



S U P P L E M E N T
TO THE
B O M B A Y G O V E R N M E N T G A Z E T T E .

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PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Report of the Select Committee of the Council of the Governor of Bombay for the purpose of making Laws and Regulations, together with the Bill as altered by them, is published for general information :—

Report of the Select Committee appointed to consider and report upon a " Bill to provide for the Management of the Vechar Water Works.

The Committee beg to report that they have carefully considered the details of the Bill. In its general principles they have not thought it necessary to make any material alterations except the omission of Section X., which exempted Government Buildings from water rate, and the insertion of provisions granting to the Bench of Justices an effective control over the proceedings of the Municipal Commissioners in carrying out the purposes of the Bill. The Committee however also thought it desirable that the powers conferred on the Governor in Council by Section XIV. to order improvements and extensions of the Water Works, and the introduction of new scales of rates should be exercised by the Government in concert with the Bench of Justices as representing the local community, and they have made the requisite modifications in the terms of that Section.

In Section II. the Committee have inserted 99 years as the period for which the Lake and Water Works are in the first instance to be vested for the purposes of the Act in the Municipal Commissioners. The language of the latter part of the Section, has, they believe, been made more simple and intelligible by the substitution of a precise provision for the reversion of the property to Government in the place of a somewhat ambiguous assertion of its rights.

In Section VI. while the principle of the original draft has been adhered to, considerable verbal changes have been made.

It appeared necessary, looking to the terms upon which the Bill was brought forward, that an estimate as accurate as circumstances may admit should form the basis of the relative proportions of the cost of the Water Works payable by Government and by the Municipality. The Committee have therefore modified the provisions on this behalf of the Section as it originally stood, so as to require the amount expended to be ascertained, and the respective shares of payment to be determined by the Deputy Auditor and Accountant General of Bombay.

In Section XI. the Committee have thought it advisable to substitute for the reference to the Penal Code made in the original Draft a specific provision for the punishment of persons fraudulently disposing of water. At the same time they have brought the offence within the summary jurisdiction of the Police Magistrates, which as the Section originally stood, could not have been so promptly disposed of.

With these changes, and a few verbal alterations of no great importance, the Committee recommend the Bill for adoption by the Council.

(Signed) A. D. ROBERTSON,
 („) J. D. INVERARITY,
 („) MICHAEL H. SCOTT,
 („) JUGONNATH SUNKERSETT,
 („) RUSTOMJEE JAMSETJEE JEJEEBHOY.

A Bill to provide for the Management of the Veihar Water Works.

WHEREAS by Section XXX. of Act XXV. of 1858 it is enacted that the Municipal Commissioners for the town of Bombay shall pay to the Governor in Council certain annual sums in discharge of the original cost, with interest, of the works called the Veihar Water Works, and of the cost of maintaining the same, and whereas it is desirable, in consideration of the large outlay incurred in the construction of the said works that one moiety of the same in excess of Twenty-five lacs of Rupees should be defrayed by the Governor in Council, and whereas it is expedient that the management of the said Veihar Water Works be transferred to the said Commissioners, and that the said Commissioners be invested with powers for making such management effectual, and for raising certain funds for the purposes aforesaid, in addition to the funds which by law they may now raise, and that in the exercise of such powers and the disposal of such funds they be subject to certain rules and limitations; It is hereby enacted—

Short Title.

I. This Act shall be called "The Veihar Water Works Act."

II. From and after the 1st day of July

The Veihar Lake and Works to be vested in the Municipal Commissioners of Bombay.

1863 the Veihar Lake in the Island of Salsette, and all the land adjacent thereto up to the level of

the embankment on the side thereof, and included within the limits delineated in the Schedule A to this Act annexed, and all the land and other immovable property which is necessary for the purpose of conveying the water of the said Lake by pipes into the Town of Bombay, and there distributing the same, and which, being the property of Government, has ordinarily been applied to, or employed for, the purposes aforesaid, shall be vested for a term of 99 years in the Municipal Commissioners for the Town and Island of Bombay, in trust for the purposes of this Act and subject to the conditions hereinafter provided; and it shall be lawful for the Governor in Council at the end of the period of 99 years aforesaid and thenceforward from time to time to order that the said property shall vest in the said Commissioners on the conditions and for the purposes aforesaid for such further period not exceeding 99 years from the day of any such order, as shall seem expedient: Provided that on the expiration of the said first term of 99 years, or of any further period for which the Governor in Council may have ordered that the said property shall vest in the said Commissioners, all rights and every power conveyed to the said Commissioners under this Act shall forthwith cease and determine, and the said property shall revert to and become vested in the Governor in Council as the same were vested in the said Governor in Council before this Act was passed.

III. It shall be lawful whenever the same may be necessary in order to repair, renew, extend, improve or examine the Lake, conducting pipes, or any other portion of the Water Works aforesaid for the Commissioners and their servants at all reasonable times to enter upon and pass through any land or other property adjacent to the same or in the neighbourhood thereof, in whomsoever such property may be vested, and to convey into and through the said land or other property such materials, tools, and instruments as may be necessary for the purposes aforesaid; and any person obstructing such entrance or passage, or conveyance, shall, on conviction before any Magistrate, be liable to a fine not exceeding Rupees Fifty, commutable, if not paid, to one month's simple imprisonment, provided that all damage done to land or other property by the said Commissioners or their servants in the exercise of the powers by this Act conferred, shall be made good by the Commissioners to the owners of the same.

IV. All materials, tools, instruments, and Movable property other movable property, vested in Municipal purchased or otherwise, Commissioners. acquired prior to the said 1st day of July 1863, by or for the Governor in Council for the purposes of the Water Works aforesaid, and on that day vested in the Governor in Council or in any person in trust for him, shall then forthwith become vested in the Commissioners aforesaid in trust for the purposes of this Act.

V. From and after the day aforesaid the Management and maintenance by the Municipal Commissioners. said Water Works and the business thereof shall be exclusively managed and conducted by the said Commissioners, who shall be bound to keep the said Water Works and the property pertaining thereto in good repair and effective for the proper purposes of the same, and the said Commissioners shall make such extensions, improvements, and alterations in the said Water Works and property as may be necessary, and for such purposes may expend such sums as may be necessary out of the Municipal Fund, subject however to such prohibitions and limitations as the Governor in Council, upon the representation of the Bench of Justices, may in any case think fit to prescribe.

VI. Whereas by the provisions of Sections XXX. and XXXI. of Act XXV. of 1858 certain sums are now and may become payable by the Municipal Commissioners of the Town and Island of Bombay to the Governor in Council, and shall continue to be payable until the whole of the expense incurred in the construction of the Vechar Lake and Water Works, with interest at four per centum per annum, shall have been

repaid; except such portion thereof as shall be defrayed by Government out of the Public revenue, and that the said Commissioners shall also pay to the Governor in Council such further sum in each year as shall be equal to the cost of the maintenance of the said works during the preceding year, and whereas a sum in excess of 25 lacs of rupees has been expended in the construction of the said Vechar Lake and Water Works, and it has been agreed that one-half of all sums so expended in excess of 25 lacs of rupees shall be defrayed out of the public revenue, it is hereby enacted that the said Municipal Commissioners shall pay annually to the Governor in Council a sum not less than the total amounts payable under the provisions of the Sections of the Act aforesaid, which sums shall be appropriated to the liquidation of the amount payable with interest by the Municipal Commissioners until the whole amount be defrayed, and the said amount shall be the total of the said 25 lacs of rupees and of a moiety of the excess above 25 lacs of rupees expended on the construction of the said Vechar Lake and Water Works, the amount of which moiety shall be determined on a scrutiny of the accounts by the Deputy Auditor and Accountant General of Bombay; and from and after the day upon which this Act shall come into operation, the liability of the said Commissioners to pay to the Governor in Council in each year the amount of the cost of the maintenance of the said Vechar Lake and Water Works shall cease and determine, but if the said Commissioners shall in any year fail to pay to the Governor in Council such sums as are in this Section prescribed, it shall be lawful for the Governor in Council to give two months' notice to the said Commissioners, requiring payment of all arrears accrued due on account of the sums so payable, and on failure of the Commissioners to make such payment, the said Vechar Water Works and all the movable and immovable property appertaining thereto and vested in the said Commissioners, shall cease so to vest, and shall forthwith become vested in the Governor in Council in trust for the purposes for which it was previously vested in the said Commissioners: Provided that all sums received by the Governor in Council on account of water supplied from the said works, shall after deduction of all sums expended in the management and maintenance of the same be credited to the said Commissioners as having been paid on their account and received by the Governor in Council, in liquidation of the amount payable by the said Commissioners and in this Section.

VII. From and after the day upon which this Act shall come into operation, it shall be lawful for the Municipal Commissioners with the consent of the Bench of Justices and the approval of the Governor in Council to impose such annual or other periodi-

cal rates for the supply of water from the said Vehar Water Works, and such periods for the payment of the same, upon houses, wharves, and other structures, and upon all works and places whatsoever so supplied with water, and thereafter with such consent and approval so to alter the said rates and periods as may be necessary or expedient and as the Governor in Council may approve, and such rates shall be recoverable by the said Municipal Commissioners in like manner as rates payable under the provisions of Act XXV. of 1858.

VIII. It shall be lawful for the said Commissioners, with the consent of the Bench of Justices and subject to such rules as the Governor in Council may, from time to time, prescribe, to supply water to any person from the said Water Works, in such quantities and on such terms and conditions as shall seem fit, and to contract for the supply of such water for any purpose whatever to any person without measurement at a reasonable fixed rate, and all moneys due to the said Commissioners on account of any water so supplied shall be recoverable in like manner as the rates in the last preceding Section mentioned.

IX. All public wells, tanks, reservoirs and the like vested, or which may hereafter be vested in the Municipal Commissioners, and from which the public may or shall ordinarily have drawn water without payment, shall be continued and maintained by the said Commissioners, so long as the Bench of Justices or the Governor in Council shall require, and the public shall have free access thereto and may draw water therefrom without hindrance or payment of any fee whatever.

X. Every person liable to the payment of any rate or price to the Municipal Commissioners for any water supplied to him from the said Vehar Water Works upon certain conditions as to the use of the same, who shall fraudulently dispose of such water to persons or for purposes in violation of the said conditions, shall be liable on conviction before any Magistrate of Police to a fine not exceeding Rs. 500, and in default of payment of such fine shall be punished with simple imprisonment for a period not exceeding two months.

XI. The Municipal Commissioners shall at all reasonable times permit all persons appointed by the Governor in Council on that behalf, to enter upon, and inspect, and take account of all the property by this Act vested, or which, in virtue of the same, may become vested in the said Commissioners; and the persons so appointed as aforesaid shall be entitled to enter upon

and pass through any property adjacent to, or in the neighbourhood of, the said Vehar Lake and Water Works, or any part thereof, subject to the same conditions as the Municipal Commissioners, and if from the report of any person appointed as aforesaid it shall appear that the said Lake or Water Works or any portion of the same are not in a sound and effective condition, it shall be lawful for the Governor in Council by notice, under the signature of a Secretary to Government, to call upon the said Commissioners to repair, improve, and make effective the said Works or Lake or portion thereof within such a period as may seem reasonable, and the said Commissioners shall be bound within such period to comply with such requisition, failing which the Governor in Council may immediately on the expiration of such period order the said Lake or Works or portion thereof to be repaired, improved, and made effective, in such manner and by such means as shall seem fit, and the Municipal Commissioners shall, in any such case, be bound forthwith to pay to the Governor in Council the cost of the work so performed, in addition to any other sums by them payable.

XII. The Municipal Commissioners shall keep accounts of all receipts and disbursements on behalf, or by reason, of the said Vehar Water Works, apart and distinct from any other accounts, and shall annually present to Government and cause to be published in the *Government Gazette*, statement of such accounts, and the said accounts shall at all reasonable times be open to examination and audit by any person appointed on that behalf by Government, and if upon the report of the person so appointed it shall appear that the said accounts are falsely, erroneously, or negligently kept, it shall be lawful for the Governor in Council to order the same to be corrected, and to be kept in future with due diligence according to such plan as Government may prescribe, as truly representing the affairs of the said Water Works, and the Municipal Commissioners shall be bound to conform to such order.

XIII. If from any such annual report of the Commissioners or any report of an examiner appointed by the Governor in Council as aforesaid, it shall appear that after paying to Government the sums due under this Act, and after providing for the repairs and maintenance of the Lake and Water Works and the payment of necessary salaries, any surplus remains in the hands of the said Commissioners or their agents, of moneys received on account of the said Works, it shall be lawful for the said Commissioners with the consent of the Bench of Justices to expend the same in such extensions and improvements of the said Works and of the apparatus connected therewith as the Governor in Council may approve, and if such improvements or extensions shall

appear to be necessary, it shall be lawful for the Governor in Council with the concurrence of the Bench of Justices to require that the same may be made; and if it shall appear that the surplus, after providing for such payments to Government and for such expenses of repairs and maintenance as aforesaid, has in any year exceeded the sum of Fifty thousand Rupees, the said Commissioners may forthwith prepare a new scale of rates and prices, so calculated as to reduce the annual receipts on account of the said Water Works, either by the whole amount by which the same exceed the necessary disbursements on account thereof, or by such sum as shall remain after providing for the extensions and improvements which may properly be made out of the said surplus or profits, and shall submit the same for the approval of the Governor in Council, and in failure thereof the Governor in Council with the concurrence of the Bench of Justices, may order such new scale to be made, or may prescribe a new scale calculated as aforesaid, which new scale the said Commissioners shall forthwith adopt, and shall thereafter recover such demands only for supplies of water as are in accordance therewith.

XIV. If the Municipal Commissioners shall

If Commissioners fail to perform their duties under this Act, they may be temporarily superseded.

refuse or fail duly and diligently to maintain and manage the Vechar Lake and Water Works, or to keep accounts of the same, or to perform any duty which, under this Act they are bound to perform, it shall be lawful for the Governor in Council, after such notice as shall seem fit, to appoint any person or persons for the performance of all or any of such duties, until the next ensuing election of Municipal Commissioners, and to assign to such persons such salary as shall seem reasonable, to be paid out of the Municipal Fund, and the person so appointed shall have and exercise in the performance of the duties assigned to him by the Governor in Council the like powers and privileges as the Municipal Commissioners, and the Municipal Commissioners shall, from the date of such appointment, cease to perform the duties assigned to the persons so appointed, and shall transfer to the said per-

sons all documents, accounts, and property necessary for the proper performance of such duties, provided that from and after the next ensuing election of Municipal Commissioners the duties and powers of the person so provisionally appointed by the Governor in Council as aforesaid shall cease, and shall forthwith devolve on and vest in the Municipal Commissioners, and that such person shall be bound to transfer to the Municipal Commissioners all documents, accounts, and property held by him or under his control, on account of the said Vechar Water Works.

XV. From and after the day upon which

Building, &c. within the limits of the watershed prohibited.

this Act comes into operation, it shall not be lawful for any person to erect any building, shed, or other structure, for the purposes of dwelling or manufacture, trade or agriculture, within the limits of the watershed of the Vechar Lake, as defined in the Schedule B, to this Act annexed, or to extend or alter any such structure heretofore existing within the said limits, or to apply the same to purposes different from those to which it has heretofore been usually applied; and it shall not be lawful within the said limits, without such permission as aforesaid, for any person to carry on any operation of manufacture, trade, or agriculture, in any manner whereby any injury may arise to the said Lake, or the waters of the same may be fouled or rendered less wholesome; and any person so offending shall, at the prosecution of the said Municipal Commissioners, be subject, on conviction before any Magistrate, to imprisonment of either description for any period not exceeding one month, or to a fine of Rupees One Hundred, or to both; and it shall further be lawful for the Magistrate of the District, in case of any such conviction as aforesaid, to order the immediate removal of such building or structure, and the discontinuance of such operation or use of the land as aforesaid; and in case of disobedience to remove such structure and to prevent such operation or use, and for any opposition to such removal or other disobedience of such order as aforesaid, the offender shall be liable, in each instance, to the penalty in this Section above provided.

By order of His Excellency the Governor in Council,

R. WEST,

Officiating Under-Secretary to Government.