

MUNICIPAL FUNDS, BOMBAY TOWN ACT 1845

ACT No. XI. Of 1845

(Rep., Act 25 of 1858)

[24th May, 1845.]

Passed by the Governor General of India in Council on the 24th of May, 1845.

AN Act for the better collection, management and disbursement of certain Public Funds and Monies for Police and Municipal purposes throughout the Islands of Bombay and Colaba.

I. It is hereby enacted, that Section 16, 27 and 28, and Chapter 3 of Regulation XIX. of 1827, of the Bombay Code, be repealed.

II. And it is hereby enacted, that the powers of Her Majesty's Justices under Section 158 of 33 Geo. 3, Chapter 52, shall be held to extend over the whole of the Islands of Bombay and Colaba.

III. And it is hereby enacted, that any person chargeable with any rate or tax on account of any Houses, Buildings or Grounds, or of any Shop or Stall, or of any Carriages, Carts or Horses, or any other matter or thing shall upon the order of any two or more Justices make a true return in writing of the annual value of all such Buildings, Houses and Grounds, and of all such Shops or Stalls, carriages, Carts or Horses, and other matter or thing, and any person who shall refuse or neglect to deliver such return within eight days after being required so to do, or shall wilfully make a false return, shall be liable to a fine not exceeding two hundred Rupees.

IV. And it is hereby enacted, that it shall be lawful for the Justices for the better identifying of any House of Building chargeable with any Assessment to cause a number to be painted or fixed upon such House or Building, and it is hereby enacted, that any person who shall obliterate, deface or destroy such number shall be liable to a fine not exceeding two hundred Rupees.

V. And it is hereby enacted—

1. That it shall be lawful for the Collector of Land Revenue of Bombay to make a Quarterly Assessment on each and every Shop and Stall within the Islands of Bombay and Colaba according to such rates as the said Governor in Council shall fix by Proclamation in the Government Gazette.

2. That the amount of such Assessment shall be collected by the collector and received in the first instance by such person or persons as he may appoint such Security having been given for the due discharge of the office as the said Collector may require, and the same liabilities and responsibilities as attach to individuals employed in the collection of Land Revenue of the said Presidency shall apply to all persons engaged in collecting the Tax.

3. That the Tax shall be collected quarterly, and for each payment made a receipt signed by the Collector shall be given by the person receiving the amount.

VI. And it is hereby further enacted, that all religious Edifices, all temporary Houses, Bungalows, or other temporary buildings situated within the limits of Military Cantonments and occupied by European and Native Officers, or by the Soldiers and Sepoys of Her Majesty's and the Company's Army, shall be exempted from the payment of any Assessment.

VII. And it is hereby enacted, that the several Sums of Money specified under the following heads, shall in future be disbursed in the manner provided by this Act, viz.

All sums of Money which shall hereafter be collected under the authority of

The Statute 33d Geo. 3, Cap. 52, Sec. 158.

Rule, Ordinance, and Regulation II. of 1812, Art. 2 and 6.

Rule, Ordinance, and Regulation II of 1813.

Proclamation dated 23rd July 1817, by the Governor in Council of Bombay, of an Order of the Court of Directors, dated 29th January, 1817, made under the authority of the Charter of the Court of Requests of Bombay, dated 29th January, 1753, save and except the Fees thereby made payable to the Clerk of the said Court for his own benefit.

Rule, Ordinance, and Regulation I. of 1818.

Rule, Ordinance, and Regulation II. of 1827.

Regulation XIX. of 1827, C. 2, 4, 5, and 6.

Act No. XXVIII. of 1839.

And Section 5 of this Act.

All Sums of Money which shall be levied by the Court of Petty Sessions, or by the Magistrates of Police of Bombay, or by any of Her Majesty's Justices of the Peace within the Islands of Bombay and Colaba on account of any fines or penalties imposed by them for the breach of any Rule, Ordinance or Regulation, or of any Act of the Parliament of Great Britain, or of any Act of the Government of India.

ALL Sums of Money which shall be collected under Act V. of 1842. on the granting of any Licences for the sale of Spirituous or other Liquors within the Town and Islands of Bombay and Colaba, after payment thereof of the expenses of such Office Establishment and of such expenses incidental thereto as may be fixed and approved by the Governor in Council of Bombay.

And all unapplied balances which at the time of the passing of this Act mat be in the General Treasury to the credit of the County or Assessment Funds, or in the possession of the

said Court of -Petty Sessions, or of the Magistrates of Police or any of Her Majesty's Justices of the Peace derived from any of the above enumerated sources.

VIII. And it is hereby enacted and provided, that nothing in this Act shall extend or apply to any fines imposed by the Collector of Customs of Bombay in his office and character of Collector, nor to such portion of any of the fines which the Court of Petty Sessions, or either of the Magistrates of Police may, in their discretion, order, and which they are hereby authorized to order. to be paid to any Prosecutor or his Witnesses as and for compensation for loss of time, or for costs necessarily incurred by him in prosecuting the offences for which such fines or penalties may have been ordered to be paid.

IX. And it is hereby enacted, that all Sums of Money which are by the said Act No. XXVIII. of 1839, ordered to be paid out of the Fund, therein called the County Fund, for the purposes in such Act specified, shall henceforth be paid out of the Fund in this Act designated the Municipal Fund.

X. And it is hereby enacted, that the several Sums of Money referred to in Section VII. of this Act, shall when collected and received, save and except so much as is otherwise provided for, be paid into the General Treasury, and form a Fund to be denominated The Municipal Fund, and such Fund shall be placed under the supervision and control of Her Majesty's Justices of the Peace in Sessions assembled, or such other persons as to the Government of Bombay may seem most fit, and that for the administering the same and carrying this Act into effect, an executive body shall be formed, which shall be denominated the Board of Conservancy, which shall be composed of Seven Members, of whom the Senior Magistrate of Police shall be Chairman, and the Collector of Bombay Ex-Officio a Member, and the other five Members shall consist of two European and three Native Resident Justices, who shall be elected by Her Majesty's Bench of Justices, or by such other persons as the Government of Bombay may appoint to supervise and control the Fund, and shall remain in office for a period of three years, when a fresh election of five other Justices to form such Board of Conservancy shall be made by the said Bench, or persons appointed for the purpose by the Government of Bombay, and so on at the end of every three years successively a like new election shall take place, but nothing shall prevent the re-election of the same Justices, or any one or more of them to form the said Board if in the discretion of the Bench, or other persons appointed to superintend and control the Municipal Fund, it shall be deemed advisable for the interests of the public, and in the event of a vacancy occurring by death or otherwise among any of the said five Members the said Bench or persons vested with the power by the Government of Bombay shall as soon as convenient elect some other Justice of the Peace to supply the said vacancy for the remainder of the three years, and until the next general election shall take place.

XI. And it is hereby enacted, that from and out of the said Municipal Fund, an Annual Sum of Rs. 45,000 shall in the first instance be deducted and paid by equal monthly instalments, and carried to the credit of the Governor in Council of Bombay in the General Treasury, to be applied by the said Governor in Council for and on account of the Expenses of the General Police throughout the Islands of Bombay and Colaba, and in the event of such

expenses being at any time hereafter increased by a necessary augmentation of the Police Force, or through any other good cause, a further sum of Money, bearing the same proportion to the present expenses of the Police aforesaid, shall be in like manner deducted and appropriated out of the said Fund.

XII. And it is hereby enacted, that after the deduction and payment of such sum of Money as aforesaid, the residue of the said Fund shall be appropriated and disbursed by the said Board under and subject to the control of Her Majesty's Justices of the Peace, or other persons appointed for that purpose by the Government, for the following purposes:

1. Defraying the expenses of the Establishments necessary for the purposes of this Act.

2. Repairing, Cleaning, Draining and Lighting the Public Roads, Streets, Bridges, Tanks, Market Places and other public places of a like kind.

XIII. And it is hereby enacted, that it shall be lawful for the said Board, with the approval of Her Majesty's Justices of the Peace, or other persons vested with that power by the Government to construct any new Roads or Streets, or other Public Works tending to the improvement of the said Islands, connected with the comfort and health of the inhabitants thereof, which in their discretion they shall deem necessary, and for that purpose to cause Estimates and Plans to be framed and to be submitted to the Governor in Council of Bombay for his sanction, but no such new Road or Street, or other Public Work, shall be constructed without such sanction of the Governor in Council first had and obtained.

XIV. And it is hereby enacted, that it shall be lawful for the said Board, with the sanction of Her Majesty's Justices of the Peace in Sessions assembled, or with the sanction of such other persons as may be vested with the control of the Municipal fund by the Government of Bombay to nominate and appoint, subject to the approval of the Governor in Council of Bombay:

One or more Superintendents of Repairs, Clerk to the Markets, Overseers and Scavengers, and any other Officer that may be found necessary for carrying out the purposes of this Act.

And such persons shall be under the immediate orders and control of the said Board, and shall receive such Salaries to be paid out of the said Fund as the said Justices or other authorities appointed by the Government of Bombay shall fix, and the Governor in Council of Bombay shall approve.

XV. And it is hereby enacted and directed, that for better enabling the said Bench or persons empowered by the Government of Bombay to supervise and control the Municipal Fund, to ascertain the amount of fines payable to the said Fund from any of the sources aforesaid, there shall in every month, be laid before them a summary of all convictions and punishments pronounced and determined by the said Court of Petty Sessions, or either of the Magistrates of Police or any Justice of the Peace respectively, during the preceding month.

XVI. And it is hereby enacted, that the sums authorized to be collected under the provisions of Chapter 4 of Regulation XIX. of 1827, shall in future be collected by such person as the Governor in Council shall appoint.

XVII. And it is hereby enacted, that the said Board shall bring to account all items of receipt, and shall as soon as practicable after 30th April of each year, render to the Governor in Council of Bombay and the Controlling Authorities, a Yearly Account of their Receipts and Disbursements under this Act, and the same shall be audited by such persons as the said persons as the said Governor in Council shall appoint.

XVIII. And it is hereby enacted, that in the event of the body vested with the supervision and control of the Fund, rejecting any measure submitted for their sanction by the Conservancy Board, it shall be lawful for the said Board, it shall be lawful for the said Board, if they see fit, to refer the subject to the Governor in Council of Bombay, whose decision thereon shall be final.

XIX. And it is hereby enacted, and declared that the terms "Police Fund" "County Fund," and "Assessment Fund," used in any Rule, Ordinance or Regulation, or in any Act of the Government of India in force in the Islands of Bombay and Colaba, shall be taken to mean the "Municipal Fund" hereinbefore described.

XX. And it is hereby enacted, that all fines imposed under this Act, the recovery of which is not otherwise specially provided, shall be recovered and levied under Act No. II. of 1839.
