

CHAPTER XVIII.

SANITARY PROVISIONS

Commissioner to provide for cleansing of streets and removal of refuse

290. Commissioner to provide for cleansing of streets and removal of refuse.

For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall take measures for securing:-

(a) the daily surface-cleansing of all streets in the City and removal of the sweeping therefrom;

(b) the removal of the contents of all receptacles and depots and of the accumulations at all places provided or appointed by him under the provisions of this Act for the temporary deposit of dust, ashes, refuse, rubbish, trade refuse, carcasses of dead animals and excrementitious and polluted matter.

Refuse, etc. to be the property of the Corporation

291. Refuse, etc. to be the property of the Corporation

All matters deposited in public receptacles, depots and places provided or appointed under section 292 and all matters collected by municipal servants or contractors in pursuance of sections 290 & 293 shall be the property of the Corporation.

Provision and appointment of receptacles, depots and places for refuse, etc

292. Provision and appointment of receptacles, depots and places for refuse, etc.

The Commissioner shall provide or appoint in proper and convenient situations public receptacles, depots and places for the temporary deposit or final disposal of-

(a) dust, ashes, refuse and rubbish ;

(b) trade refuse;

(c) carcasses of dead animals ;

(d) excrementitious and polluted matter ;

Provided that the said matters shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of, without the sanction of the Corporation or in any place or manner which the ¹[State] Government thinks fit to disallow.

Provision may be made by Commissioner for collections, etc. of excrementitious and polluted matter

293. Provision may be made by Commissioner for collections, etc. of excrementitious and polluted matter.

When the Commissioner has given public notice, under clause (a) of sub-section (1) of section 131, of his intention to provide, in a certain portion of the city, for the collection, removal, and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools, it shall be lawful for the Commissioner to take measures for the daily collection, removal and disposal of such matter from all premises situated in the said portion of the City. .

Special sanitary arrangements at certain places

294. Special sanitary arrangements at certain places.

(1) The Commissioner shall make such special arrangements, whether permanent or temporary, as he considers adequate for maintaining sanitation in the vicinity of any temple, math, mosque, tomb or any place of religious worship or instructions to which large numbers of

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

Scavenger duties in certain cases may not be discharged by private individuals without Commissioner's permission

Power to inspect premises for sanitary purposes

Cleansing and lime-washing of any building may be required

Buildings or rooms in buildings unfit for human habitation

persons resort on particulars occasions or in any place which is used for holding fairs or festivals.

(2) The Commissioner may require any person having control over any such place as aforesaid to pay to the Corporation such contribution towards the cost of the special measures taken under sub-section (1) as the Corporation may from time to time fix.

295. Scavenger duties in certain cases may not be discharged by private individuals without Commissioner's permission.

In any portion of the City in which the Commissioner has given a public notice under clause (a) of sub-section (1) of section 131 and in any premises, wherever situate, in which there is a water-closet or privy connected with a municipal drain, it shall not be lawful, except with the written permission of the Commissioner, for any person who is not employed by or on behalf of the Commissioner to discharge any of the duties of scavengers.

Inspection and Sanitary Regulation of Premises.

296. Power to inspect premises for sanitary purposes.

The Commissioner may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof.

297. Cleansing and lime-washing of any building may be required.
If it shall appear to the Commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected, to cause the same or some portion thereof to be lime-washed or otherwise cleansed, either externally, or internally, or both externally and internally.

298. Buildings or rooms in buildings unfit for human habitation.

(1) If, for any reasons, it shall appear to the Commissioner that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, he shall give to the owner or occupier of such building notice in writing slating such reason and signifying his intention to prohibit the further use of the building or room, as the case may be, as a dwelling and shall by such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice, and if no objection is raised by such owner or occupier within such period as aforesaid or if any objection which is raised by such owner or occupier within such period appears to the Commissioner invalid or insufficient, he may, with the previous approval of the Standing Committee, by an order in writing, prohibit the further use of such building or room as a dwelling.

Provided that, before such approval is given, the owner or occupier aforesaid shall have the right of appearing before the Standing Committee in person or by agent and of showing cause why such approval should not be given.

(2) When any such prohibition as aforesaid has been made, the Commissioner shall cause notice of such prohibition to be affixed to, and the letters "U.H.H." to be painted on the door or some conspicuous part of, such building or room, as the case may be, and no owner or occupier of such building or room shall use or suffer the same to be used for human habitation until the Commissioner certifies

in writing that the building or room, as the case may be, has been rendered fit for human habitation.

(3) The Commissioner shall in each such case give written instructions to the owner or occupier as to what modifications or alterations are required to be made for rendering such building or room fit for human habitation.

(4) The Commissioner may cause any person who uses any building or room in contravention of sub-section (2) to be removed from such building or room by any police officer.

(5) Where the Commissioner has prohibited the further use of a building or room, as the case may be, as a dwelling the owner of such building shall, so far as may be necessary to prevent nuisance, keep the building or room clean and wholesome.

(6) The provisions of sub-section (6) and (7) of section 268 shall apply on the issue by the Commissioner of a certificate that the building or room, as the case may be, has been rendered fit for habitation as if such certificate were the withdrawal of a notice issued under sub-section (1) of the said section.

Power to require repair of in sanitary building

299. Power to require repair of in sanitary building.

(1) If it shall appear to the Commissioner that any building intended for or used as a dwelling is in any respect unfit for human habitation and does not conform with the regulations the Commissioner may by written notice, require the owner of the building, within such reasonable time, not being less than twenty one days, as may be specified in the notice, to execute such works or carry out such alterations as would render the building fit for human habitation.

(2) In addition to serving a notice under this section on the owner of the building the Commissioner may serve a copy of the notice on any other person having an interest in the building or in the land on which such building has been erected, whether as mortgagee, lessee, or otherwise.

Power to order demolition of insanitary buildings

300. Power to order demolition of insanitary buildings.

(1) If it shall appear to the Commissioner that any building intended for or used as a dwelling is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, he shall serve upon the occupier of the building and the owner thereof, and, so far as it is reasonably practicable to ascertain such persons, upon any person having interest in such building notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the building and any offer with respect to the carrying out of works, or the future use of the buildings, which he may wish to submit, will be considered by the Standing Committee, and every person upon whom such a notice is served shall be entitled to be heard either in person or by agent when the matter is so taken into consideration.

(2) A person upon whom notice is served under sub-section (1) shall, if he, intends to submit an offer with respect to the carrying out of works, within twenty-one days from the date of the service of the notice upon him, serve upon the Commissioner notice in writing of his intention to make such an offer and shall within such reasonable

period as the Commissioner may allow, submit to him a list of the works which he offers to carry out.

(3) The Commissioner may with the previous approval of the Standing Committee, accept from any owner or any other person interested an undertaking in writing either that he will within a specified period carry out such works as will in the opinion of the Commissioner render the building Fit for human habitation, or that it shall not be used for human habitation until the Commissioner, on being satisfied that it has been, rendered fit for that purpose and with the previous approval of the Standing Committee cancels the undertaking.

(4) If no such undertaking as is mentioned in sub-section (3) is accepted by the Commissioner, or if, in a case where the Commissioner has accepted such an undertaking, any work to which the undertaking relates is not carried out within the specified period, or the building is at any time used in contravention of the terms of the undertaking, ²[the Commissioner shall,] with the previous approval of the Standing Committee, make a demolition order requiring that the building shall be vacated within a period to be specified in the order not being less than twenty-eight days from the date on which the order becomes operative, and that it shall be demolished within six weeks after the expiration of that period, or if the building is not vacated before the expiration of that period, within six weeks after the date on which it is vacated, or in either case within such longer period as in the circumstances the Commissioner deems it reasonable to specify, and shall serve a copy of the order upon every person upon whom the Commissioner would be required by sub-section (1) to serve a notice issued by him under that sub-section.

(5) In determining for the purpose of this section whether a building can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the building will have when the works »re completed.

301. Procedure where demolition order made.

Procedure where demolition order made

(1) When a demolition order under section 300 has become operative, the owner ³[Or owners] of the building to which it applies shall demolish the building within the time limited in that behalf by the order; and, if the building is not demolished within that time, the Commissioner shall ⁴[cause the building to be vacated if necessary in the manner provided in section 388A, and shall] take measures to demolish the building and sell the materials thereof.

(2) Any expenses incurred by the Commissioner under sub-section (1), after giving credit for the amount realised by sale of the materials, shall be payable by the owner of the building, and any surplus in the hands of the Commissioner after payment of such expenses shall be paid by the Commissioner to the owner of the building, or if there are

² These words were substituted for the words "the Commissioner may" by Guj. 19 of 1964,s. 13

³ These words were inserted, ibid., s. 14 (a) (i).

⁴ These words were inserted, ibid., s. 14 (a) (ii).

more than one owner,⁵ [shall be paid in accordance with the agreement between them. In default of agreement between such owners the Commissioner shall deposit the surplus amount in the Small Causes Court and the Chief Judge of said Court shall decide the proportion in which such amount should be paid to such owners. The decision of the Chief Judge shall be final.]

⁶[*****]

Building rendered fit not to be deemed unfit for ten years if not conforming to regulations made sub-sequently

Power to order demolition of obstructive building

Effect of order for demolition of obstructive building

302. Building rendered fit not to be deemed unfit for ten years if not conforming to regulations made sub-sequently.

Where in pursuance of a notice under sub-section (1) of section 399 any, building has been rendered fit for human habitation by the execution of works, and alterations to the satisfaction of the Commissioner, such building during a period of ten years from the date of completion of such works, and alterations shall not be deemed to be unfit for human habitation by reason only of not conforming with any regulation made subsequently to such date affecting the structure of such building.

303. Power to order demolition of obstructive building.

(1) The Commissioner may serve upon the owner of a building which appears to him to be an obstructive building notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the question of ordering the building or any part thereof to be demolished will be considered by the Standing Committee, and the owner shall be entitled to be heard either in person or by agent when the matter is so taken into consideration.

(2) If, after so taking the matter into consideration, the Standing Committee resolves that the building is an obstructive building and that the building or any part thereof ought to be demolished, the Commissioner may make a demolition order requiring that the building or that part thereof shall be demolished, and that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the order becomes operative, and if he does so, shall serve a copy of the order upon the owner of the building.

(3) In this section the expression "obstructive building" means a building which, although note in itself unfit for human habitation, is so situated that by reason of its proximity to or contact with any other building it-

(a) stops or impedes ventilation or otherwise makes or conduces to make such other buildings to be a condition unfit for human habitation or dangerous or injurious to health ; or

(b) prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings.

304. Effect of order for demolition of obstructive building.

(1) If, before the expiration of the period within which a building or part thereof in respect of which an order is made under section 303 is

⁵ These words were substituted for the words "shall be paid in such proportion as the Commissioner may decide", ibid., s. 14 (b).

⁶ Sub-section (3) was deleted, ibid., s.14(c).

thereby required to be vacated, any owner or any person known to have an interest in such building or the site of the building makes to the Commissioner an offer for the sale of the building site or any interest therein to the Corporation at a price equal to the compensation to be assessed as provided in sub-section (6), the Commissioner shall upon obtaining the requisite sanction under section 77 accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition.

(2) Upon payment of the price mentioned in sub-section (1) the said building and the site thereof to the extent of the interest acquired shall vest in the Corporation.

(3) If no such offer as is mentioned in sub-section (1) is made before the expiration of the said period, the owner of the building shall carry out the demolition provided for by the order before the expiration of six weeks from the last day of that period, or if the building, or such part thereof as is required to be vacated, is not vacated until after that day, before the expiration of six weeks from the day on which it is vacated, or, in either case, before the expiration of such longer period as in the circumstances the Commissioner deems reasonable, and if the demolition is not so carried out the Commissioner shall⁷ [cause the building or part thereof to be vacated, if necessary, in the manner provided in section 388A and] take measures to carryout the demolition and sell the materials rendered available thereby.

(4) When any obstructive building or any part thereof is demolished either by the owner or by the Commissioner as provided for in sub-section (3), the Commissioner may at once take possession on behalf of the Corporation of the land occupied by and appurtenant to the said building or part thereof, and shall pay compensation as provided in sub-section (6).

(5) The provisions of sub-section (2) and (3) of section 301 shall apply in relation to any expenses incurred by the Commissioner under sub-section (3) and to any surplus remaining in the hands of the Commissioner as they apply in relation to any expenses or surplus in a case where a building is demolished in pursuance of a demolition order made under section 300.

(6) The compensation payable by the Commissioner for the building and the site thereof upon any sale effected under sub-section (1) and the compensation payable by the Commissioner under sub-section (4) shall be the market value of the land & the building demolished, at the date of the demolition order made under sub-section (2) of section 303.

305. Compensation for acquiring obstructive building recoverable in certain cases as improvement expenses.

(1) When a demolition order in respect of an obstructive building or any part thereof has been made under section 303, the Commissioner may specify and declare to the Standing Committee the other building for the benefit of which the obstructive building or part thereof is intended to be demolished and shall serve a notice to that effect upon the owner of each of such other building.

**Compensation for
acquiring
obstructive building
recoverable in
certain cases as
improvement
expenses**

⁷ These words were inserted by Guj. 19 of 1964, s. 15..

(2) If in the opinion of the Commissioner the demolition of the obstructive building or part thereof adds to the value of the premises for the benefit of which the obstructive building has been demolished, the Commissioner shall determine the amount of increase in value and shall with the approval of the Standing Committee appportion so much of the compensation to be made for the acquisition of the whole or part of the obstructive building including the site thereof as may be equal to the increase in value of the said premises amongst them.

(3) For the purpose of sub-section (2) the Commissioner shall have the like powers as are conferred on him by or under this Act for the purpose of determining the rateable value of a building or land and every person required to make or deliver a statement under this sub-section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code[XLV of 1860]

(4) The Commissioner may declare the sum apportioned to each of the premises in respect of its increase in value to be improvement expenses incurred for the benefit of such premises and the same shall thereupon be a charge upon such premises and shall be recoverable in the same manner as expenses declared to be improvement expenses under section 442.

(5) An appeal shall lie within a period of one month to the Judge against an order of the Commissioner under sub-section (4).

306. Appeal against demolition orders.

Any person aggrieved by a demolition order made under section 300 or section 303 may within twenty-one days after the date of the service of a copy of the order appeal to the Judge, and no proceedings shall be taken by the Commissioner to enforce any order in relation to which an appeal is brought before the appeal is finally determined: Provided that no appeal shall lie at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed three years.

⁸[306-A. Prohibition of back-to-back buildings.

Notwithstanding anything contained in this Act, it shall not be lawful to erect any back-to-back buildings intended to be used as dwellings and any such building shall, for the purposes of this Act, be deemed to be unfit for human habitation :

Provided that nothing in this section shall prevent the erection or use of a building containing several tenements in which tenements are placed back-to-back if in the opinion of the Commissioner the several tenements are so constructed and arranged as to secure effective ventilation of all habitable rooms in every tenement.]

307. Overcrowded dwellings.

(1) Where it appears to the Commissioner, whether from any certificate furnished under the rules or otherwise, that any building or any room therein used for human habitation is overcrowded, he may apply to ⁹[the District Magistrate] to prevent such overcrowding, and

⁸ Section 306A was inserted by Guj. 19 of 1964, s. 16.

⁹ These words were substituted for the words "a Magistrate of the First Class" by Bom. 8 of 1954, s. 2, schedule Part III.

the said Magistrate, after such inquiry as he thinks fit to make, may prescribe the maximum number of persons to be accommodated in each room and may, by written order, require the owner of the building, within a reasonable time not exceeding ten days to be prescribed in the said order, to abate the overcrowding thereof, by reducing the number of lodgers, tenants, or other inmates of the said building or room or rooms, in accordance with the maximum so prescribed and to the satisfaction of the Commissioner or may pass such other order-as he may deem just and proper.

Explanation.-The landlord of the lodgers, tenants or other actual inmates of a building shall, for the purposes of this sub-section, be deemed to be the owner of the said building.

(2) Notwithstanding any provision to the contrary in any other law or in any contract, every tenant, lodger or other inmate of the said building or room shall vacate on being required by the owner so to do in pursuance of any order under sub-section (1).

(3) The ¹⁰[State] Government may from time to time after consulting the Corporation direct by order in the Official Gazette what shall constitute overcrowding for the purposes of this section, and may in such order specify the minimum space to be allowed for each person according to age in premises used exclusively as a dwelling and in premises used as a dwelling as well as for some other purpose.

308. Insanitary huts and sheds.

Insanitary huts and sheds

If the Commissioner is of opinion that any hut or shed used either as a dwelling or as a stable or for any other purpose, is likely, by reason of its being built without a plinth or upon a plinth of insufficient height or-without proper means of drainage or ventilation, or on account of the impracticability of scavenging or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety, he may, by written notice, which shall be affixed to some conspicuous part of such hut or shed, require the owner or occupier thereof, or the owner of the land on which such hut or shed stands, to remove or alter such hut or shed or to take such order for the improvement thereof as the Commissioner shall deem necessary.

Disposal of carcasses of animals.

309. Removal of carcasses of dead animals.

(1) It shall be the duty of the Commissioner to provide for the removal of the carcasses of all animals dying within the City.

(2) The occupier of any premises in or upon which any animal shall die or in or upon which the carcasse of any animal shall be found, and the person having the charge of any animal which dies in the street or in any open place, shall, within three hours after the death of such animal or, if the death occurs at night, within three hours after sunrise, report the death of such animal at the nearest office of the municipal health department.

(3) For every carcasse removed by municipal agency, a fee for the

¹⁰ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

removal of such amount as shall be fixed by the Commissioner shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the said animal died.

Regulation of Public Bathing, Washing, etc.

310. Places for public bathing, etc. to be fixed by commissioner, and regulation of use of such places.

- (1) The Commissioner may from time to time -
 - (a) set apart portions of a river or other suitable places vesting in the Corporation for use by the public for bathing or for washing animals, or for washing or for drying clothes;
 - (b) specify the times at which and the sex of person by whom, such place may be used;
 - (c) prohibit, by public notice, the use by the public for any of the said purposes of any place not so set apart;
 - (d) prohibit, by public notice, the use by the public of any portion of a river or place not vesting in the Corporation for any of the said purposes ;
 - (e) regulate, by public notice, the use by the public of any portion of a river or other place vesting in the Corporation and set apart by him for any of the said purpose; and
 - (f) regulate by public notice, the use by the public of any portion of a river or other place not vesting in the Corporation for any of the said purposes, and of any work, and of the water in any work, assigned and set apart under this Act for any particular purpose.
- (2) The Commissioner may charge such fees as the Standing Committee may fix for the use of any place set apart under clause (a) of sub-section (1) by any specified class or classes of persons or by the public generally.

311. Prohibition of bathing, etc. contrary to order.

Except as permitted by any order made under any provision of this Act, no person shall-

- (a) bathe in or near any lake, tank, reservoir, fountain, cistern, duct, stand-pipe, stream or well or on any part of a river or other place vesting in the Corporation;
- (b) wash or cause to be washed in or near any such place or work, any animal, clothes or other article;
- (c) throw, put or cause to enter into the water in any such place or work, any animal or other thing;
- (d) cause or suffer to drain into or upon any such place or work, or to be brought thereinto or thereupon, anything, or do anything, whereby the water shall be in any degree fouled or corrupted;
- (e) dry clothes in or upon any such place; and
no person shall-
- (f) in contravention of any prohibition made by the Commissioner under section 310 use any portion of a river or any place not vesting in the Corporation for any purpose mentioned in the said section;
- (g) contravene the provisions of any notice given by the Commissioner under section 310 for the use of any such portion of a river or place for any such purpose.

Places for public bathing, etc. to be fixed by commissioner, and regulation of use of such places

Prohibition of bathing, etc. contrary to order

Prohibition of corruption of water by steeping therein animal or other matter, etc.

312. Prohibition of corruption of water by steeping therein animal or other matter, etc.

No person shall-

(a) steep in any tank, reservoir, stream, well or ditch, any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health;

(b) whilst suffering from any contagious, infectious or loathsome disease, bathe on, in or near any bathing-platform, lake, tank, reservoir, fountain, deistern, duct. standpipe, steam or well.

Regulation of Factories, Trades, etc

313. Factory, etc. not to be newly established without permission of Commissioner.

No person shall-

(i) Newly establish in any premises,

(ii) remove from one place to another,

(iii) re-open or renew after discontinuance for a period of not less than three years, or

(iv) enlarge or extend the area or dimensions of, any factory, workshop or work place in which it is intended to employ steam, water, electrical or other mechanical power or any bakery except with the previous written permission of the Commissioner nor shall any person work or allow to be worked any such factory, workshop, workplace or bakery without such permission:

Provided that for the purpose of clause (iii) no such permission shall be required if during the period of discontinuance the machinery has not been removed from the place where the factory, workshop or bakery was originally established.

314. Prohibition of corruption of water by chemicals, etc.

No person engaged in any trade or manufacture specified in section 376 or the

rules shall,-

(a) wilfully cause or suffer to be brought or to flow into any lake, tank reservoir, cistern, well, duct or other place for water belonging to the Corporation or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid;

(b) wilfully do any act connected with any such trade or manufacture as aforesaid. whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for water is fouled or corrupted.

Prevention and checking spread of dangerous diseases.

315. Power of Commissioner, Medical officer of Health, etc. in case of dangerous diseases.

In the event of any person being found to have been attacked with a dangerous disease or any person being found suffering with such disease in any place or vehicle it shall be lawful for the Commissioner or the Medical Officer of Health or any other municipal officer to take such measures as are prescribed by rules.

316. Any place may at any time be inspected for purpose of preventing spread of dangerous disease.

The Commissioner may at any time, by day or by night, without

Prohibition of corruption of water by chemicals, etc

Power of Commissioner, Medical officer of Health, etc. in case of dangerous diseases

Any place may at any time be inspected for purpose of preventing spread of dangerous disease

notice or after giving such notice of his intention as shall, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he shall think fit to prevent the spread of the said disease beyond such place.

317. Destruction of huts and sheds when necessary.

If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

318. Closure of lodging and eating houses.

The Commissioner may on being satisfied that it is in the public interest so to do, by written order direct that any lodging house or any place where articles of food and drink are sold or prepared, stored or exposed for sale, being a lodging house or place in which a case of a dangerous disease exists or has recently occurred, shall be closed for such period as may be specified in the order :

Provided that such lodging house or place may be declared to be open if the Medical Officer of Health certifies that it has been disinfected or is free from infection.

Special Sanitary Measures.

319. Commissioner may take special measure on outbreak of any dangerous disease.

In the event of the City being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious disease breaking out or being likely to be introduced into the City amongst cattle including under this expression sheep and goats, the Commissioner, if he thinks the ordinary provisions of this Act and the rules or of any other law at the time in force are insufficient for the purpose, may, with the sanction of the ¹¹[State] Government-

- (a) take such special measures, and
- (b) by public notice prescribe such temporary orders to be observed by the public or by any person or class of persons, as are specified in the rules and as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(2) The Commissioner shall forthwith report to the Corporation any measures taken and any orders made by him under sub-section (1).

Disposal of the Dead

320. Places for disposal of the dead to be registered

(1) Every owner or person having the control of any place already used for burying, burning or otherwise disposing of the dead, shall apply to the Commissioner within a period of six months from the appointed day to register the same and the Commissioner shall cause the same to be registered.

(2) Such application shall be accompanied by a plan, bearing the

Destruction of huts and sheds when necessary

Closure of lodging and eating houses

Commissioner may take special measure on outbreak of any dangerous disease

Places for disposal of the dead to be registered

¹¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

signature of a licensed surveyor in token of its having "been prepared by or under the supervision of such surveyor, of the place to be registered, showing the locality, boundaries and extent of the same.

The application shall also contain information as regards the name of the owner of person or community interested therein, the system of management and such further particulars as the Commissioner may require.

(3) The Commissioner may, on receipt of such application and plan, register the said place in a register which shall be kept for this purpose.

(4) The Commissioner shall cause to be deposited in the municipal office at the time of registration the plan referred in sub-section (2).

(5) If the Commissioner is not satisfied with the plan or statement or particulars, he may refuse or postpone registration, until his objections have been removed.

(6) Every place vesting in the Corporation used for burying, burning or otherwise disposing of the dead shall be registered in the register kept under sub-section (3), and a plan showing the locality, extent and boundaries thereof and hearing the signature of the City Engineer shall be deposited in the municipal office.

321. Provision of new places for disposal of the dead.

(1) If the existing places for the disposal of the dead shall at any time appear to be insufficient, or if any place is closed under the provisions of section 323, the Commissioner shall, with the sanction of the Corporation, provide other fit and convenient places for the said purpose, either within or without the City, and shall cause the same to be registered in the register kept under section 320, and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof showing the locality, extent and boundaries of the same and bearing the signature of the City Engineer.

(2) All the provisions of this Act and the rules and by-laws shall apply to any place provided under sub-section (1) without the City and vesting in the Corporation as if such place were situate within the City.

322. New places for disposal of the dead not to be opened without permission of Commissioner.

No place which has never previously been lawfully used as a place for the disposal of the dead and registered as such shall be opened by any person for the said purpose without the written permission of the Commissioner who, with the approval of the Corporation, may grant or withhold such permission.

323. ¹²[State] Government may direct closing of any place for disposal of dead.

(1) If, from information furnished by competent persons and after personal inspection, the Commissioner shall at any time be of opinion-(a) that any place of public worship is or is likely to become injurious to health by reason of the state of the vaults or graves within the walls of or underneath the same, or in any church-yard or burial

Provision of new places for disposal of the dead

New places for disposal of the dead not to be opened without permission of Commissioner

State] Government may direct closing of any place for disposal of dead

¹² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

ground adjacent thereto, or

(b) that any other place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health or is otherwise no longer suitable for such use, he may submit his said opinion, with the reasons therefor, to the Corporation, which shall forward the same, with its opinion, for the consideration of the ¹³[State] Government.

(2) Upon receipt of such opinion, the ¹⁴[State] Government, after such further inquiry, if any, as it shall deem fit to cause to be made, may, by notification-published in the Official Gazette and in the local newspapers, direct that such place of public worship or other place for the disposal of the dead be no longer used for the disposal of the dead. Every order so made shall be noted in the register kept under section 320.

(3) On the expiration of two months from the date of any such order of the ¹⁵[State] Government, the place to which the same relates shall be closed for the disposal of the dead.

(4) A copy of the said notification, with a translation thereof in such language or languages as the Corporation may from time to time specify, shall be affixed on a conspicuous spot on or near the place to which the same relates, unless such place be a place of public worship.

324. ¹⁶[State] Government may sanction re-opening of places which have been closed for disposal of dead.

(1) If, after personal inspection, the Commissioner shall at any time be of opinion that any place formerly used for the disposal of the dead, which has been closed under the provisions of section 323 or under any other law or authority, has by lapse of time become no longer injurious to health, and may without inconvenience or risk of danger be again used for the said purpose, he may submit his said opinion, with the reasons therefor, to the Corporation, which shall forward the same with its opinion for the consideration of the ¹⁷[State] Government.

(2) upon receipt of such opinion the ¹⁸[State] Government after such further inquiry, if any, as it shall deem fit to cause to be made, may, be notification published as provided in section 323, direct that such place be reopened for the disposal of the dead. Every order so made shall be noted in the register kept under section 320.

325. Burials within places of worship and exhumations not to be made without permission of Commissioner.

(1) No person shall, without the written permission of the Commissioner under sub-section (2)-

(a) make any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah of any place of worship;

¹³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

¹⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

¹⁵ Same as 13.

¹⁶ Same as 13.

¹⁷ Same as 13.

¹⁸ Same as 13.

- (b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 323;
- (c) build, dig, or cause to be built or dug any grave, or vault, or in any way dispose of, or suffer or permit to be disposed of, any colapse at any place which is not registered in the register kept under section 320;
- (d) exhume any body, except under the provisions of section 176 of the Code of Criminal Procedure, 1898, [V of 1898] or of any other law for the time being in force, from any place for the disposal of the dead.

(2) The Commissioner may in special cases grant permission for any of the purposes aforesaid, subject to such general or special orders as the ¹⁹[State] Government may from time to time make in this behalf.

326. Acts prohibited in connection with disposal of dead.

No person shall-

- (a) retain a corpse on any premises, without burning, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance;
- (b) carry a corpse or part of a corpse along any street without having and keeping the same decently covered or without taking such precautions to prevent risk of infection or injury to the public health as the Commissioner may, by public notice from time to time think fit to require;
- (c) except when no other route is available, carry a corpse or part of a corpse along any street along which the carrying of corpses is prohibited by a public notice issued by the Commissioner in this behalf;
- (d) remove a corpse or part of a corpse, which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle;
- (e) whilst conveying a corpse or part of a corpse, place or leave the same on or near any street without urgent necessity;
- (f) bury or cause to be buried any corpse or part of a corpse in a grave or vault or otherwise in such manner as that the surface of the coffin, or, when no coffin is used, of the corpse or part of a corpse shall be at a less depth than six feet from the surface of the ground;
- (g) build or dig, or cause to be built or dug, any grave or vault in any burial ground at a less distance than two feet from the margin of any other grave or vault;
- (h) build or dig, or cause to be built or dug, a grave or vault in any burial ground in any line not marked out for this purpose by or under the order of the Commissioner;
- (i) without the written permission of the Commissioner, re-open for the interment of a corpse or of any part of a corpse, a grave or vault already occupied;
- (j) after bringing or causing to be brought to a burning-ground any corpse or part of a corpse, fail to burn or cause the same to be burnt

¹⁹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

within six hours from the time of the arrival thereof at such ground;

(k) when burning or causing to be burnt any corpse, or part of a corpse, permit the same or any portion thereof to remain without being completely reduced to ashes or permit any cloth or other article used for the conveyance or burning of such corpse or part of a corpse to be removed or to remain on or near the place of burning without its being completely reduced to ashes.