

NUISANCES, BOMBAY TOWN ACT 1842

ACT No. XIV. OF 1842

(Rep., Act 14 of 1856)

[25th November, 1842.]

Passed by the Hon'ble the President of the Council of India in Council, on the 25th of November, 1842, with the assent of the Right Hon'ble the Governor General of India.

AN Act for giving greater facility in the abatement and prosecution of Nuisances in and through the Towns and islands of Bombay and Colaba.

I. It is hereby enacted, that no person shall throw, or deposit, or cause to be thrown or deposited any offensive matter or thing whatever on any open space of ground contiguous to any public thoroughfare on the islands of Bombay or Colaba.

II. And it is hereby enacted, that the owner or occupier of every such open space shall on a written order from the Court of Petty Sessions for such purpose forthwith enclosed the same with a fence or wall, and in default thereof for the space of ten days the said Court shall cause such enclosure to be made, and the expense thereof shall be defrayed by the Municipal Fund, and the said owner or occupier shall be liable to a penalty not exceeding twice the amount so expended.

III. And it is hereby enacted, that it shall be lawful for the said Court of petty Sessions to order and direct, that proper and suitable drains or gutters for the conveyance of wastage, water, filth and other offensive matter proceeding from the houses or premises of any of the inhabitants or occupiers thereof, shall be made and built by the owners of such houses in such manner as the said Court of Petty Sessions shall direct, and upon such owners failing so to do, and also to keep the same in repair, for the space of ten days after notice to that effect shall have been given by the said Court, the said Court may cause such drains or gutters to be built or repaired, and the expense thereof shall be defrayed out of the Municipal Fund, and the said owners shall be liable to a penalty not exceeding twice the amount of such expense ; provided always that a default in the making or repairing such drains or gutters has created or is likely to create a public nuisance.

IV. And it is hereby enacted, that the owners or occupier of any house or tenement having a privy erected upon his premises shall have such privy shut out by a sufficient wall or fence from the view of persons passing by.

V. And it is hereby enacted, that every privy, sink, drain, water courses, compound, yard, lane or passage adjoining or belonging to any house or premises shall be kept clean by the owners or occupiers thereof, so that the same shall not become a public nuisance.

VI. And it is hereby enacted, that no person shall throw or deposit and filth or rubbish on the roof, or weather-boards of any buildings, or suspend therefrom any article whatever so as to project over any street or public thoroughfare. Nor shall any person bathe himself or wash any animal or clothes, or throw any offensive matter, or thing whatever in or into any of the public tanks or wells, and the Governor in Council is hereby empowered from time to time by Proclamation to declare what tanks or wells shall be deemed Public, and also which of such Public tanks or wells may be used for the purpose of bathing and washing linen therein.

VII. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions to require any person, owner or tenant, keeping a public brothel or lodging house for Prostitutes, or disorderly character of any description in any of the more public roads or streets of Bombay and Colaba to shut up the same or to remove such tenants from the premises, and on his failing to do so within the time specified in a notice to be given to him to that effect, he shall be deemed to have offended against the provision of this Act.

VIII. And it is hereby enacted, that no person shall keep a Coffee Shop, Eating House, or any place of Public resort, other than a legally licensed Tavern or Spirit Shop, without the permission or license of the

Court of Petty Sessions, which Court is hereby empowered to grant such permission or license in writing, and which may be revoked by the said Court on good and sufficient cause.

IX. And it is hereby enacted, that all offences against this Act shall be summarily inquired into and decided by the Court of Petty Sessions, and every offence for which there is not a special penalty shall be punishable by a fine not exceeding two hundred Rupees.

X. And it is hereby enacted, that all fines imposed under this Act shall be paid into the General Treasury for the benefit of the Municipal Fund.
