
BOMBAY MUNICIPAL SERVANTS ACT, 1890

5 of 1890

[15th January, 1891]

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SCHEDULE 1 :- SCHEDULE

BOMBAY MUNICIPAL SERVANTS ACT, 1890

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Adapted and modified by the Adaptation of Indian Laws Order in Council Amended by Bom. 8 of 1950. Adapted and modified by the Adaptation of Laws Order, 1950. Whereas it is expedient to make better provision in Greater Bombay and elsewhere for the enforcement of regulations regarding certain classes of municipal servants whose functions intimately concern the public health or safety, and regarding the duties, withdrawal from duty, and leave of such servants; It is enacted as follows :-

1. Short title Commencement and extent :-

(1) This Act may be cited as the Bombay Municipal Servants Act.

(2) It shall come into force in 2[Greater Bombay] at once.

(3) The ¹²[State] Government] may, by 5[notification, extend all or any of its provisions, on and after a day not less than two months after the date of such notification, to any municipal district in the Bombay Presidency.

(4)³ may also cancel or vary such notification consistently with the provisions of this Act.

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 Adaptation of Laws Order, 1950.

3. The word "It" was substituted for the word "He" by the Adaptation of Indian Laws Order in Council.

2. Interpretation :-

(1) Unless there be something repugnant in the subject or context, all words used in this Act shall have respectively the meanings assigned to them in the 7[City of Bombay Municipal Act, 1888.

(2) This Act shall, in so far as it affects ¹[Greater Bombay], be read with the ²[City of Bombay Municipal Act, 1888, and in so far as it affects any other part of the Presidency of Bombay, shall be read with the ³ [Bombay District Municipal Acts, 1873 and 1884.

1. These words are substituted for the words "the City of Bombay" by Bom. 17 Of 1945, s. 9, read with Bom. 8 of 1950.

2. These words were substituted for the words "affects the City of Bombay" by Bom. 17 of 1945, s. 9, read with Bom. 8 of 1950.

3. See now the Bombay District Municipal Act, 1901, which repealed these Acts,

3. Conditions as to resignation, withdrawal and absence for specified duties :-

(1) Any municipal officer, servant or other person employed by, or on behalf of, the Corporation or a Municipality to perform any of the duties specified in the Schedule, who-

(a) without the written permission, in 1[Greater Bombay] of the Commissioner or a person by him deputed in that behalf, and elsewhere of the officer authorized by the Municipality to give such permission, resigns his office without at least two months' notice given in writing to the Commissioner or person by him deputed, or to such officer, or withdraws or absents himself from the duties thereof, except in case of illness or accident disqualifying him for the discharge of such duties or other reason accepted as sufficient by such Commissioner or person by him deputed, or such officer; or

(b) is guilty of any willful breach or neglect of any provision of law or of any rule or order which as such municipal officer, servant or

other person employed by, or on behalf of, the Corporation or a Municipality, it is his duty to observe or obey; or

(c) Who abets an offence under clause (a) or clause (b); shall be liable to forfeit his pay accruing due under a current term of service, and arrears of pay due for a term of not more than one month, and in addition to such forfeiture and any other penalty which may be imposed on him under any enactment or rule for the time being in force, shall be liable, on conviction, by a Magistrate, to imprisonment which may extend to three months or to fine, or to both imprisonment and fine :

Provided that if any such officer, servant or other person produces a certificate signed by the medical officer appointed in the City of Bombay by the Commissioner, and elsewhere by the Municipality in this behalf, of a present incapacity to perform his duties which will probably endure for a month or more, the necessary permission to resign shall forthwith be granted :

Provided further that no fee shall be taken from a person on account of such certificate as aforesaid or of examination in connection therewith.

(2) The provisions of clauses (a) and (b) of sub-section (1) shall not apply to persons at the date of the passing of this Act in the employment of the Corporation or of a Municipality until the lapse of two months from such date.

4. Power to dispense with two months notice or with services after tender of resignation :-

(1) The Commissioner or officer authorized by the Municipality under section 3 (a), may,-

(a) at his discretion, accept any resignation to take effect at a time less than two months from the date thereof, or

(b) at any time after any municipal officer, servant or other person employed as aforesaid, has tendered his resignation, dispense with the services of such officer, servant or person.

(2) Any such officer, servant or other person whose services are dispensed with under sub-section (1), clause (b), shall, subject to any agreement in writing previously made between him and the Corporation or Municipality or its representative, be entitled, in addition to any wages which he may have earned at the date of

tendering his resignation, to fifteen days' wages or to wages for such period longer than fifteen days, as his services may, after such tender of resignation, have been retained by the officer authorised in that behalf.

5. Power State Government to add to schedule :-

(1) It shall be lawful for the ¹² [State] Government on the request of the Corporation or of a Municipality from time to time, by notification, to declare that from date to date to be fixed therein, which shall not be less than two months from the date thereof, any specified class of duties which concern the public health or safety shall be deemed to be included in the Schedule to this Act, and from the date fixed on that behalf in such notification the provisions of section 3 shall apply to all persons employed by, or on behalf of, the Corporation or a Municipality to perform any duty of the class so specified in such notification.

(2) The State Government may withdraw such notification and may from time to time cancel or vary the same consistently with the preceding clause and with the other provisions of this Act, and may also limit the operation of any notification to any Municipality or place wherein this Act is in operation.

1. The words "provincial Government" were substituted for the words 'Governor 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.

6. Copies of Act to be supplied at nominal price to employees :-

Every person employed by, or on behalf of, the Corporation or a Municipality to perform any of the duties set forth in the Schedule, shall on entering service, and every person now so employed shall forthwith receive gratis, and shall at any time thereafter, on payment of one anna, 1[be entitled to receive in Greater Bombay] from the Municipal Commissioner for the City of Bombay and elsewhere from the President of a municipality, a copy of this Act and the notification issued thereunder, applicable to such person or to the class to which he belongs, in the English, Marathi, Gujarathi, Canarese or Sindhi language.

SCHEDULE 1

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(See Section 3)

Act	Amendments
1	2
The Bombay Police Act, 1951 (Bom. XXII of 1951)	(1) Throughout the Act (including the marginal notes), except as otherwise expressly provided, for the words "District Superintendent", wherever they occur, the word "Superintendent" shall be substituted.
"	(2) In section 2, in clause (6), for the words "District Superintendent of Police" the words "Superintendent of Police" shall be substituted.
	(3) In section 8, - (a) in sub-section (1), for the words "a Superintendent" the words "a Superintendent of Police" shall be substituted; (b) in the marginal note, for the word "District," the words "Superintendent and" shall be substituted.
I	(4) In section 10,- (a) in sub-section (1), the words "and one or more Assistant Commissioners" shall be deleted; (b) in sub-section (2), the words "or Assistant" at both places where they occur, shall be deleted; (c) in the marginal note, the words "and Assistants" shall be deleted.