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THURSDAY

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PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of the Right Honorable the Governor on the 4th November 1867, and the assent of His Excellency the Governor General on the 26th November 1867, and is published for general information:—

BOMBAY.

Act No. VI. of 1867.

An Act for the better Sanitary Regulation of the City of Bombay.

WHEREAS it is expedient to take measures to check the spread of infectious diseases dangerous to life in the City of Bombay, and especially with reference to vessels arriving at, or being within the limits of, the Port of Bombay; It is enacted as follows:—

I.—It shall be lawful for Government, with a view of providing for the segregation of persons suffering from any infectious disease dangerous to life, from time to time to establish, by notification, for the purposes hereinafter specified, one or more places to serve as Sanitaria for the City of Bombay, and to notify the local limits of such Sanitaria. And it shall be lawful for Government, acting

Establishment of Sanitaria.

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under the general control of the Government of India, to appoint a Superintendent of each Sanitarium, with such establishment as may be necessary.

II.—It shall be lawful for Government to appoint a Health Officer of the Port for the purposes of this Act, and the Health Officer of the Port shall be an Assistant to, and subject to the general control of, the Consulting Officer of Health.

III.—When it shall appear to the Consulting Officer of Health, or in his absence to the Health Officer of the Port, that any person in the City of Bombay, being in the public streets or thoroughfares, or in a place of public resort, such as dhurmsallas, temple enclosures, and the like, and without proper lodging or accommodation, or being on board any vessel and without proper lodging or accommodation on shore, is suffering from

Appointment of a Health Officer of the Port.

Removal of persons suffering from infectious disease to a Sanitarium.

an infectious disease dangerous to life, and that it is necessary for the safety of the public that he should be removed to a Sanitarium, either of the said Officers of Health may require such person to proceed to a Sanitarium, and the person so required shall be bound to proceed, or allow himself to be conveyed, to that Sanitarium, and shall be bound to remain there till one of the said Officers of Health certifies that he may go at large without danger to the public. Any such person refusing

Penalty.

or voluntarily neglecting to obey such requisition, shall be liable to the penalties provided in Section 269 of the Indian Penal Code.

IV.—If any such person shall refuse or voluntarily neglect to proceed to the Sanitarium when duly required in the manner

Removal by written order of person refusing to proceed to a Sanitarium. the Health Officer of the Port, may, by a written order in the form given in the appended Schedule, direct that such person be conveyed to a Sanitarium, and such written order, signed by one of the said Officers of Health, shall be sufficient warrant for the conveyance of such person to the Sanitarium.

V.—It shall be lawful for any Magistrate of Police, on the certificate of a Covenanted Medical Officer of Government, or of any Member or Licentiate of any College of Physicians or Surgeons of the United Kingdom or of India, as to the nature of the disease, and on such evidence as may be thought by him sufficient in regard to the other conditions recited in Section III. of this Act, to make requisition as in the said Section, and any person

Penalty.

refusing or voluntarily neglecting to obey such requisition, shall be liable to the penalties provided in Section 269 of the Indian Penal Code.

VI.—When the Master or Commander of any vessel, being within the limits of the Port of Bombay, shall become aware that any person on board his vessel is suffering from any infectious disease dangerous to life, he shall immediately give notice to the Health Officer of the Port, and, pending the orders of the Health Officer of the Port, he shall either remove such person to a Sanitarium, or take other suitable precautions to prevent the spread of the disease.

Penalty.

If the Master or Commander shall wilfully

neglect to act as directed in this Section, he shall be liable to the penalties provided in Section 269 of the Indian Penal Code.

VII.—It shall be lawful for the Consulting Officer of Health, or for the Health Officer of the Port, at any time to enter into and inspect

any vessel being within the limits of the Port of Bombay, and to question the Master or Commander regarding the sanitary condition of the vessel and of the persons on board, and the Master or Commander shall be bound truthfully to answer such questions. And if the Master or Commander shall wilfully give false information to either of the said Officers, he shall be liable to the penalties provided in Section 177 of the Indian Penal Code; and if he shall refuse to answer questions put to him, he shall be liable

Penalty.

to the penalties provided in Section 179

VIII.—If it shall appear to the Consulting Officer of Health, or the Health Officer of the Port, that any person on board a vessel within the limits of the Port of Bombay, is suffering from any infectious disease dangerous to life, he may require the Master or Commander of the vessel to remove such person, or any other person who shows premonitory symptoms of such disease to a Sanitarium, or other place on shore where, in the opinion of the Health Officer, proper lodging and accommodation are available; and the Master or Commander shall be bound to obey such requisition, and is hereby authorized and empowered to enforce such removal. And if the Master or Commander shall refuse or wilfully neglect to obey such requisition, he shall be

Master or Commander may be required to remove person suffering from infectious disease.

liable to the penalties provided in Section 269 of the Indian Penal Code.

Penalty.

provided in Section 269 of the Indian Penal Code.

IX.—When it shall appear to the Health Officer of the Port that, owing to a person suffering from an infectious disease dangerous to life, being on board or having recently been on board any vessel within the limits of the Port of Bombay, it is expedient that measures should be taken for the disinfection of such vessel, the said Health Officer may, by an order in writing to the Master or Commander of such vessel, direct all or any part of the vessel to be forthwith fumigated or otherwise cleansed for sanitary purposes, in accordance with rules published on the

Disinfection of vessels.

half by Government under Section XI. of this Act; and if the Master or Commander neglect to do so within the period fixed in the said order, provided such period be not less than 24 hours from the time when such order shall have been served upon him, the said Health Officer may cause the same to be done, and the expenses incurred shall be paid by the owner or the Master on demand, and if not

And recovery of expenses and penalties. so paid, shall be recovered in the manner provided in Section 55 of Act XXII. of 1855 (*an Act for the Regulation of Ports and Port dues*) for the recovery of penalties imposed under that Act.

X.—It shall be lawful for the Superintendent of the Sanitarium, and it shall be his duty, to detain in the Sanitarium under his certificate, until they shall be discharged under a certificate to be granted under rules made by Government under Section XI. of this Act.

XI.—It shall be lawful for Government to make and publish Rules. from time to time to make and publish general rules for the proper management and discipline of Sanitaria established under this Act, and for the disinfection or destruction of the personal property of persons suffering, or who have recently suffered, from any infectious disease dangerous to life; and for the disinfection and cleansing of vessels on board of which such persons are or recently have been; and from time to time to alter or repeal such rules. Any person who shall disobey such rules or any of them, shall be liable to the penalties provided in Section 271 of the Indian Penal Code.

XII.—It shall be lawful for Government from time to time to determine by notification what diseases are infectious diseases. shall, for the purposes of this Act, be held to be infectious diseases dangerous to life.

XIII.—It shall be lawful for Government, when necessary, to authorize any one or more persons to exercise all or any of the powers conferred by this Act on the Consulting Officer of Health, or on the Health Officer of the Port, provided that every such person shall be a Covenanted Medical Officer of Government, or a Member or Licentiate of any College of Physicians or Surgeons of the United Kingdom or of India, and shall exercise these powers subject to the general control of the Consulting Officer of Health.

XIV.—Whenever it shall appear to Government to be expected introduction of any infectious disease dangerous to life, or owing to other exceptional circumstances, the ordinary precautions authorised by this Act are insufficient to prevent the spread of such disease, it shall be lawful for Government, by notification, to make such orders, and from time to time to vary the same, as it shall deem expedient, for the enforcement of sanitary measures with respect to any vessel arriving at, or being within the limits of, the Port of Bombay, or in regard to any persons on board any such vessel, or their personal property. And any person disobeying such orders, or any of them, shall be liable to the penalties provided in Section 271 of the Indian Penal Code.

XV.—The word "vessel" denotes any thing made for the conveyance by water of human beings or of property.

SCHEDULE A.

To

Whereas A. B., being a person without proper lodging or accommodation in the City of Bombay, is suffering from an infectious disease dangerous to life, and it is necessary for the safety of the public that he should be removed to a Sanitarium, and whereas, having been required to proceed to such Sanitarium, he has neglected to do so, you are hereby authorized, with such assistance as you may require, to convey him, under Section IV. of Act of to and this shall be your Warrant for so conveying him.

Consulting Officer of Health, or Health Officer of the Port.

SCHEDULE B.

To

The Master or Commander of Vessel _____

(Name)

Whereas A. B., at present on board the vessel _____ within the limits of the Port of Bombay, is suffering from an infectious disease dangerous to life, (or shows premonitory symptoms of a disease dangerous to life, as the case may be,) these are to require you to remove the said A. B. to [here designate the Sanitarium or other place on shore where, in the opinion of the Consulting Officer of Health or Health Officer of the Port, proper lodging and accommodation are available] and for enforcing the said removal, this shall be your sufficient Warrant.

(Signed)

Consulting Officer of Health, or Health Officer of the Port.

By order of the Right Honorable the Governor in Council,

~~W. W. D. J. P. BURN~~

Bombay Castle, 28th December 1867.

SCHEDULE A

Consulting Officer of Health or Health Officer of the Port

The following Act of the Governor of Bombay in Council received the assent of the Right Honorable the Governor on the 4th November 1867, and the assent of His Excellency the Governor General on the 12th December 1867, and is published for general information:—

BOMBAY.

Act No. IX of 1867.

An Act to amend the law relative to the Sale of Spirituous and Fermented Liquors in the City of Bombay.

WHEREAS it is expedient to regulate the sale of spirituous and fermented liquors in the City of Bombay; It is enacted as follows:—

I.—Act V. of 1842 (*an Act concerning payment on account of Licenses for the sale of spirits in the Islands of Bombay and Colaba*) and so much of Sections XI., XII., and XIII. of Act XLVIII. of 1860 (*an Act to amend Act No. XIII. of 1856, for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca*) as relates to the sale of spirituous and fermented liquors in the City of Bombay, are hereby repealed.

II.—For the purposes of this Act, all places where spirituous or fermented liquors are sold in the City of Bombay, shall be divided into the following classes:—

CLASS I.—Places of business or godowns of merchants where spirituous or fermented liquors are sold only in casks or packages as imported, and where no smaller quantity is sold, excepting as *bonâ fide* samples.

CLASS II.—Shops or other places of business where spirituous or fermented liquors are sold in quantities not less than one dozen quart bottles.

CLASS III.—Shops or other places of business where spirituous or fermented liquors are usually sold only in quantities not less than one dozen quart bottles, but where occasionally smaller quantities, not less than

one quart bottle, are sold between the hours of sunrise and sunset.

CLASS IV.—Shops or places where spirituous or fermented liquors are sold by retail under the regulations for the time being in force for the control of Retail Liquor shops.

III.—No licenses under this Act shall be required in respect of Classes I. and II. as defined in Section II.

IV.—In respect of Class III., as defined in Section II., the Commissioner of Police may, at his discretion, issue to respectable persons annual licenses, as in Schedule A to this Act annexed, dated from 1st January. For every such license a fee of twenty-five rupees shall be paid in advance.

V.—In respect of Class IV., as defined in Section II., the Commissioner of Police may issue licenses for periods not exceeding one year under the regulations hereinafter specified, and for every such license shall charge such fee as shall be fixed from time to time with the sanction of Government.

VI.—The Commissioner of Police shall annually on 1st September, or as soon after as convenient, submit to Government, through the Collector of Bombay, a list of the places under Class IV., as defined in Section II., theretofore licensed for the retail sale of spirituous or fermented liquors, and shall submit at the same time the number and localities of the shops and other places for which he proposes to issue licenses for the ensuing year, and the number and localities of such shops and other places, as fixed by

Government, shall be adopted by the Commissioner.

VII.—Every license granted under Section V. of this Act, shall be in the form of either License No. 1, or License No. 2, or License No. 3, as in Schedule B to this Act annexed. In issuing licenses, the Commissioner of Police shall determine which of the forms under Schedule B shall be granted.

VIII.—It shall be lawful for Government Licenses under the preceding Section may be varied or modified by Government by notification. from time to time by notification to vary or modify the terms of the licenses to be granted under the preceding Section, and the Forms of licenses so varied or modified shall be taken as the Forms in Schedule B to this Act annexed.

IX.—In the event of any license granted under Sections IV. and V. of this Act being subsequently forfeited or revoked in consequence of the misconduct of the licensee or his servant, as proved to the satisfaction of any Magistrate of Police, the amount paid by the licensee for the license shall be absolutely forfeited.

X.—A breach of any of the conditions of a license granted under Section IV. or V. of this Act, shall be punishable by fine not exceeding two hundred Rupees, and such fine shall be recovered from the person licensed, notwithstanding that such breach may have been owing to default or carelessness of a servant of the licensee or of a person in charge of such shop. Provided always, that it shall be lawful for the Commissioner of Police, and he is hereby empowered for any such breach as aforesaid to revoke the license of the person so convicted, notwithstanding that a fine shall have been imposed under the provisions of this Section.

XI.—Whoever, in the City of Bombay, keeps a shop or place of the description mentioned under Class III. as defined in Section II. of this

Act, without a license from the Commissioner of Police, shall be liable, on each conviction, to a fine not exceeding five hundred Rupees.

XII.—Whoever, in any place within the City of Bombay, sells illicitly by retail any spirituous or fermented liquor, shall be liable, for each act of sale, to a fine not exceeding five hundred Rupees. Provided that nothing in this Section shall apply to the sale of spirituous or fermented liquors in any druggist's or chemist's shop for medicinal purposes only.

XIII.—This Act shall be construed as part of, and supplemental to, Acts No. XIII. of 1856 and of 1860. Levies of fines and penalties. No. XLVIII. of 1860, and all fines and penalties under this Act may be imposed and levied by and under the same authority and in the same manner as fines and penalties imposed and levied thereunder, and all the means and provisions contained therein for enforcing the payment of such fines and penalties, shall be applicable to fines and penalties under this Act.

XIV.—All money realized, collected, or obtained by the issue of Licenses, or by forfeiture, or by imposition or infliction of fines and penalties under this Act, shall be carried to the credit of the Municipal Fund of the City of Bombay, for Municipal purposes.

XV.—CLAUSE 1.—Every shop or place in which spirituous or fermented liquors are sold in any quantity less than a quart bottle, or by the bottle, except in places under Classes I. or III., Section II., of this Act, shall be held to be a retail liquor shop within the meaning and intent of Class IV. as defined in Section II. of this Act.

CLAUSE 2.—And any sale of spirituous or fermented liquors in any quantity less than a quart bottle, or by the bottle, except under the provisions of this Act, shall be held to be an illicit sale by retail under Section XII.

XVI.—This Act shall commence and take effect from the 1st January 1868.

SCHEDULE A.

Form of License to sell Liquor under Class III., Section II., of Act 1867.

Under the provisions of Section IV. of Act _____ of 1867, I hereby authorize _____ to sell Spirituous and Fermented Liquors in his shop or place of business situated in _____ from this date until the 31st day of December next ensuing, on the following conditions:—

- 1st.—That the quantity sold at one time to one person be not less than a quart bottle.
- 2nd.—That no Spirituous or Fermented Liquor, in quantity less than one dozen quart bottles, be sold between sunset and sunrise.
- 3rd.—That this License be produced to the Commissioner or Deputy Commissioner or Superintendent of Police or any Magistrate of Police demanding it.
- 4th.—That any breach of these conditions involves absolute forfeiture of this License, in addition to any penalty to which the holder is otherwise liable.

SCHEDULE B.

Form 1.—Hotel License.

Under Section V. of Act _____ of 1867, I hereby grant to _____ this License, to sell in an Hotel Spirituous and Fermented Liquors from the _____ until the 31st December next ensuing, on the following conditions:—

- 1st.—That his Hotel be situated in the house of _____ assessed No. _____ in _____ and that he be therein resident.
 - 2nd.—That the business of the said Hotel shall be carried on by the said _____ and that no person shall act or officiate for him in conducting the said business, without the knowledge and sanction of the Commissioner of Police; such sanction to be duly endorsed on the reverse of this License.
 - 3rd.—That he produce this License to the Commissioner or Deputy Commissioner or Superintendent or any Magistrate of Police demanding it.
 - 4th.—That he do not adulterate any of the Liquors authorised to be sold by him; and that, on demand by the Commissioner, or Deputy Commissioner, or Magistrate of Police, he shall deliver up a sufficient quantity of such Liquor for analyzation.
 - 5th.—That he shall not permit drunkenness nor gaming, or common prostitutes or disorderly characters of any description therein.
 - 6th.—That he shall give immediate information to the Commissioner of Police, or the nearest Police Officer, of all suspected persons who may resort to his Hotel, and of all irregularities tending to disturb the public peace.
 - 7th.—That the Police shall at all times have free access to his Hotel for Police purposes.
 - 8th.—That he shall not sell or give Spirituous or Fermented Liquor to any European or Native Soldier below the rank of Non-Commissioned Officer, or Police Officer below that rank, nor shall he permit such persons to frequent his Hotel.
- Any breach of the above conditions is punishable by fine not exceeding two hundred Rupees, and also, at the discretion of the Commissioner of Police, with forfeiture of License.

Given under my hand and Seal, this _____ day of _____ 186 .

Commissioner of Police.

Form 2.—Tavern License.

Under Section V. of Act 1867, I hereby grant to
 this License to keep a Tavern, and therein sell Spirituous and Fermented
 Liquors from the until the 31st December next ensuing, on the con-
 ditions hereunder-written :—

1st.—That his Tavern be situated in the house of
 assessed No. in
 and that he be therein resident.

2nd.—That the business of the said Tavern shall be carried on by the said
 and
 that no person shall act or officiate for him in conducting the said business, with-
 out the knowledge and sanction of the Commissioner of Police ; such sanction to
 be duly endorsed on the reverse of this License.

3rd.—That he produce this License to the Commissioner, or Deputy Commissioner,
 or Superintendent of Police, or any Magistrate of Police demanding it.

4th.—That he do not adulterate, deteriorate, or fraudulently dilute any of the Liquors
 authorised to be sold by him, and that, on demand by the Commissioner or
 Deputy Commissioner, or Magistrate of Police, he shall deliver up a sufficient
 quantity of such Liquors for analyzation.

5th.—That he shall not permit drunkenness nor gaming, or common prostitutes, or
 disorderly characters of any description therein.

6th.—That he shall give immediate information to the Commissioner of Police, or the
 nearest Police Officer, of all suspected persons who may resort to his Tavern, and
 of all irregularities tending to disturb the public peace.

7th.—That the Police shall at all times have free access to his Tavern for Police
 purposes.

8th.—That he shall not receive any ornaments, or other property, in barter or pawn
 for the Liquors he is hereby licensed to sell.

9th.—That he shall not sell or give Spirituous or Fermented Liquors to any European
 or Native Soldier, or Police Officer, nor shall he permit such persons to frequent
 his Tavern.

10th.—That he shall not open his Tavern before sunrise, or keep it open after
 11 P.M., after which hour it shall be closed, and kept closed, and no further sale
 of Liquors shall take place therein.

11th.—That he shall close his Tavern during any hours ordered by the Commis-
 sioner of Police, and of his own accord during riot and disturbance in the neigh-
 bourhood.

12th.—That he shall cause to be painted in English, in letters two inches in length,
 publicly legible and visible on a board, to be placed over the door of the House
 or Premises, his name, the number of his License, and the words "Licensed
 Tavern."

13th.—That the designation of his Tavern shall be the Any
 breach of the above conditions is punishable by fine not exceeding two hundred
 Rupees, and also at the discretion of the Commissioner of Police with forfeiture
 of License.

Given under my hand and Seal this day of 186
 Commissioner of Police.

Form 3.—Retail Liquor Shop License.

Under Section V. of Act of 1867, I hereby grant
 to this License to keep a retail shop, and
 therein sell Spirituous and Fermented Liquors from the until the 31st
 December next ensuing, on the conditions hereunder written :—

1st.—That his Shop be situated in the house of assessed No.
 in and to which there shall
 be only one door.

- 2nd.—That the business of the said Shop shall be carried on by the said
and that no person shall act or officiate for him in
conducting the said business, without the knowledge and sanction of the Com-
missioner of Police ; such sanction to be duly endorsed on the reverse of this
License.
- 3rd.—That he produce this License to the Commissioner, or Deputy Commissioner,
or Superintendent of Police, or any Magistrate of Police demanding it.
- 4th.—That he do not adulterate, deteriorate, or dilute any of the liquors authorised
to be sold by him, and that on demand by the Commissioner, or Deputy Com-
missioner, or Magistrate of Police, he shall deliver up a sufficient quantity of
such liquors for analyzation.
- 5th.—That he shall not permit drunkenness nor gaming, or common prostitutes or
disorderly characters of any description therein.
- 6th.—That he shall give immediate information to the Commissioner of Police, or the
nearest Police Officer, of all suspected persons who may resort to his shop, and
of all irregularities tending to disturb the public peace.
- 7th.—That the Police shall at all times have free access to his shop for Police
purposes.
- 8th.—That he shall not receive any ornaments or other property, in barter or pawn
for the liquors he is hereby licensed to sell.
- 9th.—That he shall not sell or give spirituous or fermented liquors to any European
Soldier, or any Native Soldier in uniform, or any Police Officer in uniform.
nor shall he permit such person to frequent his shop.
- 10th.—That he shall not open his shop before sunrise, or keep it open after 9 P.M.,
after which hour it shall be closed, and kept closed, and no further sale of
liquors shall take place therein.
- 11th.—That he shall close his shop during any hours ordered by the Commissioner of
Police, and of his own accord during riot and disturbance in the neighbourhood.
- 12th.—That he shall cause to be painted in English, in letters two inches in length,
publicly legible and visible on a board, to be placed over the door of his shop,
his name, the number of his License, and the words "Licenseds Retail Liquor
Shop," with a translation in Marathi.

Any breach of the above conditions is punishable by fine not exceeding one hundred
Rupees, and also, at the discretion of the Commissioner of Police, with forfeiture of
License.

Given under my hand and Seal this

day of 186 .

Commissioner of Police.

By order of the Right Honorable the Governor in Council,

W. WEDDERBURN,

Under Secretary to Government.

Bombay Castle, 28th December 1867.