

ACT No. XXI OF 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 8th October,
1891.)

An Act to amend the Lower Burma Municipal
Act, 1884.

WHEREAS it is expedient to amend the Lower
Burma Municipal Act, 1884; It is hereby enacted XVII
1884.
as follows:—

Additions to
section 2, Act
XVII, 1884.

1. In section 2 of the Lower Burma Municipal
Act, 1884, the word "and" at the end of the defini- XVII
1884.
tion of "inhabitant" shall be omitted, and, after the
definition of "street," the following shall be inserted,
namely:—

" 'sewage' means night-soil and other proper con-
tents of water-closets, latrines, urinals, privies, drains
and cesspools :

" 'drain' includes a sewer, pipe, ditch or channel,
or any other device for carrying off sulliage, sewage
or polluted water : and

" 'drainage-connection' includes—

(a) any drain or pipe between any water-closet,
latrine, urinal, privy, bathroom, cookroom,
sink, sulliage-tray, manhole or trap on the
one hand and any sewer or drain set apart
by the committee for sulliage, sewage and
other offensive matter on the other hand,
and

(b) any cistern, flush-tank, land, building, machin-
ery, work or thing for collecting and pass-
ing into any sewer or drain vested in the
municipal

municipal committee, or used for so collecting and passing, any sulliage, sewage or polluted water."

2. In section 41, sub-section (1), division (A), of the said Act the following shall be added after clause (d), namely:—

Addition to section 41, Act XVII, 1884.

"(e) a toll on vehicles and animals used as aforesaid entering the municipality and not liable to taxation under the preceding clause:

Provided that any person may compound for exemption from all tolls leviable in respect of any animal or vehicle under this clause by paying the tax which would have been leviable in respect thereof under clause (d) if the same had been kept within the municipality."

3. For section 61, sub-section (2), clause (k), the following shall be substituted, namely:—

Substitution of new clause for section 61, sub-section (2), clause (k), Act XVII, 1884.

"all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the committee, with the sanction of the Local Government, to be an appropriate charge on the municipal fund."

4. For section 75 of the said Act the following shall be substituted, namely:—

Substitution of new section for section 75, Act XVII, 1884.

"75. (1) Every person intending to erect or re-erect any building shall, if required by rule made by the committee in this behalf to do so, give notice in writing of his intention to the committee, and shall, if required by rule made by the committee in this behalf to do so, submit with such notice—

Notice of new buildings.

(i) a site-plan of the land;

(ii) where the land belongs to the Government or the committee, a certified copy of the document or documents authorizing him to occupy the land, and, on the requisition of the committee, the original document or documents

documents also if the committee desires to inspect it or them ;

- (iii) a plan showing the levels at which the foundation and lowest floor or plinth are proposed to be laid, and specifications of the work intended to be constructed and the materials to be used.

“(2) The committee may at any time within six weeks thereafter, by notice, either prohibit the erection or re-erection of such building if deemed likely to be injurious to the inhabitants of the neighbourhood, or give any directions consistent with this Act in respect of all or any of the matters following, namely :—

- (a) trespass or encroachment on land belonging to the Government or the committee ;
- (b) free passage or way in front of the building ;
- (c) space to be left about the building to secure free circulation of air and facilitate scavenging and for the prevention of fire ;
- (d) ventilation and drainage ;
- (e) level and width of foundation, level of lowest floor or of plinth and stability of structure ;
- (f) line of frontage with neighbouring buildings if the building abuts on a street or public thoroughfare ; and
- (g) situation of water-closets, latrines, urinals, privies, drains, cesspools, traps, sinks, sullage-trays and wells :

Provided that the committee shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street.

“(3) If any building is begun or erected or re-erectioned in contravention of any such rule as aforesaid, or in disobedience to any such prohibition as aforesaid, or in contravention of any such written direction as aforesaid, the committee may, by notice, require the
building

building to be altered or demolished, as it may deem necessary.

“(4) The expression ‘erect or re-erect any building’ includes—

- (a) any material alteration or enlargement of any building,
- (b) the conversion into a place for human habitation of any building not originally constructed for human habitation,
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place,
- (d) the conversion of two or more places of human habitation into a greater number of such places,
- (e) such alteration of the internal arrangements of a building as effects an alteration of its drainage or sanitary arrangements, or affects its security, and
- (f) the addition of any rooms, buildings, out-houses or other structures to any building.”

5. After section 75 the following section shall be added, namely :—

Addition of new section after section 75, Act XVII, 1884.

“75A. (1) The committee may by rules regulate in respect of the erection or re-erection of any building within the municipality—

Power of committee to make rules as to mode of construction of buildings.

- (a) the materials and method of construction to be used for external and party walls, roofs, floors, fire-places and chimneys ;
- (b) the position of fire-places, chimneys, drains, privies and cesspools ;
- (c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on ;
- (d) the number and height of the storeys of which the building may consist ; and

(e) the

(e) the means to be provided for egress from the building in case of fire :

Provided that the committee may by resolution dispense with the observance of any or all of the rules made under this section in regard to the erection or re-erection of any building specified in the resolution.

“(2) If in and during the erection or re-erection of any building any rule under this section is contravened, the committee may by notice, to be delivered within a reasonable time, require the building to be altered or demolished within the space of thirty days as it may deem necessary :

“Provided that no such notice shall issue in respect of the contravention of any rule of which the observance has been dispensed with under the proviso to sub-section (1).

“(3) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.”

Substitution
of new sec-
tion for sec-
tion 91, Act
XVII, 1884.

Provision
and removal
of privies and
the like.

6. For section 91 of the said Act the following shall be substituted, namely :—

“91. (1) The committee may, by notice, require the owner of any building or land to remove or provide, in such manner as the committee may direct, any water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sulliage-tray, or any additional water-closets, latrines, urinals, privies, drains, cesspools, traps, sinks or sulliage-trays, which should, in its opinion, be provided for the building or land.

“(2) The committee may, by notice, require any person employing more than twenty workmen or labourers to provide such water-closets, latrines, urinals, privies, drains, cesspools, traps, sinks or sulliage-trays as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

“(3) The committee may, by notice, require the owner or occupier of any building or land to have any
water-

water-closet, latrine, urinal or privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee may direct, any door or trap-door of a water-closet, latrine, urinal or privy opening on to any street or drain."

7. For section 92 of the said Act the two sections following shall be substituted, namely :—

Substitution of two new sections for section 92, Act XVII, 1884.

"92. (1) The committee may, by notice, require the owner or occupier of any building or land to close, repair, alter or put in good order any water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sulliage-tray belonging thereto.

Closing, alteration and repair of privies and the like.

"(2) The committee may, by notice, require any person who constructs any new water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sulliage-tray without its permission in writing or contrary to its directions or regulations or to the provisions of this Act, or who constructs, re-builds or opens any water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sulliage-tray which it has ordered to be demolished or stopped up or not to be made, to demolish the water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sulliage-tray, or to make such alteration therein as it thinks fit.

"92A. (1) Where any building or land situated within one hundred feet of one of the sewers or drains set apart by the committee for sulliage, sewage or other offensive matter is at any time not drained to the satisfaction of the committee by any or a sufficient drainage-connection with such sewer or drain, the committee may by notice require the owner of such building or land to make and maintain a drainage-connection with the sewer or drain in such manner as the committee may, by rule made with the sanction of the Local Government, direct.

Making and maintaining drainage-connection with sewer or drain.

"(2) The provisions of sections 109 and 110 of this Act shall apply to any default in compliance with

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any such requisition notwithstanding that part of the land through which the said drainage-connection is required to pass may not belong to the person so making default, unless he shall prove that the default was caused by the act of the owner or occupier of such last-mentioned land.

“(3) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.”

Amendment of section 106, clause (h), Act XVII, 1884, and addition to same section.

8. In section 106, clause (h), the word “and” at the end of the clause shall be omitted; and after the said clause the following clause shall be added, namely:—

“(hA) for requiring and regulating the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality; and”.

Addition of new section after section 132, Act XVII, 1884.

9. After section 132 the following section shall be added, namely:—

Obligation of municipal servants to discharge their duties.

“132A. (1) In the absence of a written contract to the contrary every sweeper employed by a committee shall be entitled to one month’s notice before discharge or to one month’s wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

“(2) Should any sweeper hereafter employed by a committee in the absence of a written contract authorizing him so to do and without reasonable cause resign his employment or absent himself from his duties without giving one month’s notice to the committee, or neglect or refuse to perform his duties or any of them, he shall be liable to imprisonment which may extend to two months.

“(3) The Local Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers shall apply also to any specified class of servants employed by any committee whose functions intimately concern the public health or safety.”