

THE



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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 Bombay Village Sanitation Bill, and the Bill as amended by the Select 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 Bill No. 1 of 1889, the Bombay Village Sanitation Bill, 1889.

We have the honour to submit amended draft Bill No. 1 of 1889, the Bombay Village Sanitation Bill, and to report as follows.

2. The Bill was published on the 24th January 1889 in English ; on the 21st February in Sindhi ; on the 28th idem in Maráthi and Gujaráti ; and on the 7th March in Kánarese.

3. Very few representations regarding the Bill were submitted to Government ; but it has been the subject of very considerable criticism in the Press. We have had before us and have carefully considered the contributions on this subject made both to the English and the vernacular newspapers.

4. Much of the criticism adverse to the Bill as it stands, has apparently been written under the apprehension that its provisions are imperative, whilst in fact they are merely permissive.

5. There is again a considerable body of opinion that the Bill will not fulfil its object. Here again much that has been said is based upon a misapprehension. Dr. Hewlett, the former Sanitary Commissioner with the Government of Bombay, has written most fully on this point. His desire manifestly is that the inhabitants of every village should, if necessary, be compelled to act in accordance with a set of stringent sanitary rules. But the object of the Bill is not wholesale compulsion, and without that we are of opinion that such rules

would not be observed in the larger number of villages. It is to educate the villagers to a desire to encourage sanitation of themselves, and to bring this about with the least practicable amount of compulsion.

6. By additions to sections 8 and 19 we have endeavoured to make the means of choice of members of sanitary committees and boards as elastic and comprehensive as possible. It has been suggested that use should be made of the old village Pancháyets. The sections as amended will enable this to be done wherever it is possible and expedient, whilst to enact that the village Pancháyets (if such a body could be legally defined, which is doubtful,) should in all cases be the sanitary committee or board, is manifestly undesirable.

7. By an alteration in section 10, we have provided that a Magistrate, if present at a meeting of a sanitary committee, shall be the President. We think this desirable, just as we think it necessary, where possible, to secure the presence of a Magistrate on the committees, as a set-off against purely local feeling and prejudice.

8. The addition we have made to section 16 has a double object; first to provide proper means for sanitation where the village servants are insufficient; and, secondly, to enable those who voluntarily labour to be relieved of payment of rates levied under section 18 of the Bill. It was also thought desirable to fix a maximum levy of rates not to be exceeded in any year. This is effected by additions to sections 18 and 30. We have fixed this maximum at one-half the local fund cess payable in the village.

9. The desirability of connecting sanitary committees and boards with the local boards has been pointed out, and we consider some connection necessary. We have provided for this by additions to sections 18 and 40, which enact that a sanitary committee may contribute towards the cost of a local board work; that a local board may enquire whether a work proposed by a sanitary committee or board will interfere with a work proposed to be undertaken by itself; and that should it so interfere, the former work may be stopped, the local board being bound to provide an equivalent.

10. By an addition to section 22 we have provided that the Sanitary Inspector shall have a recognized official connection with the Sanitary Department; and by an addition to section 21, that such an Inspector may work for more than one board and may be a local board official.

11. Government had already expressed its opinion that it is desirable to secure for sanitary committees and boards, the advice of Sanitary and Public Works officials, just as it is secured to local boards by section 33 of the Bombay Local Boards Act. This has been done by a new section 30A.

12. In section 37, by an error, the word "immoveable" appeared instead of "moveable". The error has been corrected and it is provided that moveables which are not liable to sale in execution of a Court's decree shall not be liable for sale to enforce payment of a fine levied under the Bill.

13. We have introduced a new section 43A, providing for the proper supervision over public servants in the performance of duties imposed on them by this Bill.

14. One of the Committee, Ráo Bahádúr Behechardás Viharidás, desired to introduce a provision compelling local boards to hand over to sanitary committees or sanitary boards one-half of the local-fund cess levied in the villages subject to their authority. This did not seem to the rest of us a desirable provision. It would denude the local boards of a portion of the funds which already barely suffice for their needs and would tend to reduce the effective powers of those bodies to a most undesirable degree.

15. The remaining changes which we have made do not require detailed comment.

(Signed) R. WEST.
 „ K. T. TELANG.
 „ BEHECHARDAS VIHARIDAS DESAI.
 „ GURSHIDAPA VIRBASAPA GILGANCHI.

Bill No. 1 of 1889.

The Bombay Village Sanitation Bill, 1889.

WHEREAS, for the purpose of improving the sanitary condition of villages in the presidency of Bombay, it is expedient to provide for the constitution of sanitary committees and boards having authority over such villages; It is enacted as follows:

PART I.

PRELIMINARY.

1. This Act may be cited as "The
Short title. Bombay Village
Sanitation Act, 1889."

2. It is applicable to the whole of the
Extent. presidency of Bom-
bay, except the city
of Bombay, Aden and its dependencies,
Perim, and the scheduled district of the
Mehwási Chiefs' villages, as defined in the
XIV of 1874. Scheduled Districts Act, 1874.

3. During such time as Part II or
Repeal of enactments. Part III is in force
in any village, the
enactments mentioned in the schedule shall,
to the extent specified in the third column
of the schedule, cease to have any opera-
tion in the said village.

4. In this Act, unless there be some-
Definitions. thing repugnant in the
subject or context:

(a) "village" means the site of a
"village;" village or town, as
determined for the
time being under section 126 of the
Bombay Land Revenue Code, 1879,
which does not for the time being con-
stitute or form part of a permanent mun-
icipal district or a military cantonment,
together with the area included within
a distance of half a quarter of a mile
from any part of such site;

(b) "prescribed" means prescribed by
"prescribed;" a rule made under
this Act;

(c) "chávdi" means, in any village
"ohávdi." in which there is
no chávdi, such
place as the Collector directs shall be
deemed to be the chávdi for the purposes
of this Act.

5. (1) Part II shall come into force in
any village to which
Operation of Parts II, III and IV. the Collector extends
the same, under the
power hereinafter conferred upon him in
this behalf, from such date as the Collec-
tor shall prescribe, and shall continue in
force, when so extended, until the Gover-
nor in Council directs by notification in
the *Bombay Government Gazette* that it
shall cease to have operation in such vil-
lage, or extends Part III to such village.

(2) Part III shall come into force in
any village to which the Governor in
Council extends the same, under the power
hereinafter conferred upon him in this
behalf, from such date as is prescribed in
this behalf by the Governor in Council,
and shall continue in force, when so
extended, until the Governor in Council
directs by notification in the *Bombay Gov-
ernment Gazette* that it shall cease to have
operation in such village.

(3) Part IV shall have operation, as far
as its provisions apply, in and in respect
of every village in which either Part II or
Part III is in force.

6. (1) Subject to the control of the
Commissioner and of
Part II how to be Government, the Col-
extended to a village. lector may at any
time extend Part II to any village in his
district in which Part III is not in force.

(2) For the purpose of extending Part
II to any such village, the Collector shall
cause to be published by posting up copies
thereof in conspicuous places in his own
office and in the office of the Mámlatdár
and of the Mahálkari within whose taluka
or mahál the said village is situate and in
the chávdi or some other public building
in the said village, a proclamation in the
language of the district directing that,
unless a proclamation be thereafter issued
by him to the contrary, Part II shall
extend to the said village on and from a
date to be specified in the proclamation,
which shall not be less than two months
after that on which the proclamation is
posted up in the village, and stating that
any objection which any inhabitant of the
village may desire to make to the said ex-
tension will, if submitted to the Collector
not later than one month before the said
specified date, be received and considered.

(3) If, after considering any objections which may have been made as aforesaid, the Collector shall be of opinion that good cause exists for not extending Part II to the village or for not extending it thereto immediately, he may, by proclamation published as aforesaid :

(a) cancel his previous proclamation ;
or

(b) suspend the extension of Part II to the said village for a specified period.

(4) If the Collector suspends the extension of Part II to the village for a specified period, he may thereafter, by proclamation published as aforesaid :

(c) at any time abandon the proposed extension ; or

(d) from time to time defer the extension for a further specified period.

7. (1) The Governor in Council may

at any time extend Part III to any village in any part of the presidency to which this Act is applicable, whether Part II is at the time in force in such village or not. *Such extension to a village where Part II is in force, shall cause Part II to cease to operate therein.*

(2) For the purpose of extending Part III to any such village, the Governor in Council shall, by notification in the *Bombay Government Gazette*, direct that, unless a notification be thereafter issued by him to the contrary, Part III shall extend to the said village on and from a date to be specified in the notification, which shall not be less than three months from the date of the notification and stating that any objection which any inhabitant of the village may desire to make to the said extension will, if submitted to a Secretary to Government, or to the Collector not later than one month before the said specified date, be received and considered.

(3) If, after considering any objections which may have been made as aforesaid, Government shall be of opinion that good cause exists for not extending Part III to the village or for not extending it thereto immediately, it may, by notification in the *Bombay Government Gazette*, exercise the like powers with respect to the extension of the said Part as the Collector is authorized to exercise, with respect to Part II by sub-sections (3) and (4) of section 6.

(4) Translations in the language of the district of every notification issued by

Government under this section shall be published by the Collector, without delay, in the manner prescribed in sub-section (2) of section 6 for the publication of a proclamation issued by himself.

PART II.

SANITARY COMMITTEES.

8. (1) There shall be a Sanitary Committee in every village to which this

Part is extended. Each village to have a Sanitary Committee.

The said committee shall consist of three or more adult householders, residents of the village, chosen, with their own consent, by the Collector. *For the purpose of aiding him in his choice, the Collector may, in his discretion, procure the nomination or election, by the house-holders of the village, of qualified persons, in such mode as he shall deem expedient.*

(2) The chairman of the said committee shall be nominated by the Collector.

(3) The chairman and other members of the committee shall hold office for the prescribed period.

9. The proceedings of the Sanitary Committee shall be recorded in the pre-

scribed manner (or, until rules are made under section 11, in such manner as the Collector by written order directs), by the village accountant or such other person as the Collector appoints in this behalf, and in the absence of the village accountant or person so appointed, by such other person as the committee may employ for this purpose ; and the said record shall be verified by the signature of the chairman or of some other member of the committee authorized by the committee in that behalf, below each day's proceedings.

10. Every Magistrate having jurisdiction in the village

Magistrates having jurisdiction in the village may take part in committee's proceedings. may take part in the proceedings of the committee at any meeting thereof at which he is present, and shall for this purpose be deemed to be a member and *President* of the committee for the occasion.

11. The Sanitary Committee may from time to time make rules, with the approval of the Collector :

(a) for regulating the terms of office of its members and its proceedings ;

(b) for determining the manner in which its proceedings shall be recorded ;

(c) for procuring and preserving for the use of the village an adequate supply of pure potable water ;

(d) for the cleansing of the streets and open spaces of the village ;

(e) for preventing accumulations of offensive and noxious matter in the village ;

(f) for preventing nuisances and indecent or insanitary acts or omissions in the village ; and

(g) generally for giving effect in the village to the purposes of this Act.

12. (1) For not less than ~~two~~ ^{three} months before any rule which it is proposed to make under section 11 is to come into force, the committee shall exhibit a copy thereof at the *chavdi* or some other public building in the village and there shall be affixed to such copy a notice that objections thereto made in writing to the Collector not later than one month before the date fixed for their coming into force—which date shall be specified—will be received and considered.

(2) Any objections so made shall be considered by the Collector, in conference with the committee. If, on such consideration, it shall seem desirable to alter or withdraw the proposed rule, such alteration or withdrawal shall be effected by a notice exhibited as aforesaid. If the Collector deems it expedient to suspend the operation of a rule, it may be suspended for a specified period by a notice exhibited as aforesaid, which shall state that objections thereto, made as aforesaid not later than one month before the expiry of the said period, will be received and considered. Any objection so made shall be considered as aforesaid and if it then seems desirable to alter or withdraw the rule, the same shall be notified as aforesaid.

(3) Subject to the provisions of subsection (2), every rule made by the committee, with the approval of the Collector and notified as aforesaid, shall come into force on the day notified in this behalf.

13. Whenever it shall come to the notice or knowledge of the Sanitary Committee or of any member thereof that any person in the village has apparently committed or is

accused of having committed a breach of any rule made by the committee under section 11, such committee or member may, by notice in writing, require such person's attendance before the committee.

14. (1) All offences against the rules made by the committee under section 11 shall be cognizable by the committee.

(2) For the purpose of exercising this jurisdiction, the committee shall assemble as often as shall be necessary or as the Magistrate of the District shall prescribe, at the *chavdi* or some other convenient place within the village or near thereto.

(3) The committee shall in the presence of the accused person, or if notwithstanding the service of a notice upon the said person as aforesaid he fails to appear, then in his absence, take evidence as to the alleged offence and any evidence produced by the said person in his defence, and shall thereupon either acquit or convict the accused person and, if he is convicted, may sentence him to such punishment authorized by this Act or by the rules as it thinks reasonable.

15. (1) A person convicted by the committee may, at any time within ten days after sentence is passed against him, appeal to a Magistrate appointed by the Magistrate of the District to hear such appeals.

(2) If such person gives notice of his intention to appeal and deposits with an officer appointed by the Magistrate of the District in this behalf the amount of the fine inflicted upon him, execution of the sentence shall be suspended until the lapse of ten days from the date of the sentence, or, if an appeal is made, until it is disposed of. If within ten days no appeal is made, the sum deposited shall be appropriated to payment of the fine inflicted.

(3) The Magistrate who hears the appeal may confirm, reverse or modify the decision of the Sanitary Committee and may pass any order as to punishment which it was competent to the committee to pass. His order shall be enforced in like manner as one made by the Sanitary Committee.

16. For the purpose of providing for the village an adequate supply of pure potable water, of cleansing the streets and open spaces thereof, of removing offen-

sive and noxious matter therefrom and for other purposes conducive to the health and comfort of the inhabitants of the village, the Sanitary Committee may utilize, as far as available, the voluntary labour of inhabitants of the village and the services of village servants placed at its command under section 41; and when these means are insufficient, may from time to time, *with the approval of the Collector, employ such servants, enter into such contracts, make such deductions and allowances from any rate leviable under its authority, and may authorize the expenditure by the Collector or under his control, of such sums of money as shall be necessary and reasonable, for the purpose aforesaid.*

17. The inhabitants of the village may by voluntary subscription raise any sum of money for any of the purposes aforesaid and such sum may be paid to the Mamlatdār or other officer appointed by the Collector in that behalf and shall by him be placed to the credit of an account which he shall keep in the name of the Sanitary Committee, for the defrayal of charges incurred under this Act for the purpose for which the subscription was raised.

18. (1) If any sum of money of which the expenditure is authorized by the committee is not raised by voluntary subscription and is not available from any other source, the same may be recovered by a rate charged on the inhabitants of the village and assessed by the Collector, in conference with the Sanitary Committee.

(2) *Provided that the aggregate amount to be so charged in any year, on the inhabitants of any village, shall not exceed one half of the aggregate amount leviable in that year as Local Fund Cess from the inhabitants of such village.*

(3) *It shall be lawful for the Sanitary Committee, out of any unappropriated balance of money standing to its credit under the provisions hereinafter enacted, to make such contribution on such terms as it shall deem expedient, to the cost of any work under construction by a Local Board, in fulfilment of the duties imposed on it by section 30, clauses (c), (e) and (f) of Bombay Act I of 1884.*

PART III.

SANITARY BOARDS.

19. (1) There shall be a Sanitary Board in every village to which this Part is extended, or one such board for a group of two or more such villages, as Government may direct. Each such board shall consist of such number of persons appointed by the Collector as Government directs, the said persons being residents partly persons residing within or near to the area which is to be subject to the board's authority and partly magistrates having jurisdiction in the said area. *For the purpose of aiding him in his choice, the Collector may in his discretion obtain the nomination or election of qualified persons, from amongst whom he will select all or some of the members, according to such mode and local distribution, as shall seem expedient.*

(2) ~~The president of the said board shall be the magistrate of highest rank who is a member thereof. If the president is absent from any. Each meeting of the such board the said meeting shall be presided over by the magistrate of highest rank present thereat who is a member, or, in the absence of any such magistrate, by such member as the Collector, subject to the orders of Government, appoints to be the vice-president of the board. In the absence of any magistrate and of the vice-president, a meeting of the board shall be presided over by such one of the members present as may be chosen by the meeting to be chairman for the occasion.~~

(3) The president, vice-president and members of the board shall hold office for the prescribed period.

20. The Sanitary Board may from time to time make rules, with the approval of the Collector, and, *save as hereinafter provided, shall discharge functions and exercise authority for the area subject to its authority in respect of the same matters, in the same manner, and subject to like provisions, restrictions and conditions as are hereinbefore enacted in the case of a sanitary committee.*

21. (1) The Collector may, subject to the orders of Government, from time to time appoint a Sanitary Inspector for any area or any part of the area subject to the authority

of a sanitary board, and also such other subordinates as shall appear necessary, and determine the amount of salary to be paid to each of such officers. *He may also dismiss or suspend the said officers.*

(2) *Such Sanitary Inspector may be a person employed by the Taluka or District Local Board having authority at the place. He may be employed by or on behalf of two or more Sanitary Boards.*

22. (1) The Sanitary Inspector shall take measures for preventing breaches of the rules in force in the area for which he is appointed, by, from time to time :

(a) posting up and otherwise publishing a general admonition respecting the observance of the said rules ; or

(b) admonishing any person whom he finds offending against any of the said rules ; or

(c) summoning to appear before the Sanitary Board any person who, from his own observation or from reports made to him by his subordinates, he has reason to think should be prosecuted for offending against any of the said rules.

(2) *The Sanitary Inspector shall make such reports and be in such relation to the Sanitary Commissioner, consistent with the duties and obligations imposed on him by this Act or arising out of his position as a servant of a Local or Sanitary Board, as Government may prescribe.*

23. The board or any member thereof may also by notice in writing require the attendance before the board of any person who is accused of having committed, or who, to the knowledge of the board or of such member, has apparently committed, a breach of any rule made by the board under section 20.

24. (1) All offences against the rules made by the board under section 20 shall be cognizable by the board, who, for the purpose of exercising this jurisdiction shall assemble as often as shall be necessary or as the Magistrate of the District shall direct, at some convenient place within or near to the area subject to its authority.

(2) The provisions of sub-section (3) of section 14 and of section 15 shall apply, as nearly as may be, to the hearing and decision of cases under this section by a sanitary board and to appeals by persons convicted by such board.

25. (1) The orders of every sanitary board shall be carried out and its orders and proceedings shall be recorded in the prescribed manner and preserved by such member of the board or by such officer of the board or by such other officer as the Collector may from time to time nominate in this behalf.

(2) The person *authorised in this behalf* so-nominated shall be bound to keep a true record of the board's proceedings and orders, under his signature, and truly to prepare all summonses, notices and orders issuing by direction of the board or of any member thereof in accordance with this Act or with rules made under section 20.

26. A Sanitary Board may, with the approval of the Collector, contract with any person :

(a) for the daily surface-cleansing of the streets and public spaces within the area or any portion of the area subject to its authority, so far as the same cannot be effected by means of the village servants, if any, whose services are placed at its command under section 41 ; or

(b) for the removal from the said area of sweepings, dust, ashes, refuse, rubbish, carcasses of dead animals and any offensive or noxious matter.

27. Every sanitary board may, with the approval of the Collector, cause to be constructed such works and buildings as shall be necessary for providing for the area subject to its authority or any part thereof :

(a) an adequate supply of water ;

(b) proper and convenient places for the temporary deposit or final disposal of sweepings, dust, ashes, refuse, rubbish, carcasses of dead animals and other offensive or noxious matter ;

(c) means for conveying away or removing the several matters and things specified in clause (b).

28. The inhabitants of the area or of

Voluntary subscrip-
tion may be raised to
meet a Sanitary Board's
expenditure.

any part of the area
subject to the autho-
rity of a sanitary
board may by volun-
tary subscription raise any sum of money
for any purpose for which the board may
incur expenditure and such sum may be
paid to the Mámlatdár or other officer
appointed by the Collector under section
30, and shall by him be placed to the
credit of the board for expenditure within
the area in which and on the purpose for
which the subscription was raised.

29. Every sanitary board shall be
bound to provide for,
or authorize the ex-
penditure necessary
for:

Purposes for which
expenditure is to be
incurred by Sanitary
Board.

(a) paying the salaries of the Sanitary
Inspector and other officers, if any,
appointed under section 21; and

(b) providing stationery and other
requisites for the use of the board and
of the said Sanitary Inspector and other
officers, if any; and

(c) fulfilling any contract entered into
by it under section 26; and

(d) constructing necessary works and
buildings under section 27.

30. (1) A debit and credit account
shall be kept by the
Mámlatdár or other
officer appointed by
the Collector in that behalf in the name of
each sanitary board. To the debit of such
account shall be placed all expenditure
authorizedly incurred under section 29.
To its credit shall be placed all sums raised
by voluntary subscription under section 28,
all sums realized from any other source for
meeting the board's expenditure and the
net proceeds of any rate assessed as here-
inafter provided.

(2) For the purpose of raising money
for expenditure by a sanitary board under
this Act, the Collector may, *subject to the
same limit as is by section 18 (2) provided
in respect of rates charged under section 18
(1)*; from time to time, in conference with
such board, charge and assess a rate on the
inhabitants of the area or of any part of the
area subject to the board's authority.

(3) The burden of any rate charged
under sub-section (2) shall be distributed
over the several parts of the area subject
to the board's authority in such propor-

tions as the Collector, in conference with
the board, directs, or, if the Collector, in
conference with the board, so determines,
shall be placed wholly on one or more such
parts.

PART IV.

GENERAL PROVISIONS.

30A. *The Executive Engineer of the district
and any subordinate
of the Executive Engi-
neer, of the Sanitary
Commissioner or of
a Local Board, having
authority at the place, whom the Collector
may appoint generally or specially in this
behalf shall have, in relation to a Sanitary
Committee or Board, such rights and
duties as are assigned to certain officers
in relation to Local Boards by the first
paragraph of section 33 of Bombay Act I
of 1884.*

31. The Collector may remove from
office any member or
chairman of a sani-
tary committee and,
with the sanction of
Government, any member, or president or
vice-president of a sanitary board, who
appears to be incompetent or who has been
guilty of any misconduct or neglect of duty
which appears to render his removal expe-
dient.

(1) Whenever for any reason a
vacancy occurs or is
about to occur in the
office of a member, or
chairman of a sanitary committee or of a
member or vice-president of a sanitary
board, the Collector shall without delay
appoint a person to fill such vacancy.

(2) During any such vacancy the con-
tinuing members of a sanitary committee
or board may act as if no vacancy had
occurred.

33. Every question which comes before
a sanitary committee
or board for decision,
shall be decided by a
majority of votes of the members present
and voting at a prescribed meeting of such
committee or board or at a meeting
thereof assembled by direction of the
Collector or otherwise after notice duly
issued to all the members, the member who
presides having a second or casting vote,
when there is an equality of votes.

34. Summonses, notices and orders issued by a sanitary committee or board or with its authority may be signed on behalf of the committee or board by the member presiding at any meeting of such committee or board.

Signing of summonses, &c.

35. A breach of any rule made by a sanitary committee or board under this Act in respect of any matter other than the matters specified in clauses (a) and (b) of section 11 shall be punishable, unless in any case a smaller maximum punishment is prescribed by the said rules, with fine which may extend to ten rupees and in default, with confinement in the *chāvdi* for a period which may extend to forty-eight hours and, in the case of a continuing breach, with fine which may extend to two rupees for every day after conviction for the first breach or after receipt of notice from the committee or board or from any member thereof or from a sanitary inspector, to discontinue the breach, during which the breach continues and, in default, with confinement as aforesaid.

Punishment for breach of rules made under this Act.

36. (1) A sanitary committee or board may allow to a person sentenced to pay a fine such time not exceeding four days as it may think proper for payment of the fine, on such terms as to security as it shall seem to the committee or board necessary to impose.

Order for levy of fines.

(2) Whenever default is made in the payment of a fine, the sanitary committee or board, which passed the sentence or on appeal from whose decision the sentence was passed, may in its discretion by written order direct the levy of the amount, although the sentence directs that, in default of payment of the fine, the offender shall be confined and the offender is or has been confined.

37. All fines for the levy of which an order has been issued as aforesaid, all sums assessed on account of any rate under this Act, which are not paid after reasonable notice, shall be leviable by the patel or by such other person as the Collector or the sanitary committee or board, with the Collector's sanction, appoints in that behalf by distress and sale of any ~~immovable~~ *moveable* property of the person liable therefor, *subject to such exceptions as are enacted in the Code of Civil Procedure in respect of*

Levy of fines and rates.

the sale of moveable property in execution of decrees.

38. All fines levied in respect of breaches of rules made under this Act shall, after deducting the expenses, if any, of prosecuting the offenders, be paid to the Māmlatdār or other officer appointed by the Collector under section 17 or 30 and shall by him be placed to the credit of the account of the sanitary committee or board having authority over the village in which the breach was committed, for expenditure on any purpose contemplated by this Act.

Nett proceeds of fines to be credited to account of villages in which offences are committed.

39. (1) Any district or taluka local board may from time to time assign, by way of donation or loan, to the sanitary committee or board of any village or group of villages in the area subject to its authority, for expenditure on any purpose contemplated by this Act, such sum out of the portion of the local fund at its disposal as it shall think proper.

Contributions from local boards.

(2) Any sum so assigned shall be paid to the Māmlatdār or other officer appointed by the Collector under section 17 or 30 and shall by him be placed to the credit of the account of the sanitary committee or board to which it is assigned.

(3) But no sum shall be so assigned by way of loan, without the sanction of the Collector, and every sum assigned by way of loan with such sanction shall be recoverable by the Collector in such instalments of interest and of principal as shall be agreed upon between the parties, by a rate charged and assessed by the Collector, in conference with the sanitary committee or board, upon the inhabitants of the area subject to the authority of such committee or board.

40. (1) Works for the supply of water or for the drainage of two or more villages subject to the authority of different sanitary committees or boards and any other work or measure conducive to the common health or comfort of two or more such villages may, upon request made, with the approval of the Collector, by all such committees and boards or by a majority of them, be executed by or under the direc-

Execution of works in which two or more sanitary committees or boards are jointly interested.

tion of the Collector or of such other officer as Government appoints in this behalf.

(2) The cost of any such work or measure shall be divided between the several committees and boards in such proportions as shall be agreed upon by them, or in default of such agreement, as the Collector shall determine; and shall be recoverable in the said proportions by a rate charged and assessed by the Collector, in conference with each committee and board, upon the inhabitants of the areas subject respectively to the said committee's and board's authority.

(3) *Where any work undertaken or proposed by a committee or board constituted under this Act shall be such as to interfere with or materially affect any work undertaken or proposed by a District or Taluka Local Board, such latter Board may require the Sanitary Committee or Board to desist from such work as aforesaid, and it shall thereupon be the duty of the District or Taluka Local Board to make reasonable provision within reasonable time, for supplying to the area under the authority of the Sanitary Committee or Board, such means of health, cleanliness and decency, or means equivalent thereto, as would have been furnished by the work abandoned in consequence of such requisition as aforesaid.*

(4) *For the purpose of obtaining information as to any work intended or in course of construction, to which the provisions of the preceding clause may apply, it shall be lawful for the Taluka or District Local Board to call for such report from the Sanitary Committee or Board, through the Collector, as shall be necessary and reasonable, and to cause such inspection and report to be made by any person in its employment, as it shall deem necessary in this behalf, and it shall be the duty of the Sanitary Committee or Board concerned to comply with such requisition and to give reasonable aid and furtherance to any inspection ordered as aforesaid.*

41. Village servants who hold land, profits of land or other emoluments by way of remuneration, wholly or partly, for services consisting in or connected with cleansing or conservancy may, as to such services, be placed by the Collector, subject to the control of Government, under the command and superintend-

Certain village servants to be placed under command of sanitary committee or board.

ence of the sanitary committee or board having authority in the place in respect of which the said services are due and shall be bound to fulfil all reasonable orders of the said committee or board under such reasonable penalties as may be provided in any rule made under this Act.

42. (1) The Collector shall :

(a) determine all questions as to the amount of any

Determination and recovery of dues of village servants placed under command of sanitary committee or board. payment at any time by custom or under any settlement mentioned in section 18, 19 or 20

of the Bombay Hereditary Offices Act due to a village servant placed under the command of a sanitary committee or board under the last preceding section; and

Bo. Act II of 1874.

(b) if necessary, cause the amount which he determines to be due or the money value thereof at the market-rate of the time being, if the due is payable in kind, to be recovered on behalf of the village servant entitled thereto, free of charge, as if the same were an arrear of land-revenue :—

(2) Provided that the Collector may decline to cause such recovery to be made on behalf of any servant, if, in his opinion, the duty in respect of which the payment is due has not been duly performed by such servant.

43. Any power conferred or duty imposed by this Act upon the Collector may, with the sanction of Government, be delegated by him to an Assistant or Deputy Collector.

Collector's functions under this Act may be delegated.

43A. *In the discharge of the duties and Collectors, Magistrates, & other public servants subject to usual control in the exercise of their authority. the exercise of authority assigned to them by this Act, Collectors, Magistrates and other public servants shall be subject to the like control as in the discharge of their ordinary functions.*

44. (1) No Magistrate, Collector, president, vice-president or member of a sanitary committee or board, or sanitary inspector shall be liable to any penalty or to payment of damages for any act by him

Indemnity of persons acting in good faith under this Act.

done in good faith in pursuance or intended pursuance of any authority or duty conferred or imposed upon him by this Act.

(2) And no public servant or person duly authorized or appointed shall be liable

as aforesaid for giving effect in good faith to any order or direction issued with apparent authority by a person empowered in that behalf under this Act or under any rule made hereunder.

SCHEDULE.

(See Section 3.)

No. and year of enactment.	Subject or title.	Extent of repeal.
Bo. Act VII of 1867 ...	The Bombay District Police Act, 1867.	Sections 33 and 34.
Bo. Act VIII of 1867 ...	The Bombay Village Police Act, 1867.	Clauses 2, 3 and 4 (except the first two and the last thirteen words) and 5 of section 16.

By order of His Excellency the Right Honourable the Governor in Council,

J. J. HEATON,

Secretary to the Council of the Governor of
Bombay for making Laws and Regulations.

Poona, 2nd August 1889.