

Repealed by L.P. Act ^{XLVII} of 1958.

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SIND ACT No. V OF 1955.¹

[THE SIND VILLAGE SANITATION ACT, 1955.]

[28th April, 1955].

An Act to make better provision for the purpose of improving sanitary conditions of villages in the Province of Sind.

WHEREAS it is expedient to make better provision for the purpose of improving the sanitary conditions of villages in the Province of Sind; It is hereby enacted as follows :—

PART I.

Preliminary.

1. (1) This Act may be called the Sind Village Sanitation Act, 1955. Short title and extent.

(2) It extends to the whole of the Province of Sind.

2. During such time as Part II of this Act and the rules made thereunder shall be in force in any village, sections 33 and 34 of the Sind District Police Act, 1867, shall cease to have any operation in the said village. Repeal of enactment.

Sind VII
of 1867.

3. In this Act, unless there be something repugnant in the subject or context—

(a) "village" means any local area declared to be a "village" under sub-section (1) of section 5 of this Act.

(b) "prescribed" means prescribed by a rule made under this Act ;

(c) "open air stall" means any portion of a public street or any public open space without a permanent structure of any kind thereon occupied temporarily for the sale of wares or for a show, performance or any other remunerative object ;

(d) "nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or may be dangerous to life or injurious to health or property ;

(e) "public street" shall means any street—

(a) over which the public have a right of way, or

(b) heretofore levelled, paved, metalled, channelled, sewered or repaired, out of the funds of a sanitary committee or other public funds.

¹ For Statement of Objects and Reasons, see S. G. G., 1955, Pt. IV, p. 60 ; and for proceedings in Assembly, see S. L. A. Debates, 1955, Vol. IV, Book No. 2, pp. 38-43.

Operation
of Part II.

4. (1) Part II shall come into force in any village to which the Collector extends the same, under the power hereinafter conferred upon him in this behalf, from such date as the Collector shall direct and shall continue in force when so extended, until the Revenue Commissioner directs by notification in the *Official Gazette* that it shall cease to have operation in such village :

Provided that it shall always be open to the residents of an area not provided with any form of Local Self-Government unit to ask for the establishment of a Sanitary Committee by a written application to the Collector made by not less than 20 adult residents of such area.

Part II
how to be
extended
to a village.

5. (1) Subject to the control of the Revenue Commissioner and Provincial Government, the Collector may,—

(a) by notification in the *Official Gazette*, declare any local area in his district to be a village for the purpose of this Act, and

(b) extend Part II to any such village.

(2) For the purpose of extending Part II to any such village, the Collector shall cause to be published by posting up copies thereof in conspicuous places in his own office and in the office of the Mukhtiarkar and of the Mahalkari within whose taluka or mahal the said village is situate and in Tapedar's dero or some other public building in the said village, a proclamation in the language of the district directing that unless a proclamation be thereafter issued by him to the contrary, Part II shall extend to the said village on and from a date to be specified in the proclamation, which shall not be less than two months after that on which the proclamation is posted up in the village, and stating that any objection which any inhabitant of the village may desire to make to the said extension will, if submitted to the Collector not later than one month before the said specified date, be received and considered.

(3) If, after considering any objections which may have been made as aforesaid, the Collector is of opinion that good cause exists for not extending Part II to the village or for not extending it thereto immediately, he may, by proclamation, published as aforesaid—

(a) cancel his previous proclamation; or

(b) from time to time defer the extension for a village for a specified period.

(4) If the Collector suspends the extension of Part II to the village for specified period, he may thereafter, by proclamation, published as aforesaid—

(a) at any time abandon the proposed extension ; or

(b) from time to time defer the extension for a further specified period.

PART II.

Sanitary Committees.

6. (1) There shall be a Sanitary Committee in every village to which this part is extended. The said Committee shall consist of three or more adult residents of the village elected in the manner and from persons possessing the qualifications prescribed by rules made by the Provincial Government in this behalf :

Each village
to have a
Sanitary
Committee.

Provided that any vacancy due to failure to elect, even after a second opportunity for election is provided, the full number of members of the said Committee may be filled by the Provincial Government by nomination from among the adult residents of the village who are qualified to be elected.

(2) The Committee shall be presided over by a Chairman who shall be elected by the members from among their number.

(3) The members of the Committee shall hold office for a term of three years extensible by an order of the Provincial Government to a term not exceeding in the aggregate five years.

(4) On the expiry of the term of office of a Sanitary Committee the Chairman shall continue to discharge the functions of his office until such time as a new Chairman is elected and takes office :

Provided that a meeting for the election of a new Chairman shall be called by the Chairman of the retiring committee and on his failure to do so within fifteen days from the expiry of the term of office of the retiring committee the Collector may call such meeting.

(5) The rules made under this section shall be laid upon the table of the Sind Legislative Assembly at the session of the said Assembly next following and shall be liable to be added to, modified or rescinded by a resolution of the Assembly and such rules shall, after notification of such resolution in the *Official Gazette*, be deemed to have been added to, modified or rescinded accordingly.

Duties of the
Chairman.

7. It shall be the duty of the Chairman to—

(a) preside, unless prevented by reasonable cause, at all meetings of the Committee, and to regulate the conduct of business at such meetings ;

(b) watch over and direct the financial and executive administration of the Committee ;

(c) furnish to the Collector or such other officer as the Collector may from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the Committee and extracts from minutes of the proceedings of the Committee or other document or thing which the Collector or that officer calls for from time to time.

Records of
Committee's
proceedings.

8. The proceedings of the Sanitary Committee shall be recorded in the prescribed manner (or, until rules are made under section 9, in such manner as the Collector by written order directs) by the Sanitary Munshi or such other person as the Collector appoints in this behalf and, in their absence by such other person as the Committee may employ for the purpose ; and the said record shall be verified by the signature of the Chairman or of some other member of the Committee authorized by the Committee in that behalf below each day's proceedings.

Sanitary
Committee
to make
Rules.

9. The Sanitary Committee shall from time to time, make rules with the approval of the Collector—

(a) for regulating its proceedings and determining the manner in which they shall be recorded ;

(b) for procuring and preserving for the use of the village an adequate supply of pure potable water ;

(c) for the cleansing of streets and open spaces of the village ;

(d) for preventing accumulation of offensive and noxious matter in the village ;

(e) for preventing nuisances and indecent or insanitary acts or omissions in the village ;

(f) for destroying unwholesome fruits, vegetables, meat, fish and fowls ;

(g) for registration of births and deaths ;

(h) generally for giving effect in the village to the purposes of this Act.

10. (1) For not less than three months before any rule which it is proposed to make under section 9 is to come into force, the Committee shall exhibit a copy thereof at the Tapedar's dero or some other public building in the village, and there shall be affixed to such copy a notice that objections thereto made in writing to the Collector not later than one month before the date fixed for its coming into force—which date shall be specified—will be received and considered.

Procedure
for making
rules.

(2) Any objections so made shall be considered by the Collector in consultation with the Committee. If, on such consideration, it shall seem desirable to alter or withdraw the proposed rule, such alteration or withdrawal shall be effected by a notice exhibited as aforesaid. If the Collector deems it expedient to suspend the operation of a rule, it may be suspended for a specified period by a notice exhibited as aforesaid which shall state that objections thereto, made as aforesaid not later than one month before the expiry of the said period, will be received and considered. Any objection so made shall be considered as aforesaid, and, if it then seems desirable to alter or withdraw the rule, the same shall be notified as aforesaid.

(3) Subject to the provisions of sub-section (2) every rule made by the Committee, with the approval of the Collector and notified as aforesaid, shall come into force on the day notified in this behalf.

11. Whenever it shall come to the notice or knowledge of the Sanitary Committee that any person in the village has apparently committed or is accused of having committed a breach of any rule made by the Committee under section 9 such Committee may, by notice in writing, require such person's attendance before the Committee. If necessary the Committee may serve the notice through the Collector or any person authorised by him in this behalf.

Prosecution
of offenders
against the
rules.

12. (1) All offences against the rules made by the Committee under section 9 shall be cognizable by the Committee.

Cognizance
by the
Committee
of offences
against
the rules.

(2) For the purpose of exercising this jurisdiction, the Committee shall assemble as often as shall be necessary, or as the District Magistrate shall direct, at the Tapedar's dero or some other convenient place within the village or near thereto.

(3) The Committee shall, in the presence of the accused person, or if, notwithstanding the service of a notice upon the said person as aforesaid, he fails to appear without showing reasonable cause,

then in his absence, take evidence as to the alleged offence and any evidence produced by the said person in his defence, and shall thereupon either acquit or convict the accused person and, if he is convicted, may sentence him to such punishment authorised by this Act or by the rules as it thinks reasonable :

Provided that :—

No member of a Sanitary Committee who is a party to or has any interest in any case shall take part in the proceedings of the Committee while it is trying such case.

Any dispute as to a member being a party to or interested in a case shall on a written application from the party be referred to the Collector or such officer as he may authorise in this behalf for decision.

(4) The District Magistrate may, for sufficient cause, transfer any case pending before a Sanitary Committee to any other Sanitary Committee within his district.

13. (1) A person convicted by the Committee, may at any time within one month after sentence is passed against him, appeal to the District Magistrate or other Magistrate vested under the Code of Criminal Procedure, 1898, with appellate jurisdiction over the place where the sentence is passed, or to such other Magistrate as the District Magistrate may, subject to the orders of ¹[the] Provincial Government from time to time, appoint in this behalf.

(2) If such person gives notice of his intention to appeal the execution of the sentence shall be suspended until the lapse of one month from the date the sentence is communicated to the accused, or, if an appeal is made, until it is disposed of. If within one month no appeal is made, the sentence passed shall be executed.

(3) The Magistrate who hears the appeal may confirm, reverse or modify the decision of the Sanitary Committee and may pass any order as to punishment which it was competent to the Committee to pass. His order shall be enforced in like manner as one made by the Sanitary Committee.

(4) The said Magistrate may suspend execution of the sentence pending disposal of the appeal when such suspension shall appear to him necessary or expedient on such terms as shall seem reasonable.

¹ Ins. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III.

14. For the purposes of providing for the village an adequate supply of pure potable water, of cleansing the streets and open spaces thereof, of removing offensive and noxious matter therefrom and for other purposes conducive to the health and comfort of the inhabitants of the village, the Sanitary Committee may utilize, as far as available, the voluntary labour of inhabitants of the village and when it is insufficient, may from time to time, employ such servants and authorise such expenditure as may be necessary for the purpose aforesaid.

Sanitary Committee may authorize expenditure for necessary works or measures.

15. The Sanitary Committee may subject to the approval of the Collector, impose for the purpose of this Act—

Sanitary Committee may impose rate on open air stalls.

- (i) a rate on open air stalls ;
- (ii) a sanitary cess ; and
- (iii) a tax on fairs and festivals.

16. For all sums paid on account of any tax, rate, cess or fine under this Act, a receipt stating the amount and the tax, rate, cess, or fine on account of which it has been paid, shall be tendered by the persons receiving the same.

Receipts to be given for all payments.

17. Any sum of money of which the expenditure is authorised by the Sanitary Committee may be raised by voluntary subscription or levied under section 15 or may be recovered by a rate fixed with the approval of the Collector and assessed by the Sanitary Committee on the inhabitants of the village if the same is not available from any other source :

Necessary moneys for expenditure may be raised by voluntary subscription or by a rate on the inhabitants.

Provided that the amount assessed on any inhabitant of such village shall be subject to appeal to the Collector within thirty days of the said inhabitant being notified thereof and the Collector's decision shall be final.

18. The Sanitary Committee shall prepare annually a budget statement showing the estimated income and expenditure for the next year and submit it before the end of January to the Collector for approval. Such budget shall be approved with or without modifications by the Collector before the end of March. The Sanitary Committee may incur expenditure within the budget so approved, but if any further expenditure not included in the budget is required, the previous sanction of the Collector shall be obtained thereto by the Committee.

Sanitary Committee to prepare annually a statement of income and expenditure.

Incorporation of Sanitary Committee.

19. Every Sanitary Committee shall be a body corporate by the name of 'The Sanitary Committee of.....' and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name.

Compound or compromise of any suit.

20. (1) Every Sanitary Committee may, subject to the prior approval of the Collector, compound or compromise in respect of any suit instituted by or against it or in respect of any claim or demand arising out of any contract entered into by such committee for such money on compensation as it shall deem sufficient.

(2) Every Sanitary Committee may, subject to the prior approval of the Collector, make compensation out of the funds of the Sanitary Committee to any person sustaining any damage by reason of the exercise of any of the powers vested in it under this Act.

Power to acquire, hold and transfer property.

21. (1) A Sanitary Committee may acquire and hold property, both moveable and immovable, whether within or without the limits of the village or villages subject to its authority.

(2) All property of the nature hereinafter in this sub-section specified may be transferred to or vested in the Committee exercising authority in the village in which such property is situate, either by the Provincial Government or by an officer appointed by the Provincial Government in this behalf or by the District Local Board to which it belongs or in which it vests ; and on such transfer the said property shall be deemed always to have so vested and shall, together with all other property, or whatsoever nature or kind acquired by it and every work constructed by it at its own cost, be under the direction, management and control of the said Committee and shall be held and applied by it as a trustee, subject to the provisions and for the purposes of this Act, that is to say—

(a) public markets, slaughter houses, manure and night soil depots, places used by a public for the purposes of erecting temporary stalls or generally for the purpose of carrying on any trade or business, and all public buildings of every description ;

(b) public streams, springs, pools, tanks, ponds, wells, cisterns, reservoirs, aqueducts, conduits, pipes, pumps, and all other water works for the supply, [storage] or distribution of water for public purposes, and all buildings, bridges, engines, works, materials and things connected with or appertaining to such water works ;

(c) public sewers, drains, cesspools, incinerators, water courses, culverts, tunnels and all works, materials and things appertaining thereto ;

(d) public bathing ghats and recreation grounds ;

(e) public lamps, lamp posts and apparatus connected therewith or appertaining thereto ;

(f) public streets and the pavements, stones and other materials thereof and all trees, erections, implements and things existing on or appertaining to such streets ; and

(g) land or other property transferred to the Committee by gift, purchase or otherwise for local public purposes.

22. (1) Subject to the provisions of this Act every Sanitary Committee shall be competent by a resolution duly recorded to lease, sell or otherwise transfer any moveable or immoveable property which may, for the purposes of this Act, have become vested in or been acquired by it, and, so far as is not inconsistent with the provisions and purposes of this Act, to enter into and perform all such contracts and do all such other things as it may consider necessary for the purposes of this Act : Mode of executing contracts.

Provided that no contract involving an expenditure exceeding one hundred rupees or purchase of immoveable property (involving similar expenditure) shall be made without the previous sanction of the Collector :

Provided further that in the case of every lease of immoveable property for a term exceeding three years, and every sale or other transfer of such property, the previous sanction of the Collector is required.

(2) Every contract which under the law for the time being in force is required to be in writing shall be signed and sealed with the common seal of the Committee.

23. All moneys received by or on behalf of a Sanitary Committee by virtue of this or any other Act ; all taxes, rates, cesses, fines, fees and penalties paid to or levied by it or on its behalf under this Act ; all proceeds of land or other property sold by a Sanitary Committee and all rents accruing from its land or other property and all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise, shall constitute the Sanitary Committee fund and shall be held and applied by it as a trustee, subject to the provisions and for the purposes of this Act. Sanitary Committee Fund.

Property
and funds of
Sanitary
Committee,
how to be
applied.

24. All property vested in a Sanitary Committee under this Act, and all funds received by it or on its behalf in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force, shall be held and applied, subject to the provisions and for the purposes of this Act, within the limits of the area for which the Sanitary Committee is constituted :

Provided that it shall be lawful for a Sanitary Committee, with the previous sanction of the Collector, to incur expenditure beyond the said limits, for the construction, maintenance or repairs of works for the benefit of the persons residing within the said limits or, with the like sanction, for making contribution to any war fund organised within or beyond the said limits :

Provided further that it shall be lawful for the Sanitary Committee, with the like sanction, out of any unappropriated balance of money standing to its credit, to make such contribution on such terms as it shall deem expedient to the cost of any work construction by a local board in fulfilment of the duties imposed on it by section 50 of the Sind Local Boards Act, 1923 :

Sind VI
of 1923.

Provided further that every member of a Sanitary Committee shall be personally liable for the misapplication of any money or other property of the Sanitary Committee to which he has been a party or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member and he may be sued by the Sanitary Committee, with the sanction of the Collector, or by the Collector for recovery of or compensation for the misapplication of such money or property ; and any money or property so recovered by the Collector shall after satisfaction therefrom of the necessary expenses of such recovery, be delivered to the Sanitary Committee.

Power to
deposit and
invest sur-
plus funds.

25. (1) It shall be lawful for a Sanitary Committee to deposit with such bank as may be approved by the Collector any surplus fund in its hands which may not be required for current charges, and to invest such funds in public securities as defined in clause (18) of section 3 of the Sind District Municipal Act, 1901, in the name of the Sanitary Committee and, from time to time, to dispose of such securities as may be necessary.

Sind III
of 1901.

(2) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (1) be deposited in the Local Government treasury or in such other place of security as may be sanctioned for this purpose in the rules of the Sanitary Committee.

26. (1) When a Sanitary Committee ceases to exist or to have jurisdiction over any area subject to its authority, the property and rights vested in such Committee under this Act shall, subject to all charges and liabilities affecting the same, vest in the district local board of the district in which the area over which such committee ceases to have jurisdiction is situated.

Vesting of property rights of a Sanitary Committee ceasing to exist or to have jurisdiction.

Provided that such property as may have been transferred to or vested in such Committee either by the Provincial Government or by the district local board shall, on such cessation, revert to the Provincial Government or the district local board, as the case may be.

(2) The property so vested in the district local board shall, as far as practicable, be applied for the benefit of the residents of the area over which the Committee has jurisdiction.

27. The Executive Engineer of the district and any of his subordinate, the Assistant Director of Public Health, the Civil Surgeon of the District, the District Medical Officer or any Subordinate of a Local Board, having authority at the place, whom the Collector may appoint generally or specially in this behalf shall have, in relation to a Sanitary Committee, such rights and duties as are assigned to certain officers in relation to Local Boards by sub-section (1) of section 40 of the Sind Local Boards Act, 1923.

Certain Government Officers to advise Sanitary Committee.

28. The Collector after giving the person concerned an opportunity of being heard and after recording his reasons may remove from office any member or chairman of a Sanitary Committee who appears to be incompetent or who has been guilty of any misconduct or neglect of duty which appears to render his removal expedient.

Removal from office of any member or Chairman of a Sanitary Committee.

29. (1) Whenever for any reason a vacancy occurs or is about to occur in the office of a member or Chairman of a Sanitary Committee, the vacancy shall be filled by election under the foregoing provisions of this Act:

Filling up of vacancies.

Provided that when the vacancy is not filled by election as aforesaid, it shall be filled by nomination by the [Provincial] Government and every person so appointed shall be deemed to be duly elected under this Act.

(2) During any such vacancy the continuing members of a Sanitary Committee may act as if no vacancy had occurred.

1 Ins. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III.

Questions to be decided by majorities.

30. Every question which comes before a Sanitary Committee for decision shall be decided by a majority of votes of the members present and voting at a prescribed meeting of such committee or at a meeting thereof assembled by direction of the Collector or otherwise after notice duly issued to all the members, the member who presides having a second or casting vote when there is an equality of votes.

Act of Sanitary Committee not to be invalidated by informalities.

31. No act of a Sanitary Committee or of any person acting as a member or as a Chairman of Sanitary Committee shall be deemed to be invalid by reason only of some defect in the appointment of such a Committee or person or on the ground that any of them was disqualified for the office of member, or that formal notice of the intention to hold a meeting of the Sanitary Committee was not duly given, or for any other such mere informality.

Signing of summonses, etc.

32. Summonses, notices, orders, etc., issued by Sanitary Committee or with its authority may be signed on behalf of the Committee by the Chairman or in the absence of such chairman by the member presiding at any meeting of such Committee.

Punishment for breach of rules made under this Act.

33. A breach of any rule made by a Sanitary Committee under this Act in respect of any matter other than the matters specified in clause (a) of section 9 shall be punishable, unless in any case a smaller maximum punishment is prescribed by the said rules, with fine which may extend to ten rupees, and, in the case of a continuing breach, with fine which may extend to two rupees for every day after conviction for the first breach or after receipt of notice from the Committee to discontinue the breach, during which the breach continues:

Provided that no prosecution for an offence under this Act or of any rules thereunder shall be instituted except within three months next after the commission of such offence.

Order for levy of fines.

34. A Sanitary Committee may allow to a person sentenced to pay a fine such time not exceeding four days as it may think proper for payment of the fine on such term as to security as it shall seem to the committee necessary to impose.

Levy of fines and rules.

35. All fines for the levy of which an order has been issued as aforesaid, all sums assessed on account of any rate, cess, tax or fee under this Act, which are not paid within 15 days from the service of such notice of demand, shall be leviable by such person as the Collector, or the Sanitary Committee with the Collector's

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1908.

sanction, appoints in that behalf, by distress and sale of any moveable property of the person liable therefor, subject to such exception as are enacted in the Code of Civil Procedure in respect of the sale of moveable property in execution of decrees.

36. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the Chairman of the Sanitary Committee or the person by whom the notice was signed shall at once give notice to the person, in whose possession the property was when seized, to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the notice be forthwith paid. Sale of goods
distrained.

(2) If not sold at once under sub-section (1), the property seized or a sufficient portion thereof may, unless the notice is suspended by the person who signed it, or the sum due by the defaulter is paid, be sold by public auction under the orders of the person authorized by the Collector or the Sanitary Committee in this behalf and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due.

(3) The surplus, if any, shall be forthwith credited to the account of the Sanitary Committee notice of such credit being given at the same time to the person from whose possession the property was taken. But if the same be claimed by written application to the Sanitary Committee within one year from the date of the notice, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the Sanitary Committee.

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1860.

37. Every member of a Sanitary Committee and every person employed under such Committee shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, Members
and servants
of the
Sanitary
Committee
to be public
servants.

38. (1) Any District Local Board may from time to time assign, by way of donation or loan, to the Sanitary Committee of any village subject to its authority, for expenditure on any purpose contemplated by this Act, such sum out of the portion of the local fund at its disposal as it shall think proper. Contribu-
tions and
loans form
local boards.

(2) But no sum shall be so assigned by way of loan without the sanction of the Collector and every sum assigned by way of loan with such sanction shall be recoverable by the Collector in such instalments of interest and of principal as shall be agreed upon between

the parties, by a rate charged and assessed with the approval of the Collector by the Sanitary Committee upon the inhabitants of the area subject to the authority of such Committee.

Annual contribution to every Committee by Provincial Government and District Local Boards.

39. (1) The Provincial Government shall make payment annually out of the revenues of the Province to every Sanitary Committee of a sum equal to three-twelfths of the amount of the expenditure incurred by the Sanitary Committee during the previous financial year for the purposes of this Act.

(2) Notwithstanding anything contained in the Sind Local Boards Act, 1923, every district local board shall assign and cause to be paid annually out of the district local board fund to each Sanitary Committee of any village in the area subject to its authority a sum equal to four-twelfths of the expenditure incurred by each such Committee during the previous financial year for the purpose of this Act.

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VI of
1923.

(3) If any local board makes default in making the payment as provided in sub-section (2) it shall be lawful for the Collector to recover the amount thereof in the manner provided in sub-section (2) of section 126 of the Sind Local Boards Act, 1923, and pay it to the Sanitary Committee entitled to it.

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VI of
1932.

Execution of works in which two or more Sanitary Committees are jointly interested.

40. (1) Works for the supply of water or for the drainage of two or more villages subject to the authority of different Sanitary Committees and any other work or measure conducive to the common health or comfort of two or more such villages may, upon request made with the approval of the Collector by all such Committees or by a majority of them, be executed by or under the direction of the Collector or of such other officer as the Revenue Commissioner for Sind may appoint in this behalf.

Recovery of cost of such work.

(2) The cost of any such work or measure shall be divided between the several Committees in such proportions as shall be agreed upon by them or, in default of such agreement, as the Collector shall determine; and shall be recoverable in the said proportions by a rate charged and assessed with the approval of the Collector by each Committee upon the inhabitants of the areas subject respectively to the said Committee's authority; subject to the same limit as ¹[is laid down in the proviso to section 17].

¹ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III, for "it laid down in proviso to 17".

(3) Where any work undertaken or proposed by a Committee constituted under this Act shall be such as to interfere with or materially affect any work undertaken or proposed by a District Local Board, the latter **** may require the Sanitary Committee to desist from such work as aforesaid and it shall thereupon be the duty of ²[the District Local Board to make reasonable provision,] within reasonable time, for supplying to the area under the authority of the Sanitary Committee such means of health, cleanliness and decency, or means equivalent thereto, as would have been furnished by the work abandoned in consequence of such requisition as aforesaid.

Abandonment of the work proposed to be undertaken by a Sanitary Committee in favour of a work to be undertaken by a Local Board.

(4) For the purposes of obtaining information as to any work intended or in course of construction, to which the provisions of the preceding sub-section may apply, it shall be lawful for the District Local Board to call for such report from the Sanitary Committee through the Collector, as shall be necessary and reasonable, and to cause such inspection and report to be made by any person in its employment, as it shall deem necessary in this behalf, and it shall be the duty of the Sanitary Committee concerned to comply with such requisition and to give reasonable aid and furtherance to any inspection ordered as aforesaid.

Local Boards may call for information in such cases.

41. Any power conferred or duty imposed by this Act upon the Collector may be delegated by him to an Assistant or Deputy Collector.

Collector's functions under this Act may be delegated.

42. In the discharge of the duties and exercise of authority assigned to them by this Act, Collector, Magistrate, and other public servants shall be subject to the like control as in the discharge of their ordinary functions.

Collectors, Magistrates and other public servants subject to usual control in the exercise of authority.

43. (1) No Magistrate, Collector, Chairman, ³[or] member of a Sanitary Committee shall be liable to any penalty or to payment of damage for any act by him done in good faith in pursuance or intended pursuance of any authority or duty conferred or imposed upon him by this Act.

Identity of persons acting in good faith under this Act.

(2) No public servant or person duly authorized or appointed shall be liable as aforesaid for giving effect in good faith to any order or direction issued with apparent authority by a person empowered in that behalf under this Act or under any rule made hereunder.

Sind I of 1889. 44. The Sind Village Sanitation Act, 1889, is hereby repealed. Repeal.

¹ The words "the District Local Board to make reasonable provision," rep. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 6, Sch. II.

² Ins. *ibid*, s. 7, Sch. III.

³ Ins. *ibid*.