


THE



Bombay Government Gazette.

Published by Authority.

TUESDAY, 6TH FEBRUARY 1872.

 Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Report of the Select Committee of the Council of His Excellency the Governor of Bombay, on the "Bill for the Regulation of Burial-grounds and Burning-grounds in the Territories subject to the Government of Bombay," and the Bill as amended by the Committee, are, in accordance with Rule 25 of the Rules for the conduct of business at Meetings of the Council, published for general information :—

Report of the Select Committee appointed to consider the Bill for the Regulation of Burial-grounds and Burning-grounds in the Territories subject to the Government of Bombay.

The Select Committee appointed to consider the provisions of Bill No. 7 of 1870 (A Bill for the Regulation of Burial-grounds and Burning-grounds in the Territories subject to the Government of Bombay), beg to report that they approve of the principle of the Bill.

A clause has been added to Section 3 rendering it incumbent on the Collector or other officer under this Act to provide a burial or burning-ground, or place for the exposure of the dead, in lieu of the ground or place directed to be disused for the above purposes, and directing that in order to avoid inconvenience to the public the new burial or burning-ground or place for the exposure of the dead should be provided before the old one is closed.

Section 5 has been expanded into three Sections, for the sake of increased clearness, and the duty of providing the funds for burial or burning-grounds established under this Act has been imposed upon the Municipal Commissioners in those places

where Act XXVI. of 1850 is in force, and upon the Local Fund Committees in other places.

Some slight verbal alterations have been made in Section 9, and in the title of the Bill.

(Signed) H. P. ST. G. TUCKER.
 „ MUNGULDASS NUTHOOBHOY.
 „ M. K. KENNEDY.
 „ JAMSETJEE JEJEEBHOY.

5th February 1872.

Bill No. 7 of 1870.

A Bill for the Regulation of Burial-grounds and Burning-grounds in the Territories subject to the Government of Bombay, without the limits of the City of Bombay.

WHEREAS for the sake of the public health and order it is expedient to regulate the use of burial-grounds and burning-grounds in the Territories subject to the Government of Bombay, it is enacted as follows:—

1. The Collector of a District, or other Officer having equivalent jurisdiction may, if he think fit, cause a survey and measurement to be made of any burial-ground, burning-ground, or place for the exposure of the dead, and any place used for such or similar purpose, and every burial-ground, burning-ground, or other such place existing at the time this Act shall have come into operation as hereinafter provided, shall, within three months after this Act shall have so come into operation, be registered by the owner or the person having the control thereof, or, if there be no owner or person authorized to control the same, by order of the Collector or other Officer as aforesaid, in a book to be kept for the purpose; and whoever after the expiration of the said term wilfully buries, burns, or exposes, or causes or procures or suffers to be buried, burned or exposed, any corpse in or on any ground other than such registered burial or burning-ground or place for the exposure of the dead shall be liable to a penalty not exceeding one hundred Rupees for each offence.

2. No vault or grave shall be made nor interment permitted within the walls of or underneath any church, chapel, or other place

of public worship whatsoever without the special sanction of the Governor in Council, and no burial or burning-ground or place for the exposure of the dead, whether public or private, shall, after this Act shall have come into operation, be opened, made, or formed without a license describing the extent and boundaries thereof first obtained from the Collector or other officer as aforesaid, who is hereby empowered at his discretion to grant such licenses; and whoever shall bury, burn, or expose or cause, permit or suffer to be buried, burned, or exposed any corpse in any vault, grave, burial or burning-ground or place for the exposure of the dead opened, made, or formed without such license or contrary to the terms thereof, shall be punished with fine which may extend to five hundred Rupees for each offence.

3. If after such inquiry as may be deemed necessary it shall appear to Government that any burial-ground or place of burial, or any place used for the burning or exposure of corpses, is in such a state as to be offensive or dangerous to the health of persons living in the neighbourhood, or that any church, or other place of public worship whatsoever, is dangerous to the health of persons frequenting the same by reason of the state of the vaults or graves within the walls of or underneath the same or in any churchyard or burial-ground adjacent thereto, it shall be lawful for Government by notification published in the *Government Gazette* to prohibit the burial, burning, or exposure of any corpse in, upon, within, or under the place,

ground, church, or place of worship to which such notification relates. Provided that when it shall be found necessary to prohibit under this

Proviso.

Section the use of any burial-ground or place of burial or place used for the burning or exposure of corpses, and when there shall be no public place available for the purposes above-mentioned, the Collector or other officer as aforesaid shall, before the publication of the prohibitory notification under this Section, provide some other place for the said purposes in a convenient situation, and suitable to the wants and recognised usages of the class or classes of the community who under this Section are to be deprived of the use of the place or places which they had hitherto used for the above purposes.

4. Whoever after the expiration of two months from the date of publication of such notification shall wilfully bury,

Penalty for burying or burning a corpse after notice.

burn, or expose, or cause, permit or suffer to be buried, burned, or exposed, any corpse in, upon, within, or under the place, ground, church, or place of worship to which such notification relates, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both: Provided always that a copy of such notification, with a translation thereof in the vernacular language of the district, shall have been affixed conspicuously on some part of the ground, place, or building to which the notification relates.

Proviso.

5. The Collector or other officer as aforesaid may from time to time as may be found necessary, with the sanction of the Governor in Council, provide fitting places to be used as burial or burning-grounds, or for the exposure of the dead.

6. Whenever it may be necessary under the provisions of Section 3 or Section 5 of this Act to provide in any town or suburb in which Act XXVI. of 1850 has been introduced

Municipal Commissioners of Municipal Towns to assign funds for providing places to be used as burial or burning-grounds, or for the exposure of the dead.

a new place or places to be used as burial or burning-grounds, or for the exposure of the dead, the Municipal Commissioner of the said town or suburb shall, on the requisition of the Collector or other officer as aforesaid, assign for the provision of such place or places as aforesaid, such funds as may be necessary out of the Municipal revenues.

7. Section 4 of Bombay Act III. of 1869 shall be read as if burial and burning grounds, and other places of exposure of the dead, were included among the works and undertakings for which it is the duty of the Local Fund Committee to make provision, and in any town, suburb or village in which Act XXVI. of 1850 has not been introduced, the Local Fund Committee shall, on the requisition of the Collector or other officer as aforesaid, assign such funds as may be necessary for the provision under Section 3 or Section 5 of this Act of places to be used as burial or burning-grounds, or for the exposure of the dead.

8. The Governor in Council may from time to time make Government to make rules. rules not inconsistent with this Act for the registration, inspection, licensing, and use of burial and burning-grounds, and places for the exposure of the dead, and for the general regulation of all such places, due regard being had to the religious usages of the several classes of the community, and may from time to time alter and add to such rules.

All such rules, alterations, and additions shall be published in the *Government Gazette*, and shall thereupon have the force of law.

9. This Act shall not apply to the City of Bombay, nor shall it come into operation in any Town or District to which it shall not have previously been extended by the Governor in Council by notification in the *Government Gazette*.

By order of His Excellency the Right Honourable the Governor,

JOHN NUGENT,

Acting Under-Secretary to Government.

Bombay Castle, 5th February 1872.