These words were substituted for the words “one lakh rupees” by Mah. 17 of 2012, s. 8(*3*)(*i*).
15 These words were substituted for the words “for any period” by Mah. 17 of 2012, s. 8(*3*)(*ii*).

value whereof does not exceed [1][five lakh rupees] of the annual rental whereof does not exceed [2][fifty 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. Schedule of permanent officers and servants to be prepared by General Manager and sanctioned by [3][Brihan Mumbai Electric Supply and Transport Committee].— (*1*) The General Manager shall, from time to time, prepare and bring before the [4][Brihan Mumbai Electric Supply and Transport Committee] a schedule setting forth the designations and grades of the officers and servants, who should in his opinion, be permane oses of the [5][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.

(*2*) The [6][Brihan Mumbai Electric Supply and Transport Committee] 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 [7][ten thousand rupees] 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 [8][Brihan Mumbai Electric Supply and Transport Committee] shall not authorise any variation in such scales without such approval.

460S. Restriction on appointment of permanent officers and servants.— No permanent officer or servant shall be entertained in any department of the [9][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.

460T. Creation of temporary post.— The General Manager may create temporary posts carrying a monthly salary exclusive of allowances not exceeding [10][ten thousand 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 [11][Brihan Mumbai Electric Supply and Transport Committee].

(*2*) The [12][Brihan Mumbai Electric Supply and Transport Committee] may create temporary posts carrying a monthly salary exclusive of allowances exceeding [13][ten thousand rupees] per mensem for a period of not more than six months. The [14][Committee] 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 “one lakh rupees” by Mah. 17 of 2012, s. 8(*3*)(*i*).
2 These words were substituted for the words “ten thousand rupees” by Mah. 17 of 2012, s. 8(*3*)(*iii*).
3 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 176.
4 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 176.
5 These words were substituted for the words “Bombay Electricity supply and Transport undertaking” by Mah. 25 of 1996, s. 2, Schedule.
6 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 176.
7 These words were substituted for the words “four hundred rupees” by Mah. 17 of 2012, s. 9.
8 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 176.
9 These words were substituted for the words “Bombay Electric Supply and Transport Undertaking” by Mah. 25 of 1996, s. 2, Schedule.
10 These words were substituted for the words “four hundred rupees” by Mah. 17 of 2012, s. 10(*1*).
11 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s.177(*a*).
12 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s.177(*a*).
13 These words were substituted for the words “four hundred rupees” by Mah. 17 of 2012, s. 10(*2*).
14 This word was substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 177(*b*).

460U. Power of appointment in whom to vest.— Subject to the provisions of sections [1][80B,] 460R and 460T, the power of appointing municipal officers and servants for the purposes of the [2][Brihan Mumbai Electric Supply and Transport Undertaking] shall vest in the [3][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] and the corporation under section 460R [4][and in the General Manager] in all other cases.

460V. [5][Brihan Mumbai Electric Supply and Transport Committee] to frame service regulations.— (*1*) The [6][Brihan Mumbai Electric Supply and Transport Committee] shall, from time to time frame regulations applicable to municipal officers and servants, appointed under this Chapter in 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 [7][the Committee], be established by the said officers and servants or such provident fund, if any, as may be established by [8][the Committee] 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 [9][Brihan Mumbai Electric Supply and Transport Committee] 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 [10][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 [11][Brihan Mumbai Electric Supply and Transport Committee] 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. 25 of 1996, s. 2, Schedule.

3 This portion was substituted by Mah. 27 of 1999, s. 178.

4 These words were substituted for the words "and in the Bombay Electric Supply and Transport Committee" by Mah. 12 of 1990, s. 5(*b*).

5 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 179 (*a*), (*b*), (*c*) and (*d*).

6 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 179 (*a*), (*b*), (*c*) and (*d*). 7 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 179(*a*)(*ii*).

8 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 179(*a*)(*ii*).

9 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 179(*b*).

10 These words were substituted for the words "Brihan Mumbai Electric Supply and Transport Committee" by Mah. 25 of 1996, s. 2, Schedule.

11 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 179(*c*).

460W. Power of suspending, punishing and dismissing in whom to vest.— 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.

460X. Leave of absence.— (*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.

[1][(*2*) The Brihan Mumbai Electric Supply and Transport Committee may grant leave of absence for a period exceeding three months to any officer or servant appointed by the Committee.]

460Y. Acting appointment.— 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.

REVENUE AND EXPENDITURE

The [2][*Brihan Mumbai Electric Supply and Transport Fund*]

460Z. Constitution of [3]**[Brihan Mumbai Electric Supply and Transport Fund].—** Except as provided in section 460HH all moneys received by or on behalf of the corporation in respect of the operations of the [4][Brihan Mumbai Electric Supply and Transport Undertaking] shall be credited to a fund, which shall be called the city of [5][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.

460AA. General Manager to receive payments on account of [6]**[Brihan Mumbai Electric Supply and Transport Fund] and to lodge them in bank.—** All moneys payable to the credit of the [7][Brihan Mumbai Electric Supply and Transport Fund] shall be received by the General Manager and shall be forthwith paid into the [8][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 [9][Brihan Mumbai Electric Supply and Transport Fund]’:

Provided that the General Manager may, subject to any general or special directions issued by the [10][Brihan Mumbai Electric Supply and Transport Committee] retain such balances in cash as may be necessary for the operations of the [11][Brihan Mumbai Electric Supply and Transport Undertaking].

[12]**[460BB. How** [13]**[Brihan Mumbai Electric Supply and Transport Fund] shall be drawn against.—** (*1*) Subject as hereinafter provided, no payment shall be made by the Bank aforesaid out of the [14][Brihan Mumbai Electric Supply and Transport Fund] except on a cheque singed by two persons in the manner specified below, namely:—

1 This sub-section was substituted by Mah. 27 of 1999, s. 180.

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 “Bombay Electric Supply and Transport Fund” by Mah. 25 of 1996, Schedule. 4 These words were substituted for the words “Bombay Electric Supply and Transport Undertaking” by Mah. 25 of 1996, Schedule.

5 These words were substituted for the words “Bombay Electric Supply and Transport Fund” by Mah. 25 of 1996, Schedule. 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 words “Bombay Electric Supply and Transport Fund” by Mah. 25 of 1996, Schedule. 8 These words were substituted for the words “the Imperial Bank of India” by Mah. 10 of 1998, s. 217(*a*).

9 These words were substituted for the words “Bombay Electric Supply and Transport Fund” by Mah. 25 of 1996, Schedule. 10 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 181.

11 These words were substituted for the words “Bombay Electric Supply and Transport Undertaking” by Mah. 25 of 1996, s. 2, Schedule.

12 Section 460BB was substituted for the original by Mah. 39 of 1961, s. 12.

13 These words were substituted for the words “Bombay Electric Supply and Transport Fund” by Mah. 25 of 1996, Schedule. 14 These words were substituted for the words “Bombay Electric Supply and Transport Fund” by Mah. 25 of 1996, Schedule.

(*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 [1][Brihan Mumbai Electric Supply and Transport Committee] authorised to sign cheques; and

(*b*) by a municipal officer whose name appears in the said list:

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 [2][Brihan Mumbai Electric Supply and Transport Fund] in excess of one hundred rupees (or such higher amount as [3][the Brihan Mumbai Electric Supply and Transport Committee] 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 [4][the Brihan Mumbai Electric Supply and Transport Committee] may from time to time fix) signed as aforesaid, being drawn from time to time to cover such payments.]

460CC. Deposit of portion of [5][Brihan Mumbai Electric Supply and Transport Fund] may be made with bank or agency out of [6][Brihan Mumbai] when convenient.— Notwithstanding anything contained in sections 460AA and 460BB, the General Manager may, with the previous approval of the [7][Brihan Mumbai Electric Supply and Transport Committee] from time to time, remit to and deposit with a bank or other agency at any place beyond the city any portion of the [8][Brihan Mumbai Electric Supply and Transport Fund] and any money payable to the credit of the [9][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.

460DD. Only sums covered by budget-grant to be expended from [10][Brihan Mumbai Electric Supply and Transport Fund].— (*1*) Except as hereinafter provided, no payment of any sum shall be made by the General Manager out of the [11][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 [12][Brihan Mumbai Electric Supply and Transport Committee] under section 132;

1 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 182(*a*).

2 These words were substituted for the words “Bombay Electric Supply and Transport Fund” by Mah. 25 of 1996, s. 2, Schedule.

3 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 182(*b*).

4 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 182(*c*).

5 These words were substituted for the words “Bombay Electric Supply and Transport Fund” by Mah. 25 of 1996, s. 2, Schedule.

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

7 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 183.

8 These words were substituted for the words “Bombay Electric Supply and Transport Fund” by Mah. 25 of 1996, s. 2, Schedule.

9 These words were substituted for the words “Bombay Electric Supply and Transport Fund” by Mah. 25 of 1996, s. 2, Schedule.

10 These words were substituted for the words “Bombay Electric Supply and Transport Fund” by Mah. 25 of 1996, s. 2, Schedule.

11 These words were substituted for the words “Bombay Electric Supply and Transport Fund” by Mah. 25 of 1996, s. 2, Schedule.

12 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 184(*a*).

(*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;

(*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 [2][Birihan Mumbai Electric Supply and Transport Undertaking]:

[3][Provided further that, in the case of an emergent necessity for funds, and upon a representation by [4][the Standing Committee] 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 [5][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 terms 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. Draft on [6][Brihan Mumbai Electric Supply and Transport Fund] to be checked by [7][Officers of the Brihan Mumbai Electric Supply and Transport Undertaking].— The [8][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.

460FF. Procedure when money not covered by budget-grant is expended under clause (*c*) or (*d*) of the proviso to sub-section (*1*) of 460DD.— 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 [9][Brihan Mumbai Electric Supply and Transport Committee] 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.

460GG. Purposes for which the [10][Brihan Mumbai Electric Supply and Transport Fund] is to be applied.— The money from time to time credited to the [11][Brihan Mumbai Electric Supply and Transport Fund] shall be applied in payment of all sums, charges and costs necessary for the purposes of

1 These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.

2 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

3 This proviso was added by Mah. 32 of 1966, s. 6.

4 These words were substituted for the words "The Mayor-in-Council" by Mah. 27 of 1999, s. 184(*b*).

5 These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.

6 These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.

7 These words were substituted for the words "members of the Brihan Mumbai Electric Supply and Transport Undertaking" by Mah. 10 of 1998, s. 221.

8 These words were substituted for the words "members of the Brihan Mumbai Electric Supply and Transport Undertaking" by Mah. 10 of 1998, s. 221.

9 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 185.

10 These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.

11 These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.

acquiring, maintaining, operating and improving the [1][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

(*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 [3][Brihan Mumbai Electric Supply and Transport Undertaking] if the said lands, buildings and other properties had not vested in the corporation;

[4][(*c*) the payment of the salary and other allowances of the [5][* * * *] 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 [6][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 resale 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 [7][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 160KK or 160LL to be transferred to the municipal fund.

460HH. Institution of[8][Brihan Mumbai Electric Supply and Transport Staff Benefit Fund].— Fines collected under section 460W, donations from passengers, and the proceeds of the sale of unclaimed lost property recovered from vehicles of the [9][Brihan Mumbai Electric Supply and Transport Undertaking] shall be credited to a separate fund to be called "the [10][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

1 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

2 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

3 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

4 This clause was substituted by Mah. 10 of 1998, s. 223.

5 The words "the Member-in-charge and" were deleted by Mah. 27 of 1999, s. 186.

6 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

7 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

8 These words were substituted for the words "Bombay Electric Supply and Transport Staff Benefit Fund" by Mah. 25 of 1996, s. 2, Schedule.

9 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

10 These words were substituted for the words "Bombay Electric Supply and Transport Staff Benefit Fund" by Mah. 25 of 1996, s. 2, Schedule.

service and to such other relations of the officers and servants as [1][the Brihan Mumbai Electric Supply and Transport Committee] may from time to time determine.

460II. Other special Funds.—With the previous approval of the corporation, [2][the Brihan Mumbai Electric Supply and Transport Committee] may direct that any portion of the [3][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. Investment of surplus moneys.— (*1*) Surplus moneys at the credit of the [4][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 [5][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 [7][the Brihan Mumbai Electric Supply and Transport Committee], be favourably deposited or invested as aforesaid, may be deposited at interest at any bank or banks in the city which the [8][Brihan Mumbai Electric Supply and Transport Committee] 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 [9][the Brihan Mumbai Electric Supply and Transport Committee] and with the like sanction, the General Manager may at any time withdraw any deposit so made or dispose of any securities and redeposit 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 [10][Brihan Mumbai Electric Supply and Transport Fund].

Payment out of surplus balance

460KK. Fixed annual payment to municipal fund.— (*1*) Out of the balance of income over expenditure remaining at credit of the Revenue Account of the [11][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 of 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

1 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 187(*a*)(*i*).

2 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 188.

3 These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.

4 These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.

5 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

6 These words were substituted for the words "Imperial Bank of India" by Mah. 10 of 1998, s. 226(*a*).

7 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 189(*b*).

8 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 189(*a*)(*ii*).

9 These words were substituted for the words "Member-in-charge" by Mah. 27 of 1999, s. 189(*b*).

10 These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.

11 These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.

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;

[1][(*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 3lst 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 [2][State Bank of India] to the credit of the municipal fund by means of a cheque drawn upon the [3][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.

460LL. Disposal of surplus balance of revenue.— (*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 [4][Brihan Mumbai Electric Supply and Transport Fund], such surplus shall be disposed of as follows:—

(*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 upto 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 [5][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

1 Clauses (*b*) to (*e*) were substituted for clauses (*b*) and (*c*) by Bom. 48 of 1950, s. 71.

2 These words were substituted for the words “the Imperial Bank of India” by Mah. 10 of 1998, s. 227.

3 These words were substituted for the words “Bombay Electric Supply and Transport Fund” by Mah. 25 of 1996, s. 2, Schedule.

4 These words were substituted for the words “Bombay Electric Supply and Transport Fund” by Mah. 25 of 1996, s. 2, Schedule.

5 These words were substituted for the words “Bombay Electric Supply and Transport Betterment Fund” by Mah. 25 of 1996, s. 2, Schedule.

(*ii*) in meeting any charges to be defrayed out of the [1][Brihan Mumbai Electric Supply and Transport Fund] to the extend 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 [5][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. Accounts of the [6][Brihan Mumbai Electric Supply and Transport Undertaking].— (*1*) Accounts of the receipts and expenditure of the corporation on account of the [7][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 [8][Brihan Mumbai Electric Supply and Transport Committee] shall from time to time prescribe.

460NN. Preparation of annual administration report and statement of accounts.— (*1*) [10][The General Manager shall, as soon as may be after each first day of April, have prepared a detailed report of the administration of the [11][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 [12][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 [13][loans and shall submit the same to Brihan Mumbai Electric Supply and Transport Committee.]

(*2*) After an examination and review of the report and statement by [14][the Brihan Mumbai Electric Supply and Transport Committee] copy of the report together with a copy of [15][the Committee] review shall be forwarded to the usual or last known address of each councillor atleast 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 [16][the Brihan Mumbai Electric Supply and Transport Committee] shall determine.

Miscellaneous

1 These words were substituted for the words “Bombay Electric Supply and Transport Fund” by Mah. 25 of 1996, s. 2,

Schedule.

2 These words were substituted for the words “Bombay Electric Supply and Transport Betterment Fund” by Mah. 25 of 1996, s. 2, Schedule.

3 These words were substituted for the words “Bombay Electric Supply and Transport Undertaking” by Mah. 25 of 1996, s. 2, Schedule.

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 “Bombay Electric Supply and Transport Fund” by Mah. 25 of 1996, s. 2,

Schedule

6 These words were substituted for the words “Bombay Electric Supply ond Transport Undertaking” by Mah. 25 of 1996, s. 2, Schedule.

7 These words were substituted for the words “Bombay Electric Supply ond Transport Undertaking” by Mah. 25 of 1996, s. 2, Schedule.

8 These words were substituted for the words “Mayor-in-Council” by Mah. 27 of 1999, s. 190.

9 These words were substituted for the words “Member-in-charge” by Mah. 27 of 1999, s. 190.

10 These words were substituted for the words “Member-in-charge” by Mah. 27 of 1999, s. 191.

11 These words were substituted for the words “Bombay Electric Supply and Transport Undertaking” by Mah. 25 of 1996, s. 2, Schedule.

12 These words were substituted for the words “Bombay Electric Supply and Transport Fund” by Mah. 25 of 1996, s. 2,

13 This portion was substituted by Mah. 27 of 1999, s. 191(*a*)(*ii*).

14 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 191(*b*)(*i*).

15 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 191(*b*)(*ii*).

16 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 191(*b*)(*i*).

460OO. Power of police to regulate traffic on streets.— 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 1[Brihan Mumbai Electric Supply and Transport Undertaking] as to the traffic of other persons.

460PP. Right of public to use streets on which tramway is laid.— No carriages with flange-wheels or 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. 3[By-laws for purposes other than the 4[Brihan Mumbai Electric Supply and Transport Undertakings]].— 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;

(*c*) the structure of walls, foundations, roofs and chimneys, 5[the number, width and position of staircases, corridors and passages,] 6[the materials, dimensions and strength of floors and staircases and of all scantlings, girders, posts and columns] of 7[* * * *] buildings, for securing stability and the prevention of fires 8[and the safety of the inmates in the event of fire] and for purposes of health;

9[(*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;

10[(*dd*) the provision and maintenance of suitable means of access to buildings;]

(*e*) the provision and maintenance of house-gullies;

11[(*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 12[and the prescribing and regulating of the construction dimensions, ventilation, lighting, cleansing, drainage and water supply of any such premises;]

1 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

2 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

3 This marginal note was substituted for the original by Bom. 48 of 1948, s. 41.

4 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

5 These words were substituted for the original by Bom. 76 of 1948, s. 28.
6 These words were inserted by Bom. 5 of 1905, s. 56(*1*)(*b*).
7 The words "new" was repealed by Bom. 5 of 1905, s. 56(*1*)(*a*).
8 These words were inserted by Bom. 2 of 1911, s. 17(*1*)(*b*).
9 Clause (*cc*) was inserted by Bom. 5 of 1905, s. 56(*3*).
10 Clause (*dd*) was inserted by Bom. 5 of 1905, s. 56(*3*).
11 Clause (*ee*) was inserted by Mah. 10 of 1998, s. 231(*a*).
12 These words were added by Bom. 1 of 1916, s. 12.

(*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;

1[(*ma*) regulating the purchase and sale of and conditions of trading in, agricultural produce 2[, animals, elegant or exotic birds and elegant or exotic fishes (except those animals, birds and fishes prohibited under the Wildlife (Protection) Act, 1972 (53 of 1972) or under any other law for the time being in force)] 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 slaughterhouses and preventing the exercise of cruelty therein;

3[(*nn*) controlling and regulating the carriage or removal of fish through public streets by fish-vendors];

4[(*o*) 5[* * * * * *]

(*ii*) publishing a price current;]

6[(*oo*) the licensing of hand-carts, other than those exempted from taxation under section 181 or those plying for hire in respect of which licences have been issued under 7[Bombay Act VI of 1863 and the seizure and detention of any such hand-carts that have not been duly licensed;]

(*p*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary conditions, due regard being had to the religious usages of the several classes of the community;

(*q*) facilitating and securing complete and accurate registration of births and deaths;

(*r*) the registration of marriage;

(*s*) facilitating when requisite the taking of a census and securing accurate returns;

8[(*t*) regulating delegation of powers and duties of the Standing Committee, the Improvements Committee and the Education Committee to sub-committee;]

9[(*u*) the constitution of Primary Education Consultative Committee appointed under section 39;]

1 Clause (*ma*) was inserted by Bom. 54 of 1955, s. 11.

2 The words, brackets and figures were inserted by Mah. 31 of 2018, s. 5.

3 This clause was inserted by Bom. 76 of 1948, s. 28.

4 This clause was substituted for the original clause by Bom. 4 of 1921, s. 3.

5 Sub-clause (*i*) was repealed by the Bombay Weights and Measures Act, 1932 (Bom. 15 of 1932), which came into effect in Bombay City on 1st August 1935, *vide* Government Notification, General Department, No. 9518, dated 30th April 1935. 6 This clause was inserted by Bom. 2 of 1911, s. 17(*2*).

7 *See* now Bom. 7 of 1920.

8 Clause (*t*) was substituted by Mah. 27 of 1999, s. 192(*a*).

9 These clauses were substituted for clause (*u*) by Mah. 27 of 1999, s. 192(*b*).

(*v*) determining the constitution, powers and duties of any committee which the Corporation may appoint under section 40 or 41;]

1[(*vv*) securing the protection of public parks, gardens and open spaces vested in or under the control of the corporation from injury or misuse, regulating their management and the manner in which they may be used by the public and providing for the proper behaviour of persons in them;]

2[(*w*) the administration and management of the municipal primary schools and the recognising and aiding of schools for primary education;]

3[(*ww*) the conditions subject to which a lease of immovable property may be granted at a concessional rent to a Co-operative Housing Society of municipal officers and servants or a public trust for charitable purposes under clause (*dd*) of section 92;]

4[(*x*) the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme duly sanctioned under the 5[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 6[for loans under section 349W or 354WA]; 7[* * * *]

8[(*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;]

9[(*yya*) regulation of all matters connected with traffic system and traffic demand measures including installation and maintenance of "equipment system".

Explanation.— For the purposes of this clause, an "equipment system" means traffic signals and associated equipment like data communication network, Controllers, central monitoring equipment and all other equipments required for traffic control and enforcement;]

10[(*z*)] carrying out generally the provisions and intentions of this Act:

11[Provided that in the suburbs 12[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].

13[461A. By-laws for purposes of 14[Brihan Mumbai Electric Supply and Transport Undertaking].— (*1*) The corporation may from time to time make bye-laws for regulating matters affecting the conduct of the 15[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.

1 This clause was inserted by Bom. 6 of 1922, s. 32.

2 Clause (*w*) was substituted for the original by Bom. 48 of 1950, s.72(*3*).

3 Clause (*ww*) was inserted by Mah. 50 of 1981, s. 4(*a*).

4 These clauses were inserted by Bom. 13 of 1933, s. 36(*b*).

5 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 193

6 These words were substituted for the words "for the advance of a loan under section 354 W", by Bom. 34 of 1954, s. 26.
7 The word "and" was deleted by Mah. 50 of 1981, s. 4(*b*).
8 Clause (*yy*) was inserted by Mah. 50 of 1981, s. 4(*c*).
9 Clause (*yya*) was inserted by Mah. 11 of 2002, s. 26.
10 Clause (*w*) was re-lettered as (*z*) by Bom. 13 of 1933, s. 36(*c*).
11 This proviso was added by Bom. 7 of 1950, s. 6(*1*).
12 These words were inserted by Bom. 58 of 1956, s. 24.
13 This section was inserted by Bom. 48 of 1948, s. 42.
14 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.
15 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

(*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 1[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 2[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 3[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 4[Brihan Mumbai Electric Supply and Transport Undertaking] of sobriety, courtesy and special vigilance to prevent danger to persons or vehicles using the streets.

(*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. Punishment may be imposed for breach of by-laws.— In making a by-law under 5[section 461 or 461 A], the corporation may provide that a breach of it shall be punishable with fine which may extend to 6[two thousand rupees] and, in the case of a continuing breach with fine which may extend to 7[one hundred rupees] for every day, after conviction for the first breach or after receipt of written notice from the Commissioner to discontinue the breach, during which the breach continues.

463. By-laws to be confirmed by Central or 8[State] Government as the case may be.— No by-laws 9[* * * *] shall have any validity unless, and until it is confirmed 10[in the case of bylaw made under clause (*s*) of section 461, by the Central Government, and in the case of any other by-law, by the 11[State] Government].

1 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.
2 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.
3 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.
4 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.
5 These words, figures, letters were substituted for the original words by Bom. 48 of 1948, s. 43.
6 These words were substituted for the words "five hundred rupees" by Mah. 10 of 1998, s. 232(*a*).
7 These words were substituted for the words "twenty rupees," by Mah. 10 of 1998, s. 232(*b*).
8 These words were substituted for the words "a fee of two annas per each copy" by Mah. 42 of 1976, s. 14.

9 The words "made under either of the two last preceding sections" were omitted by the Adaptation of Indian Laws Order in Council.

10 The 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" 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.

464. Commissioner to lay draft by-laws before the corporation for their consideration.— 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 1[which he shall think] necessary or desirable for the furtherance of any purpose of this Act.

465. Hearing by corporation of objection to proposed by-laws.— (*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 weeks at least before the day of the meeting at which the corporation finally consider such by-law.

(*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.

466. Proposed by-laws to be open to public inspection.— (*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 peruse the same, free of charge.

(*2*) Printed copies of the proposed by-law shall also be delivered to any person, requiring the same on payment of such fee, 3[not exceeding twenty-five rupees for each copy, as shall be 4[determined by the Commissioner].

467. By-laws confirmed by Central or 5[State] Government to be published in the 6[*Official*

468. Printed copies of by-laws to be kept on sale.— (*1*) The 10[Commissioner] shall cause all by-laws from time to time in force to be printed, and shall cause printed copies thereof to be delivered to any person requiring the same, on payment of 11[such fee per copy as the Commissioner may from time to time, fix].

(*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

1 This portion was substituted by Mah. 27 of 1999, s. 193.

Laws Order in Council.

3 These 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.

4 These words were substituted for the words "prescribed by the Mayor-in-Council" by Mah. 27 of 1999, s. 194.

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

Laws Order in Council.

7 The 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.

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

Laws Order in Council.

10 This word was substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 195.

11 These words were substituted for the words "a fee of two annas per each copy" by Mah. 42 of 1976, s. 14.

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. Boards for exhibiting by-laws to be open to inspection and not to be injured.— (*1*) No Municipal Officer or servant shall at any reasonable time prevent the inspection of any board provided by the Commissioner, under the last preceding section by any person desiring to inspect the same.

(*2*) No person, shall without lawful authority, destroy, pull down, injure or deface any such boards.

[1]**[469A. Application of sections 466, 468 and 469 to by-laws under section 461A.—** In regard to by-laws made or required or proposed to be made under section 461A, 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 bylaws in every vehicle of the [2][Brihan Mumbai Electric Supply and Transport Undertaking] used for the conveyance of the public.]

470. Central or[3][4][State]Government]as the case may be, may repeal by-laws.— (*1*) If it shall at any time appear to the [5][[6][State] Government] that any by-laws should be [7][modified or] repealed either wholly or in part, [8][it] shall cause [9][its], reasons for such opinion to be communicated to the corporation and prescribe a reasonable period within which the corporation may make any presentation with regard thereto which they shall think fit.

(*2*) After receipt and consideration of any such representation or, if in the meantime no such representation is received, after the expiry of the prescribed period, the [10][[11][State] Government] may at part:

[14][Provided that no by-law shall be modified or repealed in part only by the [15][[16][State] Government] if, within the period aforesaid the corporation have objected to a modification or partial repeal thereof.]

(*3*) The [17][modification or] repeal of a by-law under sub-section (*2*) shall take effect from such date as the [18][[19][State] Government] shall in the said notification direct or, if no such date is specified, from

1 This section was inserted by Bom. 48 of 1948, s. 44.

2 These words were substituted for the words "Bombay Electric Supply and Transport Undertaking" by Mah. 25 of 1996, s. 2, Schedule.

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 "Provincial Government" were substituted for the words "Governor-in-Council" 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 Bom. 5 of 1905, s. 75(*a*).

8 The words "its" and "its" were substituted for the words "he" and "his" respectively by the Adaptation of Indian Laws Order in council.

9 The words "its" and "its" were substituted for the words "he" and "his" respectively by the Adaptation of Indian Laws Order in council.

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 word "Provincial" by the Adaptation of Laws Order, 1950.
Laws Order in Council.

13 These words were inserted by Bom. 5 of 1905, s. 57(*b*).

14 This proviso was substituted for the original proviso, by Bom. 5 of 1905.

15 The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of Indian Laws Order in Council.

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

17 These words were inserted by Bom. 5 of 1905, s. 57(*b*).

18 The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of Indian Laws Order in Council.

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

or suffered or omitted to be done before such date.

(*4*) The said notification shall also be published in the local newspapers.

[2][(*5*) The powers conferred by this section on the [3][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

[4]**[471. Certain offences punishable with fine.—** Whoever—

(*a*) contravenes 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*) 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 offence, with fine which may extend to the amount mentioned in that behalf in the third column of the said table [5][subject, however, to a minimum fine which shall not be less than fine 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.

[6][Sr. No. (1)	Section, sub-section or clause (2)	Subject (3)	Fine which may be imposed (4)	Minimum fine which shall be imposed (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.

Laws Order in Council.

2 This sub-section was inserted 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 Section 471 was substituted for the original section by Bom. 5 of 1905, s. 58.

5 These words were inserted by Mah. 21 of 1989, s. 54(*a*).

6 This table was substituted by Mah. 24 of 2006, s. 3.

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	Five thousand rupees.	One thousand rupees.

Sr. No.	Section, sub-section or clause	Subject	Fine which may be imposed	Minimum fine which shall be imposed
(1)	(2)	(3)	(4)	(5)
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.
17	Section 240	Drains not to pass beneath building.	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 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.

Sr. No.	Section, sub-section or clause	Subject	Fine which may be imposed	Minimum fine which shall be imposed
(1)	(2)	(3)	(4)	(5)
33	Section 269, sub-section (*3*)	Water not to be carried away from 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.
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.

Sr. No.	Section, sub-section or clause	Subject	Fine which may be imposed	Minimum fine which shall be imposed
(1)	(2)		(4)	(5)

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 projection, etc. made before Act III of 1872 came into force.	Ten thousand rupees.	Two thousand rupees.
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 313 A	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 313 B	Prohibition in a public place or street of use of skill in handcraft 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	Two thousand and five hundred rupees.	Five hundred rupees.

Sr. No.	Section, sub-section or clause	Subject	Fine which may be imposed	Minimum fine which shall be imposed
(1)	(2)	(3)	(4)	(5)
		be deposited thereon without permission.		

63	Section 323	Precaution for public safety to be taken by person 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*)	Sky-signs 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.
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 344 A	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 347 A	Building not to be converted to other purposes without the permission of the Commissioner.	Ten thousand rupees.	.....

Sr. No.	Section, sub-section or clause	Subject	Fine which may be imposed	Minimum fine which shall be imposed
(1)	(2)	(3)	(4)	(5)
78	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.,	Twenty thousand rupees.	Five thousand rupees.

79	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	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 349 A and 349 B	Provision as to height of buildings.	Twenty thousand rupees.	Four thousand rupees.
82	Section 349 C	Provision as to height of frame buildings.	Fifty thousand rupees.	Ten thousand rupees.
83	Section 349 D	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 353 A	Provision as to completion certificates.	Twenty-five thousand rupees.	Five thousand rupees.
[1][85A.	Section 353 B	Provisions as to Structural Stability Certificate or the amount equal to property tax of the building, for a period of one year, whichever is higher.	Twenty-five thousand rupees or the amount equal to property tax of the building, for a period of one year, whichever	Twenty-five thousand rupees.
86	Section 354 AA, sub-section (*7*)	Erection or re-erection of any building in contravention of the declaration.	Twenty thousand rupees.	Four thousand rupees.
87	Section 354 RK, sub-section (*8*)	Construction or re-construction of building within any re-development area without permission.	Ten thousand rupees.	Two thousand rupees.

1 Entry 85A was inserted by Mah. 6 of 2009, s. 3.

Sr. No.	Section, sub-section or clause	Subject	Fine which may be imposed	Minimum fine which shall be imposed
(1)	(2)	(3)	(4)	(5)
88	Section 356	Regulations prescribed for licensed surveyors and plumbers.	One thousand rupees.	Two hundred rupees.
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 375 A	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 377 A, 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 379 A, sub-section (*1*)	Requisition by Metropolitan Magistrate to abate overcrowding.	Two thousand rupees.	Four hundred rupees.

Sr. No.	Section, sub-section or clause	Subject	Fine which may be imposed	Minimum fine which shall be imposed
(1)	(2)	(3)	(4)	(5)
104	Section 379 A, 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.

108	Section 381 A, 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 discontinued dangerous quarrying.	Ten thousand rupees.	Two thousand rupees.
111	Section 383, sub-section (*1*)	Requisition to removed or trim trees, shrub 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 384 A	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.

Sr. No.	Section, sub-section or clause	Subject	Fine which may be imposed	Minimum fine which shall be imposed
(1)	(2)	(3)	(4)	(5)
120	Section 394, sub-section (*1*), clause (*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 licence.	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.
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 407 A	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.

Sr. No.	Section, sub-section or clause	Subject	Fine which may be imposed	Minimum fine which shall be imposed
(1)	(2)	(3)	(4)	(5)
135	Section 421	Information to be given of existence of dangerous disease or continuous pyrexia of unknown origin by medical	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 426 A, 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 426 A, 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.
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.

Sr. No.	Section, sub-section or clause	Subject	Fine which may be imposed	Minimum fine which shall be imposed
(1)	(2)	(3)	(4)	(5)
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 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 485 A, 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 [illegible]	Ten thousand rupees	Two thousand rupees.]

[1]**[472. Continuing offences.—** Whoever, after having been convicted of—

(*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*) failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

continues to contravene the said 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.

[3][Sr. No. (1)	Section, sub-section or clause (2)	Subject (3)	Daily fine which may be imposed (4)	Minimum daily fine which shall be imposed (5)

1	Section 223, sub-section (*1*)	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 229 A, sub-section (*1*)	Buildings, etc., not to be erected without permission over any drain.	One thousand rupees.	Two hundred rupees.
4	Section 230 A	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, subsection (*1*), 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 233 A, 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.

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 by Mah. 24 of 2006, s. 3.

Sr. No. (1)	Section, sub-section or clause (2)	Subject (3)	Daily fine which may be imposed (4)	Minimum daily fine which shall be imposed (5)
9	Section 236	Owner 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 (*1*)	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 249 A	Requisition respecting unhealthy privies.	Two thousand rupees.	Five hundred rupees.
15	Section 250, sub-section (*1*)	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 259 A, sub-sections (*1*) and (*4*)	Provisions as to employment of licensed plumber and use of work.	Five thousand rupees.	One thousand rupees.
19	Section 259 A, 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 270 A	Premises not be occupied without Commissioner's 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.

Sr. No. (1)	Section, sub-section or clause (2)	Subject (3)	Daily fine which may be imposed (4)	Minimum daily fine which shall be imposed (5)
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 313 A	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 313 B	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.
36	Section 328 A, 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.

Sr. No. (1)	Section, sub-section or clause (2)	Subject (3)	Daily fine which may be imposed (4)	Minimum daily fine which shall be imposed (5)
41	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	Ten thousand rupees.	Three thousand rupees.
42	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 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 349 A and 349 B	Provisions as to height of buildings.	Ten thousand rupees.	Two thousand rupees.
45	Section 349 C	Provisions as to height of frame buildings.	Ten thousand rupees.	Two thousand rupees.
46	Section 349 D	Alteration and provision of staircases to allow safe exit in the event of fire.	Two thousand rupees.	Five hundred rupees.
47	Section 353 A	Provision as to completion certificates; permission to occupy or use.	Ten thousand rupees.	Two thousand rupees.

48	Section 354 AA, sub-section (*7*)	Erection or re-erection of any building in contravention of the declaration.	Ten thousand rupees.	Two thousand rupees.
49	Section 354 RK, sub-section (*8*)	Construction or reconstruction of building within any re-development 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 lime-wash building.	Five hundred rupees.	One hundred rupees.
54	Section 375 A	Requisition to remove building materials, etc., from any premises.	One thousand rupees.	Two hundred rupees.
55	Section 377	Requisition to cleanse, etc., the neglected premises.	Five hundred rupees.	One hundred rupees.
56	Section 377 A, 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.

Sr. No. (1)	Section, sub-section or clause (2)	Subject (3)	Daily fine which may be imposed (4)	Minimum daily fine which shall be imposed (5)
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 379 A, sub-section (*1*)	Section 379A, sub-section (*1*) Requisition by Metropolitan Magistrate to abate over crowding.	Two thousand rupees.	Four hundred rupees.
59	Section 379 A, 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 381 A, sub-section (*2*)	Requisition to fill in or demolish well, etc.	Two thousand rupees.	Five hundred rupees.
63	Section 381 B	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 384 A	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.
73	Section 395, sub-section (*1*)	Prohibition of corruption of water by chemicals, etc.	Fifty thousand rupees.	Ten thousand rupees.

Sr. No. (1)	Section, sub-section or clause (2)	Subject (3)	Daily fine which may be imposed (4)	Minimum daily fine which shall be imposed (5)
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 412 A	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 426 A, 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	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	Five thousand rupees.	One thousand rupees.]

473. Offences punishable under the Penal Code.— 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 (XLV of 1860) under which such person shall be punishable, namely:—

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][* * * * * *]	
388, clauses (*a*), (*b*), (*c*) and (*d*), 389	277.
434, sub-section (*1*)	188.

[3][**473A. Punishment for offences of preparing false election rolls or making false entries in wards lists.—** 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.]

474. Punishment for acquiring share or interest in contract, etc. with the Corporation.— 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 to hereby disqualified for being a councillor, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code (XLV of 1860).

[5][**474A. Penalty for obstructing lawful exercise of powers under Chapter V-A.—** 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 [6][two thousand rupees, subject however, to a minimum fine which shall not be less than one thousand rupees.]]

475. Punishment of offences against section 267.— (*1*) Whoever contravenes any provisions of sub-section (*1*) of section 267 shall be punished with imprisonment which may extend to [7][six months, or with fine which may extend to five hundred rupees,] or with both.

(*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.

1 Entry relating to section 19(*5*) and (*5A*) was deleted by Mah. 8 of 1965, s. 18.

2 This entry was deleted by Mah. 11 of 2009, s. 52.

3 This section was inserted by Bom. 13 of 1938, s. 30(*3*).

4 This word was inserted by Mah. 53 of 1981, s. 18.

5 Section 474A was inserted by Mah. 14 of 1961, s. 10.

6 These words were substituted for the words "one thousand rupees" by Mah. 21 of 1989, s. 56.

7 These words were substituted for the words "one month, or with fine which may extend to one hundred rupees" by Mah. 21 of 1989, s. 57.

(*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.

1**[475A. Punishment for commencing work contrary to section 347.—** (*1*) A person to whom notice under 2[sections 351 and 354] is served shall, on his failure to comply with the said notice,—

(*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.]

3**[475B. Punishment for failure to take action under section 351 or 354A.—** 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.

475C. Compounding of certain offences.— (*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.

(*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.]

476. Punishment of offences against section 391.— 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 4[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.

5**[476AA. Punishment for keeping certain dangerous articles without licence in prohibited areas.—** Whoever contravenes 6[clause (*a*) (*i*)] of sub-section (*1*) of section 394 or section 394 A shall, on

conviction, be punished with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees :

1 Section 475A was inserted by Mah. 10 of 1998, s. 237.

2 These words and figures were substituted by Mah. 11 of 2002, s. 29.

3 These sections were added by Mah. 2 of 2012, s. 7.

4 These words were substituted for the words "one thousand rupees" by Mah. 21 of 1989, s. 58.

5 Section 476AA was substituted for the original by Mah. 21 of 1989, s. 59.

6 These words, brackets, letters and figures were substituted for the word, brackets, letter and figure "clause (*a*) (*ii*)" by Mah. 10 of 1998, s. 238.

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]**[476AB. Punishment for forfeiture of article for contravention of section 394 (*1*) (*a*) or 394A.—** 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 394 A, 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.]

[2]**[476A. Punishment for using or permitting to be used without licence any place in or without** [3]**[Brihan Mumbai]as slaughter-house.—** 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 [4][two thousand rupees];

(*b*) for a second and subsequent offence, with imprisonment for a term which may extend to [5][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 [6][two months and such fine shall not be less than four hundred rupees.].

476B. Punishment for importing cattle, etc., in [7][Brihan Mumbai].— 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 [8][rupees two hundred];

(*b*) for a second and subsequent offence, with imprisonment for a term which may extend to [9][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 judgment of the Court, such imprisonment shall not be less than [10][two months and such fine shall not be less than four hundred rupees].].

477. Extent of penal responsibility of agents and trustees of owners.— 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 sufficient to defray the cost of doing the act required.

[11][* * *]

478-A. [*Penalty for breach of octroi rules*]. *Deleted by Mah. 12 of 1993, s. 8.*

478-B. [*Penalty for interfering with tramways*]. *Deleted by Mah. 12 of 1993, s. 8.*

1 Section 476 AB was inserted by Mah. 32 of 1962, s. 6.

2 Sections 476 A and 476 B were inserted by Bom. 64 of 1953, s. 21.

3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule 4(*1*).

4 These words were substituted for the words "one thousand rupees" by Mah. 21 of 1989, s. 60(*a*).

5 These words were substituted for the words "six months and with fine which may extend to one thousand rupees" by Mah. 21 of 1989, s. 60(*b*).

6 These words were substituted for the words "one month and such fine shall not be less than two hundred rupees" by Mah. 21 of 1989, s. 60(*c*).

7 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule 4(*1*).

8 These words were substituted for the words "rupees one hundred" by Mah. 21 of 1989, s. 61.

9 These words were substituted for the words "six months and with fine which may extend to one thousand rupees" by Mah. 21 of 1989, s. 61(*b*).

10 These words were substituted for the words "one month and such fine shall not be less than two hundred rupees" by Mah. 21 of 1989, s. 61(*c*).

11 Sections 478, 478-1A, 478-1AA and 478-1B were deleted by Mah. 42 of 2017, s. 11, *w.e.f.* 1st July 2017.

CHAPTER XIX

PROCEDURE

Licences

479. Licences and written permissions to specify condition etc., on which they are granted.— (*1*) Whenever it is provided in this Act that a licence or a written permission may be given for any purpose, such licence or written permission shall specify the period for which, and the restrictions and conditions subject to which, the same is granted, and shall be given under the signature of the Commissioner or of a municipal officer empowered under section 68 to grant the same.

(*2*) **Fees to be chargeable.—** For every such licence or written permission a fee may be charged at such rate as shall from time to time be fixed by the 1[Commissioner], with the sanction of the Corporation.

(*3*) **Licences and written permissions may be revoked, etc.—** Subject to the provisions of 2[clauses (*d*) and (*dd*)] of section 403, any licence or written permission granted under this Act may at any time be suspended or revoked by the Commissioner, if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted, or if the said person is convicted of an infringment of any of the provisions of this Act or of any regulation or by-law made hereunder in any matter to which such licence or permission relates.

(*4*) **When licence or written permission is revoked, etc., grantee to be deemed to be without a licence or written permission.—** 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 Commissioner's 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.

(*5*) **Grantees to be bound to produce licence or written permission.—** 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

480. Public notices how to be made known.— 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 3[or the General Manager] or of a municipal officer empowered under section 4[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.

481. Advertisement how to be made.— 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 5[Brihan Mumbai].

482. Consent, etc., of 6[Commissioner, General Manager, etc.] may be proved by written document under his signature.— 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 [7][the Commissioner or the General Manager], [8][or the Director] or of a Deputy Commissioner or any

1 This word was substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 196.

2 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.

3 These words were inserted by Bom. 48 of 1948, s. 46(*i*).

4 These figures, word and letter were substituted for the figures "68" by Bom. 48 of 1948, s. 46(*ii*).

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. 47.

7 These words were substituted for the original by Bom. 48 of 1948, s. 47.

8 These words were inserted by Mah. 53 of 1981, s. 19(*a*).

municipal officer, a written document signed by [1][the Commissioner or General Manager] [2][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.

483. Notice, etc., by whom to be served or presented.— 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 [3][the Commissioner or the General Manager] in this behalf.

484. Service how to be effected on owners of premises and other persons.— 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 or other document; or

(*b*) if such person is not found, by leaving the said notice, bill, schedule, summons or, other document at his last known place or abode in the [4][Brihan Mumbai] or by giving or tendering the same to some [5][adult member] or servant of his family; or

(*c*) if such person does not reside in [6][Brihan Mumbai] and his address elsewhere is known to [7][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. Service on owner or occupier of premises how to be effected.— 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 [8][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.

[9][**485A. Power of Commissioner to call for information as to ownership of premises.—** (*1*) To enable him to serve any notice (including any copy of any notice) which he is authorised or required to

1 These words were substituted for the original by Bom. 48 of 1948, s. 47.

2 These words were inserted by Mah. 53 of 1981, s. 19(*b*).

3 These words were substituted for the original by Bom. 48 of 1948, s. 47.

4 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

5 These words were substituted for the words "adult male member" by Mah. 21 of 1989, s. 62. 6 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 7 These words were substituted for the original by Bom. 48 of 1948, s. 47.

8 These words were substituted for the words "adult male member" by Mah. 21 of 1989, s. 63. 9 Section 485 A was inserted by Bom. 34 of 1954, s. 29.

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, mortgage, 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 with the same, and to give true information to the best of his knowledge and belief.]

486. The [1][four]last sections inapplicable to Magistrate's summonses.— Nothing in the [2][four] last preceding sections applies to any summons issued under this Act by a Magistrate.

[3][**486A. Service of bill for taxes by post.—** Notwithstanding anything contained in sections 483, 484 and 485 [4][(*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 [5][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];

[6][(*b*) a notice of demand may be served by registered post.]

487. Signature on notice, etc., may be stamped.— (*1*) Every licence, written permission, notice, bill, schedule, summons or other document required by this Act or by any regulation or bylaw framed under this Act to bear the signature of the Commissioner [7][or the General Manager] or of any municipal officer shall be deemed to be properly signed if it bears a fascimile of the signature of the Commissioner [8][or 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 [9][or upon the [10][Brihan Mumbai Electric Supply and Transport Fund] under section 460 BB or sub-section (*3*) of section 460 KK or sub-section (*4*) of section 460 LL.]

Power of entry

488. Commissioner, etc., may enter any premises for purposes of inspection, survey or execution of necessary work.— The Commissioner [11][or the 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 of 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;

1 This word was substituted for the word "three" by Bom. 34 of 1954, s. 30.

2 This word was substituted for the word "three" by Bom. 34 of 1954, s. 30.

3 Section 486A was inserted by Bom. 20 of 1952, s. 20.

4 These brackets and letter were inserted by Bom. 64 of 1953, s. 22.

5 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

6 This clause was inserted by Bom. 64 of 1953, s. 22.

7 These words were inserted by Bom. 48 of 1948, s. 48(*i*).

8 These words were inserted by Bom. 48 of 1948, s. 48(*i*).

9 This portion was added by Bom. 48 of 1948, s. 48(*l*).

10 These words were substituted for the words "Bombay Electric Supply and Transport Fund" by Mah. 25 of 1996, s. 2, Schedule.

11 These words were inserted by Bom. 48 of 1948, s. 49.

(*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][*Power of eviction*

488A. Commissioner may evict person summarily in certain cases.— (*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.

(*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. Works, etc. which any person is required to execute may in certain case be executed by the Commissioner at such person's cost.— (*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*), reasonable period shall be prescribed in such notice for carrying such requisition or order into effect, and if, within the period so prescribed, such requisition or order or any portion of such requisition or order is not complied with, the Commissioner may take such measures or cause such work to be executed or such thing to be done as shall, in his opinion be necessary for giving due effect to the requisition 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.

[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 (*5*).
" 231
" 232
" 233, clause (*b*).
Section 329, sub-section (*1*).
" 334, sub-section (*1*).
" 338, sub-section (*2*).
sub-section (*2*),

" 233, A, sub-section (*b*).
" 243, sub-section (*2*).
" 248, sub-section (*1*).
" 249 A.
" 257.
" 271, sub-section (*2*).
[4][" 272, sub-section (*5*)].
" 274, sub-sections (*1*) and (*4A*).
" 274-A, sub-sections (*1*) and (*2*).]
" 278.
" 305.
" 308, sub-section (*2*).
" 309, sub-section (*1*).
" 311.
" 315.
" 325.
" 326, sub-section (*3*).
[2][" 327, sub-section (*1*), clause (*d*)]. [4][" 328, sub-section (*3*).]
[5][" 328A, sub-section (*3*).]
[3][" 425, sub-section (*1*)].
" 352.
" 353.
" 354.
[3][" 363, sub-sections (*1*), (*2*), (*3*) and " (*4*).]
" 375.
[5][" 375A.]
" 376
" 377
[6][" 377A.]
" 380.
" 381.
[1][" 381A, sub-section (*2*).]
" 382.
" 383, sub-section (*1*).
" 392, sub-section (*1*).
" 405.

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 This entry was substituted for the original one by Bom. 1 of 1925, s. 28(*1*).
4 These entries were inserted by Bom. 5 of 1938, s. 43.
5 These entries were added by Bom. 1 of 1925, s. 28(*2*).
6 These entries were added by Bom. 1 of 1925, s. 28(*2*).

(*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.

490. Recovery of expenses of removals by the Commissioner under sections 314, 315, 354 and 380.— (*1*) The expenses incurred by the Commissioner in effecting any removal under section 314 [6][or sub-section (*3*) of section 322] [7][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 [8][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.

[9][(*4*) Notwithstanding anything contained in this Act, when the removal of anything is effected under section 314, the Commissioner reof shall, in addition to the expenses

incurred in effecting the removal of the thing, pay by way of penalty such sum not exceeding [10][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[11][*and the General Manager*]

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.— (*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 [12][or the General Manager] or of any municipal

1 These entries were inserted by Bom. 5 of 1938, s. 43.
2 This entry was inserted by Bom. 2 of 1911, s. 20.
3 This entry was inserted by Bom. 6 of 1913, s. 11.
4 This entry was inserted by Bom. 7 of 1921, s. 13
5 This entry was substituted for the original one by Bom. 1 of 1925, s. 28(*1*).
6 These figures, brackets and words were inserted by Bom. 6 of 1913, s. 12.
7 These words, brackets, figures and letters were inserted by Mah. 10 of 1998, s. 240(*a*).
8 These words were inserted by Bom. 19 of 1930, s. 19.
9 Sub-section (*4*) was added by Mah. 51 of 1975, s. 19.
10 These words were substituted for the words "one thousand rupees" by Mah. 10 of 1998, s. 240(*b*).
11 These words were added by Bom. 48 of 1948, s. 50.
12 These words were inserted by Bom. 48 of 1948, s. 50(*i*)(*a*).

officer empowered under section [1][68 [2][* *]] 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 [3][or the General Manager] subject to the provisions of sub-section (*2*) of section 503, by distress and sale of the goods and chattles of the defaulter, as if the amount thereof were a property-tax due by the said defaulter.

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.— (*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 [4][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 [5][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 [6][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:

(*2*) Provided as follows, namely:—

(*a*) unless the said person neglects or refuses, at the request of the Commissioner [7][or the General Manager], truly to disclose the amount of the rent payable by him in respect of the said [8][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 [9][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 [10][building, land or premises] in his occupation respecting the payment of the expenses of any such work, thing or measure as aforesaid.

493. Commissioner [11][or General Manager]may agree to receive payment of expenses in

instalments.— Instead of recovering any such expenses as aforesaid in any manner herein before provided, the Commissioner [12][or the General Manager] may, if he thinks fit and with the approval of [13][the Standing Committee or the Brihan Mumbai Electric Supply and Transport Committee, as the case may be] 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 [14][at such rate not exceeding nine per centum per annum as the [15][Standing Committee] may fix from time to time] within a period of not more than five years.

494. What expenses may be declared to be improvement expenses.— If the expenses to be recovered have been incurred in respect of any work mentioned in any of the sections 227, clause (*c*),

1 This was substituted for the figure "68" by Bom. 48 of 1948, s. 50(*i*)(*b*).
2 The word, figures and letter "or 68 B" were deleted by Mah. 10 of 1998, s. 241.
3 These words were inserted by Bom. 48 of 1948, s. 50(*ii*).
4 This portion was inserted by Bom. 5 of 1938, s. 44(*1*)(*a*).
5 This portion was substituted by Bom. 5 of 1938, s. 44(*1*)(*b*).
6 These words were substituted by Bom. 5 of 1938, s. 44(*1*)(*c*) and (*2*).
7 These words were inserted by Bom. 48 of 1948, s. 51.
8 These words were substituted by Bom. 5 of 1938, s. 44(*2*).
9 These words were substituted by Bom. 5 of 1938, s. 44(*1*)(*c*) and (*2*).
10 These words were substituted by Bom. 5 of 1938, s. 44(*1*)(*c*) and (*2*).
11 These words were inserted by Bom. 48 of 1948, s. 52.
12 These words were substituted for the original by Bom. 48 of 1948.
13 This portion was substituted by Mah. 27 of 1999, s. 197(*a*).
14 These words were substituted for the original by Bom. 76 of 1948, s. 32.
15 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 197(*b*).

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 [1][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.]

495. Improvement expenses by whom payable.— (*1*) Improvement expenses [2][* * * *] shall be recoverable in instalment of such amount not being less for any premises than twelve rupees per annum, and at such intervals as will suffice to discharge such expenses together with interest thereon at the rate of six per centum per annum within such period not exceeding thirty years as the Commissioner, with the approval of the corporation, may in each case determine.

(*2*) The said instalments shall be payable by the occupier of the premises [3][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.

496. Proportion of improvement expenses may be deducted from rent.— (*1*) Where the occupier by whom any improvement expenses [4][together with interest thereon] are paid holds the premises on which the expenses [5][together with interest thereon] 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 [6][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 [7][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 unexpired) of the same premises both receiving and liable to pay rent in respect thereof:

(*3*) Provided that nothing in this section shall be construed to entitled any person, to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

497. Redemption of charge for improvement expenses.— At any time before the expiration of the period for the payment of any improvement expenses [8][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 [9][and such interest due, if any, as may not have been already paid or recovered].

498. Recovery of instalments due under sections 493 and 495.— Any instalment payable under section 493 or section 495, which is not paid when the same becomes due, may be recovered by the Commissioner [10][or the General Manager] by distress and sale of the goods and chattels of the person by whom it is due as if it were a property tax due by the said person.

[11]**[499. In default of owner the occupier of any premises may execute required work and recover expenses from the owner.—** (*1*) Whenever, the owner of any building or land fails to execute

1 This portion was added by Bom. 76 of 1948, s. 33.

2 These words were deleted by Bom. 76 of 1948, s. 34(*i*).

3 These words were substituted for the original by Bom. 76 of 1948, s. 34(*ii*). 4 These words were inserted by Bom. 76 of 1948, s. 35(*i*).

5 These words were inserted by Bom. 76 of 1948, s. 35(*i*).

6 These words were inserted by Bom. 76 of 1948, s. 35(*ii*).

7 These words were inserted by Bom. 76 of 1948, s. 35(*ii*).

8 These words were inserted by Bom. 76 of 1948, s. 36(*i*).

9 These words were substituted for the original by Bom. 76 of 1948, s. 36(*ii*). 10 These words were inserted by Bom. 48 of 1948, s. 53.

11 Section 499 was substituted for the original by Mah. 21 of 1989, s. 64.

any work which he is required to execute under this Act or under any regulation or bylaw 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*).

(*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.

[1][(*3*) If the owner fails to commence the reconstruction of the building which is pulled down in pursuance of section 489 read with section 354, within the period of one year from the date of demolition, the tenants shall be entitled to form an association or society and take appropriate steps for reconstruction of the building.

(*4*) The owner of the building, which is pulled down in pursuance of section 489 read with section 354, shall complete the reconstruction or redevelopment within a period of three years from the date of demolition of such building or such extended period as may be granted by the authority specified by the Government, by notification in the *Official Gazette*. If the owner fails to complete the reconstruction or

redevelopment within the said period, then the tenants shall be entitled to form an association or society and take appropriate steps for reconstruction of such building.

(*5*) After reconstruction or redevelopment by such building as per sub-section (*3*) or (*4*), as the case may be, the area equivalent to the area occupied by the tenant shall be handed over to him by the owner, association, the society, as the case may be, without any further delay and within one month from the date of completion of reconstruction or redevelopment, as the case may be, of such building.

(*6*) The right of reconstruction to the tenants under sub-section (*3*) or (*4*) shall only be for reconstruction to the extent of the area of demolished building. The ownership rights and title to the land including reconstructed or redeveloped building shall continue to remain with the owner and the status of the tenants shall remain as tenants only.]

ExplanationI.— 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 of architects notified by the State Government for the purposes of the [2]Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 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.

ExplanationII.— 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.]

[3][*Explanation III*.— For the purposes of this section, "the tenant" shall have the same meaning as assigned to it in clause (*15*) of section 7 of the Maharashtra Rent Control Act, 1999 (XVIII of 2000).]

500. Limitation of liability of agent or trustee or owner.— 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.

1 Sub-sections (*3*) to (*6*) were added by Mah. 22 of 2017, s. 3(*a*).

2 Now *see* the Maharashtra Rent Control Act, 1999 (Mah. XVIII of 2000). 3 This *Explanation* was added by Mah. 22 of 2017, s. 3(*b*).

Payment of compensation

501. Compensation for damages may be paid by the Commissioner [1][or General Manager].— In any case not otherwise expressly provided for in this Act, the Commissioner [2][or the General Manager] may, with the previous approval of the [3][Standing Committee or the, Brihan Mumbai Electric Supply and Transport Committee as the case may be] pay compensation to any person who sustains damage by reason of the exercise of any powers vested by this Act in the Commissioner [4][or the General Manager] or in any municipal officer or servant.

502. Compensation to be paid by offenders against this Act for any damage caused by them.— (*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 nonpayment 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

[5][503. In cases falling under section 491, dispute to be determined by the Chief Judge of the Small Cause Court.— (*1*) If, when the Commissioner [6][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 uted, the Commissioner [7][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 [8][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.

[9][(*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.]

[10]**[504. Amount of expenses or compensation to be determined in all cases of disputes by the Chief Judge of the Small Cause Court.—** If, in any case not falling 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

1 These words were inserted by Bom. 48 of 1948, s. 54.
2 These words were substituted for the original by Mah. 21 of 1989, s. 64.
3 These portion was substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 198.
4 These words were inserted by Bom. 48 of 1948, s. 54.
5 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* by Bom. 48 of 1948, s. 5.
6 These words were inserted by Bom. 48 of 1948, s. 55.
7 These words were inserted by Bom. 48 of 1948, s. 55.
8 These words were inserted by Bom. 48 of 1948, s. 55.
9 Sub-sections (*3*) and (*4*) were added by Mah. 21 of 1989, s. 65.
10 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* by Bom. 48 of 1948, s. 5.

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.

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.— 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.

506. Persons liable for expenses or compensation may be sued for recovery thereof.—Instead of proceeding in any manner aforesaid for the recovery of any expenses or compensatioin of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due, or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for the same in any Court of .competent jurisdiction.

Proceedings before the Chief Judge of the Small Cause Court

507. Remedy of owner of building or land against occupier who prevents his complying with any provisions of this Act.— (*1*) If the owner of any building or land is prevented by the occupier thereof from complying with any provision of this Act or of any regulation or by-law made under this Act or with any requisition made under this Act or under any such regulation or by-law in respect of such building or land, the owner may apply to the Chief Judge of the Small Cause Court.

(*2*) The said Chief Judge, on receipt of any such application, may make a written order requiring the occupier of the building or land to ies 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. Power to summon witnesses and compel production of documents.— (*1*) For the purposes of any inquiry or proceeding under this Act, the Chief Judge of the Small Cause Court may summon and enforce the attendance of, witnesses and compel them to give evidence and compel the production of documents by the same means and, as far as is possible, in the same manner as is provided, in the case of the Small Cause Court by the Presidency Small Cause Courts Act, 1882 (XV of 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.

(*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:

[1][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 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.]

1 This proviso was added by Bom. 32 of 1935, s. 15.

509. Fees in proceedings before the Chief Judge of the Small Cause Court.— (*1*) The [1][2][State] Government] may, from time to time by notification in the [3][*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 (XV of 1882), in cases in which the value of the claim of subject-matter is of like amount.

(*2*) The [4][5[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 therefor under clause (*a*) has been paid.

510. Exemption of poor persons from fees.— 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.

511. Repayment of half fees on settlement before hearing.— 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.

512. Authority to the Chief Judge of the Small Cause Court to delegate certain powers and to make rule.— 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 6[7[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

513. Cognizance of offences.— All offences against this Act, or against any regulation or by-law made under this Act, whether committed within or without the city, shall be cognizable by a Presidency Magistrate; and no such Magistrate shall be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only

1 The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of 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*" by the Adaptation of Laws Order, 1950. 4 The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of Laws Order in Council.

5 This word was substituted for the word "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 Laws Order in Council.

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

of his being liable to pay any municipal tax or of his being benefited by the Municipal Fund.

1[* * *]

2**[513A. Appointment of Presidency Magistrates.—** (*1*) 3[The 4[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 by-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 :

Provided that notwithstanding the appointment of one or more Presidency Magistrates under this section, it shall be open to the Chief Presidency Magistrate, subject to the rules for the time being in force under section 21 of the 5Code of Criminal Procedure, 1898 (V of 1898), 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 6[the 7[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 8[the 9[State] Government] by the Corporation 10[* * *]

Provided that 11[the 12[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 [13][the [14][State] Government] annually, on such date as may be fixed by [15][the [16][State] Government] in this behalf such sum based on the average of the total amount is recovered by [17][the [18][State] Government] from the corporation under this section during the three years immediately preceding the date of such direction as may be determined by [19][the [20][State] Government] in this behalf.

[21]**[514. Limitation of time within which complaints of offences punishable under this Act shall be entertained.—** No person shall be liable to punishment for any offence made punishable by this Act,

1 The words "to credit of which any fine inflicted by him will be payable" were omitted by the Adaptation of Laws Order, 1950.
2 Section 513A was inserted by Bom. 10 of 1930, s. 4.
3 The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of Laws Order in Council.
4 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
5 Now *see* Code of Criminal Procedure, 1973 (2 of 1974).
6 The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of Laws Order in Council.
7 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
8 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
9 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
10 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.
11 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
12 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
13 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
14 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
15 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
16 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
17 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
18 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
19 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
20 The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
21 This section was substituted for the original section by Bom. 2 of 1911, s. 21.

unless complaint of such offence is made before a Presidency Magistrate within the time hereinafter prescribed in that behalf, namely:—

(*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 section [1][223, 229A, 240, 258], 272(*1*), [2][272(*5*), 274A], 281, 284, [3][287-B (*1*), 287-B(*2*),] [4][*] or 390 [5][or any by-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.]

[6]**[515. Complaint concerning nuisances.—** (*1*) Any person who resides in [7][Brihan Mumbai] may complaint 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 deems 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 sections 224, 244, 245, 246 or 367 to recover damages for the same.

[8]**[515A. Bar of jurisdiction.—** 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.]

[9]**[515A. Special provision regarding fines and other punishments under this Act.—** Notwithstanding anything contained in section 32 of the [10]Code of Criminal Procedure, 1898 (V of 1898) , it shall be lawful for any Presidency Magistrate trying offences under this Act to pass sentences of fine or to award any punishment under this Act in excess of his powers specified in that section.]

Arrest of offenders

516. Offenders against this Act may in certain cases be arrested by police officers.— (*1*) Any police officer may arrest any person who commits in his view any offence against this Act or against any regulation or by-law made under this Act, if the name and address of such person be unknown to him, and if such person, on demand, declines to give his name and address or give a name and address which such officer has reason to believe to be false.

1 These figures and letter were inserted by Bom. 8 of 1918, s. 20.
2 These figures, letters and brackets were inserted by Bom. 5 of 1938, s. 45.
3 These figures, letters and brackets were inserted by Bom. 5 of 1938, s. 45.
4 The figures and brackets were repealed by Bom. 5 of 1920, s.6.
5 These words, figures, brackets and letter were inserted by Bom. 5 of 1938, s. 45.
6 As to appeal to High Court from orders under s. 515, *see* Act 12 of 1888, s. 4. As to period of limitation of such appeals, *ibid*. s. 5.
7 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.
8 This section was inserted by Mah. 2 of 2012, s. 8.
9 This section was inserted by Mah. 32 of 1964, s.19.
10 Now *See* Code of Criminal Procedure, 1973 (2 of 1974).

[1][(*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.]

[2]**[516A. Offence under section 403 (*1*) (*b*) or (*c*) to be cognizable.—** The offence under clause (*b*) or (*c*) of sub-section (*1*) of section 403 shall be cognizable.]

[3]**[516AA. Offences under sections 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.—** (*1*) The offence of contravention of any provisions of section 394 or 394-A shall be cognizable.

(*2*) The offence of contravention of clause (*a*) of (*i*) of sub-section (*1*) of section 394 or section 394A shall be non-bailable.]

[4]**[516AAA. Offences under sections 313, 313-A and 313-B to be cognizable and bailable.—**The offence under section 313, 313-A or 313-B shall be cognizable and bailable.]

[5]**[516B. Offence under section 475A and 475B to be cognizable and bailable.—** The offence under sections 475A and 475B shall be cognizable and bailable.]

517. Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.— (*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 being 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 [6][or the capital value as the case may be] or tax brought under section 217;

(*e*) take, withdraw from, or compromise, proceedings under section 502 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 [7][the Standing Committee] any such claim for any sum exceeding five hundred rupees;

(*g*) defend any suit or other legal proceeding brought against the Corporation 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 [8][the Standing Committee] admit or compromise any claim, suit or legal proceeding brought against the Corporation or against the Commissioner or a Deputy

1 This sub-section was substituted for the original by the Adaptation of Laws Order, 1950. 2 Section 516A was inserted by Bom. 64 of 1953, s. 23.

3 Section 516AA was inserted by Mah. 32 of 1962, s. 7.

4 Section 516 AAA was inserted by Mah. 51 of 1975, s. 20.

5 This section was added by Mah. 2 of 2012, s. 9.

6 These words were inserted by Mah. 11 of 2009, s. 53.

7 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 199(*a*). 8 These words were inserted by Mah. 11 of 2009, s. 53.

Commissioner or a Municipal officer or servant, in respect of anything done or omitted to be done as aforesaid;

(*i*) 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.

(*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 [1][the Standing Committee] 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 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][and for the words "Standing Committee" the words "Brihan Mumbai Electric Supply and Transport Committee" had respectively been substituted.]

[5][(*4*) In regard to legal proceedings arising out of the Corporation's powers and duties under clause (*q*) of section 61, the provisions of sub-section (*1*), shall apply as if for the words "Standing Committee" the words "Education Committee" had been substituted.]

CHAPTER XX

CONTROL

518. Power to [6][State] Government to provide for performance of duties in default of any Municipal authority.— (*1*) If, upon complaint being made to [7][it] and after such inquiry as [8][it] thinks fit to make, it shall at any time appear to the [9][10][State] Government] that any of the provisions of sections [11][61, 62, 62C, 62D], [12][62E], 89F, 134, 225, [13][381, 381-A], 434, [14][438 and 513A] have not been or are not being duly carried out or enforced, the [15][16][State] Government] may make an order prescribing, a period within which such provision shall be carried out or enforced:

(*2*) Provided that, except in any case which appears to the [17][18][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

1 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 199(*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 This portion was substituted by Mah. 27 of 1999, s. 199(*b*).
5 Sub-section (*4*) was inserted by Mah. 27 of 1999, s. 199(*c*).
6 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
7 The word "it" was substituted for the words "him" and "he" by the Adaptation of Indian Laws Order in Council.
8 The word "it" was substituted for the words "him" and "he" by the Adaptation of Indian Laws Order in Council.
9 The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of Indian Laws Order in Council.
10 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
11 These figures and letters were inserted by Bom. 3 of 1907, s. 21.
12 The figures and letter "62E" were inserted by Bom. 12 of 1925, s. 4.
13 These figures and letter were inserted by Bom. 5 of 1948, s. 46.
14 These figures, word and letter were substituted for the original word and figures "and 438," by Bom. 10 of 1930, s. 5.
15 The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of Indian Laws Order in Council.
16 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
17 The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation of Indian Laws Order in Council.
18 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

written notice on the Corporation, and if the [1][2][State] Government] shall think fit, on the Commissioner, requiring cause to be shown why such order should not be made, nor until the cause, if any so shown has been considered by the [3][4][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 [5][6][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.

519. Power to [9][the [10][State] Government] to enforce repair, etc. of Vehar water works.— (*1*) If, from the report of any person appointed by [11][the [12][State] Government] under section 264 to inspect the Vehar Water-works, it shall appear to [13][the [14][State] Government] that any portion, of the said water-works is not in a sound and effective condition, [15][the [16][State] Government] may, by notice under the signature of a Secretary to [17][the [18][State] Government] require that the said portion of

the said works be repaired, improved or otherwise rendered sound and effective within a reasonable time to be prescribed in the notice.

(*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 [19][the [20][State] Government] may cause the required work to be done and may direct that expenses thereof shall be paid by the Commissioner.

520. Expenses of measures enforced under sections 518 and 519 how to be recovered.— (*1*) When any such order as is mentioned in sub-section (*3*) of section 518 or in subsection (*2*) of section 519 shall have been made, the corporation shall cause to be paid to [21][the [22][State]

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 "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 "Provincial Government" were substituted for the words "Governor-in-Council" 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 The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation Laws Order in Council.
8 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
9 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
10 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
11 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
12 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
13 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
14 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
15 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
16 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
17 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
18 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
19 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
20 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
21 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
22 This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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].

(*2*) And if, within fourteen days from the delivery of any such requisition, the same is not complied with, [3][the [4][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.

[5][*Emergency Provisions for Water*

520A. Power of State Government to issue directions to Corporation in emergency arising out of scarcity of water.— (*1*) Notwithstan his 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 *OfficialGazette*, 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.

(*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;

(*b*) for the exemption of any undertakings 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 incidential or 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:

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 "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 The heading and section 520A were inserted by Mah. 32 of 1966, s. 7.

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 is 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][**520B. Power of State Government to suspend or rescind any resolution or order, etc. of Corporation or other authority in certain cases.—** (*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 in 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; [2][or is likely to be against the financial interests of the corporation or against larger public interest] 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.

(*2*) On receipt of a copy of the order as aforesaid, the Corporation or Commissioner or General Manager may, if it or he 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 Councilor and the Corporation and any other authority or officer concerned to comply with such order.]

[3][**520C. Power of State Government to issue instructions or directions.—** 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,

1 The section 520B was inserted by Mah. 4 of 1973, s. 5.
2 These words were inserted by Mah. 32 of 2011, s. 15.
3 Section 520C was substituted by Mah. 9 of 2011, s. 3.

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.]

[1][**520CC. Removal of doubt.—** 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 (Mah. X of 1998) and the Mumbai Municipal Corporation (Second Amendment) Act, 1998 (Mah. 13 of 1998), the Corporation [2][* * * *] 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-initio*.]

[3]**[520D. Power to dissolve Corporation.—** 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.

520E. Consequences of dissolution.— 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, [4][* * * *] 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.

520F. Reconstitution of Corporation after dissolution.— 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.]

CHAPTER XXI

SUPPLEMENTARY PROVISION

521. Councillors, etc., to be deemed to be public servants.—[5][(*1*)] The Commissioner, [6][Director, Deputy Commissioner,] [7][General Manager] and every councillor and every municipal officer or servant appointed under this Act [8][and every person appointed to make a valuation under sub-section

1 Section 520CC was inserted by Mah. 13 of 1998, s. 20.

2 The words "or Mayor-in-Council" were deleted by Mah. 27 of 1999, s. 201.

3 These sections were inserted by Mah. 10 of 1998, s. 206.

4 The words "Mayor-in-Council" were deleted by Mah. 27 of 1999, s. 202.

5 This section 521 was renumbered as sub-section (*1*) by Mah. 34 of 2014, s. 2.

6 These words were substituted for the words "and Deputy Commissioner," by Mah. 53 of 1981, s. 20.

7 These words were inserted by Bom. 48 of 1948, s. 57.

8 These words and figures were inserted by Bom. 76 of 1948, s. 37.

(*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).

[1][(*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)].

[2][**521A. Power of State Government to accord previous sanction.—** Notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 (2 of 1974) and section 19 of the Prevention of Corruption Act, 1988 (49 of 1988), in case of Councillor, the State Government shall be competent to accord previous sanction as required under the said sections 197 and 19.]

522. Co-operation of Police.— (*1*) The Police Commissioner shall, as far as may be, co-operate, by himself and through his subordinates, with the Commissioner [3][and the General Manager] for carrying into effect and enforcing the provisions of this Act and for the maintenance of good order in [4][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 by-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 [7][Commissioner, the General Manager] or in such municipal officer or servant under this Act.

[8][**522A. Assistance for the recovery of rent on land in the suburbs [9][or extended suburbs].—**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, [10][or 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[11] (Bom. V of 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.]

523. Computation of time.— (*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 or a proceeding to be taken before the Chief Judge of the Small Cause Court, the said Court is closed on such last day, in which events any act or proceeding shall be deemed to be done or taken in due time if it is done or taken on the next day after such Sunday, or after the close of such public holiday or on the first day when such Court re-opens, as the case may be.

(*3*) Where by this Act any act or 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.

1 Sub-section (*2*) was added by Mah. 34 of 2014, s. 2.

2 Section 521A was inserted by Mah. 34 of 2014, s. 3.

3 These words were inserted by Bom. 48 of 1948, s. 58.

4 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule 4(*1*). 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 These words were substituted for the original by Bom. 48 of 1948, s. 58.

8 Section 522A was inserted by Bom. 7 of 1950, s. 32.

9 These words were inserted by Bom. 58 of 1956, s. 25.

10 These words were inserted by Bom. 58 of 1956, s. 25.

11 Now *see*, Maharashtra Land Revenue Code, 1966.

524. Measurement of distances.— The distances mentioned in this Act shall be measured in a straight line of a horizontal plane.

525. Informalities and errors in assessments, etc. not to be deemed to invalidate such assessment, etc.— (*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[12][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[3], [4][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. Power to [5][State] Government to call for extracts from proceedings, etc.— The [6][[7][State] Government] may at any time call upon the corporation to furnish [8][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. Protection of persons acting under this Act, against suits.— (*1*) No suit shall be instituted against the corporation or against [9][the Commissioner, the General Manager] [10][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 [11][the Commissioner, the General Manager] [12][or the Director] or of a Deputy Municipal Commissioner or of a municipal officer or servant delivered to him or left at his office or place of abode, stating with reasonable particularity

1 Section 80 of Bom. 48 of 1950 reads as follows :—
"**80. Amendments made by sections 64, 65, 67, 68 and 76 to have retrospective effect.—** (*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 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 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.".

2 These words were inserted by Bom. 48 of 1950, s. 76(*1*).

3 Section 80 of Bom. 48 of 1950 reads as follows:—
"**80. Amendments made by sections 64, 65, 67, 68 and 76 to have retrospective effect.—** (*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 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 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.".

4 These words were substituted for the words "and by-laws" by Bom. 48 of 1950, s. 76(*2*).

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

8 The word "it" was substituted for the word "him" by the Adaptation of Indian Laws Order in Council.

9 These words were substituted for the original by Bom. 48 of 1948, s. 59.

10 These words were inserted by Mah. 53 of 1981, s. 21.

11 These words were substituted for the original by Bom. 48 of 1948, s. 59.

12 These words were inserted by Mah. 53 of 1981, s. 21.

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[1]

(*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—

(*c*) the plaintiff shall not be permitted to go into evidence of any cause of action except such as is set forth in the notice delivered or left by him as aforesaid;

(*d*) 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 [2][previous] sanction of the [3][Standing Committee or the Brihan Mumbai Electric Supply and Transport Committee] from the municipal fund or the [4][Brihan Mumbai Electric Supply and Transport Fund] as the case may be.

[5][527A. Savings in respect of certain provisions of Bombay Land Revenue Code, 1879[6].—

Notwithstanding the provisions of sections 48, 65, 66 and 67 of the [7]Bombay Land Revenue Code, 1879 (Bom. V of 1879)—

(*1*) the use of any land in the suburbs [8][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 [9][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 by-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.]

[10][* * * * * *]

1 This word was substituted for the word "or" as the letter was a misprint.
2 The word "previous" was inserted by Bom. 19 of 1930, s. 20.
3 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 203.
4 These words were substituted by Mah. 25 of 1996, s. 25.
5 Section 527A was inserted by Bom. 77 of 1950, s. 33.
6 Now, *see* Maharashtra Land Revenue Code, 1966.
7 This word was substituted for the word "or" as the letter was a misprint.
8 These words were inserted by Bom. 58 of 1958, s. 26.
9 These words were inserted by Bom. 58 of 1958, s. 26.
10 Section 528 was deleted by Mah. 10 of 1998, s. 248.

SCHEDULE A

(*See* section 2)

ENACTMENTS REPEALED

No. and year of Act	Title or Subject	Extent of Repeal
Act of the Governor General in Council		
XLVIII of 1860	An Act to amend Act XIII of 1856.	Section 17, as amended by Bombay Act IV of 1882 and clause (*16*) of section 19.
Acts of the Governor of Bombay		
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 Guarantee Fund of Bombay International Exhibition and for other purposes.	So much as has not already been the 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 9B 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

(*S

FORM OF DEBENTURE

No. for Rs.

By virtue of the [1][Mumbai Municipal Corporation Act], we the Municipal Corporation of [2][Brihan Mumbai], in consideration of the sum of paid to us by A.B. of for the purposes of the said Act 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 asign unto the said A.B., his heirs, executors, administrators and assigns such proportion, of the moneys arising or accuring by virtue of the said Act from (the taxes mortgaged) as the sum aforesaid both 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 [3][Brihan Munibai] [4][in our presence of :—

(*Signed*)

1. ..... Members of the Standing Committee] 2. .....

SCHEDULE D [*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. 2 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

4 The portion beginning with the words "in the presence of" and ending with the words "the Members-in-charge" was substituted by Mah. 27 of 1999, s. 204.

SCHEDULE E

(*See* section 150)

FORM OF NOTICE OF TRANSFERS TO BE GIVEN WHEN THE TRANSFER HAS BEEN EFFECTED BY INSTRUMENT

To 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				Remarks
					Of what it consists	Dimensions of Land	Boundaries	If instrument has been registered the date of Registration	

(*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 INSTRUMENT

To 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	To whose name it is to be transferred.	Of what it consists	Situation	Description of the property			Remarks
					No. in Assessment Book	Dimensions of Land	Boundaries	

(*Signed*) *A.B.*

1 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

2 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, Schedule. 3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, Schedule.

4 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, Schedule.

1[* * *]

[2][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-airconditioned Cinema theatre	Rs. 45 per show.
(*3*) Drama, concert, variety entertainment or *Tamasha*	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.]

[3][* * *]

[4][* * * * * * * * *]

[5][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 [6][* * * *] the sum of due for the tax (mentioned in the margin for the half-year [7]* or quarter) commencing (or terminating) on the day of 19 , although the [8][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 after service of the bill;]

This is to command you to ——— distrain the goods and chattels / attach any property ——— of the said A.B.

(or, as 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 / property attached ——— by you thereunder.

Dated this day of 19 .

(Signed)

Municipal Commissioner for [9][Brihan Mumbai]].

1 Schedule G was deleted by Mah. 11 of 2002, s. 30.

2 This Schedule was substituted for the Schedule G-1 by Mah. 11 of 2009, s. 54.

3 Schedule H and H-1 were deleted by Mah. 42 of 2017, s. 12, w.e.f. 1st July 2017.

4 Schedule I was deleted by Mah. 11 of 2009, s. 55.

5 This Schedule was substituted for the original by Bom. 64 of 1953, s. 25.

6 The words "or shown sufficient cause to my satisfaction for the non-payment of" were deleted by Mah.11 of 2009, s. 56(*1*).

7 Here describe the tax.

8 This portion was substituted for the portion beginning with the words "the said sum" and ending with the words "demand / order;" by Mah. 11 of 2009, s. 56(*2*).

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

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[1] for the half-year (*or* quarter) commencing (or terminating) on the day of 19 ; and that unless you pay into the municipal office at the amount due, together with the costs 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).

[2][* * * *]

[3][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, Aquandye-II-1975.

Powerex, Powerite, Powerplast, P R M-101, P R M-102, P R M-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, Gelignite, Geophex, Gomia Gelatine-40%, Gomia Gelatine-50%.

Seismic Gelatine 90%, Seismic Gelatine 80%, Seismopak, Soligex, Special Gelatine Submarine Blasting Gelaring Uniferx, Hectarite, Hydrobel, Improved Bellistite, Alfagel, Alfapruf, Nobel Glasgow Shotgun Powder, Nobel Parabellum Powder, Nobel Rimfire Powder, Openalast Gelignite, Plaster Gelatine.

1 Here describe the tax.

2 Schedule L was deleted by Mah. 42 of 1976, s. 17.

3 Schedule M was substituted by G.N.U.D. & P.H.D., No. BMC. 1078/27/UD-3, dated the 26th October 1979, published in

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 (Petn. Penthrite) Pentocite Boosters, Picric Acid (Tri Nitrophenol), Picrates Dry.

Primex, Supermex, R D X-T N T, Seismic Primer, Tentranitro Methylaniline (CE Tetryl), Tonite or Cotton Power No. 1, Tonite or Cotton Power No. 2, Tonite No. 3, Trintro-Resorcinol (Styphnic Acid), Tri-Nitro-Tolune (TNT Trotyl).

GROUP IV

Chlorate Mixture

(Any explosive containing a chlorate).

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 gunpowder or nitrate mixture in a metal case not exceeding 25 ry 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.

SOCKETS—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 23₀ C or less 10 litres—*

1. Acetal (Acetaldhyde Diethyl Ether Ethylene Diethyl Ether).

2. Acetaldehyde (Acetic Aldehyde Ethanal, Ethyl Aldehyde).

3. Acetone (Dimethyl Ketone).

4. Actonitrile (Methyl Cynanide Ethane Nitrite).

5. Acetone Oils.

6. Acetyl Chloride also Corrosive.

7. Acetylene Dichloride.

8. Acrolien (Acraldehyde, Allyl Aldehyde Propenal).

9. Acrylontrile (Propene Nitrile, Vinyl Cyanide) also toxic.

10. Allyl Chloride (2--Chloro or 3-Chloro Propyene).

11. Ally Alcohol (Propenyl Alcohol).

12. Ally Bromide (Brom 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 Petroleum.

24. Tertiary Butanol (Tertiary Butyl Alcohol Trimethy Carbinol).

25. Iso-Butyl Acetate.

26. n-Butyl Acetate (Butyl Ethanoate Butyl Ester).

27. Secondary Butyl Acetate.

28. Iso-Butylamine.

29. n-Butylamine.

30. n-Butyl Chloride.

31. n-Butyl Formate.

32. n-Butyraldehyed (Butanal, Butaldehyde Butyl Aldehyde).

33. Iso-Butyraldehyde (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. Dimethyl Ether.

60. Dimethyl Heptane.

61. Dimethyl Hydrazine.

62. Dioxane.

63. Di-Oxolane.

64. Di-iso-Propylamine.

65. Di-iso-Prophyl Ether.

66. Di-Vinyl Ether (Vinyl Ether).

67. Dyoline.

68. Ethyl Acetate.

69. Ethyl Acrylate.

70. Ethyl Alcohol (Ethanol, Absolute Alcohol).

71. Ethyl Bromide.

72. Ethyl Borate.

73. Ethyl Buty Ether.

74. 2-Ethyl Butyraldehyde.

75. Ethyl Dimetyl Methane.

76. Ethyl Chloride.

77. Ethyl Chloro Formate.

78. Ethyl Crotonate.

79. Ethyl Dichloro Silane.

80. Ethyl Ether.

81. Ethyl Formate.

82. Ethyl Methyl 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. Heptane.

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 (Methyl Acreline).

106. Methyl Acetate.

107. Methyl Acetone.

108. Methyl Alcohol (Methanol).

109. Methyl Butyrate.

110. Methyl Chloroformate.

111. Methyl Chloromethyl Ether.

112. Methyl Dichlorosilane.

113. Methyl Formate.

114. Methyl Hydrozine.

115. Methyl Methacrylate.

116. Methyl Cyco-Pentane.

117. Methyl Pentadiene.

118. Methy iso-Propanyl Ketone.
119. Methyl Propionate.
120. Methyl Propyl Ketone.
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. Propionyl Chloride.
142. n-Propyl Acetate.
143. iso-Propyl Acetate.
144. Propylene Oxide.
145. Propyl Dichloride.
146. iso-Propylamine.
147. Propyl Chloride.
148. Propylenelmine.
149. Propyl Formate.
150. n-Propyl Nitrate.
151. iso-Propyl Nitrate.
152. Pyridine.
153. Pyrolidine.
154. Rectified Spirit.

155. Resin Solution.

156. Rosin Solution.

157. Rubber Solution.

158. Rubber Solvent.

159. Silico Chloroform.

160. Sodium Methoxide in alcohol solution.

161. S.B.P. Solvent.

162. Tetra Ethyl Lead.

163. Tetra Hydro Furan.

164. Tinctures.

165. Toluene.

166. Tri Ethylamine.

167. Tri Ethyl Chlorosilane.

168. Tri Methylamine.

169. Tri Methyl Chlorosilane.

170. Tri Propylene.

171. Tri Nitro Benzene.

172. Valeraldehyde.

173. Varnish.

174. Vinyl Acetate.

175. Vinyl iso-butylether.

176. Vinyl Cyclo hexane.

177. Vinyl Ethyl Ether.

178. Vinyl Trichlorosilane.

179. Varnish (in solvent).

180. Vinylidene Chloricle.

181. Wood Naphtha.

182. Xylonite Solution.

(*b*) *Any combustible liquid including the following having flash Point 23o C and above 23o C but below 65o C-20 litres—*

1. Acetic Acid (Glacial).

2. Acetyl Acetone.

3. Amyl Acetates.

4. Amyl Alcohols.

5. Amyl Ether.

6. Amyl Formates.

7. Amyl Methyl Ketone.

8. Amyl Nitrate.

9. Amyl Propionate.

10. Ally Chloroformate.

11. Ally Trichlorosilane.

12. Benzal-dehyde.

13. Butanol (Butyl Alcohol).

14. Sec. Butanol.

15. Butyl Acrylate.

16. n-Butyl Bromide.

17. Butyl Butyrate.

18. Butyl Cellosolve.

19. Butyl Propionate.

20. Butyl Trichlorosilane.

21. Butyl Nitrate.

22. Camphor Oil.

23. Chloro Benzene.

24. 2-Chloro Ethanol.

25. Cyclo Hexanone.

26. Cyclo hexylamine.

27. Para Cymene.

28. Decalin.

29. Diacetonc Alcohol (Diacetone).

30. Diamylene.

31. Di-Butoxy Methane.

32. Di-Butylamine.

33. Di-iso Butylamine.

34. Di-Butyl Ether.

35. Di-iso Butyl Ketone.

36. Di-Chloro Butene.

37. Chloro Butane.

38. Di (2-2) Chloro Ethyl Ether.

39. Di-Chloro nitro Ethane.

40. Dichloro Pentanes.

41. Dichloro Propene.

42. Dichloro Pentadiene.

43. 1-2, Di Ethoxy Ethane.

44. Di Ethyl Benzene.

45. Di Ethyl Carbinol.

46. Di Methyl Ethanolamine.

47. Di Ethyl Carbonate

48. Di Methyl Aniline.

49. Di-methy, Dioxane.

50. D-Pentene.

51. 2-Ethoxy Ethanol.

52. 2-Ethyoxy Ethyl Acetate.

53. Ethyl Benzene.

54. Ethyl Butyl Acetate.

55. Ethyl Butyrate.

56. Ethyl Chloroacetate.

57. Ethyl dimethyl Methane.

58. Ethyl hexaldehyde (Octaldehyde).

59. Ethyl Lactate.

60. Ethyl Silicate.

61. Ethyl Hexylamine.

62. Ethyl Metha Crylate.

63. Ethylene Diamine.

64. Ethylene Glycol Monobutyl ether.

65. Ethylene Glycol Monoethyl ether.

66. Ethylene Glycol dibutye ether.

67. Ethylene Glycol Mono Ethyl Ether.

68. Ethylene Glycol Monomethyl Ether Acetate.

69. Ethylene glycol monobutyl ether acetate.

70. Ethylene glycol mono Hexyl ether.

71. Ethylene glycol mono Methyl ether.

72. Ethylene glycol mono-Phenyl ether.

73. Epichlorohydrine.

74. Formal dehyde (Formal in).

75. Furfural (Fufuraldehyde).

76. Gutta Percha Solution.

77. Hexaldehyde (Carproic Aldehyde).

78. Hexyl Acetate.

79. Hexyl Amine.

80. High speed Diesel (HSD).

81. Hydrazine.

82. Insecticide solution.

83. Isoamyl alcohol Primary.

84. Iso Butyl Alcohol.

85. Kerosene.

86. Mesity Oxide.

87. Methyl Amyl Acetate (Hexy acetate).

88. Methyl iso-Buty Carbinol.

89. Methyl Methacrylate.

90. Methyl n-Butyl Ketone.

91. Methyl Iso-butyl Ketone.

92. 2-Methyl Styrene.

93. Mineral Turpentine.

94. Mineral oils of all kinds.

95. Mono-Chloro Benezene.

96. Morpholine.

97. Nitro Methane.

98. Nonane.

99. Organic solvent.

100. Paints of all kinds.

101. Paraldehyde.

102. Pentaborane.

103. Pine Oil.

104. Propionie acid.

105. iso-Propyl Benzenes.

106. Styrene (Vinyl Benzene).

107. Tetra Methyl Lead.

108. Tetra Ethyl Silicate.

109. Terpenolene.

110. Turpentine.

111. Varnish Flash point above 230°C.

112. White Spirit.

113. Xylenes.

(*c*) *Any combustible liquids including the following having flash Point 65° C and above 65° C-50 litres*

1. Acetonyl Acetone.

2. Acetophenone.

3. Acid Butyo Phosphate.

4. Aeromaxe.

5. Aldol.

6. 2-Amino 1-Butanol.

7. Amyl Oxide.

8. Aniline.

9. Anthracence oil.

10. Animal oils.

11. Butyl Ether.

12. Butyl Lactate.

13. Creosote Oil.

14. Cresol.

15. Cyclo-hexanol.

16. Diamyl phthalate.

17. Di-Butylamino Ethanol.

18. Dibutyl Oxalate.

19. Di-Chloro Benzene.

20. 1, 3-Dichloro, 2-4 Hexadiene.

21. Di-Chloro iso-Provpyl Ether.

22. 1-1, Dichloro, 1-Nitro Propane.

23. Di-iso Butyl Benzene.

24. Di-iso-Propyl Cyanamide.

25. Di-Methyl Formamide.

26. Di-Methyl Sulphate.

27. Dodecane (Didecane).

28. Di-Methyl Cyanamide.

29. Essential oils of all kinds.

30. Ethanolamine.

31. Ethyl Acetanilide.

32. Ethyl Acetoacetate.

33. Z-Ethyl Hexylacetate.

34. Ethylane Glycol mono ethylether acetate.

35. Fuel oil/Furnace oil.

36. Formic Acid.

37. Hexanol.

38. N—Hexylcellosolve.

39. Hexyl Ether.

40. Insecticide solution.

41. Light Diesel Oil (L D O).

42. Mineral oils of all kinds.

43. Oils of all kinds excluding essential and mineral oils. 44. Organic Solvant.

45. Phenyl Cellosolve.

46. Paints.

47. Tetrahydro Furfuryl Alcohol.

48. Tetrahydro Naphthalene.

49. Trichloro Propane.

50. Tricresyl Phosphate.

(*d*) *Any other combustible liquid including the following 50 litres* Acid Slurry and A.B.S. Slurry.

Assistor B-10.

Acrylated Polymer.

Acetic Unhydride.

Acramine sin.

Acramol New.

Adhesive Solution.

Arkpol.

Aeron Printing Agent F.H.

Agarbatti Mixed Ready Perfumer.

Ascopon Np. 330.

Acramin SI Extra.

Antifoam and M.S.

Acinol Cps.

Ahurasol Traf.

Ahuralan L.

Ahuramine Cac.

Alky Benzene Suplhonic Acid.

Alpha Amyl Cinnamic Aldehyle Acryloid.
Antioxidant S.P. Solution.

1157 Alkyl Derivative of Fatty Acid.

Asphaltic Oil.

Acramine Red F.R.C.

Extra Cone.

Accelerator Solution.

Alkyl Benzene.

Acramine Binder 100 and 1100.

Alcoholic Beverages (1000 Litres).

(Such as whisky, brandy, wine, etc.).

Brytol.

Base coat.

Brandelux Liquid.

Barium Cadmium stabilizer.

Barium Sulphonate.

Basic Sulphonate.

Benzalkonium Chloride Solution.

Butyric Acid.

Brake Fluid.

Butyl Sterate.

Butyl Diol.

Black Phenyl.

Celloplast.

Castraulic Break Fluid.

Colloidon.

Coconut Fatty Acid.

Cinnamic Alcohol.

Colour Solvent.

Chirimoya Aroma.

Crenofor B.L.

Calcium Derivative of Phenol.

Chlorinated Hydrocarbon.

Calcium Sulphonate and Complex.

Caiciurn and Barium Sulphonate.

Carbitol.

Cirazol Fpi.

Catalyst Solvent.

Cobalt Octoate 6 % Solvent.

Calcium Octoate 3 % Solvent.

Coconut Diethaholamide.

Diethylene Glycul (F.P. 125-C).

Daichi Noigen Emulsifier.

Deepetch Developing Ink.

D.T.A. Solvent.

Dimethyl Phathalate.

Diphenyl Oxide.

Dinonyl Phathalate.

Dripolene AB & C.

Dawnol DB.

Dibtyl Tindilaurate.

Diethyl Sulphate.

Detergent Slurry.

Dimethyl Para Tolouidine.

Dialphanyl Phthalate.

Dedecyl Benzene Sulphuric Acid.

Dinonyl Phthalate.

Ethylene Chlorohydrine.

Essence of Phenyl.

Essocore.

Essolube HD.

Extender Solution.

Emulsifier.

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 Acid.

Fatty Amide.

Getsit.

Glymol.

Gasket Shellac Compound.

Glyonie-D.

Glycidyl Ether.

Gamma Picoline, Gelkot, Glycerine (free limit 500 Kgs.).
Hemagin.

Hydrazine Hydrate.

Holdtite Liquid Jointing.

Highviscocity Polymer.

Iseamly Acetate.

Invamol En.

Imperon P.

Japicot T.

Kemapol Dc Cone.

Kemapol pl Cone.

Kemapol H Cone.

Khadi Binder Col.

Lead Octate 18%.

Lemon Grass Residue of Resush.
Lyogen T.G.S.

Lubriplate.

Liquio Glucose.

Linalool.

Liquiseal.

Liquid Stainer.

Laxtic Acid.

Moribo.

Mistol.

Micrombar.

Merck Na.

Milkoline.

Mercerizing Agent.

Methyl Salicylate.

Malonic Ester.

Mould Release Agent Q2 13.

Mango Essence.

3-Methoxy Propylamine.

Manganese Octate 6% Solution.
Nonyl Phenol.

Nail Polish Cream.

Nonorganic Wetting Out Agent.
Nitrated Lard Oil.

Nopco 1296.

Nopco Lv 40.

Nopco 1556.

Non Lonic Detergent.

Nonox Sp.

Natural Cutex Nail Polish.

Nail Enamel or Remover.

Nyloflex 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 Piasticizer.

Paraflow.

Paraelex G-601.

Polyol.

Printex.

Pasterseal.

Perminal 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.

Salicylldelyde.

Sanvipol As.

Special Sulphurized Fat.

Sorbitan Monooleate.

Sodium Lauryl Ether Sulphate.

Turpentine Liniment I. P.

Trienthanol Amine.

O-toluidine.

Teripineol.

Thiodiglycol.

Top-Coat.

Twin 20/80.

Terpinyl 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.

2. Ammonium Picrate, wetted.

3. Camphor-Free limits 5 Kgs.

4. Celloidin or photoxylene.

5. Celluloid including Scrap.

6. Cobalt Resinate, precipitated.

7. Cecaborane.

8. Dinitrophenolates, wetted.

9. Dinitro Phenols, wetted.

10. Dinitro Resorcinols, wetted.

11. Chemical driers.

12. Ferrocerium (light fints).

13. Ferro Sillicone.

14. Film, nitrocellulose base.

15. Hafnium powder.

16. Hafnium powder, wet or sludge.

17. Hexamine or Hexamethylene Tetramine or Methenamine or Uritone. 18. Metramine.

19. Uritropine.

20. Magnesium.

21. Magnesium allloys.

22. Manganese Resinate.

23. Metaldehyde.

24. Mischimetal.

25. Naphthalene.

26. Creosote Salts.

27. Nitrocellulose.
29. Lacquer Chips. 30. Collidion Cotton.

Wetted or Plasticised 28.

Lacquer Base

31. Nitroguanidine, wetted.

32. Nitro Starch, wetted.

33. Phosphorous, amorphous.

34. Phosphorous, white or yellow.
35. Phosphorous Heptasulphide.

36. Phosphorous Pentachloride.
37. Phosphorous Penta Sulphide.
38. Phosphorous Sequi Sulphide.
39. Phosphorous Trisulphide.

40. Picric Acid (Wetted).

41. Pyroxyline.

42. Pottassium Borohydride.

43. Silicon Powder.

44. Sodium Picramate, wetted.

45. Sulphur.

46. Titanium powder.

47. Trintro Benzene, wetted.

48. Trintro Benzoic acid, wetted.
49. Trintro Toluene (TNT), wetted.
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 gases when wet with water including following* (*2 Kgs*.)

1. Amalgams of Sodium/Potassium/Lithium, etc.

2. Amides of Sodium/ Potassium/Lithium etc.

3. Alloys of Alkali Metals-No Free Limit.

4. Alloys of Alkaline Earth Metals.

5. Aluminium Ferro Silicon Powder.

6. Aluminium Carbide.

7. Aluminium Silicon, powder, uncoated.

8. Barium alloys—Non-pyrophoric.

9. Barium metal—Non-pyrophoric.

10. Caesium metal.

11. Calcium metal and alloys, non-pyro Phoric.

12. Calcium Carbide, No Free Limit.

13. Calcium Cyanamide (Nitrolim).

14. Calcium Hydride.

15. Calcium Phosphide.

16. Calcium Silicidc.

17. Calcium Magnesium Silicon.

18. Hydrides of Metal.

19. Lithium metal, No Free Limit.

20. Lithium Alluminium Hydride.

21. Lithium Amide.

22. Lithium Borohydride.

23. Lithium Hydride.

24. Lithium Silicon.

25. Magnesium Alluminium Phosphides.

26. Magnesium Hydride.

27. Magnesium Phosphide.

28. Potassium Amide.

29. Potassium metal, No Free Limit.

30. Potassium Metal alloys.

31. Potassium Phosphide.

32. Potassium Sodium Alloy.

33. Rubidium metal, No Free Limit.

34. Sodium Metal, No Free Limit.

35. Sodium Amide.

36. Sodamide.

37. Sodium Borohydrate.

38. Sodium Hydride.

39. Sodium Methalate.

40. Sodium Phosphide.

41. Stannic Phosphide.

42. Tin mono Phosphide.

43. Strontium alloys, Non-pyrophoric.

44. Strontium phosphide.

45. Titanium Hydride.

46. Zinc, non-pyrophoric.

(*d*) (*i*) *Any substances liable to spontaneous combustion including the following* (*10 Kgs*.)

1. Alluminium Alkyl Chrorides.

2. Alluminium Alkyls.

3. Alluminium Tributyl.

4. Alluminium Tri Ethyl.

5. Alluminium Tri Methyl.

6. Calcium Resinate.

7. Di Ethyl Alluminium Chloride.

8. Di Ethyl Magnesium (Magnesium Di Ethyl).

9. Di Ethyl Para Nitrosoaniline.

10. Di Methyl Para-Nitrosoaniline.

11. Di Methyl Zinc (Zinc Di Methyl).

12. Ethyl Alluminium Dichloride.

13. Ethyl Alluminium Sesquichloride.

14. Fish meal.

15. Magnesium Diamide.

16. Magnesium Diphenyl.

17. Metal Alkyls.

18. Methyl Alluminium Sesquichloride.

19. Methyl Magnesium Bromide.

20. Grignard Reagent.

21. Nickel Catalyst.

22. Phosphorous red.

23. Sodium Hydrosulphate.

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.

Zinc Powder.

Cerium Powder.

(*e*) *Combustible solids and semi solids*

	Free Limit Kgs.
1 Agarbattis or perfumed sticks or their powders	100
2 Asphalt, Bitumen, gilsonite and tar pitch	25
3 Bagasse	50
4 Bags and sacks empty	500

5 Cobalt Nepthenate Powder	...	...	100
6 Camphene	...	...	5
7 Candles	...	...	30
8 Carbon or charcoal or lamp-black or coke or coal and coal dust	...	...	10
9 Celluloid based, 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 [1]* * * * * ...	...		
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 papers, 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 includin	...	...	500

41 Waxes of all kinds 30

(*f*) *Any other combustbile solids and semi solid including the following free limit* (*100 Kgs.*)

Aspirin (Acetyl Solicylic Acid).

Aminophyline.

Anthranilic Acid.

Acetyl Methionine.

Aluminium Paste.

Ammonium Thiocyanate.

Accelerator Organic.

Aromatic Sulphur Compound.

Alkylated Phenol.

Amino Anthraquinons.

Alpha Or Beta.

Adipic Acid.

Acramine Pigment-Ex-Cone.

Acramine SI Extra.

Acramine Yellow Fgg. Ex. Cone.

1 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.

Acramine Golden Yellow for Ex. Cone.

Acramine Orange Fsg. Ex. Fgrr Ex. Cone.

Acramine Scarlet Frl Ex. Cone.

Acramine Red. Frg. Ex. Cone.

Acramine Red Frg Ex. Cone.

Acramine Bordaux Frn Ex. Cone.

Analgin.

Acetylated-Mono-Glycerides.

Anthra Quinone.

Amido Phyrine.

Acetyl Cysterine.

Alluminium Sterate.

Acramine Red Violet Fr Cone.

Acramine Violet Fer Ex. Cone.

Acramine Brown For Ex. Cone.

Acramine Navy Blue Fb. Ex. Cone.

Acramine Navy Blue FFr Ex. Cone.

Acramine Green Fgg Ex. Cone.

Acramine Olive Green Fb Ex. Cone.

Acramine For Powder.

Alpha Amino-4-Benzylamino.

Anthrequinone.

4-Amino Azobenzidine 4-Sulphonic.

Acid.

Amino R Acid.

Amino Azo Benzene.

Aerolite Powder.

Antistep.

Amberol 75 % and D 96 Alphanitroso Beta.
Naphthol.

Aceto Acetanilide.

Agar Powder Or Dust-or-Wood.

Ascopom A-20.

Ade is.

Arabic Gum.

Amino Anisic Acid.

Aminophenol Ortho, Metha, Para, Anisic Acid.
Ascorbic Acid.

Amethocaine Hydrocloride.

Amino Benzoicacid (Para).

Betaine Hydrochloride.

Bitumen Laminated Board.

Bitumoil Barium Sulphonate.

Beta Napthol.

Benzoic Acid.

Benzidine Yellow H.G.

Brown Dextrine.

British Gum.

Bitumen Compound.

Binder.

Benzathrone.

Blowing Agent Bn-Tyre (Microper Powder).
Blowing Agent Porofor Powder.

Borneol.

Benzil.

Benzoquinone (Quinone).

Benezene Sulphoric Acid.

Bisphenol A.

Balsum Tolu.

Barium Sterate.

Cadmium Stearate.

Coumarin Powder.

Cetyl Alcohol.

Calcium Derivative of Phenol.

Corn Dextrine.

Colour Chem Yellow Fine Paste.

Colour Chem Redifine Paste.

Colour Chem Rubber Claret B.

Colour Chem Rubber Yellow.

Cocomono Amine.

Chloromphenicol Palmitate Cetrimide.

Colour Developer CD-1.

Calcium Sennoside.

Cetosteryl Alcohol.

Coproco.

Calcium Sterate.

Chlopheniramine Maleate.

Cobaltous Naphthenate.

Copper Acetate.

Casein.

Citric Acid Carbazol.

Chromotropic Acid.

Cupeerron.

Calcium Paraamino Salicylate.

Carboline H. Piller.

Cresidine.

Custard Powder.

Chloromphenicol Powder.

Calcium and Zinc Organic Complex.

Catedrol Riodel.

Cetomacrogo.

Caffeine.

Chlorocresol.

Ccl Rubber Yellow 108 Pigment Powder.
3 Chloro NND12 Hydroxy Ethyl Amiline.
Dextrine.

Digol-Distearate.

Diethyl Carbamazine Citrate.

Dithizone.

Dichloro 4 Sulphonyl Dimethyl.

Terephthalath.

Delta Acid.

Diethyl Metaamino Phenol.

Diamino Anthraquinone.

Deited Meal.

Diphenyl.

Diphenyl Carbazide.

Diabasic Lead Sterate.

Dedenol OT.

Dithane Z78 Zinab B Cone.

3.3 Dichlorozenzidine.

Dapsone Developer.

Diphenyl Carbazone.

2:5 Dichloro 4-Sulphonyl 3 Methyl-5-Pyro.
Zolone.

Dianisidine Base.

Dihydrozy Propyl Theophyline.

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 Salt.

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 Cone.

Kaycoll 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 Albentoin Cream.

Metol.

Meta Nitro P Toluidine.

Metax Claw.

Meprobamate.

Metatoluidine Diamine.

Metalic Stearate.

Movitol.

Monosan.

Metaphenylene Diamine.

Menthol.

Mindral Jelly.

Methionine.

Methyl Cellulose.

Mowital B 30 H.

Movio 30-88.

Mowilith Solid.

Maleic Anhydride.

Metaphenyl Diamine.

M.B.T.S. (2-Mercaptobenzothiazyl Di-sulfide)
M.B.T. (Mercaptobenzo Thiazole).

Mordex Dextrine.

Methyl Phenyl Pyrazolone.

Mandelic Acid.

Metapropylene Diamine.

Metanimo Phenol.

Manitol.

Methadilazine Hydrochloride.

Manila Rope.

Nikassit.

Neromine.

Mebula 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 Derivative.

Oleic Acid Ester of Glycerine.

Oxypehnbutazone.

Octyl Phenol.

Orthotoluene Sulphonamide.

Orwo W-Ray Developer.

Ortho Phenyl Phenol.

Oatinmacic Blend Vanishing Cream.
Oatin Matic Blend Cold Cream.

Oatin Brillantine L. vendor.

Oleostearin Pitches.

Potasium Oleate.

Peptone.

Phosphate Ester.

Phosphoric Acid Ester.

Naphthyl Amine.

Phenylateo.

Petrolatum.

Penotrane Essaries.

Piperazine Hyxahydrate.

Paradicholro Benzene.

Plastopeel Deeping Material.

Parachloro Ortho Nitro Aniline.

Prickly Heat Soap.

Polysol.

Potasium Hydrogen Phthalate.

Paraformaldehyde.

Para Ammoacetanilide.

P-Cresol.

Ploysizer.

Porfor 'N'.

Phthalyl sulphacetamide.

Para Amino Iso-Butyl Benzoate.

Para Trichloro Benzene.

Poppy Husks.

Para Cresidine.

Piperazine.

Phenobarbitone.

Phenyl Acetic Acid Crystol.

Paranitrotoluene-O-Sulphonic Acid.
Phthalic Anhydride.

Phthalic Acid.

Pybogallol.

P. Toluic Acid.

Piparazine Citrate.

D-Phenyl Thiourea.

Phynidone (5D-84).

Potasium Sorbate.

Ploy glycol.

Pext N.

Paratoluene Sulphonic Acid.

Polyvinylpy Rodoxine.

Pyrazoline.

Printanal Keb.

Petroleum Ester Drivative.

Processed Vegetable Oil.

Phenyl Phosphonic Acid.

Propelene Urea.

Phenyl Butazone.

Quinhydrone.

Resamine 155-F.

Renacit.

Rubbing Compound.

Resin and Tail Oil Soap.

Retarder.

Soamine M 70.

Sympol.

Sodium Petroleum Sulphonate.

Sorbitan Monocoleate.

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.

Saliccylic Acid.

Sodium Lauryl Sulphate.

Sodium Naphthionate.

Stilboestrol Dipropionate.

Suxamethonium chloride.

Stabilizer.

Soluble Methyl Hydroxy Benzoate.

Sapotak Powder.

Starch.

Stearic Acid.

Special Lubricant.

Saccharose.

Sacell-LV.

Sarluxcl XL.

Sizing Gum.

Salol.

Survolin.

Sulphonamide.

Sucrose.

Sulphadimidine.

Solid Bariumed Soap.

Substituted Phenol.

Stearyl Alchol.

Supernol Alcohol.

Supernol CT.

Sodium Mcta Nitro Benzene Sulphate.
Starch Maize Powder.

Salicylic Acid.

Silicone High Vacuum Compound.

Tapioca Flour, Powder, Bharda, Starch.
Trishlon.

Teramin Wp.

Thiovit.

2:4:5 Trichloroanilin.

Tannic Acid.

Tartaric Acid.

Tss Ct-22 Diethyl Para Phenylene.
Liamino Sulphate.

T.N.T. (Trynitro Toluene).

Thiram.

Tukmaria.

Tinuvin P.

Tinopal Pcrp.

Thiogum F.

Thiourea-
Tol Butamide.

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.

Vulcatac Ch.

Vulcacit Mda/c.

Vulz.

Velcacit-NZ.

Vulcacit-D2.

Vulkocit-D.

Vulcafor Dpg. : Vul. Cz. Vul. Dm/c.
Vaseline.

Vul-F.

Vulcacit Thiran.

Vulcacit Lda.

Vulcacit Moz.

Vulcalent-A.

Vulcacit-Ntc.

White Exetrine.

Whitcol 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.

2. Ammonium Dichromate (Ammonium Bichromate).

3. Ammonium Nitrate.

4. Ammonium Pechlorate.

5. Ammonium Persulphate.

6. Barium Chlorate.

7. Barium Nitrate.

8. Barium Perchlorate.

9. Barium Permagnate.

10. Barium Peroxide (Barium Dioxide, Super Oxide).

11. Bromates (Sodium, Potassium, Calcium Ammonium, etc.). 12. Calcium Nitrate.

13. Calcium Chlorate.

14. Calcium Chlorite.

15. Calcium Hypochlorite.

16. Calcium Nitrate.

17. Calcium Permanganate.

18. Calcium Perchlorate.

19. Calcium Peroxide.

20. Chromates of all kinds.

21. Chlorites inorganic.

22. Chlorates inorganic.

23. Chromic Acid.

24. Chromium Trioxide (Chromi Acid, Chromic Anhydride).

25. Dichromates, inorganic.

26. Didynium Nitrate (Needymium Nitrate Praseodymiym Nitrates). 27. Ferric Nitrate.

28. Hydrogen Peroxide.

29. Lead Peroxide (Lead Dioxide).

30. Lead Nitrate.

31. Lead Perchlorate.

32. Lead Hydrochlorite.

33. Lithium Peroxide.

34. Magnesium Bromate.

35. Mangaese dixode.

36. Magnesium Nitrate.

37. Magnesium Perchlorate.

38. Magnesium Peroxide.

39. Nitrate inorganic.

40. Per Borates inorganic.

41. Per Chlorates inorganic.

42. Perchloric Acid.

43. Permanganates, Inorganic.

44. Peroxides, metallie.

45. Potassium Bromate.

46. Potassium chlorate.

47. Potassium Nitrate.

48. Potassium Nitrites.

49. Potassium Perchlorate.

50. Potassium Permanganate.

51. Potassium Peroxide.

52. Potassium per sulphate.

53. Silver Nitrate.

54. Sodium Bromate.

55. Sodium Chorite.

56. Sodium Chlorate.

57. Sodim Nitrate (Chile Saltpetre).

58. Sodium Nitrite.

59. Sodium Perchlorate.

60. Sodium Permanaganate.

61. Sodium peroxide.

62. Sodium Persulphate.

63. Strontium Chlorate.

64. Strontium Nitrate.

65. Strontium Perchlorate.

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*.)

1. Acetyl Benzoyl Peroxide.

2. Acetyl Peroxide.

3. Benzoyl Peroxide.

4. Tertiary Butyl 22 Dimethyl Benzyl Peroxide.

5. Tertiary Butyl Hydro Peroxide.

6. Iso-Butyl Methyl Keton Peroxide.

7. Tertiary Butyl Per Acetate.

8. Tertiary Butyl Per Benzoate.

9. Tertiary Butyl per Maleate.

10. Tertiary Butyl Percctate.

11. 2-2-Bis (Tertiary Butyl Peroxy) Butane.

12. Tertiary Butyl iso-Propyl Benzene-Hydroperoxide.

13. Cumene Hydro Peroxide (Cumyl Hydro Peroxide).

14. Cyclo Hexanone Peroxides.

15. Di-tertiary Butyl Diperphathalate.

16. Tertiary Butyl Peroxide (Di-triany Butyl Peroxide).

17. 2-4 Dichloro Benzoyl Peroxide.

18. Di (4-Chloro Benzoyl) Peroxide.

19. 2,5-Di Methyl Hexane2,5-Dihydro Peroxide.

20. Di-iso Propyl Benzene Hydro Peroxide.

21. Ethyl Methyl Ketone Hydro Peroxide.

22. Ethyl Methyl Ketone Peroxide.

23. Lauroyl Peroxide (Dilauroyl Peroxide).

24. Para-Methane Hydro Peroxide.

25. Octaroyl Peroxide (Octyl Peroxide Caprylci Peroxide).

26. Per Acetic Acid(Acetyl Hydroperoxide).

27. Pinane Hydro Peroxide.

28. Propionyl Peroxide.

29. Succinic Acid Peroxide (Disuccinic Acid Peroxide Peroxy Disuccinic Acid, Succinoyl Peroxide).

30. Tetralin Hydro Peroxide (Tetra Hydro-Napthalene hydroperoxide).

31. Tetra Nitro Ethane.

D—POISONOUS (TOXIC) SUBSTANCES

(*a*) *All Cyanides including the following—*(*1/2 Kgs*.) 1. Barium Cyanide.

2. Bromo Benzyl Cyanide.

3. Calcium Cyanide.

4. Copper Cyanide (Cupric Cyanide).

5. Cyanides.

6. Cyanogen Bromide (Bromine Cyanide, Brome Cyanide). 7. Cyanogen Chloride (Chlorine Cyanide).

8. Hydro Cyanic Acid (Hydrogen Cyanide Prussic Acid).

9. Lead Cyanide.

10. Mercury Cyanide (Mercuirc Cyanide).

10A. Mercuric potassium (Cyanide Potassium Cyano Mercurate). 11. Mercury Oxycyanide.

12. Nickel Cyanide.

13. Potassium Cuprocyanide.

14. Potassium Cyanide.

15. Silver Cyanide.

16. Sodium Cyanide.

17. Zinc Cyanide.

(*b*) *Other items of poisonous (toxic) substances* (*10 Kgs*.) 1. Acetone Cyanohydrin.

2. Acaricides.

3. Acrylonitrle (Vinyl Cyanides) also Flammable.

4. Aldrin.

5. Acrylamide.

6. Alkcloids.

7. Allyl iso-Thiocyanate.

8. Alluminium Phosphide.

9. Ammonium Hydrogen Fluoride.

10. Ammonium Hydrogen Fluoride, Ammonium Bi-Fluoride, Ammonium Acid Flurode. 11. Ammunition, Tear Producing or Toxic.

12. Aniline (Aminobenzene, Aniline Oil, Phenylamine).

13. Aniline Hydrochloride (Aniline Chloride, Aniline Salt).

14. Antimony Compounds.

15. Antimony Lactate.

16. Potassium Tartrate (Tartar Emetic).

17. Arsenic Acid.

17A. Arsenic Dust.

18. Arsenic Bromide (Arsenous Bromide).

19. Arsenic Compounds.

20. Arsenic Pentoxide.

21. Arsenic Trichloride (Arsenic Chloride, Arsenous Chloride).

22. Arsenic Tioxide (Arsenic Oxide, Arsenous Oxide, White Arsenic).

23. Barium Oxide.

24. Benzidine.

25. Benzylideno Chloride Benzal Chloride Benzyl Chloride).

26. Beryllium Powder.

27. Beryllium Compounds.

28. Bordeaux Arsenites.

29. Bromo Acetone.

30. Brucine (Dimethoxt Strychine).

31. Cocudylic Acid (Dimethyl Arsenic Acid).

32. Calcium Arsenate.

33. Calcium Arsenite.

34. Carbon Tetrachloride (Tetra Chloro-Methane).

35. Chloral (Trichloro Acetaldehyde).

36. Chloro Acetone.

37. Chloro Acetophenone (Phenyl Chloro Methyl Ketone).

38. Chloro Anilines.

39. Chloro Dinitro Benzenes.

40. Chloro Nitro Benzenes.

41. Chloro Phenates.

42. Chloro Phenols.

43. Chloro Picrin (Nitro Chloro Methanie).

44. Chloro Ortho-Toludine Hydro Chorride.

45. Coecules.

46. Copper Aceto Arsenite (Emerald Green King's Green Moss Green,Viena Green). 47. Copper Arsenite (Cupric Arsenite, Scheeles Mineral).

48. Dichloro Anilines.

49. Dichloro n-n-Benzene.

50. Diethylene Triamine.

51. Di Ethyl Sulphate (Ethyl Sulphate).

52. Di-Methyl Sulphate.

53. Dinitro-n-Ani lines.

54. Dintro-n-Benzenes.

55. Dinitro-n-Ortho Cresol.

56. Dinitro-n-Phenols.

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/Murcurous 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 Salciylate.

102. Mercury Thiocyanate.

103. Methyl Bromide.

104. Methyl Bromo Acetone.

105. Naphthylamine, alpha or beta.

106. Naphthyl Thio Urea.

107. Naphthyl Urea.

108. Nematocides.

109. Nicotine.

110. Nicotine Hydro cloride.

111. Nicotine Salicylate.

112. Nicotine Sulphate.

113. Nicotine Tartrate.

114. Nitro Anilines.

115. Nitro Benzenes.

116. Nitro Phenols.

117. Nitro Toluenes.

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-Methayl, Dometon, Dimefox Dis-ulpoton, Dio-xathion, Endonthion, HETP, Mecarbon, Mevinphos, Parathion and mixtures, Parathion Methyl, Phorate, Phosphamidon, Schradan,. Sulfotep, Tetra Ethyl Pyro Phosphate (TEPP), Dimeton Methyl, Dibrom, Dizainon, Ethion, Fenthion, Phenkapton, Thiometon Bromophos. Chlorothion, Dimethoate, Fenitrothion, Malathion Trichionfon, Aldrin and Aldrin mixtures, Dieldrin, Eldrin mixtures, Heptachlor, Gama BHCDDT, Lindane, Toxaphene, Pentachlorophenol, Chlorophenates, Chlorophenlos, 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 Flucoroacetate, Endothal, paraquat, Diquat, Loxynil.

124. Phenols (Cerbolic Acid Cresols, Cresy-lic Acids).

125. Phenyl Carboxylamine Chloride (Phenyl Imono Phosgene).

126. Phenylene Diamines.

127. Phenyal Mercuric Acetate.

128. Phenyl Mercuric Compo

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 (Villiaumite).

139. Sitrontium Arsenite.

140. Strychnine and its salts.

141. Tear Gas.

142. Tear Gas Candles (Tear Gas Grenades).

143. Tetra Chlora Ethane (Acetylene Tetrachloride.)

144. Tetra Ethyl Dithio Pyro Phosphate.

145. Tetra Ethyl Pyro Phosphate.

146. Thallium Compounds.

147. Toluidines.

148. 2, 4-Toluidine Diamine.

149. Xylidines (Amino Dimethyl Benzine 3, 4-Dimethyl Aniline).

150. Xylyl Bromide.

151. Zinc Arsenate and Arsenite.

152. Zinc Phosphide.

(*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, Acety-loxide).

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. Difluoro Phasphoric Acid anhydrous.

41. Diphenyl Dichlorosilane.

42. Diphenyl Methyl Bromide.

43. Rthylene Diamine.

44. Ferric Chloride (Iron Chloride).

45. Fluo Boric Acid.

46. Fluoro Phasphoric Acid.

47. Fluoro Sulphoric Acid.

48. Fluo 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. Hydro Bromic Acid (Hydrogen Bromide).

58. Hydrocholric Acid (Hydrogen Chloride Muraitic Acid).

59. Hydro Fluric 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 (Phosphoryl Bromide).

71. Phosphorous Pentachloride (Phosphoric Chloride).

72. Phosphorous Pentoxide (Phosphoric Anhydride).

73. Trichloride (Phosphorous Chloride).

74. Phosphoryl Chloride (Phosphorous Oxy-chloride).

75. Potassium Bifluoride.

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 (Caustic 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, Sulphuric Oxychloride).

95. Tetra Methyl Ammonium Hydroxide.

96. Thio Glycolic Acid (Mercapto Acetic Acid).

97. Thionyl Chloride (Sulphur Oxychloride Sulphurous Oxychloride).

98. Thio Phosphoryl Chloride (Phophorous Sulphochloride).

99. Titanium Tetrachloride (Titanic Chloride).

100. Trichloro Acetic Acid.

101. Zinc Chloride Solution.

(*e*) *Any other posionous or corrosive substances including the following* (*10 Kgs.*):—

1. Albond disposal for alumium.

2. Barium Chloride.

3. Barium Hydroxide.

4. Barium Carbonate.

5. Bleaching Powder.

6. Brassal-Z.

7. Cupsal-Z.

8. Cadsal-Z.

9. Chloroform.

10. Calisolve Td. (T.C.E.).

11. Formalin

12. Formalhyde Water Solution.

13. Hexachloroethane.

14. Hydrazine Hydrate.

15. Iodine.

16. Methylene dichloride.

17. Phosphorous Oxychloride (in liquid form).
18. Permefilm chemical.
19. Perliton-22/55.
20. Rapideep H Salt.
21. Silsal-2.
22. Trichloro Ethylene.
23. Zinsal SZ.
1. Amonia liquid.
2. Hydroxylamine sulphate.

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 Dissloved.

Air (Liquified).

Air (compressed).

Ammonia Liquified/Solution.

Argon (Compressed).

Argon (Liquified).

Boron Trichloride.

Boron Trifluoride.

Boron Fluoride, Compressed.

Bromo Trichloro Methane (Liquified).

Butadiene (Divinyl) Liquified.

Carbon Dioxide, Compressed.

Carbon Dioxide & Nitrous.

Oxide mixture, liquified.

Carbon Dioxide & Oxygen.

Mixture compressed.

Carbon Monoxide, compressed.

Chlorine Low Pressure recepacles.

Chlorine Trifluoride, Compressed.

Chloro Difluourobromo Methane or Bromo Chloro-Difluoro Methane or Mono Chloridifluoro Mono Bromo Methane all compressed.

Monochloro Difluoro methan ne, Liquified.

Chloro Difluoro Methane and Chloro-Pentafluoro.

Ethane mixture liquified.

Chloro Pentafluoro Ethane, compressed.

Chloro Tetrafluoro Ethane, liquified.

Chloro Trifluoro Methane, liquified.

Coalgas, compressed.

Cyanogen (Dicyanogen) liquified.

Cyanogen Chlorode, compressed.

Deuterium (Heavy Hydrogen), compressed.

Diborane (Boroethane), liquified.

Dichloro Difluoro Methane, liquified.

Dichloro Mono Fluro Ethane, liquid.

Dichloro Mono Floro Methane, liquid.

1, 1 Difluoroethane, compressed.

Difluoro Monochloro Ethane, compressed.

Dimethyl Amine, liquified.

Dimethyl Ether, Methyl Ether compressed.

Engine Starting Fluid, Mixture of liquid and/or gases.

Ethane, compressed, liquified.

Ethyle Amine, Amino Ethane, Mono.

Ethylamine (liquified).

Ethyl Chloride, compressed.

Ethylene, compressed, liquified.

Ethylene Oxide.

Ethylene Oxide and Carbon Dioxide Mixture, containing not more than 17 per cent. of Ethylene Oxide, liquified.

Fluorine, compressed.

Helium, compressed.

Hexafluoro Propylene, compressed.

Hydrogen, compressed, liquid.

Hydrogen Bromide, compressed.

Hydrogen Chloride anhydrous, compressed.

Hydrogen Cyanide or Hydro Cyanic Acid, compressed.

Hydrogen Fluoride (anhydrous, compressed).

Hydrogen and Methane mixtures, compressed.

Hydrogen Sulphide or Sulphuretted
Hyrdogen, liquified.

Krypton, compressed, liquid.

Liquified Non-Inflamable gases charged with Nitrogen, Carbon, Dioxide or Air.

Liquified Petrolum gases such as Butane,
Propane or their mixtures etc.

Methane, compressed.

Methane and Natural Gas with a High.

Methane contact liquid or liquified.

Methyl Bromide, compressed.

Methyl Chloride, compressed.

Methyl Bromide and Methyl Chloride mixture, compressed.

Methyl Mercaptan, liquified.

Neon, compressed, liquid.

Nitric Oxide, compressed.

Nitric Oxide and Nitrogen Trioxide.

Mixture, compressed.

Nitrogen, compressed, liquid.

Nitrogen Dioxide
Nitrogen Peroxide Dinitrogen Tetroxide
Compressed.

Nitrosu Chloride, compressed.

Octa Fluoro Cyclobutane, liquified.

Oil Gas, compressed.

Oxygen, compressed, liquid.

Phosgene or Carbonyl Chloride, compressed.

Rare Gases, compressed.

Cartouche Gas cartridges.

Silcon Tetra Fluroide or (Tetra Fluoro Mono Silane).

Sulphur Dioxide.

Sulphur Hexafluoride.

Tetra Fluoro Ethylene, Liquified.

Tetra Fluoro Methane, medium pressure.

Tetra Fluoro Chloro Ethane, or (Chloro Trifluoro Ethane).

Trifluro Chloro Ethane.

Tri Fluoro Ethane.

Tri Methu Amine (Anhydrous).

Vinyl Bromide.

Vinyl Chloride.

Vinyl Fluoride.

Vinyl Methyl Ether, liquified.

Water Gas, 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 (otherwise 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 Patti*) 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 o

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*) Coppersmithy.

(*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 whatever or assembling parts of metal and manufacturing articles of metals.

(*v*) Washerman's trade.

(*w*) Keeping a Warehouse (Warehousing trade).

(*x*) Taking out photostate copies such as Zerox copies.

(*y*) Braiding or plating for manufacturing of tapes, ropes, shoe laces, etc.

(*2*) *Manufacturing, parching, packing, pressing, cleaning, cleansing, 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 Darnmer or pitch.

Bidies (indigenous cigarettes) snuff, cigars or cigarettes.

Bitumen.

Bones.

Brakefluid.

Bricks or tiles, Articles or 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 woollen 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.Vs., Refrigerating units, Air conditioning plants.

Sanitary-ware or china-ware.

Sopa.

Sugar.

Sugarcane juice.

Sweetmet 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 wax products paraffin wax 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.
Names (and surnames, if any). Occupation or profession.

Parents .. Place of birth
Duration of residence in [1][Brihan Mumbai] 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.

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1 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

[1][SCHEDULE O

(*See* section 444)

PARTICULARS TO BE SPECIFIED IN THE REGISTER OF DEATHS
[2][MUMBAI MUNICIPAL CORPORATION]

REPORT OF DEATH IN [3][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 [4][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 .....

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 [6][Mumbai] : District .....

Street or Wadi . ..... House No. .....

If out of [7][Mumbai] : 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 .....

1 Schedule 'O' was substituted for the original by Mah. 39 of 1961, s. 13.

2 These words were substituted for the words "Bombay Municipal Corporation" by Mah. 25 of 1996, s. 2, Schedule.

3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

4 This words was substituted for the words "Bombay" by Mah. 25 of 1996, s. 2, Schedule.

5 This words was substituted for the words "Bombay" by Mah. 25 of 1996, s. 2, Schedule.

6 This word was substituted for the word "Bombay" by Mah. 25 of 1996, s. 2, Schedule.

7 This word was substituted for the word "Bombay" by Mah. 25 of 1996, s. 2, Schedule.

I.

Diseases or condition directly leading to (*a*) .....
death[1] (due to/or a consequence of).

Antecedent causes . . (*b*) .....

Morbid conditions, if any, giving rise (*c*) .....

to the above cause, stating the under- (due to/or as a consequence of). lying condition last. II.

Other significant conditions contribu- .....

ting 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. 20 .

Signature of District Registrar.

District No. .....]

[2][SCHEDULE P

(*See* section 450)

MEDICAL CERTIFICATE OF CAUSE OF DEATH To

[3][THE MUNICIPAL COMMISSIONER, MUMBAI].

I do hereby certify that I attended the deceased ..... during his/her last illness, and that to the best of may 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 (*a*)			
death† (due to/or a consequence of).			
Antecedent causes . . (*b*)			

1 This does not mean the mode of dying, *e.g*., heart failure, asthema, etc. It means the diseases or complication which causes death.

2 Schedule P was substituted for the original by Mah. 39 of 1961, s. 14.

3 These words were substituted for the words "THE MUNICIPAL COMMISSIONER, BOMBAY" by Mah. 25 of 1996, s. 2, Schedule.

Morbid conditions, if any, giving rise (due to/or as a consequence of).

to the above cause, stating the under- lying condition last.

II.

(*c*) .....

Other significant conditions contribu- .....

ting to the death, but not related to the disease or condition 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, [1][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.

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.

1 These words were substituted for the words "Bombay Municipality" by Mah. 25 of 1996 s. 2, Schedule.

(*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 ..... 20 ……....., I baptized by the name of ..... a male child produced to me by as the of ....., and declared by the said ..... to have been born at ..... on the ..... 20 ..... .

Date (*Signed by Officiating Minister*).

FORM CERTIFYING NAME GIVEN NOT IN BAPTISM

I, ... , do hereby certify that the ..... male child, born on the ..... 20 ..... , at ..... , to ..... and ..... his wife, and registered in the district of ..... on the ..... 20 ..... , has received name of ..... .

(*Signed by father or mother, etc*.)

[1][* * * *]

[2][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 work-manship 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*) .....]

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1 Schedule R was deleted by Mah. 10 of 1998, s. 250.

2 Schedule S was inserted by Bom. 5 of 1905, s. 60.

[1][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*) .....]

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[2][SCHEDULE U

[*See* section 62, sub-section (*1*)]

MEDICAL INSTITUTIONS IN[3][MUMBAI] 1.

The Jamsetjee Jeejeebhoy Hospital.

2. The Bai Motlibai (Obstetric) Hospital.

3. The Sir Dinshaw Maneckji Petit Hospital for Women 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 Hospital.

9. The Jaffar Sulliman Dispensary for Women and Children.

10. The Jehangir Nassarvanji Wadia Dispensary, Mahim].

1 Schedule T was inserted by Bom. 5 of 1905, s. 60.

2 Schedule U was added by Bom. 3 of 1907, s. 22.

3 This word was substituted for the word “Bombay” by Mah. 25 of 1996, s. 2, Schedule.

1[SCHEDULE V

(*See* section 89A)

LANDS AND BUILDINGS IN THE USE AND OCCUPATION OF THE 2[MUMBAI] CITY POLICE

Consecutive 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, Maharbvadi, Girgaum Back Road.	416	D 416	7,482	9189
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	3
4	Police Station at the junction of Hornby Vellard 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	Bunglow 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	. .

1 Schedule V was added by Bom. 3 of 1907, s. 22.

2 This word was substituted for the word “Bombay” by Mah. 25 of 1996, s. 2, Schedule.

Consecutive 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][11	"Grant House", Pultan Road.	8476	A 3333(*2*) & (*3*) & 3344(*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, Kannedy Bridge.	7957	D 247	4,548	2,230
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 Shephered Roads.	3672	E 4727 to E 4729	7,321	5,129
19	Police Lines and Stables Shephered 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 Pydhonie, 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 & 57)	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

1 This item was substituted for the original item by Bom. 2 of 1911, s. 24.

Consecutive 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
26	Police Quarters in Shephered Road.	3689	E 3429 to 3448	4,248	7,569
27	Police Hospital in New Nagpada Street,	3692, 3696 and 3697	E 3536 to 3542	7,656	43,023
28	Chowki in Bhandarwada Lane, Koliwada Mandvi.	2375	B 1960	212.5	Nil
29	Chowki at the Junction of Kazi and Masjid Street.	861	C 6166	180	Nil
30	Chowki at the Junction of the Mount, Mazgaon 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.	1 518	F 8803(*2*)	81	Nil
35	Chowki and Lock up in Mahim Bazar Road.	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 road.	9666	A 235(*9*)	37.96	Nil
42	Chowki near the Gim Carriage premises Colaba Road.	9567	A 423(*2*)	45.54	Nil
43	Chowki near the Town Hall, Custom House Road.	9312	A 1057(*1*)	100	868

Consecutive 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
44	Chowk in the compound belonging to the Improvement Trust, Wodehouse Road Building, Colaba Causeway.	9561	A 885(*5A*)	108	Nil
45	Chowki in Jamnagar Street Frere Road.	8480	A 2899(*2*)	108	Nil
46	Chowk in Fort Street, Mint Road.	1 8483	A 2811(*2*)	144	Nil
47	Chowki near the Wellington Fountain at the junction of Mayo and Esplanade Roads.	9562	A 1301(*2*)	108	Nil
48	Chowki in Tabut 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	Nil
50	Chowki near Charchgat 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, Queens Road.	8426	A 3668(*4*)	39.96	Nil
52	Chowki at the junction of Pultan and Cruickshank Road.	8472	A 3454(*2*)	63	Nil
53	Chowki at the junction of Pultan and Hornby Roads, Dhobi Ghat.	1 8478	A 3219(*1*)	108	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	Nil
57	Chowki at the junction of Chinch Bandar Road and Elphinstone Overbridge.	3184	B 4117	60.03	Nil
58	Chowki at the junction of Frere and Malet Bandar Roads.	3186	B 4487	60.03	Nil

Consecutive 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
59	Chowki at the junction of Frere, Raichur and Elphinstone bridge 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	Chowki at the junction of Queen's Road and 1st Marine Street, South of the Marine Lines Railway Station.	8099	C2322(*6*)	63	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*)	45.45	Nil
65	Chowki near Chowpaty well, Queen's Road.	8005	D 2442(*3*)	45.54	Nil
66	Chowki at the Upper Gate of Government House, Walkeshwar Road.	7262	D 2538(*2*)	45.54	Nil
67	Chowki near the Ladies Gyamkhana, 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
69	Chowki at Nana-ka-Chowka, Gawalia Tank Road.	7343	D 2872(*4*)	45.54	Nil
70	Chowki near Davar Hall, Warden Road.	1 and 2 7139	D 3327(*3*)	45.54	Nil
71	Chowki opposite Messers Kemps and Company's premises, Pedder Road.	7128	D 3402(*3*)	45.54	Nil
72	Chowki midway between Mahalaxmi Chowki and the Chowki opposite Messers. Kemps and Company's premises, Peddar Road.	8037	D 3465(*5*)	45.54	Nil
73	Chowki at the junction of Tardeo Road and and Forjet Street.	7064	D 3427(*2*)	45.54	Nil

Consecutive 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
74	Chowki at the junction of Chikalwadi and Sleater Road.	6044	D 3706(*2*)	45.54	Nil
75	Chowki at the junction of Belasis and Arthur Road, Tardeo.	1/3396	D 3882 (2)	169.29	Nil
76	Chowki near the main night-soil drain, Arthur Road.	3398	D 3901(*2*)	45.54	Nil
77	Chowki near the Byramji Dispensary, Tardeo Road.	3386	D 3823(*2*)	45.54	Nil
78	Chowki near the Cowasji Patel Tank, Girgaum Raod.	623	C 5697(*2*)	46.98	Nil
79	Chowki at the junction of Grant Road and Trimbak Parsharam Street.	Nil	D 2868(*2*)	45.54	Nil
80	Chowki at the junction of Grant Road and Ballaram Street.	6967	E 2305(*2*)	45.54	Nil
81	Chowki at the junction of Grant Road and Gilder Street.	6992	E 2694(*2*)	45.54	Nil
82	Chowki at the junction of Girgaum Back Road at Charni Road.	7697	D 1640(*2*)	45.54	Nil
83	Chowki at the junction of Gun powder and Matharpacady Road.	3772	E 6413(*2*)	61.38	Nil
84	Chowki at the junction of Ghorupdeo Mount and Tank Bunder Road.	3712	E 7722(*2*)	61.38	Nil
85	Chowki near Hancock Bridge, Wadi Bunder Road.	3604	E 4791(*2*)	61.38	Nil
86	Chowki near the Municipal Water Tanks at the junction of De Lima Street and Wadi Bunder Road.	3298	E 5062(*2*)	61.38	Nil
87	Chowki opposite the P. and O. Docks, Dockyard Road, off the Main Road, Mazgaon.	8452	A 3506(*2*)	45.54	Nil
88	Chowki at the junction of Connought and Ghorupdeo Roads.	3643	E 8111(*2*)	61.38	Nil
89	Chowki at the junction of Kalachowki Ghorupdeo and Sewree Roads.	3627(*1*)	E 8181	170.01	Nil

Consecutive 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
90	Chowki at the junction of Chinchpokli and Albert Roads.	3624	E 8261(*2*)	61.38	Nil
91	Chowki in the compound of the Jamshedji Jeejeebhoy Hospital.	3621	E 4574(*2*)	45.54	Nil
92	Chowki at Two Tanks at the junctions of Duncan and Grant Road.	4121	E 22	64.26	Nil
93	Chowki at the junction of Bellasis Road and Gilder Street.	3524	E 3406(*2*)	61.83	Nil
94	Chowki near Messers Anderson's stables Bellasis Road.	6906	E 3112(*2*)	60.48	Nil
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	Nil
97	Chowki at the junction of De'Lisle and Clarks Roads.	3417	E 7397(*2*)	61.2	Nil
98	Chowki at the junction of Haines, Clare and Sankli Roads.	Nil	E 4272	169.93	Nil
99	Chowki at the junction of Sankli and Rore Ripan.	3540	E 4023(*2*)	46.62	Nil
100	Chowki at the junction of Ripon and Moreland Roads.	3483	4545(*2*)	46.62	Nil
101	Chowki at the junction of Moreland and Byculla Club Roads.	3526	E 4109(*2*)	159.93	Nil
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	Nil
103	Chowki at the junction of Sion, Dharavi and Sion Fort Roads.	Nil	F 6404(*2*)	159.93	Nil
104	Chowki near the Hindu Temple Matunga-Agar Road.	2/927	F 7799(*1*)	159.93	Nil
105	Chowki at the junction of Wadala and Antop Hill Roads.	18/1101	F 4559	159.93	Nil
106	Chowki near Sewree Village, Sewree Road.	2269	F 2461(*2*)	159.93	Nil

Consecutive 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
107	Chowki at the junction of Naigaum and Naigaum Cross Roads.	1190	F 6481(*2*)	159.93	Nil
108	Chowki opposite the Fire Bridge Station at the junction of Naigaum Cross and Vincent Roads.	1/2089	F 829(*3*)	159.93	Nil
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	Nil
110	Chowki near Matunga Station on the G.I.P. Railway.	2036	F 667(*2*)	159.93	Nil
111	Chowki at the junction of Suparibaug and Elphinstone Roads.	1968	F 388(*2*)	159.93	Nil
112	Chowki at north of Parel Tank Road, Parel.	37/2488	F 2759(*3*)	159.93	Nil
113	Chowki at the junction of Parel Tank and Golanjee Hill Roads.	5/2488	F 2732(*2*)	159.93	Nil
114	Chowki at Jackeria Bunder, Sewree Road.	3725	F 2761(*2*)	45.56	Nil
115	Chowki at the junction of Kalachowki and Parel Roads.	2599	F 36(*2*)	159.93	Nil
116	Chowki at the junction of Parel and Suparibaug Roads.	1 and 2/2539	F 112(*1*)	159.93	Nil
117	Chowki at the junction of Suparibaug and Curry Roads.	2566	F 124(*6*)	159.93	Nil
118	Chowki opposite the G.I.P. Railway Workshops Suparibaug Road.	2582	F 564(*2*)	45.56	Nil
119	Chowki at the junction of Custom and Lady Jamsetji Roads.	54	G 5149(*2*)	184.95	Nil
120	Chowki near Mahim Bazar Cross Road, Lady Jamsetji Road.	137	G 5695(*2*)	45.56	Nil
121	Chowki near the Gopi Tank, Lady Jamsetji Road.	2 1394	G 4063(*2*)	45.56	Nil
122	Chowki near Shivba's Door Post, Hasali, Lady Jamsetji Road.	Nil	G 4221	45.56	Nil

Consecutive 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
123	Chowki near the path leading to Manmalla Tank, Lady Jamsetji Road.	130	G 5721(*2*)	45.56	Nil
124	Chowki at the junction of Lady Jamsetji Dadar and Portugese Church Streets.	1446	G 4307(*2*)	137.97	Nil
125	Chowki in Dharavi Road.	5 296	G 6149(*2*)	137.97	Nil
126	Chowki near the Sion Railway Station Dharavi Road.	3 423	G 7607(*2*)	49.95	Nil
127	Chowki at the Cross Post, Mahim Bazar Road.	1506	G 4842(*2*)	45.56	Nil
128	Chowki at the junction of De'Lisle and Arthur Roads.	3 2718	G 2223(*2*)	45.56	Nil
129	Chowki at the junction of De'Lisle and Ferguson Road.	3 3205	G 1025(*2*)	46.66	Nil
130	Chowki at the junction of De'Lisle and Carrol Roads.	5 2236	F 2340(*2*)	137.97	Nil
131	Chowki near the B. B. and C. I. Railway Crossing Elphiston Road.	1 ---	G 2495(*2*)	45.56	Nil
132	Chowki Saitan Gate, Kumbharwada, Dadar.	1834	G 3388(*2*)	45.66	Nil
133	Chowki at the junction of Cleveland and Worli Roads.	3025	G 2538	171	Nil
134	Chowki in Pakadi Road, Worli.	3 3205	G 1383(*2*)	45.56	Nil
135	Chowki at the junction of Hornby Vellard and Worli Roads.	3346	G 6(*3*)	45.56	Nil
136	Chowki at the junction of Haines and Ferguson Roads.	18 3299	G 184(*2*)	45.56	Nil
137	Chowki near the B. B. and C. I. Railway Crossing, Haines Road.	2725	G 1000(*2*)	138.96	Nil

Consecutive 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
138	Chowki in Jamnagar Street, Modi Bunder.	8484	A 2004(*7*)	147.96	Nil
139	Chowki at the junction of Falkland and Foras Roads.	6934	E 155	474.48	Nil
140	A plot of land near the present Water Police Station, situated between Karwar and Goa Streets.	8480	A 2730 and A 2744(*5*)	Nil	29,665
141	A plot of land near Prince's Docks situated between Raichur Street and Elphinstone Bridge Road.	3186	B 4468, B 4469 and B 4470.	Nil	27,200]

[1][SCHEDULEW

(*See* section 91–A)

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
				Sq. yds.	Sq. yds.	Rs.	Rs.
THE FLATS (*Deposited Plan "A"*)							
1(*a*)	E	66 (part)	Bounded on the	75.194		. .	. .

		69 (part), Lower Parel Division	North partly by Plot No. 1 1(k) of the Flats, partly by the land belonging to the B. B. and C. I. Railway Company bearing Cadastral Survey No. 43 and on the south by Haines 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				

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.
(*Deposited Plan "B"*)							

19(*b*) Part 1(d1) Part 1(d2) 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, 408, 1/408, 407 land belonging to the Corporation and by Cadastral Survey Nos. 403, 401, 400, 399, 398, 375, 372, 382, 369,	347,950	..	..	..
(*Deposited Plan "C"*)							

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

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	19,815	..	..	..
(*Deposited Plan "D"*)							
1(*e*)	..	1/1030, 2/1030, Lower Parel Division.	Bounded on the North by the newly constructed 100 feet Worli Road, on the South and West by land belonging to the Corporation bearing Cadastral Survey No. 286	6,133	..	7,666	..
(*Deposited Plan "D"*)—*contd.*							

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

			by the private property bearing Cadastral Survey No. 1031				
(*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 property bearing Cadastral Survey Nos. 270, 267, 1/265, 439, 438, 437, 436, 433, 1/472 and 2/472 and on	25,265	..	18,949	..
(*Deposited Plan "F"*)							

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

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 l (*i*) (East) and private property bearing Cadastral Survey No. 143, on the East partly by the land belonging to the Corporation bearing Cadastral Survey No. 2/71 and partly by private properties bearing Cadastral Sarvey Nos. 144 (part) and 1/145	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 land belonging to the Corporation	4,104	..	13,338	..

(*Deposited Plan "F"*)—*-contd.*

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

			(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				
(*Eastern portion*)							
1(*i*) East	..	71 (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	42,062	..	42,062	..
(*Western portion*)							

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

1(*f*) West	..	110 (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	..	..	..	..

(*Western portion*)—*contd.*

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

			bearing Cadastral Survey Nos. 137, 139, 136 and 134				
(*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 Clarke 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	718,948	..	..	..
(*Deposited Plan "A"*)							

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

1(*k*)	..	69(part), Lower Parel Division.	Bounded on the North by land belonging to the B. B. & C. I. Railway Company bearing Cadastral Survey No. 43; on the South and East by Plot No. 1(*a*) of the Flats and on the West by land	9,076	..	29,497	..
			Total ..	..	12,52,834	..	1,14,191
THE KENNEDY SEA FACE (*Deposited Plan "H"*)							
	..	7, Fort Division.	Bounded on the North, South and West by the Foreshore of Backbay and on the East by a	4,447	..	..	..
			Total ..	..	4,447	..	..
THE MARINE LINES ESTATE (*Deposited Plan "J"*)							
4(*a*)	..	718 to 725 1416 to 1421, 1429 to 1433 and 1435, Fort Division.	Bounded on the North by the South side of the compound of Government Bungalow bearing Cadastral Survey No. 1436; on the East partly by	32,825	..	3,28,250 ..	..
THE MARINE LINES ESTATE—*contd.* (*Deposited Plan "J"*)— *contd.*							

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

			Government plot reserved for Military purposes by Government Resolution 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				
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	44,038	..	4,40,380 ..	..
THE WELLINGTON LINES PLOT—*contd.* (*Deposited Plan "K"*)— *contd.*							

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

			site occupied by the Admiral's Bangalow				
THE WODEHOUSE ROAD PLOT (*Deposited Plan "I"*)							
6(*a*)	..	440 to 444, Colaba Division.	Bounded on the North-west by Wodehouse Road; on the South- East by Colaba Causeway and on the South and	9,494	..	..	..
6(*b*)	..	433 (part), 436 to 439 1/439, 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	13,355	..	..	..
THE WODEHOUSE ROAD PLOT—*contd.* (*Deposited Plan "I"*)— *contd.*							
			bearing Cadastral				

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

			Survey No. 445 (Part). (*3*) The Weslevan 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				
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	..	..	..
THE WODEHOUSE ROAD PLOT—*contd.* (*Deposited Plan "I"*)— *contd.*							
			Tramways Company				

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

			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				
			Total—Wodehouse Road Plot	..	41,580	..	4,15,800
THE HORNBY ROAD PLOT (*Deposited Plan "M"*)							
7(*a*)	..	699, Fort Divison.	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	116	..	..	..
7(*b*)	..	700 and 701, Fort Division.	Bounded on the North-East by premises known as the J. N. Petit's Institute bearing	1,339	..	..	..
THE HORNBY ROAD PLOT—*contd.* (*Deposited Plan "M"*)—*contd.*							
			Cadastral Survey No. 102 on the South				

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

			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-				
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	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.	2,648	..	..	..
THE HORNBY ROAD PLOT—*contd.* (*Deposited Plan "M"*)—*contd.*							
			Laidlaw and Company				

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

			Limited bearing Cadastral Survey No. 743 and on the North-West by Bastion Road.				
7(*e*)	..	746 to 749, 752, 753, 757 to 760, 1397 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]	26,124	..	..	..
7(*f*)	..	1406, Fort Division.	Bounded on the North- East by the site of the Scotish Free Church (Cadastral survey No.	2,971	..	..	..
THE HORNBY ROAD PLOT—*contd.* (*Deposited Plan "M"*)—*contd.*							
			Murzban Road; on the South-West by Ravelin Street and on the				

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.
			North-West by W				

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.	762	..	..	..
7(*h*)	..	1389 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.	3,257	..	..	..
7(*i*)	..	1385, Fort Division.	Bounded on the North-East by	2,521	..	..	..
THE HORNBY ROAD PLOT—*contd.* (*Deposited Plan "M"*)—*contd.*							
			Cruickshank Road; on the East by Hornby Road; on the				

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

			South-East by Murzban Road; on the South-West by private property bearing Cadastral Survey No. 1386 and on				
			Total— The Hornby Road Plot ..	..	41,616	..	8,32,320
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	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;	6,811	..	2,04,330 ..	..
PLOT NORTH OF MUNICIPAL OFFICES—*contd.* (*Deposited Plan "O"*)— *contd.*							
			Headquarters of the Bombay Volunteer Rifles (Cadastral Survey No. 1450)				

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.
			Total ..	..	6,811	..	2,04,330

THE CHOWPATI WEST ESTATE (*Deposited 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	(*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	..	..	..	..
THE CHOWPATI WEST ESTATE—*contd.* (*Deposited Plan "P"*)— *contd.*							
			irregular line extending from where the public passage leading to Gibbs Road meets the Gibbs' Road to the Sirri Road beyond				

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

			properties bearing Cadastral Survey Nos. 437, 381, 374 and 375 but excluding the newly constructed 20 feet and 40 feet roads Dadyseth Road and the Municipal market which all				
			(*a*) Land forming the Hill Slope	47,544	..	..	..
			(*b*) Building land	35,653	..	..	..
10(*c*)	..	398 to 404, 426 to 429, Malabar Hill Division.	Bounded on the North by Babulnath 1st Cross Road; on the South by Qudeen's Road, Chowpati; on the West by Babulnath Road and on the East by Harvey Road, but excluding	21,615	..	2,16,150 ..	..
THE CHOWPATI WEST ESTATE—*contd.* (*Deposited Plan "P"*)—*contd.*							
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	223	..	2,320	..

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

			Cadastral Survey No. 424 (part).				
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 bearing Cadastral Survey No. 407; on the East by private properties bearing Cadastral Survey No. 407	6,232	..	62,330	..
			Total— The Chowpati West Estate ..	..	111,276	..	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	4,789	..	47,890	..

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

			bearing Cadastral Survey No. 1514; on the East and South-East by 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				
			Total ..	..	4,789	..	47,890
THE PAREL ESTATE (*Deposited Plan "R"*)							
[1][12 (*A*)	..	74(Part of), Parel-Sewri Division.	Bounded on the North by Hospital Avenue Road; on the East by	30,897,80]	..	..	..
THE PAREL ESTATE—*contd.* (*Deposited Plan "R"*)—*contd.*							
			Institute bearing Cadastral Survey No. 330; and on the South and West by the Nawaroji Wadia Maternity				
12(*B*)	..	74(part) Parel-	Bounded on the North-East by	300	..	..	..

1 Entry 12(*A*) was substituted by G.N. U. D. and P. H. D., No. P. M. C. 5659-20315-C, dated 30th December 1960.

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

		Sewri Division.	King Edward Road; on the West and South-West by land belonging to the Corporation bearing Cadastral Survey No. 74				
12(*C1*)	..	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	5,560	..	..	..
THE PAREL ESTATE—*contd.* (*Deposited Plan "R"*)—*contd.*							
			Hospital, partly by the play-ground for the King Edward Memorial Hospital, partly by the Government House Gate Road and partly				

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

			Edward Memorial Hospital Compound and on the West partly by the site of the Professors quarters for the King Edward Memorial Hospital and partly by a				
12(*C2*)	..	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	373	..	..	..
			THE PAREL ESTATE—*contd.* (*Deposited Plan "R"*)—*contd.*				
			for the King Edward Memorial Hospital.				
12(*D*)	..	334 Parel-Sewri Division.	Bounded on the North by private property bearing Cadastral Survey No. 332; on the South by private	403	..	..	..

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

			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.				
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	151	..	..	..
THE PAREL ESTATE—*contd.* (*Deposited Plan "R"*)—*contd.*							
			and partly by private property bearing Cadastral Survey No. 395				
(*Deposited Plan "S"*)							
12(*F*)	..	408 (part) of Parel-Sewri Division.	Bounded on the North-East by the Bacteriological	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.

			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				
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	2,130	..	..	..
(*Deposited Plan "S"*)—*contd.*							
			on the East by private properties bearing Cadastral Survey Nos. 241, 242 and 244 and on; the West by private property bearing Cadastral				
(*Deposited Plan "T"*)							

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

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	1,144	..	..	..
			Total— The Parel Estate ..	..	46,179,80	..	1,40,088
[1][SCHEDULE X THE CONNAUGHT ROAD ESTATE (*Deposited Plan "A"*) (*Ward E*)							
1(*A*)	7463 (1 to 4) 7464 (1 and 2), 7465 (1 to 3)	700 to 705, 706, 695, 696, 699, Byculla Division	Plot bounded on the North by property belonging to the New Great Eastern Spining	9,495	9,495	51,155	51,155
(*Deposited Plan "A"*)—*contd.* (*Ward E*)—*contd.*							
	7466 (1 to 3) Nil 7462(*5*) 7463 (*4*) *Nil*		and Weaving Company bearing Cadastral Survey No. 707; on the South partly by Sussex Road, partly by a Police Accommodation				

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.

			and partly by private property bearing Cadastral Survey No. 698; on the East by Cork Road and on the west partly by Parel Road and partly by the aforesaid Police Accommodation Scheme,				
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;	4,267	..	25,602	..
(*Deposited Plan "A"*)—*contd.* (*Ward E*)—*contd.*							
			properties bearing Cadastral Survey Nos. 678 and 679				
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	96	4,363	480	26,082

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.
			and on the South by Sussex Road.				

			Total ..	..	13,858	..	77,237
WEST AGRIPADA ESTATE (*Deposited Plan "B"*)							
2(*A*)	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)	1602 to 1633, 1634, 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, 1584, 1862, 1/1862, 1A/1862, 1B/ 1862,	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	216,636	216,636	..	649,908
WEST AGRIPADA ESTATE—*contd.* (*Deposited Plan "B"*)— *contd.*							
	to 6) 4539 (1 and 2) 4550 (1) 4553 4554 (1), 4098 (3), 4091 (1 to 6)	1865, 1/1865, 2/1865, 2A/ 1865, 3/1865, 4/1865, 5/1865, 6/1865, 7/1865, 1866 to 1871, 1/1871,	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				

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

	and (10A) 4137 (1 to 5) 4143 (1), 4136 (1 to 4) 4135, 4145, 4134 (6 to 8), 4092 (1 to 12), 4141 (1 & 2) 4142 (1 & 2), 4139 (1 to 3), 4138, 4093 (IE) & 4093 (1A & 1B) 4093 (1AA),	7/1871, 8/1871, 1872 to 1875, 1/1876, 2/1876, 3/1876, 4/1876, 5/1876, 6/1876, 7/1876, 8/1876, 9/1876, 10/1876, 1877 (Part) 1878, 1/1878, 2/1878, 1878, 1880. 1/1880, 2/1880, 1881, 1882, 1883, 1902, 1/1902,	Back Road, Club Cross Road, Circus Avenue, Motibai Street, Reynolds Road, Wylie Road, Agripada Chawl Street and Gell Street, (part of).				
WEST AGRIPADA ESTATE—*contd.* (*Deposited Plan "B"*)— *contd.*							
2(*B*)	4184, 4185 (6 to 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 B.B. and C.I. Railway Company bearing	2,766	..	8,298	..

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

			East by Lamington Road and on the West by a passage but excluding the site of Jetha				
2(*C*)	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	3,953	..	8,578	..
WEST AGRIPADA ESTATE—*contd.* (*Deposited Plan "B"*)— *contd.*							
			Arthur Road and partly by private Road bearing Cadastral Survey No. 1/ 1888 but excluding the site of the Police Accommodation				
2(*D*)	..	*Nil*	Land reserved for widening of Lamington Road on its East and West sides	5,366	..	5,366	..

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.
			Total ..	..	2,28,721	..	6,66,784

			Deduct 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 (*Deposited Plan "C"*) *Ward E*							
3(*A*)	*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.	190	..	760	..
THE CENTRAL AGRIPADA ESTATE—*contd.* (*Deposited Plan "C"*)—*contd.* *Ward E—contd.*							
			resumed by the Corporation bearing Cadastral Survey No.1/1694; and on the West by				
THE CENTRAL AGRIPADA ESTATE (*Deposited Plan "C"*) *Ward E*							
3(*B*)	4067 (part) *Nil*	1664 and parts of 1663, 1689, 1691 and	Bounded on the North partly by Sankli Street and partly by service passage	2,721	2,911	9,768	10,528

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

		Byculla Division.	Cadastral Survey No. 1663; on the South partly by private property bearing Cadastral Survey No. 1665 and partly by Ghella-bhoy First Lane; on the East by private properties bearing Cadastral Survey Nos. 1689 (part), 1690, 1691 and 1992 (part); and on the West partly by Moreland Road and partly by private				
THE CENTRAL AGRIPADA ESTATE—*contd.* (*Deposited Plan "C"*)—*contd.* *Ward F—contd.*							
			Survey Nos. 1665 and 1693.				
			Total—Central Agripada Estate	..	2,911	..	10,528
THE EAST AGRIPADA ESTATE (*Deposited Plan "D"*) Ward F							
4(*A*)	7416 (1 to 6) 7413 (1 and 2) 7414 (1 and 2) 7411 (1	1943, 1961 to 1965 Byculla Division.	Plot bounded on the North by the Board's Mahar Chawls bearing Cadastral Survey No. 1928; on the	35,478	..	..	4,27,509

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

	7415 (1 and 3) 7412 (1 and 2)		West by Kiledar Street; and on the East by Pais Street				
4(*B*)	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	23,268	..	..	1,16,433
THE EAST AGRIPADA ESTATE—*contd.* (*Deposited Plan "D"*)—*contd.* Ward E—*contd.*							
			and partly by the land belonging to the Corporation bearing Cadastral Survey No . 1840 (part of); and on the West				
4(*C*)	4563 (1, 2, 2A, 2B and 2C).	1844, Byculla Division.	Plot bounded on the North by Tank Pakhadi Street; on the South by the	7,139	7,139	94,484	94,484

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

			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				
			Total—East Agripada Estate.	. .	65,885	. .	6,38,426

Showing Lands of Matunga (*Deposited Plan "E"*)

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.
Matunga Division							
1	6643 p. 6643 p.	31/10 part 20/10 part	Lands of Matunga	1,006	. .	755	. .
2	6658 (*1*) p.	25/10 part	Do.	36	. .	33	. .
3	6600 p. 6667 p.	16/10 part 34/10 part	Do.	66	. .	812	. .
4	6643 (*1*) p. 6701 (*1*) p. 6789 p. 6778 p.	134/10 part 134/10 D part	Do.	7,984	. .	5,988	. .
5	6675 p. 6680 p.	50/10 part	Do.	268	. .	201	. .
6	6675 p. 6680 p.	50/10 part	Do.	1,226	. .	916	. .
7	6675 p. 6680 p.	50/10 part	Do.	2,730	. .	2,047	. .
8	6826 p.	137/10 part	Do.	104	. .	78	. .

9	6830 p. 7199 p.	138/10 part 137/10 part	Do.	1,105	. .	829	. .
10	7174 p. 7172 p. 7171 (*1*)p. 7234 p.	149/10 part 144/10 part 145/10 part 146/10	Do.	5,240	..	3,920	..
11	7235 (*1*)p. 7235 (*2*) p. 7235	99/10 part 100/10 part 101/10	Do.	572	. .	429	. .

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.
12	7242 p. 7236 p. 7237 p. 7250 p. 7249 p.	112/10 part 113/10 part 114/10 part 116/10 part 117/10	Do.	2,349	. .	1,762	. .
13	7238 p. 7239 p.	111/10 part 112/10 part	Do.	300	. .	225	. .
14	7239 p. 7251 p. 7252 p. 7240 p.	110/10 part 111/10 part 118/10 part 119/10	Do.	239	. .	179	. .
15	7252 p. 7254 p. 7255 p.	119/10 part 120/10 part 121/10	Do.	480	. .	360	. .
16	7188 p. 7121 (*4*) p.	150/10 part 155/10 part	Do.	4,196	. .	6,293	. .

17	7124 (*4*) p. 7123, 7124 p.	161/10 part 156/10 part 155/10 part	Lands at Matunga	4,672	..	7,008	..
18	7124 p. 7109 7111 p.	160/10 part 159/10 part 158/10 part 161/10	Do.	2,720	..	2,040	..

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.
19	7116 p. to 7120 p.	813/10 part	Do.	4,535	. .	3,401	. .
20	7113 p.	162/10 part	Do.	565	. .	424	. .
21	6835 (*4*) p.	180/10 part	Do.	92	. .	69	. .
22	6835(*6*) p. 6835(*5*) p. 7053 p. 7032 p. 7049 p.	182/10 part 183/10 part 188/10 part 189/10 part 192/10	Do.	11,154	. .	16,731	. .
23	7061 p.	199/10 part	Do.	409	. .	614	. .
24	7063 p. 7061 (*6*) p. 7061 (*5*) p. 7067 p.	169/10 part 170/10 part 171/10 part 172/10	Do.	3,401	. .	5,101	. .
25	7064 p.	292/10 part 10 part	Do.	170	. .	255	. .

26	7061 (*1*) p. 7061 (*2*) p. 7061 (*3*) p. 7062 (*2*) p. 7062	208/10 part 207/10 part 209/10 part 210/10 part 11/10	Do.	2,196	. .	4,875	. .
27	7373 p. 7374 p.	10/10 part 5/10 part	Do.	617	. .	925	. .
28	7384 (*4*) p.	259/10 part	Do.	344	. .	430	. .

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.
29	7384 (*4*) p. 7386(*2*) p. 7388(*2*) p.	259/10 part 260/10 part 261/10 part	Do.	1,708	. .	2,130	. .
30	7388 (*2*) p.	261/10 part	Do.	90	. .	68	. .
31	7393 p. 7397 p.	262/10 part 263/10 part	Do.	1,850	. .	1,387	. .
32	7397 p.	263/10 part	Do.	455	. .	455	. .
33	7694 p.	372/10 part	Do.	37	. .	46	. .
34	7631 p. 7633 p. 7634 p. 7635 p.	379/10 part 378/10 part 377/10 part	Do.	565	. .	177	. .
35	7924 p. 7792 p. 7828 p.	405/10 part 13/10 part 396/10 part 816/10	Do.	940	. .	294	. .

36	7827 p. 7826 p. 7825 p. 7796 p.	393/10 part 394/10 part 395/10 part 385/10 part 384/10	Do.	2,180	. .	681	. .
37	7825 p.	385/10 part	Do.	92	. .	92	. .
38	7846 p. 7847 p.	389/10 part 390/10	Do.	440	. .	165	. .

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.
	7848 p. 7831 p.	392/10 part 391/10 part					
39	7798 p. 7779 p.	784/10 part 483/10 part	Do.	485	. .	728	. .
40	6958 p. 7416 p. 7417 p. 7222 p. 7423 p.	756/10 part 757/10 part	Do.	425	. .	319	. .
41	7410 p 7411 p. 7016 p. 7026 p.	755/10 part 754/10 part	Do.	2,291	. .	1,718	. .
42	7027 p. 7028 p.	755/10 part	Do.	369	. .	277	. .
43	7034 (*1*) p. 7035p. 7034 (*2*)	753/10 part 752/10 part	Do.	804	. .	2,814	. .
44	7031 (*1*) p. 7031 (*2*) p. 6836	693/10 part 692/10 part 691/10	Do.	1,186	. .	1,718	. .

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	. .

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.
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.	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 Cadastral 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), Malbar 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	2,014	. .	. .	. .
			Total the Nepean Sea Road Plot ..	. .	2,014	. .	. .
2	. .	82 to 86 parts of 87, 88, 1/88, 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 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	46,580	. .	. .	. .
				. .	46,580	. .	. .

1 These Schedules were inserted by Bom. 13 of 1933, s. 37.

1[SCHEDULE Z

(*See* section 354X)

Plot No.	Cadastral Survey No.	Locality	Description of plots	Area Cadastral Survey	Terms of Lease
				Sq. yds.	
Total, the Colaba Reclamation (*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	3,250	Ninty-nine years at ground rent of one anna per sq. yard per annum recoverable for a further term of 99 years.]

2[SCHEDULE ZZ

(*See* Section 91A)

1 These *Schedules* were inserted by Bom. 13 of 1933, s. 37.

2 These *Schedules* were 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.
(*Deposited Plan "B"*) *Body Guard Lines*							
1(*b*) part 1(*d-1*) Part.	. .	3/383, Tardeo Division.	Bounded on the north by plot 1(*d-1*) and partly by plot 1(*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(*b*), and on the west by the 100 feet	30,000	. .	. .	. .
THE COOPERAGE PLOT (*Deposited Plan "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	58,044	. .	. .	. .

THE MARINE LINES MAIDAN

(*Deposited Plan "J"*)

Plot No.	Ward No.	Cadastral Survey No.	Description	Area Cadastral Survey	Total area	Value	
						Amount	Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.

4(*b*)	..	709, Fort Division.	Bounded on the North partly by the South Boundary of "Government Plot" bearing Cadastral Survey No. 728-C, reserved for Military purposes by Government Resolution No. 2- C.W. 4 dated 3rd January 1881, and partly by Cadastral Survey No. 725 of the Marine Lines Estate, on the East partly by the Mayo road, partly by the land belonging to the Corporation 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	91,196	..	9,11,900	..

[1][SCHEDULE AA

(*See* section 110 D)

FORM OF DEBENTURE

THE TRUSTEES FOR THE IMPROVEMENT OF
THE CITY OF BOMBAY.

The 20

By virtue of "The City of Bombay Improvement Trust Transfer Act, 1925" We Trustees 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 interest at the rate of ..... per centum per anuum, payable half yearly on the day of ..... and the day of .....

Given under our common seal this day of 20
Common seal.

([2][Signature of two Member of Committee
and the Chief Officer.])

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[3][SCHEDULE BB

(*See* section 123A)

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 [4]City of Bombay Improvement Act, 1898, (Bom. IV of

1898) or the City of Bombay Improvement Trust Transfer Act, 1925, (Bom. VI of 1925) other than moneys temporary borrowed in accordance with section 109C;

(*b*) the proceeds of the sale or exchange of, or the compensation awarded under the Land Acquisition Act, 1894, (I of 1894) for the acquisition by [5][the [6][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 (Bom. VI of 1925) [7][or, acquired by the Corporation for any of the purposes of Chapter XII-A];

[8][*bb*] the proceeds of any improvement or betterment charges levied under Chapter XII-A;]

(*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;

1 These Schedules were inserted by Bom. 13 of 1933, s. 37.

2 These words were substituted for the words "Signature of the Member-in-charge" by Mah. 27 of 1999, s. 205. 3 These Schedules were inserted by Bom. 13 of 1933, s. 37.

4 The 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.

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

6 This words was substituted for the word "Provincial" by the Adaption of Laws Order, 1950.

7 These word were inserted by Bom. 34 of 1954, s.32(*1*)(*a*).

8 Sub-clause (*bb*) was inserted by Bom. 34 of 1954, s.32(*1*)(*b*).

(*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 Standing Committee], 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 or354 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 d 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.

5. There shall be credited to the General Account—

(*1*) all interest on the corporation's investments including loans advanced under section 354W, [8][354WA or 354WB] 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;

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 Mayor-in-Council" by Mah. 27 of 1999, s. 206.

4 These words were substituted for the words "framing and excuting schemes in accordance with this Act" by Bom. 34 of 1954, s.32(*2*)(*a*)(*i*).

5 These words were substituted for the words "purposes of this Act" by Bom. 34 of 1954, s. 32(*2*)(*a*)(*ii*).

6 These words were substituted for the words "the execution of any scheme under this Act" by Bom. 34 of 1954, s. 32(*2*)(*b*).

7 These figures, letters and word were inserted by Bom. 34 of 1954, s. 32(*2*)(*c*).

8 These figures, letters and words were inserted by Bom. 34 of 1954, s. 32(*3*).

(*4*) three times the actual net realizations of the corporation in 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:

[1][Provided that as respects the [2][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;]

[3][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]

[4][* * * * * * *]

(*6*) 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 [5][the Standing Committee], 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 [6]City of Bombay Improvement Trust Transfer Act, 1925 (Bom. XVI of 1925), if the City of Bombay Municipal (Amendment) Act, 1933 (Bom. XIII of 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.

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—

(*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

1 This proviso was added by Bom. 3 of 1948, s. 3.

2 This word was substituted for the words "twenty-seven" by Mah. 18 of 1969, s. 3, with effect from 24th February 1969. 3 This proviso was always deemed to have been inserted with effect from 1st day of April 1974 by Mah. 70 of 1975, s. 2. 4 Clause (*5*) was deleted by Bom. 21 of 1939, s. 2.

5 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 206.

6 The City of Bombay Improvement Trust Act, 1925, has been repealed by Bom. 13 of 1933.

Bombay Municipal (Amendment) Act, 1933, (Bom. XIII of 1933) 1[or 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 Standing Committee] shall determine.]

———————

3[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 (*q*) 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 lease of any immovable property held for the purposes of the clause;

(*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; 4[*]

[5][(*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;]

[6][(*7*) the amount estimated under clause (*c-1*) of section 26-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 (*q*) 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;

1 These words were inserted by Bom. 34 of 1954, s. 32(*4*).

2 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 206.

3 Schedule BBA was inserted by Bom. 48 of 1950, s. 78.

4 The word "and" was deleted by Bom. 13 of 1958, s. 8(*1*).

5 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.

6 This clause was added by Bom. 13 of 1958, s. 8(*2*).

(*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 (*q*) 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 (*q*) of section 61, or under a compromise effected under section 517 of any suit or other legal proceeding or claim in like circumstances;

(*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 (*f*) 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.]

[3][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 354S
Not exceeding ten thousand rupees, or, if the amount exceeds 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.]

1 These Schedules were inserted by Bom. 13 of 1933, s. 37.
2 These words were inserted for the words "for improvement purposes" by Bom. 34 of 1954, s. 32.
3 These Schedules were inserted by Bom. 13 of 1933, s. 37.

[1][SCHEDULE EE

(*See* section 136)

DUTIES AND POWER; 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 [2][*] expenditure from the revenue of the corporation expenditure on account of loan works and [3][*] 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;

(*ii*) audit the accounts of [4][*] 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 [5][corporation], [6][the Standing Committee or the Brihan Mumbai Electric Supply and Transport Committee] and shall certify and report upon these accounts.

(*4*) The Municipal Chief Auditor shall, in consultation with [7][the Standing 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 the 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 from the revenues of the corporation shall be such as may be prescribed by rules or orders made [8][by the Standing Committee in consultation with the chief auditor and sanctioned by the corporation in the case of expenditure debited to the municipal fund and by the Brihan Mumbai Electric Supply and Transport Committee in the case of expenditure debited to 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.

1 This Schedule was inserted by Bom. 2 of 1938, s. 9.

2 The word "all" was deleted by Bom. 76 of 1948, s. 42.

3 The word "all" was deleted by Bom. 76 of 1948, s. 42.

4 The word "all" was deleted by Bom. 76 of 1948, s. 42.

5 These words were substituted for the original by Bom. 48 of 1948, s. 60.

6 These words were substituted for the words "the Mayor-in-Council" by Mah. 27 of 1999, s. 207(*a*)(*i*).

7 These words were substituted for the words "the Municipal Accounts Committee" by Mah. 27 of 1997, s. 207(*a*)(*ii*).

8 These words were substituted for the portion beginning with the words "by the Mayor-in-Council" and ending with the words "and Transport Fund" by Mah. 27 of 1999, s. 207(*b*).

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.]

[1][SCHEDULE FF[2]

[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 Bombay 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 again 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 [4][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 Bombay Municipal Corporation Act had not come into force in the suburbs and not been included in [5][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 [6][Mumbai Municipal Corporation Act (Bom. III of 1888)].

(*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 [7][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 Bombay Municipal Corporation Act, had been a reference to the Bombay Primary Education Act, 1947 (Bom. LXI of 1947), or as the case may be, the Bombay Local Boards Act, 1923 (Bom VI of 1923).

5. (*1*) Save as provided in section 349E of the Bombay 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 (Bom. LXI of 1901), the Bombay Municipal Boroughs Act, 1925 (Bom. XVIII of 1925), the Bombay Local Boards Act, 1923 (Bom. VI of 1923), the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933), and the Bombay Primary Education Act, 1947 (Bom. LXI of 1947) before the appointed date shall, in so far as it is not inconsistent with the provisions of the

1 Schedule FF was added by Bom. 7 of 1950, s. 34.

2 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.

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

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

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

6 These words were substituted for the words “Bombay Municipal Corporation Act” by Mah. 25 of 1996, s. 2, Schedule. 7 These words were substituted for the words “Greater Bombay” by Mah. 25 of 1996, s. 2, Schedule.

Bombay Municipal Corporation Act or the City of Bombay Primary Education Act, 1920 (Bom. XV of 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 Bombay Municipal Corporation Act or the City of Bombay Primary Education Act, 1920 (Bom. XV of 1920), as the case may be.

(*2*) All assessments, valuations, measurements and divisions made under the Bombay District Municipal Act, 1901 (Bom. III of 1901), the Bombay Municipal Boroughs Act, 1925 (Bom XII of 1925), the Bombay Local Boards Act, 1923 (Bom. VI of 1923), the Bombay Village Sanitation Act, 1889 (Bom. I of 1889), or the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933), shall, in so far as they are consistent with the provisions of the Bombay Municipal Corporation Act, be deemed to be made under that Act.

(*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 Bombay 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.

(*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.

6. Every scheme of compulsion sanctioned or deemed to be sanctioned under the [1]Bombay Primary Education Act, 1947 (Bom. LXI of 1947), and which is in 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 XV of 1920).

7. Notwithstanding anything contained in the Bombay Town Planning Act, 1915 (Bom. I of 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.

8. Any direction given by the Chief Presidency Magistrate under section 45 of the City of Bombay Police Act, 1902 (Bom. V of 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.

9. The provisions of the Bombay Local Fund Audit Act, 1930 (Bom. XXV of 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 [2][Mumbai Municipal Corporation Act] had not been extended over the 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.

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 [3][Mumbai Municipal Corporation Act (Bom. III of 1888)] immediately before the appointed date shall, subject to the provisions of sub-section (*2*) of the said section, constitute the wards into which [4][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.

[5][(*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 (Mah. VIII of 1965), [6][and the Bombay Municipal Corporation (Third Amendment) Act, 1966 (Mah. XXXIII of 1966)], the forgoing provision of this paragraph shall cease to have effect.]

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:—

1 Now, the Maharashtra Primary Education Act, was repealed by Mah. 25 of 2014, s. 3(*1*)(*b*) with effect from the 1st July 2013.

2 These words were substituted for the words “Bombay Municipal Corporation Act” by Mah. 25 of 1996, s. 2, Schedule. 3 These words were substituted for the words “Bombay Municipal Corporation Act” by Mah. 25 of 1996, s. 2, Schedule. 4 These words were substituted for the words “Greater Bombay” by Mah. 25 of 1996, s. 2, Schedule.

5 This sub-paragraph was added by Mah. 8 of 1965, s. 20.

6 These words, brackets and figures were inserted by Mah. 33 of 1966, s. 7.

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 (Bom. III of 1888)].

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 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 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 nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected;

1 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule.

(*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], (Bom. III of 1888) 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 an 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 his 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 a person who would have been eligible to be elected as a councillor the vacancy under sub-paragraph (*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 2[Mumbai Municipal Corporation Act], (Bom. III of 1888) 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 intment 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:

1 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule. 2 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule.

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 (Bom. III of 1888)], 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.

17. (*1*) For 2[the period begining 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 3[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 4[Mumbai Municipal Corporation Act (Bom. III of 1888)], 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 (Bom. VII of 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.

(*3*) Town duties shall be levied in accordance with the provisions of the 5[Mumbai Municipal Corporation Act (Bom. III of 1888),] for the whole area of 6[Brihan Mumbai] and no octroi or terminal tax shall be levied in any area in the suburbs on and after the appointed date 7[until octroi is first levied under section 192 as substituted by the Bombay Municipal Corporation (Second Amendment) Act, 1964 (Mah. XXXII of 1964)].

(*4*) The corporation may, with the sanction of the State Government, increase the rate of any tax levied under sub-paragraph (*1*) 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 8[Mumbai Municipal Corporation Act (Bom. III of 1888)].

(*5*) The Corporation may, at any time 9[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 10[Mumbai Municipal Corporation Act (Bom. III of 1888)] 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 became due prior to such date.

1 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule. 2 These words and figures were substituted for the words "a period of one year from the appointed date" by Bom. 30 of 1951, s. 7(*l*)(*a*).

3 These words were substituted for the words "the said date" by Bom. 30 of 1951.

4 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule.

5 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule. 6 These words were substituted for the words 1996, s. 2, Schedule.

7 This portion was added by Mah. 32 of 1964, s. 21.

8 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule. 9 These words were inserted by Bom. 30 of 1951, s. 7(*1*)(*b*).

10 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule.

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 I960, 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.

(*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:—

1 This paragraph was inserted by Bom. 30 of 1951, s. 7(*2*).

2 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule. 3 These words were inserted by Bom. 51 of 1956, s. 2 (*1*) (*a*).

4 These clauses were substituted for the original clause (*iii*) by Bom. 51 of 1956, s. 2(*1*)(*b*).

5 This sub-paragraph was inserted by Bom. 51 of 1956, s. 2(*2*).

(*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—

(*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 (LXIII of 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.

(12) In the Village of Chembur and Vadawli, the area occupied by the camp for displaced person as specified below:—

Village	Survey No.	Hissa No.	Area	
			A.	g. a.
Vadawli 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	14¼
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	1part	0	18	84
Do. N.A.100/B	. . . .	0	11 0	

1 Clause (*ii*) was deleted by Bom. 51 of 1956, s. 2(*2*).

Village	Survey No.	Hissa No.	Area	
			A.	g. a.
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	
Chembur N.A. 34 Part		. . . .	0	22 0
Do. N.A. 34 Part		. . . .	1	11 0
Do. 180 Part	. . . .	0	8 4	
Vadawli 90A				
	90B			
	S.S. III	. . . .	6	2 8
Vadawli				
177 (part)				
	S.S. III			
Chembur 407 (part)				
	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. 177A				
	177 B 2 part			
	S.S. No.			

Chembur part	. . . .	25	25	0	177 B 1
Government Lands					
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 (exclusing 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) Munkhurd.

(19) Maravli.

(20) Mogre (excluding the portion included in the former Parel-Andheri Borough Municipality). (21) Mulgaon.

(22) Nanala.

(23) Parajpur.

(24) Paspoli.

(25) Pawai.

(26) Saki.

(27) Shahar.

(28) Tirandaz.

(29) Trombay.

(30) Tungve.

(31) Vadawli (excluding the area included in List I).

(32) Vikroli-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

1 These words were substituted for the words "Bombay Municipal Corporation Act" by Man. 25 of 1996, s. 2, Schedule.

and proper, subject to 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 (Bom. III of 1888)], 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 These words were substituted for the words "Bombay Municipal Corporation Act" by Man. 25 of 1996, s. 2, Schedule.

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/Husband's _____Name.

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

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 cage containing the names of the candidates and spaces for recording votes.

(enter the name of authority from which election is being made).

Name of voter.

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 than cross (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.

[1][SCHEDULE FFA

[Section 28 of the Bombay Municipal (Further Extension of Limits and Schedule BBA (Amendment) Act, 1956].

SPECIAL AND TRANSITORY PROVISIONS IN RELATION TO AREAS IN THE EXTENDED SUBURBS.

(*1*) All proceedings pending on the date of the commencement of the Bombay Municipal [Further Extension of Limits and Schedule BBA (Amendment)] Act, 1956 (Bom. LVIII of 1956) (hereinafter in this Schedule referred to as 'the appointed day') before a local authority in the extended suburbs or before any authority of such local authority which under the provisions of the [2][Mumbai Municipal Corporation Act (Bom. III of 1888),] 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,

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 [4][Brihan Mumbai] when such prosecution, suit or proceeding was instituted.

(*4*) (*i*) All rights of 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 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 proceeding which it would have been open to the authority or officer of such local authority to take or institute if the [5][Mumbai Municipal Corporation Act (Bom. III of 1888)] had not come into force and the extended suburbs had not been included in [6][Brihan Mumbai.]

(*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 [7][Mumbai Municipal Corporation Act (Bom. III of 1888)].

(*iv*) In respect of the rights, debts and obligations of the District School Board of the Thana District and the District Local Board of Thana District pertaining exclusively to the area subject to their respective authority which is not included in [8][Brihan Mumbai], 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 [9][Mumbai Municipal Corporation Act (Bom. III of 1888)], had been a reference to the Bombay Primary Education Act, 1947 (Bom. LXI of 1947), or, as the case may be, the Bombay Local Boards Act, 1923 (Bom. VI of 1923).

(*5*) (*i*) Save as provided in section 349-E of the [10][Mumbai Municipal Corporation Act (Bom. III of 1888)], any notification, notice, order, scheme, permit, licence, permission, rule, bye-law or

form made,

1 Schedule FFA was added by Bom. 58 of 1956, s. 28.

2 These words were substituted for the words “Bombay Municipal Corporation Act” by Mah. 25 of 1996, s. 2, Schedule. 3 These words were substituted for the words “Greater Bombay” by Mah. 25 of 1996, s. 2, Schedule.

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

5 These words were substituted for the words “Bombay Municipal Corporation Act” by Mah. 25 of 1996, s. 2, Schedule. 6 These words were substituted for the words “Greater Bombay” by Mah. 25 of 1996, s. 2, Schedule.

7 These words were substituted for the words “Bombay Municipal Corporation Act” by Mah. 25 of 1996, s. 2, Schedule. 8 These words were substituted for the words “Greater Bombay” by Mah. 25 of 1996, s. 2, Schedule.

9 These words were substituted for the words “Bombay Municipal Corporation Act” by Mah. 25 of 1996, s. 2, Schedule. 10 These words were substituted for the words “Bombay Municipal Corporation Act” by Mah. 25 of 1996, s. 2, Schedule.

issued or granted under the Bombay District Municipal Act, 1901 (Bom. III of 1901), the Bombay Local Boards Act, 1923 (Bom. VI of 1923), the [1]Bombay Village Panchayats Act, 1933 (Bom. VI of 1933), and the Bombay Primary Education Act, 1947 (Bom. LXI of 1947), before the appointed day shall, in so far as it is not inconsistent with the provisions of the [2][Mumbai Municipal Corporation Act (Bom. III of 1888)], or the City of Bombay Primary Education Act, 1920 (Bom. XV of 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 [3][Mumbai Municipal Corporation Act (Bom. III of 1888)] or the City of Bombay Primary Education Act, 1920 (Bom XV of 1920), as the case may be.

(*ii*) All assessments, valuations, measurements and divisions made under the Bombay District Municipal Act, 1901 (Bom. III of 1901), the Bombay Local Boards Act, 1923 (Bom. VI of 1923), the Bombay Village Sanitation Act, 1889 (Bom. I of 1889), or the [4]Bombay Village Panchayats Act, 1933 (Bom. VI of 1933), shall, in so far as they are consistent with the provisions of the [5][Mumbai Municipal Corporation Act (Bom. III of 1888)], be deemed to have made under that Act.

(*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 [6][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.

(*iv*) 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 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 or 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 invalided 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

1 See now the Maharashtra Village Panchayats Act (III of 1959).

2 These words were substituted for the words “Bombay Municipal Corporation Act” by Mah. 25 of 1996, s. 2, Schedule. 3 These words were substituted for the words “Bombay Municipal Corporation Act” by Mah. 25 of 1996, s. 2, Schedule. 4 See now the Maharashtra Village Panchayats Act (III of 1959).

5 These words were substituted for the words “Bombay Municipal Corporation Act” by Mah. 25 of 1996, s. 2, Schedule. 6 These words were substituted for the words “Bombay Municipal Corporation Act” by Mah. 25 of 1996, s. 2, Schedule.

the District School Board of the Thana District shall comply with such order and the provisions of sub-paragraphs (*iii*) to (*vi*) shall apply *mutatismutandis* 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.

(*6*) Every scheme of compulsion sanctioned or deemed to be sanctioned under the Bombay Primary Education Act, 1947 (Bom. LIX of 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. XV of 1920).

(*7*) Notwithstanding anything contained in the Bombay Town Planning Act, 1915 (Bom. I of 1915) or The Bombay Town Planning Act, 1954 (Bom. XXVII of 1955), 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.

(*8*) The provisions of the Bombay Local Fund Audit Act, 1930 (Bom. XXV of 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 (Bom. III of 1888)], 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.

(*ii*) The wards so delimited, together with the wards into which the municipal area had been divided under section 24 of the [2][Mumbai Municipal Corporation Act (Bom. III of 1888)] 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 [3][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.

[4][(*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 (Mah. VII of 1965), [5][and the Bombay Municipal Corporation (Third Amendment) Act, 1966 (Mah. XXXIII of 1966), the foregoing provisions of this paragraph shall cease to have effect].

(*10*) (*a*) The electoral roll of the Bombay Legislative Assembly prepared under the provisions of the Representation of People Act, 1950 (XLIII of 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.

1 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule. 2 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule. 3 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

4 This sub-paragraph was added by Mah. 8 of 1965, s. 21.

5 These words, brackets and figures were inserted by Mah. 33 of 1966, s. 7.

(*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, and

(*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 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.
Kandivali 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 [1][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 (Bom. LVIII of 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.

(*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 advertisement in the local news-papers fix a date for the nomination of candidates, a date, time and place for the recording of votes in the event of 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 the notice:

1 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule.

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;

(*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 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 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 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 th the procedure followed in ward

elections under the provisions of the [1][Mumbai Municipal Corporation Act (Bom. III of 1888)], 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 candidate 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 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 [2][Mumbai Municipal Corporation Act (Bom. III of 1888)], 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 [3][Mumbai Municipal Corporation Act (Bom. III of 1888)], 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 [4][Mumbai Municipal Corporation Act (Bom. III of 1888)], 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 (Bom. LVIII of 1956);

(*ii*) Nothing in sub-paragraph (*i*) shall authorise the levy of any tax which the State Legislature would not be competent to impose in the State.

1 These words were substituted for the words “Bombay Municipal Corporation Act” by Mah. 25 of 1996, s. 2, Schedule. 2 These words were substituted for the words “Bombay Municipal Corporation Act” by Mah. 25 of 1996, s. 2, Schedule. 3 These words were substituted for the words “Bombay Municipal Corporation Act” by Mah. 25 of 1996, s. 2, Schedule. 4 These words were substituted for the words “Bombay Municipal Corporation Act” by Mah. 25 of 1996, s. 2, Schedule.

(*iii*) Town duties shall be levied in accordance with the provisions of the [1][Mumbai Municipal Corporation Act (Bom. III of 1888)], for the whole area of [2][Brihan Mumbai] and no octroi or terminal tax shall be levied in any area in the extended suburbs on and after the appointed day [3][until octroi is first levied under section 192 as substituted by the Bombay Municipal Corporation (Second Amendment) Act, 1964 (Mah. XXXII of 1964)].

(*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 [4][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 [5][Mumbai Municipal Corporation Act (Bom. III of 1888)], 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 [6][Mumbai Municipal Corporation Act (Bom. III of 1888)], 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.

(*ii*) Notwithstanding anything contained in the [7][Mumbai Municipal Corporation Act (Bom. III of 1888)] 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 [8][Mumbai Municipal Corporation Act (Bom. III of 1888)].

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 [9][Mumbai Municipal Corporation Act (Bom. III of 1888)], 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.

(*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.

1 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule. 2 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule.

3 This portion was added by Mah. 32 of 1964, s. 22.

4 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule. 5 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule. 6 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule. 7 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule. 8 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule. 9 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule.

(*v*) On all buildings and lands in the areas in the extended suburbs other than those specified in sub-paragraph (*ii*) [1][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 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.

[2][(*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 (Mah. XL of 1962), it shall be lawful after such commencement for the Corporation to increase the rate of the general tax on 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.]

(*vi*) Without prejudice to any exemption admissible under sub-section (*1*) of section 143 of the [3][Mumbai Municipal Corporation Act (Bom. III of 1888)], 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.

(*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 (Bom. LVIII of 1956), 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 day.

1 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.

2 Sub-paragraph (*va*) was inserted by Mah.13 of 1963, s. 2.

3 These words were substituted for the words "Bombay Municipal Corporation Act" by Mah. 25 of 1996, s. 2, Schedule.

FORM AA

[*See* paragraph 12(*b.*)]

Nomination Paper

Name of local authority of which candid

proposer and seconder were councillors or members.

Name of candidate . . . . . .

Father's/Husband's Name . . . . . .

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.)

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 than .....cross(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.

[1][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 City Civil 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 affects 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.

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.

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 newspapers circulating within [1][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

(*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 [2][Improvements Committee] any objections received under clause 2 of this Schedule and any suggestions he may wish to make in that respect.

4. The [3][Improvements Committee] shall after consideration of any such objections and suggestions made such modifications in respect of the order as they think fit and the Commissioner shall thereafter submit the order as modified by the [4][Improvements Committee] to the State Government for confirmation.

1 These words were substituted for the words "Greater Bombay" by Mah. 25 of 1996, s. 2, Schedule. 2 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 208(*a*). 3 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 208(*b*). 4 These words were substituted for the words "Mayor-in-Council" by Mah. 27 of 1999, s. 208(*b*).

SCHEDULE II

(*See* section 354SA)

CONSTITUTION AND POWERS OF COMPENSATION TRIBUNAL

1. Constitution of Tribunal.—(*1*) The Tribunal shall consist of a President and two assessors.

(*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. Rules of procedure to be made by State Government.— (*1*) The State Government may, by notification in the *Official Gazette*, make rules, not inconsistent with the Code of Civil Procedure, 1908 (V of 1908), for the conduct of business by Tribunals established under this Act.

(*2*) All such rules shall be subject to the condition of previous publication.

3. Award of Tribunal how to be determined.— (*1*) For the purpose of determining the award to be made by the Tribunal under the Land Acquisition Act—

(*a*) If there is any disagreement as to the measurement of land or the amount of compensation or costs to be allowed or the determination of betterment charges, the opinion of the majority of the members of the Tribunal shall prevail;

(*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 1860)].

[1][SCHEDULE JJ

(*See* sections 398, 406 and 461.) *I.*

Fibres—

(1) Cotton (ginned and unginned).

(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) Banti.

(13) Chino.

III. Pulses—

(1) Tur.

(2) Gram.

(3) Udid.

(4) Mung.

(5) Val.

(6) Chola.

(7) Lang.

(8) Math.

(9) Peas.

(10) Kulthi.

(11) Spilts (Dal) of pulses.

(12) Masur.

IV. Oilseeds—

(1) Groundnut (shelled and unshelled).

(2) Linseed.

(3) Sesamum.

(4) Safflower.

(5) Ambadi.

1 This Schedule was inserted by Bom. 54 of 1955, s. 12.

(6) Cocoanut.

(7) Cotton seed.

(8) Castor seed.

(9) Khursani.

(10) Niger seed.

V. Narcotics —

Tobacco.

VI. Gul, sugar and sugarcane.

VII. Fruits —

(1) Mango.

(2) Mossambi.

(3) Santra.

(4) Lemon.

(5) Banana.

(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.

(7) Butter.

(8) Ghee.

(9) Milk.

X. Conditiments, spices and others—

(1) Turmeric.

(2) Ginger.

(3) Garlic.

(4) Corriander.

(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. CattleFeed—

(1) Guwar.

(2) Punvad.]