

The Bombay Municipal Servants Act, 1890

GUJARAT

India

The Bombay Municipal Servants Act, 1890

Act 5 of 1890

- Published on 15 January 1891
- Commenced on 15 January 1891
- [This is the version of this document from 15 January 1891.]
- [Note: The original publication document is not available and this content could not be verified.]

The Bombay Municipal Servants Act, 1890 Bombay Act No. 5 of 1890 [Dated 15th January, 1891] For Statement of Objects and Reasons, see Bombay Government Gazette, 1890, Part V, p. 60; for Report of Select Committee, see Bombay Government Gazette, 1890, p. 103; and for Proceedings in Council, see Bombay Government Gazette, 1890, pp. 77, 100 and 127. Whereas it is expedient to make better provisions in [Greater Bombay] [These words were substituted for the words 'the City of Bombay' by Bombay 17 of 1945, Section 9, read with Bombay 8 of 1950.] 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. [***] [Sub-section (2) omitted by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.] (3) The [[State] [The words 'Provincial Government' were substituted for the words 'Governor in Council' by the Adaptation of Indian Laws Order in Council.] Government] may, by [notification, extend all or any of its provisions, on and after a day not less than two months after the date of such notifications, to a municipal district in the Bombay Presidency.] [For notification extending the provisions of the Act to certain municipal districts, see Bombay Rules and Orders] [It] [The word 'It' was substituted for the word 'He' by the Adaptation of Indian Laws Order in Council.] may also cancel or vary such notification consistently with the provisions of this Act.

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 [City of Bombay Municipal Act, 1888 (Bombay Ill of 1888)] [Supra.]. (2) [Act to be read with Municipal Act in force.- This Act shall in so far as it effects any part of the Bombay area of the State of Gujarat be read with the Bombay District

Municipal Act, 1901.] [Substituted by A.O., 1960.]

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

(1)Any municipal officer, servants or other person employed by, or on behalf of, [***] [The words 'in a Corporation' deleted by A.O., 1960.] or a Municipality to perform any of the duties specified in the Schedule, who-(a)without the written permission, [*] **[The words 'in Greater Bombay of the Commissioner or a person by him deputed in that behalf, and elsewhere' deleted by A.O., 1960.] of the officer authorised by the Municipality to give such permission, resigns his office without at least two months' notice given in writing** [*] [The words 'to the Commissioner or person by him deputed, or' deleted by A.O., 1960.] 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 [***] [The words 'such Commissioner or person by him deputed, or' deleted by A.O., 1960.] such officer; or(b)Neglect or breach of duty. - is guilty of any wilful 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 words 'the Corporation, or' deleted by A.O., 1960.] 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 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 in 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:Providos. - Provided that if any such officer, servant or other person produces a certificate signed by the medical officer appointed [***] [The words 'in the City of Bombay by the Commissioner, and elsewhere' deleted by A.O., 1960.] 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 [***] [The words 'of the Corporation or' deleted by A.O., 1960.] 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 [***] [The words 'Commissioner or' deleted by A.O., 1960.] 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, servants 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 [***] [The words 'Corporation or' deleted by A.O., 1960.] 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', as his services may, after such tender

of resignation, have been retained by the officer authorised in that behalf.

5. Power of [State] [The word 'State' was substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government to add to schedule.

(1) It shall be lawful for the [[State] [The words 'Provincial Government' were substituted for the words 'Governor in Council' by the Adaptation of Indian Laws Order in Council.] Government] on the request of [*] **[The words 'the Corporation or' deleted by A.O., 1960.] a Municipality from time to time, by notification, to declare that from a 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 words 'the Corporation or' deleted by A.O., 1960.] a Municipality to perform any duty of the class so specified in such notification.**(2) The [[State] [The words 'Provincial Government' were substituted for the words 'Governor in Council' by the Adaptation of Indian Laws Order in Council.] 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.

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

- Every person employed by, on behalf of, [*] **[The words 'the Corporation or' deleted by A.O., 1960.] a Municipality to perform any of the duties set forth in the Schedule, shall, on entering the service, and every person now so employed shall forthwith, receive gratis, and shall at any time thereafter, on payment of one anna, [be entitled to receive [*] [These words were substituted for the words 'be entitled to receive in the City of Bombay' by Bombay 17 of 1945, Section 9, read with Bombay 8 of 1950.] from the President of a municipality, a copy of this Act and of 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

(Vide Section 3) Duties Which Render the Provisions of Section 3 Applicable to the Persons Employed by, or on Behalf of, [***] [The words 'the Corporation or' deleted by A.O., 1960.] A Municipality To Perform By Them Class I. - Duties connected with the public health: (a) scavenging or cleaning streets or premises, (b) cleansing or flushing drains, (c) removing or disposing of excrementitious or polluted matter from houses, latrines, privies, urinals, or cesspools. (d) removing carcasses, (e) preventing nuisances generally. Class II. - Duties connected with the public safety; Duties of. - (a) members of a fire-brigade, (b) persons, however designated, employed on, or in connection with, the maintenance or service of any municipal water-works, drain, pumping station or fire hydrant,

including-(1)inspectors,(2)sub-inspectors,(3)foremen,(4)mechanics,(5)drivers,(6)watchmen,(7)labourers,(8)