

ACT NO. VII OF 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 11th March 1856.)

AN ACT to enable the Bombay Government to provide for a due supply of water for public use in the Islands of Bombay and Colaba.

Preamble. WHEREAS it is necessary to prevent the waste of drinking water in the Islands of Bombay and Colaba, and to empower the Government to prevent the consumption of such water otherwise than as drinking water, and to make an economical disposition of the drinking water in wells and tanks, in order to provide for a due supply of such water for the public during the present year; It is enacted as follows :—

I. It shall be lawful for the Governor of Bombay in Council, in case he shall deem the same to be absolutely necessary for the public safety, at any time before the 1st of August next, to direct the Police to take possession of all or any of the tanks and wells, whether private property or not, throughout the said Town and Islands, containing drinking water, not being tanks or wells in or under an occupied house and to deepen and improve the same, and to retain possession thereof until the said 1st of August, and during such period to prevent the consumption of the water thereof otherwise than as drinking water, and to superintend the distribution of the water thereof under the orders of Government, or of Officers appointed by Government; and it shall be lawful for the Police, when so ordered, to enter upon the premises in which any such tank or well ordered to be taken possession of by them is situate, and to take possession of the same,

Governor in Council
may authorize the Po-
lice to take possession
of private tanks, &c.

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and to prevent the consumption of the water thereof otherwise than as drinking water, and to distribute the water thereof in such manner, and in such quantities, and on such conditions as shall from time to time be ordered by Government.

II. It shall also be lawful for the said Governor in Council to direct
Removal of Cattle. by proclamation the removal of any Cattle from any part of the said Islands situate to the South of a line drawn from Love Grove on the West to Chinchpooglee on the East shore, and to authorize the Police to enforce the same by seizing and conveying to a public pound any Cattle found to the South of the said line; and the Cattle so seized and the owners thereof shall be dealt with according to the law for the time being in force for the seizure and sale of stray Cattle and the punishment of the owners.

III. Whoever impedes or obstructs the Police in the discharge of
Penalty for obstructing Police, &c. their duty under this Act, or prevents the public or any individual from coming on premises in which any private tank or well ordered to be taken possession of by the Police is situate, for the purpose of taking such water therefrom as shall be allowed by the Police, or prevents the public or any individual from taking and removing such water; and whoever wilfully does any act whereby the water of such well or tank shall be rendered unfit for drinking, or takes water in excess of the quantity allowed, or makes use of the water in any manner contrary to such orders of Government as shall be publicly notified—shall be liable, on conviction in a summary manner before a single Magistrate of Police, to a fine not exceeding one hundred Rupees or imprisonment for a period not exceeding thirty days.

IV. Every owner or tenant of any private tank or well, taken for the
Compensation to owners of private tanks and other persons injured. use of the public under this Act, and every person who shall sustain loss or injury by reason of any interference with a private right under the provisions of this Act, shall be entitled to claim compensation from the Municipal Fund of Bombay. In case of any such claim, the amount of such compensation shall be in the first place fixed and tendered by a Committee appointed by the Governor in Council; and in case of the right to compensation being denied, or of no such tender being made, or of the party

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or parties claiming compensation being dissatisfied with the amount tendered, such party or parties shall be at liberty to sue the Board of Conservancy in the name of their Clerk for compensation in the Supreme Court or the Court of Small Causes in Bombay as the case may be, and the costs of every such suit shall be in the discretion of the Court trying the same; and any sum of money recovered in any such suit shall be paid out of the Municipal Fund.
