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UTTAR PRADESH
MUNICIPAL CORPORATIONS ADHINIYAM, 1959

CHAPTER V

Duties and Powers of the Corporation and Corporation Authorities

[114. Obligatory duties of the Corporation.-It shall be incumbent on the Corporation to make reasonable and adequate provision, by any means or measures which it is lawfully competent to it to use or to take, for each of the following matters, namely,-

- (i) erection, where there are no natural boundary marks, of substantial boundary marks of such description and in such a position as shall be approved by the State Government defining the limits or any alteration in the limits of the City;
- (ii) the naming or numbering of streets and to public places vesting in the Corporation and the numbering of premises;
- (iii) the collection and removal of sewage, offensive matter and rubbish and treatment and disposal thereof including establishing and maintaining farm or factory;
- (iv) the watering, scavenging and cleansing of all public streets and places in the City and the removal of all sweepings therefrom;
- (v) the construction, maintenance and cleansing of drains and drainage works, and of public latrines, water-closets, urinals and similar conveniences;
- (vi) supplying, constructing and maintaining in accordance with the general system approved by the Corporation receptacles fittings pipes and other appliances whatsoever on or for the use of premises for receiving and conducting the sewage thereof into drains under the control of the Corporation;
- (vii) the management and maintenance of all Corporation waterworks and the construction or acquisition of new works necessary for a sufficient supply of water [for domestic, industrial and commercial purposes];
- (viii) guarding from pollution water used for human consumption and preventing polluted water from being so used;

CHAPTER X
Drains and Drainage
Corporation Drains

228. Drains to be constructed and kept in repair by the Municipal Commissioner.—(1) Subject to any general directions which the Executive Committee may from time to time give in this behalf, the Municipal Commissioner shall maintain and keep in repair all Corporation drains and may with the approval of the Executive Committee construct such new drains both within and without the City as shall from time to time be necessary for effectually draining the City and areas immediately around it :

Provided that no drain shall be constructed within the limits of the Cantonment without the approval of the State Government and otherwise than with the concurrence of the General Officer Commanding the Division in which such Cantonment is situate or, in the event of such concurrence being withheld, the previous sanction of the Central Government.

(2) The Municipal Commissioner shall also, in the case of any street in which there is a municipal drain, construct at the charge of the Corporation Fund such portion of the drain of any premises to be connected with such a Corporation drain as it shall be necessary to lay under part of such street and the portion of any connecting drain so laid under the street shall vest in the Corporation and be maintained and kept in repair by the Municipal Commissioner as a Corporation drain.

229. Adoption of Corporation of drains and drainage or sewage disposal works.—(1) Subject to the other provisions of this Act the Municipal Commissioner may at any time with the approval of the Corporation declare that any drain or part thereof or any drainage or sewage disposal works situate within the City or serving the City or any part thereof shall, from such date as may-be specified in the declaration, become vested in the Corporation.

(2) The Municipal Corporation in deciding whether a declaration should be made under Sub-section (1) shall have regard to all the circumstances of the case and, in particular, to the following considerations—

- (a) whether the drain works in question is or are adapted to or required for, any general system of drainage or drainage disposal or sewage disposal which the Municipal Commissioner has provided for the City or any part thereof;
- (b) whether the drain is constructed under a street or under land reserved by or under the provision of this Act or any other law for the time being in force for a street;
- (c) the number of buildings which the drain is intended to serve, and whether, regard being had to the proximity of other buildings or the prospect of future development, it is likely to be required to serve additional buildings;
- (d) the method of construction and state of repair of the drain or works; and
- (e) whether the making of the proposed declaration would be seriously detrimental to the owner of the drain or works in question.

(3) Whenever it is proposed to make a declaration under Sub-section (1), the Municipal Commissioner shall give written notice, of the proposal to the owner or owners of the drain or works in question to show cause against it within, a period of

one month from the date of service and the declaration shall not be made until the expiry of the period aforesaid, or where any objection has been lodged until the objection has been disposed of.

(4) Where a declaration referred to in Sub-section (1) relates to a drain or drainage or sewage disposal works situate within the jurisdiction of some local authority other than the Corporation or situate within the City but serving an area, or part of an area, within the jurisdiction of such local authority, the Municipal Commissioner shall also give notice to that authority and no declaration shall be made until either that authority has consented thereto or the State Government has dispensed with the necessity of such consent, whether unconditionally or subject to such conditions as it may think fit to impose.

(5) No declaration under Sub-section (1) shall be made with respect to any drain or part of a drain or any works as is or are vested in some local authority other than the Corporation or the Central- Government or a Railway Administration, except on the request of the authority, the Government or Railway Administration, concerned.

(6.) Any person who, immediately before the making of a declaration under Sub-section (1) was entitled to use the drain in question shall notwithstanding the declaration be entitled to use it, or any drain substituted therefor, to the same extent as previously.

230. Power of making drains.—(1) The Municipal Commissioner may carry and Corporation drain through, across or under any street or any place laid out as or intended for a street or under cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the City or, for the purpose of outfall or distribution of sewage, without the City.

(2), The Municipal Commissioner may enter upon, and construct any new drain in the place of an existing drain in any land wherein any Corporation drain has been already lawfully constructed, or repair, or alter any Corporation drain so constructed.

231. Alteration, etc. and discontinuance of drains.—The Municipal Commissioner may enlarge, alter the course of, deepen, lessen, arch over or otherwise improve any Corporation drain, and may discontinue, close up or destroy any such drain which has, in his opinion become useless or unnecessary, or prohibit the use of any such drain either entirely, or for the purpose of foul water drainage or for the purpose of surface drainage :

Provided that, if by reason of anything done under this section any person is deprived of the lawful use of any drain the Municipal Commissioner shall, as soon as may be, provide, at the cost of the Corporation for his use some other drain as effectual as the one which has been discontinued, closed up or destroyed or the use of which has been prohibited.

232. Cleansing of drains.—(1) The Corporation drains shall be so constructed, maintained and kept as to create the least practicable nuisance and shall be from time to time properly flushed, cleansed and emptied.

(2) For the purpose of flushing, cleansing and emptying the said drains, the Municipal Commissioner may construct or set such reservoirs, sluices, engines and other works as he shall from time to time deem necessary.

Drains of Private Streets and Drainage of Premises

233. Power to connect drain of private street with Corporation drain.—The owner of a private street may, subject to his fulfilling the conditions to be prescribed connect the drain of such street with a Corporation drain.

234. Right of owners and occupiers of buildings and lands to drain into Corporation drains.—(1) Subject to the other provisions of this section, the owner or occupier of any premises shall be entitled to cause his drain to empty into a (corporation drain or other place lawfully set apart for the discharge of drainage :

Provided that nothing in this sub-section shall entitle any person—

- (a) to discharge directly or indirectly into any Corporation drain any trade affluent except in the accordance with the provisions of Section 240 or any liquid or other matter the discharge of which is prohibited by or under this Act or any other law for the time being in force;
- (b) where separate Corporation drains are provided for foul water and for surface water to discharge directly or indirectly-
 - (i) foul water into a drain provided for surface water; or
 - (ii) except with the permission of the Municipal Commissioner surface water into a drain provided for foul water; or
- (c) to have his drain made to communicate directly with a storm water overflow drain.

(2) Every person desirous of availing himself of the provisions of Sub-section (1) shall obtain the written permission of the Municipal Commissioner and shall comply with such conditions as the Municipal Commissioner may prescribe as to the mode in which and the superintendent under which connections with Corporation drains or other places aforesaid are to be made.

(3) The Municipal Commissioner may, if he thinks fit, in lieu of giving permission aforesaid under Sub-section (2) himself so connect the drain, or sewer after giving notice to the person concerned within fourteen days of the receipt of his application. In any case where the Municipal Commissioner proceeds under this sub-section, the reasonable expenses of any work so done shall be paid by the person aforesaid.

235. Power of Municipal Commissioner to require drain or proposed drain to be so constructed as to form part of general system.—(1) Where a person proposes to construct a drain, the Municipal Commissioner may, if he considers that the proposed drain is or is likely to be needed to form part of a general drainage system which the Corporation has provided or process to provide, require him to construct the drain in a manner differing, as regards material or size of pipes, depth, fall, direction or outfall or otherwise from the manner in which he proposes to construct, and thereupon it shall be the duty of such person to comply with the requisition of the Municipal Commissioner.

(2) The Municipal Commissioner shall reimburse from the Corporation Fund to the person constructing a drain in accordance with Sub-section (1), the extra expenditure reasonably incurred by him in complying with the requisition and until the drain becomes a Corporation drain, he shall also from time to time reimburse to him from the Corporation Fund so much of any expenses reasonably incurred by him in repairing or maintaining it as may be attributable to the requisition having been made and complied with.

236. Connections with Corporation drains not to be made except in conformity with Sections 233 and 234—Except as provided by Sections 233 and 234 or as may be prescribed, no person shall make or cause to be made any connection of a drain belonging to himself or to some other person with any Corporation drain or other place lawfully set apart for the discharge of drainage, and the Municipal Commissioner may, after notice to the person concerned, close, demolish, alter or remake any such connection made in contravention of this section, and the expenses incurred by the Municipal Commissioner in so doing shall be paid by the owner of the street, or the owner or occupier of the premises, for the benefit of which the connection was made, or by the person offending.

237. Right of owners and occupiers of premises to carry drain through land belonging to other persons.—(1) If it shall appear to the Municipal Commissioner that the only means or the most convenient means by which the owner or occupier of any premises can cause his drain to empty into a Corporation drain or other place lawfully set apart for the discharge of drainage, is by carrying the same into, through or under any land belonging to some person other than the said owner or occupier, the Municipal Commissioner may, by order in writing, authorize the said owner or occupier to carry his drain into, through or under the said land in such manner as he shall think fit to allow.

(2) No authorization shall be made under Sub-section (1) except after notice to the owner of the land and considering the objection, if any, filed by him.

(3) Every such order under Sub-section (1) bearing the signature of the Municipal Commissioner shall be complete authority to the person in whose favour it is made, or his agent or servant to enter after reasonable written notice, upon the said land with assistants and workmen, at any time between sunrise and sunset and to execute the necessary work.

(4) Subject to the provisions of this Act, the owner or occupier of any premises, any agent or person employed by him for this purpose, may, after giving or tendering to the owner of any land, wherein a drain has been already lawfully constructed for the drainage of his said premises, reasonable written notice of his intention so to do, enter upon the land with assistants and workmen, at any time between sunrise and sunset and construct a new drain in the place of the existing drain or repair or alter any drain so constructed.

(5) In executing any work under this section as little damage, as may be, shall be done, and the owner or occupier of the premises for the benefit of which the work is done shall—

- (a) the work to be executed with the least practicable delay;
- (b) fill in, reinstate and make good, at his own cost and with the least practicable delay, the ground or portion of any building or other construction opened, broken up or removed for the purpose of executing the said work;
- (c) pay compensation to any person who sustains damage by the execution of the said work.

(6) If the owner of any land, into, through or under which a drain has been carried under this section whilst such land was unbuilt upon, shall subsequently, at any time desire to erect a building on such land, the Municipal Commissioner shall by written notice require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove or divert the same in such manner as shall be

approved by the Municipal commissioner and to fill in, reinstate and make good the land as if the drain had not been carried into, through or under the same :

Provided that no such requisition shall be made, unless, in the opinion of the Municipal Commissioner it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment thereof, that the drain be closed, removed or diverted.

238. Municipal Commissioner may enforce drainage of undrained premises situate within hundred feet of Corporation drain.—Where any premises are, in the opinion of the Municipal Commissioner, without sufficient means of effectual drainage and a Corporation drain or some place lawfully set apart for the discharge of drainage is situate at a distance not exceeding one hundred feet from some part of the said premises the Municipal Commissioner may, by written notice, require the owner or occupier of the said premises—

- (a) to make a drain of such material, size, description and laid at such level and according to such alignment and emptying into such municipal drain or place aforesaid as the Municipal Commissioner may consider necessary or suitable;
- (b) to provide and set up and all such appliances and fittings as may appear to the Municipal Commissioner necessary for the purposes of gathering and receiving the drainage from and conveying the same off the said premises and of effectually flushing such drain and every fixture connected therewith;
- (c) to remove and existing drain, or other appliance or thing used or intended to be used for drainage, which in the opinion of the Municipal Commissioner is injurious to the health or to provide a closed drain in substitution of an open drain or to provide similarly such other appliances or things as he may consider necessary;
- (d) to provide and set up all such appliances and fittings as may appear to the Municipal Commissioner to be necessary for the purposes of gathering and receiving the waste water from floors and galleries of buildings when they are washed, and conveying the same through spouts or by down-take pipes so as to prevent such waste water from discharging directly on streets or inside lower portion of the premises.

239. Municipal Commissioner may enforce drainage of undrained premises not situate within hundred feet of Corporation drain.—Where any premises are, in the opinion of the Municipal Commissioner, without sufficient means of effectual drainage, but to Corporation drain is situated within one hundred feet from some part of the said premises, the Municipal Corporation may by written notice, require the owner or occupier, of the said premises—

- (a) to construct, a drain up to a point to be prescribed in such notice, but not distant more than one hundred feet from some part of the said premises; or
- (b) to construct a closed cesspool of such material, size and description in such position, at such level, and with allowance for such fall as the Municipal Commissioner thinks necessary and also construct a drain or drains emptying into such cesspool.

240. Special provisions relating to trade effluent.—Subject to the provisions of this Act, the rules and the bye-laws and any other law in that behalf, the occupier of

any trade premises, may, discharge into the Corporation drains any trade effluent proceeding from those premises.

241. Power of Municipal Commissioner to drain premises in combination.—

(1) Where the Municipal Commissioner is of the opinion that any group or block of premises, any part of which is situated within one hundred feet of a Corporation drain, or other place set apart by the Corporation for the discharge of drainage already existing or about to be constructed, may be drained economically or advantageously in combination than separately, the Municipal Commissioner may cause such group or block of premises drained by such method as appears to the Municipal Commissioner to be best suited therefor, and the expenses incurred by the Municipal Commissioner in so doing shall be paid by the owners of such premises in such proportions as the Municipal Commissioner thinks fit.

(2) Not less than fifteen days before any work under this section is commenced the Municipal Commissioner shall give written notice to the owners of all the premises to be drained, of—

- (a) the nature of intended work;
- (b) the estimated expenses thereof; and
- (c) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under Sub-section (1) shall be the joint owners of every drain constructed, erected or fixed, or continued for the special use and benefit only of such premises, and shall in the proportions in which it is determined that the owners of such premises are to contribute to the expenses incurred by the Municipal Commissioner under Sub-section (1), be responsible for the expenses of maintaining every such drain in good repair and efficient condition :

Provided that every such drain from time to time be flushed, cleansed and emptied by the Municipal Commissioner at the charge of the Corporation Fund.

242. Municipal Commissioner may close or limit the use of existing private drains.—(1) Where a drain connecting any premises with a Corporation drain or other place lawfully set apart for the discharge drainage, even though such drain is sufficient for the effectual drainage of the said premises and is otherwise unobjectionable, is not, in the opinion of the Municipal Commissioner, adapted to the general drainage system of the City or of the part of the City in which such drain is situated, the Municipal Commissioner may—

- (a) subject to the provisions of Sub-section (2), close, discontinue, or destroy the said drain and after notice to the owner or occupier of the premises, cause any work necessary for that purpose to be done;
- (b) direct that such drain shall, from such date as he may specify in this behalf, be used for sullage and sewage only, or for rain-water only or for unpolluted sub-soil water only, or for both rain-water and unpolluted sub-soil water only, and by written notice require the owner or occupier of the premises to make an entirely distinct drain for rain-water or unpolluted sub-soil water or for both rain-water and unpolluted sub-soil water, or for sullage and sewage.

(2) No drain may be closed, discontinued or destroyed by the Municipal Commissioner under Clause (a) of Sub-section (1) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with any Corporation drain or other place aforesaid which the Municipal Commissioner thinks fit; and the expense of the construction of any drain

so provided by the Municipal Commissioner and of any work done under the said clause shall be paid by the Municipal Commissioner.

243. Vesting and maintenance of drains for sole use of properties.-Subject to the provisions of Sub-section (2) of Section 228 every drain which has been constructed, laid, erected or set up, whether at the expense of Corporation or not, or which is continued for the sole use and benefit of any premises or group of premises shall-

- (a) notwithstanding anything contained in Section 244 vest in the owner of such premises, or group of premises on and from the appointed day;
- (b) be provided with all such further appliances and fittings as may appear to the Municipal Commissioner necessary for the more effectual working of the same, and also be maintained in good repair and efficient condition by the owner of such premises or group of premises, and be from time to time flushed, cleansed and emptied by the Municipal Commissioner at the charge of the Corporation Fund.

244. Right of Corporation to drains, etc., constructed at charge of Corporation Fund on premises not belonging to Corporation.-All drains, ventilation-shafts and pipes and all appliances and fittings connected with drainage works constructed, erected or set up at any time at the charge of the Corporation Fund or at the charge of the funds of any local authority having jurisdiction in any part of the City before the date of the establishment of the Corporation upon any premises not belonging to the Corporation and otherwise than for the sole use and benefit of the premises or group of premises shall, unless the Corporation has otherwise determined, vest in the Corporation.

245. New buildings not to be erected without drains.—(1) It shall not be lawful newly to erect any building or re-erect any building, or to occupy any building newly erected or re-created unless and, until—

- (a) a drain be constructed of such size, material and description, at such level and with such fall as such appear to the Municipal Commissioner to be necessary for the effectual drainage of such building;
- (b) there have been provided for and set up in such building and in the premises appurtenant thereto, all such appliances and fittings as may appear to the Municipal Commissioner to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

(2) The drain to be constructed as aforesaid shall empty into a Corporation drain or into some place lawfully set apart for the discharge of drainage situated at a distance not exceeding one hundred feet from the premises in which such building is situated; but if no such drain or place is within that distance then such drain shall empty into such cesspool as the Municipal Commissioner may direct.

246. Obligation of owners of drains to allow use or joint ownership to others.—Every owner of the drain connected with a Corporation drain or other place lawfully set apart for the discharge of drainage shall be bound to allow the use of it to others or to admit other persons as joint owners thereof, on such terms as may be prescribed under Section 247.

247. How right of use or joint ownership of a drain may be obtained by a person other than the owner.—(1) Any person desiring to drain his premises into a

Corporation drain through a drain of which he is not an owner, may make a private arrangement with the owner for permitting his use of the drain, or may apply to the Municipal Commissioner for authority to use such drain or to be declared joint owner thereof.

(2) Where the Municipal Commissioner is of opinion, whether on receipt of such application or otherwise, that the only or the most convenient, means by which the owner or occupier of any premises can cause the drain of such premises to empty into a Corporation drain or other place legally set apart for the discharge of drainage is through a drain communicating with such Corporation drain or place aforesaid but belonging to some person other than the said owner or occupier, the Municipal Commissioner, after giving the owner of the drain a reasonable opportunity of stating any objection thereto, may, if no objection is raised or if an objection is raised the same is disallowed by an order in writing, either authorize the said owner or occupier to use the drain or declare him to be a joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the said premises with the communicating drain and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleansing and emptying the joint drain, or otherwise as may appear to him to be equitable.

(3) Every such order bearing the signature of the Municipal Commissioner shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the drain is situate with assistants and workmen, at any time between sunrise and sunset, and, subject to all provisions of this Act, to do all such things as may be necessary for-

- (a) connecting the two drains; or
- (b) renewing, repairing or altering the connections; or
- (c) discharging any responsibility attaching to the persons in whose favour the Municipal Commissioner's order is made for maintaining, repairing, flushing, cleansing or emptying the joint drain or any part thereof.

(4) in respect of the execution of any work under Sub-section (3) the person in whose favour the Municipal Commissioner's order is made shall be subject to the same restriction and liabilities which are specified in Sub-section (4) of Section 237.

248. Sewage and rain-water drains to be distinct.—Whenever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, the Municipal Commissioner may require that there shall be one drain for sullage, excrementitious matter and polluted water and another and an entirely distinct drain for rain-water and unpolluted sub-soil water each emptying into separate Corporation drains or other places lawfully set apart for the discharge of drainage or other suitable places.

249. Affixing of pipes for ventilation of drains, etc.—(1) For the purpose of ventilating any drain or cesspools whether Belonging to the Corporation or to any other person, the Municipal Commissioner, may erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as shall appear to the Municipal Commissioner necessary and cut through any projection from any building including the caves of any roof thereof in order to carry up such shaft or pipe through

any such projection and lay in, through, or under any land such appliances as may in the opinion of the Municipal Commissioner be necessary for connecting such ventilating, shaft or pipe with the drain or cesspool intended to be ventilated.

(2) Such shaft or pipe shall be erected or affixed or removed in such a manner as may be prescribed.

(3) If the Municipal Commissioner declines to remove a shaft or pipe when so required by the owner of the premises, building or tree, upon or to which the same has been erected or affixed in accordance with the rules made in this behalf, the owner may within fifteen days of the receipt by him of the reply of the Municipal Commissioner apply to the Judge for an order that the same be removed.

(4) In the hearing and the disposal of the application under Sub-section (3), the Judge shall follow such procedure as may be prescribed, and the order passed by the Judge shall be final and binding upon the parties.

(5) Where the owner of any building or land cut through, opened or otherwise dealt with under Sub-section (1) is not the owner of the drain or cesspool intended to be ventilated, the Municipal Commissioner shall, so far as practicable, reinstate and make good such building, and fill in and make good such land, at the charge of the Corporation Fund.

"Judge" as defined in Section 2 (32), means the Judge of the Court of Small Causes having jurisdiction in the City under the Provincial Small Cause Courts Act, 1887.

Disposal of Sewage

250. Appointment of places for emptying of drains and disposal of sewage.—The Municipal Commissioner may cause all or any Corporation drains to empty into any place, whether within or without the City, and dispose of the sewage at any place whether within or without the City, and in any manner which he shall deem suitable for such purpose :

Provided that—

- (a) the Municipal Commissioner shall not cause any Corporation drain to empty into any place into which a Corporation drain has not heretofore emptied, or dispose of sewage of any place or in any manner at or in which sewage has not heretofore been disposed of without the sanction of the Corporation;
- (b) no Corporation drain shall be made to empty into any place, and no sewage shall be disposed of at any place or in any manner which the State Government shall think fit to disallow.

251. Provision of means for disposal of sewage.—The Municipal Commissioner may, for the purpose of receiving, treating, storing, disinfecting, distributing or otherwise disposing of sewage, construct any work within or without the City or purchase or take on lease any land, building, engine, material or apparatus either within or without the City or enter into any arrangement with any person for any period not exceeding twenty years for the removal or disposal of sewage within or without the City

Water-closets, Privies, Urinals, etc.

252. Construction of water-closets and privies.—(1) It shall not be lawful to construct any water-closet or privy for any premises except with the written permission of the Municipal Commissioner and in accordance with such terms not,

being inconsistent with any rule or bye-law for the time being in force, as he may prescribe.

(2) In prescribing any such terms the Municipal Commissioner, may determine in each case—

- (a) whether the premises shall be served by the water-closet or by the privy system, or partly by one and partly by the other; and
- (b) what shall be the site or position of each water-closet or privy.

(3) If any water-closet or privy is constructed on any premises in contravention of Sub-section, (1), the Municipal Commissioner, may after giving not less than ten days' notice to the owner or occupier of such premises, close such water-closet or privy and alter or demolish the same, and the expenses incurred by the Municipal Commissioner, in so doing shall be paid by such owner or occupier or by the person offending.

253. Water-closets and other accommodation in buildings newly erected or re-erected.—(1) It shall not be lawful to erect or to re-erect or convert within the meaning of Section 315 any building for, or intended for, human habitation at or in which labourers or workmen are to be employed, without such water-closet or privy accommodation and such urinal accommodation and accommodation for bathing or for the washing of clothes and domestic utensils of such building as the Municipal Commissioner may prescribe.

(2) In prescribing any such accommodation the Municipal Commissioner may determine in each case—

- (a) whether such building or work shall be served by the water-closet or by the privy system, or partly by one and partly by the other;
- (b) what shall be the site or position of each water-closet, privy, urinal or bathing or washing place and their number.

(3) In determining the accommodation to be required under Sub-section (2) the Municipal Commissioner shall have regard to the necessity of providing adequate and suitable water-closet or privies and bathing places domestic servants employed by the occupants of the building.

254. Public necessities.—The Municipal Commissioner shall provide and maintain in proper and convenient situations water-closet, latrines, privies and urinals and other similar conveniences for public accommodation.

Inspection

255. Drains, etc., not belonging to Corporation, to be subject inspection and examination.—(1) All drains, ventilation shafts and pipes, cesspools, housegullies, water-closets, privies, latrines and urinals and bathing and washing places which do not belong to the Corporation which have been constructed, erected or set up at the charge of the Corporation Fund on premises not belonging to the Corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Municipal Commissioner.

(2) The Municipal Commissioner may, in the course of an inspection examination under Sub-section (1) obtain and take away a sample of any trade effluent which is passing from the premises inspected or examined into a Corporation drain. The analysis of such sample shall be made in the manner prescribed.

(3) The results of any analysis of the sample taken under Sub-section (2) shall be admissible as evidence in any legal proceedings under this Act.

256. Power to open ground, etc., for purposes of inspection or examination.—For the purpose of such inspection or examination the Municipal Commissioner may cause the ground or any portion of any drain or other work exterior to a building, which he shall think fit, to be opened, broken up or removed :

Provided that in the prosecution of any such inspection and examination as little damage as possible shall be done.

257. Municipal Commissioner may require repairs, etc., to be made.—When as a result of any inspection or examination under Section 255 the Municipal Commissioner finds that any drain, ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, latrine, urinal or bathing or washing place is not in good order or condition or, except when the same has been erected by or under the order of the Municipal Commissioner, if it has been instructed in contravention of any of the provisions of this Act or the rules or bye-laws or of any enactment for the time being in force, the Municipal Commissioner may require the owner by written notice to remove the defect in such manner as he may, subject to any rules or bye-laws in force, direct.

General Provisions

258. Prohibition of acts contravening the provisions of the Act, rule or bye-laws or done without sanction.—(1) No person, shall—

- (a) in contravention of any of the provisions of this Act or rules or bye-laws or of any notice issued or direction given under this Act or without the written permission of the Municipal Commissioner, in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy, or change any drain, ventilation-shaft or pipe, cesspool, water-closet, privy, latrine or urinal or bathing or washing place or any trap, covering or other fitting or appliance connected therewith;
- (b) without the written permission of the Municipal Commissioner, renew, rebuild or unstop any drain, ventilation-shaft or pipe, cesspool, water-closet, privy, latrine or bathing or washing place or any fitting or appliance, which has been ordered to be discontinued, demolished or stopped under any of the provisions of this Act or the rules or bye-laws;
- (c) without the written permission of the Municipal Commissioner, make any projection over or encroachment upon or in any way injure or cause or permit to be injured, any drain, cesspool, house-gully, water-closet, privy, latrine or urinal or bathing or washing place :

Provided that nothing in this clause shall apply to any weather-shade in width not exceeding three feet over any window which does not front a wall or window of any adjoining house;

- (d) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain any brick, stone, earth, ashes, dung or any substance or matter which is likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents;
- (e) pass or permit or cause to be passed, into any drain provided for a particular purpose any matter or liquid for the conveyance of which such drain has not been provided;
- (f) except as provided by or under this Act cause or suffer to be discharged into any drain any chemical refuse or waste steam or any liquid of temperature

higher than one hundred and twenty degrees Fahrenheit, being refuse or steam which when so treated is, either along or in combination with the contents of the drain, dangerous or the cause of a nuisance or prejudicial to health;

- (g) cause or suffer to be discharged into any drain, carbide of calcium or any such crude, petroleum, any such oil made from petroleum, coal, shale or bituminous substances, or such product of petroleum or mixture containing petroleum as gives off under test an inflammable vapour at a temperature of less than seventy-three degrees Fahrenheit.

(2) If the person carrying out any work or doing any act in contravention of the clauses of Sub-section (1) is not at the time of notice the owner of such building or work then the owner of such building or work shall be deemed to have been responsible for carrying out all such requisitions in the same way as the person so carrying out would have been liable.

259. Water-closets not to be injured or improperly fouled.—(1) No person shall injure or foul any water-closet, privy, urinal or bathing or washing place or any fittings or appliances in connection therewith which have been provided for the use in common of the inhabitants of one or more buildings.

(2) If any such water-closet, privy, urinal or bathing or washing place or any fitting or appliance in connection therewith or the approaches thereto or the walls, floors, or seats or anything used in connection therewith are in such a state as to be nuisance or source of annoyance to any inhabitants of the locality or passer-by for want of proper cleaning thereof, such of the persons having the use thereof as may be in default or in the absence of evidence as to which of the persons having the use thereof in common is in default, every such person shall be deemed to have contravened the provisions of this section.

(3) The provisions of this section shall not exempt the owner of the building or buildings from any penalty to which he may otherwise have rendered himself liable.

260. State Government may extend provisions of Chapter outside limits of City.—The State Government may, by order which shall be published in the official Gazette, apply to any area to be specified in the order but not lying beyond a distance of two miles from the limits of the City, the provisions of any section in this Chapter and of rules made thereunder, subject to such adaptations whether by way of modification, addition or omission, as it may deem to be necessary and expedient and thereupon the provision and rules so applied shall have effect in that area as if it were within the City.

261. Appeals.—Any person aggrieved by—

- (a) a declaration under Sub-section (1) of Section 229, or
- (b) notice under Sub-section (1) of Section 230 to connect the drain or sewer, or
- (c) the requisition of the Municipal Commissioner under Sub-section (1) of Section 235 to construct a drain in a different manner, or
- (d) a notice of the Municipal Commissioner under Section 236 of his intention to close, demolish, alter or remake any connection, or
- (e) an order of the Municipal Commissioner under Sub-section (1) of Section 237 authorizing as owner or occupier to carry his drain into, through or under the land of another person, or

- (f) a notice of the Municipal Commissioner under Sub-section (6) of Section 237 requiring the owner or occupier of any premises to close, remove or divert the drain in a particular manner, or
- (g) a notice of the Municipal Commissioner under Section 239, or
- (h) a notice under Clause (a) or a direction or notice under Clause (b) of Sub-section (1) of Section 242 issued by the Municipal Commissioner, or
- (i) a notice under Sub-section (3) of Section 252 of the Municipal Commissioner intention to close any water-closet or privy or to alter or demolish it, or
- (j) a notice under Section 257 requiring the owner to remove defects in any washing place.

may, within the prescribed time and in the prescribed manner, appeal to the Judge.

262. Power to make rules.—(1) The State Government may make rules for the purposes of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing powers such rules may provide for—

- (a) filing and disposal of objections to any notice under Sub-section (3) of Section 229;
- (b) the conditions and restrictions to be observed with reference to drains;
- (c) the construction, maintenance, improvement, alteration and discontinuance of drains;
- (d) the conditions for connections with municipal drains;
- (e) the conditions on which occupiers of trade premises may discharge any trade effluent into Corporation drains;
- (f) the manner in which samples of trade effluent shall be analysed;
- (g) the conditions to be observed in erecting or affixing ventilation-shafts or pipes under Section 249;
- (h) the construction position and maintenance of water-closets, privies, urinals, bathing places or washing places;
- (i) the manner in which the Municipal Commissioner shall exercise his powers under Sections 255 and 256;
- (j) payment of expenses of inspection and examination under Section 255 and 256;
- (k) the manner of filling and disposal of appeals filed under Section 261 and the period within which appeals may be filed.

CHAPTER XI

Water Supply

Construction and Maintenance of Corporation Waterworks

263. Power of the Corporation to construct, run or close waterworks.—For the purpose of providing the City with a supply of water, proper and sufficient, for public and private purposes, the Municipal Commissioner may, subject to the provisions of this Act, construct, maintain, repair, alter, improve, and extend waterworks and for the purposes aforesaid do all such acts as may be incidental or necessary including in particular—

- (i) the carrying of such works, through, across, over or under any street or place, and after reasonable notice in writing to the owner or occupier, into, through, over or under any building or land;
- (ii) purchasing or taking on lease any waterworks or right to store or to take or convey water either within or without the limits of the Corporation.

264. Inspection of waterworks.—(1) The State Government may appoint any person for the purposes of inspecting any waterworks referred to in Section 263 or any water connection and such person shall have liberty to enter upon and inspect any such waterworks or water connection.

(2) The Municipal Commissioner and any person appointed under Subsection (1) may, for the purpose of inspecting, repairing or executing any work in, upon or in connection with any waterworks or water connection at all reasonable times—

- (a) enter upon and pass through any land within or without the City, adjacent to or in the vicinity of such waterworks, or water connection in whomsoever such land may vest;
- (b) cause to be conveyed into and through any such land all necessary men, materials, tools and implements.

(3) In the exercise of any power conferred by this section, as little damage as can be, shall be done, and compensation for any damage which may be done in the exercise of any of the said powers shall be paid from the funds of the Corporation,

(4) Where any person has been appointed by the State Government for the purposes of inspection under Sub-section (1) he shall, as soon as may be, submit his report to the Municipal Commissioner who shall without delay lay it before the Executive Committee which shall then forward it to the State Government with its comments.

(5) The State Government shall upon receipt of the report with the comments, if any, of the Executive Committee, consider it and communicate its decisions to the Corporation and the Corporation shall be bound to implement the decision of the State Government, subject to funds being available for the purpose.

265. Fire-hydrants to be provided by the Corporation—The Municipal Commissioner shall provide, maintain and repair fire-hydrants and all incidental works for the supplying of water in case of fire at all such places as shall be deemed to be necessary.

266. Power of carrying water-mains, etc.—(1) For the purpose of carrying renewing and repairing water-mains, pipes, and ducts within or without the City, the Municipal Commissioner shall have the same powers and be subject to the same restrictions as he has, and is subject to, under the provisions hereinbefore contained for carrying, renewing and repairing drains within the City.

(2) This section shall apply in respect of carrying, renewing, and repairing private water-mains, pipes and ducts as it applies in respect of carrying, renewing and repairing, municipal water-mains, pipes and ducts.

267. Prohibition of certain acts affecting the Corporation waterworks.—(1) Except with the prior written sanction of the Municipal Commissioner, no person shall erect or re-erect any building, wall or structure of any kind or construct any street or minor railway over any Corporation water-mains.

(2) Except with the permission of the Corporation, no person shall—

- (a) erect any building for any purpose whatsoever on any part of such area as shall be demarcated by the Municipal Commissioner near any lake, tank, well, reservoir or river from which a supply of water is derived for a Corporation waterworks;
- (b) remove, alter, injure, damage or in any way interfere with the demarcation works of the area aforesaid;
- (c) extend, alter or apply to any purpose different to that to which the same has been heretofore applied, any building already existing within the area aforesaid; or
- (d) carry on, within the area aforesaid, any operation of manufacture, trade or agriculture in any manner or do any act whatsoever, whereby injury may arise to any such lake, tank, well, reservoir or river or to any portion thereof or whereby the water of any such lake, tank, well, reservoir or river may be fouled or rendered less wholesome.

(3) Except as hereinafter provided, no person shall—

- (a) cause or suffer to percolate or drain into or upon any Corporation waterworks or to be brought thereinto or thereupon anything or to be done any act, whereby the water therein may in any way be fouled or polluted or its quality altered;
- (b) after the surface of any Corporation land adjacent to or forming part of any such work by digging therein to or depositing thereon any substance;
- (c) cause or suffer to enter into the water in such work any animal;
- (d) throw or put anything into or upon the water in such work; ..
- (e) bath in or near such work; or
- (f) wash or cause to be washed in or near such work any animal or thing.

268. Remedy against acts in contravention of Section 267 and removal of latrines, etc., near any source of water-supply.—For any building, wall or structure erected or re-erected in contravention of the provisions of Sub-section (1) of Section 267 or any building erected in contravention of Clause (a) of Sub-section (2) of Section 267, the Municipal Commissioner may, with the approval of the Executive Committee, cause the same to be removed or otherwise dealt with as shall appear fit to him and the expenses thereby incurred shall be paid by the person offending.

(2) If any person persists in acting in contravention of the provisions of Clauses (b), (c) and (d) of Sub-section (2) of Section 267, the Municipal Commissioner may, with the approval of the Executive Committee, take measures including the use of such minimum force, as may be necessary to stop further contravention of the provisions of the aforesaid clauses.

(3) The Municipal Commissioner may by notice the owner or occupier on whose land a drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse exists

within fifty feet of a spring, well, tank, reservoir, river or other source from which water is, or may be, derived for public use, to remove or close the same within one week from the service of such notice and if such owner or occupier fails to comply with the demand within the time allowed, the Municipal Commissioner, may cause the same to be removed or closed and the expenses thereby incurred shall be paid by the person offending.

269. Obligation of Corporation imposing water-tax.—Where water-tax is levied on any building or land it shall be incumbent on the Municipal Commissioner to make provision for supply of water to owners and occupiers of such buildings or land in such manner, during such time and in such quantity as may be prescribed by rules:

Provided that the Corporation shall not be liable to any forfeiture, penalty or damages for failure to supply water if the same arises from accident or from unusual drought or other unavoidable causes.

270. Prohibition of fraudulent and unauthorized use of water.—(1) No person shall fraudulently dispose of any water supplied to him by the Corporation.

(2) No person to whom a private supply of water is furnished by the Corporation shall, except when the water-supply is charged for by measurement, permit any person who does not reside on premises in respect of which water-tax is paid to carry away water from the premises to which it is supplied.

(3) No person who does not reside on premises in respect of which water-tax is paid shall carry away water from any premises to which the private supply is furnished by the Corporation, unless in any case in which supply is charged for by measurement, he does so with the permission of the person to whom the said supply is furnished.

271. Power to make rules.—(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing powers such rules may provide for—

- (a) the maintenance, cleansing, efficient running and closure of a private water course, etc., within the limits of the Corporation;
- (b) the provisions for suitable measures for the inspection, disinfecting of any well, tank or other places from which water is likely to be taken for the purpose of drinking and for such steps as may be deemed necessary to prevent removal of water from the same;
- (c) the supply of water by agreement to any owner or occupier of a land or building within the limits of the Corporation with conditions and rates therefor;
- (d) purposes for the supply of water;
- (e) precedence in the matter of supply of water of domestic purpose over all other purposes;
- (f) the installation of water meters and connection pipes;
- (g) the size and nature of the meters, pipes, stand-pipes, or pumps and, hydrants, the manner in which they will be laid, constructed, controlled and maintained, with a view to maintain an efficient supply of water.
- (h) the mains or pipes in which fire plugs are to be fixed and the places at which keys of the fire plugs are to be deposited;

- (i) the periodical analysis by a qualified analyst of the water-supply by the Corporation;
- (j) the conservation and prevention of injury or contamination to sources and means of water-supply and appliances for the distribution of water, whether within or without the limits of the Corporation;
- (k) the manner in which connections with waterworks may be constructed or maintained and the agency which shall or may be employed for such construction or maintenance;
- (l) the regulation of all matters for the supply of water including the turning on and turning off and preventing the waste of water; and
- (m) the supply of water outside the limit of the Corporation and the collection of water-taxes and of charges relating to such supply and the prevention of evasion of the taxes.

CHAPTER XV

Sanitary Provisions

Scavenging and Cleansing

385. Municipal 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 Municipal Commissioner shall —

(1) provide for the surface cleansing of all streets in the City and removal of the sweeping therefrom;

(2) provide or appoint in proper and convenient situations, public receptacles, depots and places for the temporary deposit of —

- (a) dust, ashes, refuse and rubbish;
- (b) trade refuse;
- (c) carcasses of dead animals;
- (d) excrementitious and polluted matters;

(3) provide for the removal of the contents of all receptacles and deposits and of the accumulation at all places provided or appointed by him under the provisions of this Act for the temporary deposit of dust, ashes, refuse, rubbish, trade, carcasses of dead animals and excrementitious and polluted matter;

Provided that the final disposal of the matters referred to in Clauses (a) to (d) of Sub-section (2) shall be subject to any general or special directions of the Corporation or the State Government.

386. Regulation of the disposal of rubbish, etc. removed through private agency. — (1) The Municipal Commissioner may, with the previous sanction of the Executive Committee by public notice to be given in the manner prescribed by rule, issue directions as to the time, manner and conditions etc., in and subject to which any matters specified in Sub-section (2) of Section 385 may be removed along a street, deposited or otherwise disposed of.

(2) Without prejudice to the generality of the foregoing power, a direction issued under Sub-section (1) may require that all the matters specified in Subsection (2) of Section 385 collected be scavengers by private scavenging shall be deposited in the public receptacles, depots, and places provided or appointed under the said sub-section.

(3) Where any direction has been issued under Sub-section (1), no person shall remove along a street, deposit or otherwise dispose of any matters specified in Sub-section (2) of Section 385 in contravention of such direction.

387. Refuse, etc., to be the property of the Corporation. — All matters deposited in public receptacles, depots and places provided or appointed under Section 385 and all matters collected by Corporation servants or contractors in pursuance of that section and Section 386 shall be the property of the Corporation.

388. Provision may be made by Municipal Commissioner for collection, etc., of excrementitious and polluted matter. — (1) The Municipal Commissioner may give public notice of his intention to provide in such portion of the City as he may specify, for the collections, removal and disposal by Corporation agency, of all excrementitious and polluted matter from privies, urinals, and cess-polls, and thereupon it shall be the duty of the Municipal Commissioner to take measures for the daily collection, removal and disposal of such matter from all premises situated in such portion of the City.

(2) In any such portion as is mentioned in Sub-section (1) and in any premises, wherever situated, in which there is a water-closet or privy connected with a Corporation drain, it shall not be lawful, except with the written permission of the Municipal Commissioner, for any person who is not employed by or on behalf of the Municipal Commissioner to discharge any of duties of scavengers.

389. Special sanitary arrangements at certain places. — (1) The Municipal Commissioner may make such special arrangements, as he considers adequate for maintaining sanitation in the vicinity of any temple, math, mosque, tomb or any place of religious worship or instruction or entertainment to which large numbers of persons resort on particular occasions or in any place which is used for holding fairs, festivals or other public gatherings.

(2) The Municipal 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 Executive Committee may from time to time fix, and such person shall be bound to pay the same out of the funds relating to such place.

Inspection and Sanitary Regulations of Premises

390. Power to inspect premises for sanitary purpose.—(1) The Municipal Commissioner may inspect any building or other premises for the purposes of ascertaining the sanitary condition thereof.

(2) If it shall appear to the Municipal Commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building to cause the same or any portion thereof to be limewashed, disinfected or otherwise cleansed.

391. Building or rooms in buildings unfit for human habitation.—(1) If the Municipal Commissioner is of the opinion that any building or portion of a building intended for or used as a dwelling is unfit for human habitation, he may, with the previous approval of the Executive Committee and, unless there is in his opinion imminent danger to the occupier, after the owner or occupier of such building has been given an opportunity in the manner prescribed to show cause, by order in writing prohibit the use of such building or portion as a dwelling till such time as the same has been rendered fit for habitation.

Explanation.—The expression "unfit for human habitation" in this section means unfit for human habitation by reason of sanitary defects, that is, lack of air, space or ventilation, darkness, dampness, absence of adequate and readily accessible water-supply or sanitary accommodation or of other convenience and inadequate drainage of courtyard or passages.

(2) Where any order is referred to in Sub-section (1) has been made the owner or occupier of the building shall not use or suffer the same to be used for human habitation until the Municipal Commissioner certifies that the same has been so rendered fit.

(3) Where the Municipal Commissioner has made any order under Subsection (1) he shall give written instructions to the owner or occupier as to what modifications, or alteration are required to be made for rendering such building or portion of building fit for human habitation.

(4) The Municipal Commissioner may cause any person using any building or room in contravention of Sub-section (2) to be removed from such building or portion by any police officer or Corporation servant.

(5) The provisions of Sub-sections (5) and (6) of Section 334 shall apply on the issue by the Municipal Commissioner of a certificate that the building or portion of building, as the case may be, has been rendered fit for habitation as if such certificate were the withdrawal of notice issued under Sub-section (1) of the said section.

392. Power to require repairs of insanitary buildings.—(1) If it shall appear to the Municipal Commissioner that any building intended for or used as a dwelling is in any respect unfit for human habitation the Municipal Commissioner may, by written notice, require the owner of the building to show cause why an order be not made 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 Municipal 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 mortgage, lessee or otherwise.

(3) If the owner and any person referred to in Sub-section (2) fail to file any objection or the Municipal Commissioner upon hearing of any objections filed is satisfied that the execution of works or carrying out of alteration is necessary to render the building fit for human habitation he shall by written notice require the owner of the building within a reasonable time, not being less than 21 days as may be specified in the notice, to execute such works or carry out such alterations.

(4) Where it appears to the Municipal Commissioner that immediate action is necessary for the purpose of preventing imminent danger to any person or property by the continuance of a dwelling in a state unfit for human habitation, he may dispense with the issue of a notice under Sub-section (1) and forthwith issue the notice referred to in Sub-section (3) and serve a copy thereof on any other person referred to Sub-section (2).

393. Power to order demolition of insanitary buildings.—(1) If it shall appear to the Municipal 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 a notice stating the date, not being 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 building will be considered by the Executive Committee, and every person upon whom such notice is served shall be entitled to be heard 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 Municipal Commissioner notice in writing of his intention of making the offer and shall, within such reasonable period as the Municipal Commissioner may allow submit to him a list of the works which he offers to carry out.

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

(4) If no such undertaking as is mentioned in Sub-section (3) is accepted by the Municipal Commissioner or if, in a case where the Municipal 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, the Municipal Commissioner may, with the previous approval of the Executive 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 within such further period be demolished as the Municipal Commissioner deems, reasonable and shall serve a copy of the order upon every person upon whom the notice under Sub-section (1) was served.

(5) Where it appears to the Municipal Commissioner that immediate action is necessary for the purpose of preventing imminent danger to any person or property or a building of the nature specified in Sub-section (1) and that the object of taking action under this section would be defeated by the delay in giving notice under that sub-section, he may with the previous approval of the Executive Committee make an order for demolition in the manner, as far as may be provided in Sub-section (4) but with the minimum period for compliance with the order reduced to seven days.

394. Procedure where demolition order made.—(1) As soon as a demolition order under Section 393 has become operative, the owner of the building shall demolish it within the time limited in that behalf by the order, and if the building is not demolished that time the Municipal Commissioner may take measures to demolish the building and sell the materials thereof.

(2) Any expenses incurred by the Municipal Commissioner under Sub-section (1), after giving credit for the amount realized by sale of the materials, shall be payable by the owner of the building, and any surplus in the hands of, the Municipal Commissioner after payment of such expenses shall be refunded to the owner.

(3) Any person aggrieved by the decision of the Municipal Commissioner under Sub-section (2) may, within a period of one month, appeal to the Judge,

395. Appeal against demolition orders.—Any person aggrieved by—

- (i) an order under Sub-section (1) of Section 391; or
- (ii) an order under Sub-section (3) or Sub-section (4) of Section 392; or
- (iii) a demolition order made under Section 393, but not being an order made under Sub-section (5) thereof;

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 Municipal Commissioner to enforce any order in relation to which an appeal is brought before the appeal is finally determined.

Disposal of Carcasses of Animals

396. Removal of Carcasses of dead animals.—(1) It shall be the duty of the Municipal 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 carcass 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 Corporation health department.

(3) For every carcass removed by Corporation agency, whether, from any private premises or from public street or place, a fee for the removal of such amount as shall be fixed by the Municipal 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.

397. Prohibition of cultivation, use of manure, or irrigation injurious to health.—If the Director of Medical [Health and Family Welfare, Uttar Pradesh or the Chief Medical Officer] or the Nagar Swasthya Adhikari certifies that the cultivation of any description of crops or the use of any kind of manure or the irrigation of land in any specified manner—

- (a) in a place within the limits of a City is injurious or facilitates practices which are injurious to the health of persons dwelling in the neighbourhood, or
- (b) in a place within or beyond the limits of a City is likely to contaminate the water-supply of such City or otherwise render it unfit for drinking purposes.

the Municipal Commissioner may by public notice prohibit the cultivation of such crop, the use of such manure or the use of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent the injury or contamination :

Provided that when, on any land in respect of which such notice is issued the act prohibited has been practised in the ordinary course of husbandry for the five successive years next preceding the date of prohibition, compensation shall be paid from the Corporation Fund to all persons interested therein for damage caused to them by such prohibition.

398. Power to require owners to clear away noxious vegetation.—The Municipal Commissioner may, by notice, require the owner or occupier of any land to clear away and remove any vegetation or undergrowth which be injurious to health or offensive to the neighbourhood.

Regulation of Public Bathing, Washing, etc.

399. Places for public bathing, etc., to be fixed by Municipal Commissioner, and regulation of use of such places.—(1) The Municipal Commissioner may from time to time by public notice—

- (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 cloths;
- (b) specify the times at which and the sex of persons by whom, such places may be used;
- (c) prohibit the use by the public for any of the said purposes of any place not so set apart;
- (d) prohibit 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 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 purposes; and
- (f) regulate the use by the public of any portion of 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 Municipal Commissioner may charge such fees as the Executive 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 person or by public generally.

400. Prohibition of bathing, contrary to order.—Except as may be permitted by any order made by the Municipal Commissioner in that behalf 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) introduce 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;
- (c) whilst suffering from any contagious, infectious, or loathsome disease, bathe on, in or near any bathing platform, lake, tank, reservoir, fountain, cistern, duct, stand-pipe/stream or well;
- (d) wash or cause to be washed in or near any such place or work, any animal, clothes or other articles;
- (e) throw, put or cause to enter into the water in any such place or work any animal or other thing;
- (f) 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;
- (g) dry clothes in or upon any such place;
- (h) in contravention of any order made by the Municipal Commissioner under Section 399 use any portion of a river or any place not vesting in the Corporation for any purpose mentioned in the said section;
- (i) contravene the provisions of any notice given by the Municipal Commissioner under Section 399 for the use of any such portion of a river or place for any such purpose.

Regulation of Factories, Trades, etc.

401. Factory, etc., not to be newly established without permission of Municipal 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 workplace 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 Municipal Commissioner nor shall any person work or allow to be worked in 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.

402. Prohibition of pollution or contamination of water by chemical, etc.—No person engaged in any trade or manufacture specified in Section 438 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, polluted or contaminated.

403. Power to require private water-course, etc., to be cleaned or closed.—(1) The Municipal Commissioner may, by notice, require the owner of, or the person having over, a private water-course, spring, tank, well or other place, the water of which is used for drinking, to keep and maintain the same in good repair and to clean the same, from time to time, of silt, refuse or decaying vegetation, and may also require him to protect the same from pollution in such manner as the Corporation may think fit.

(2) When the water of any such water-course, spring, tank, well or other place is proved to the satisfaction of the Municipal Commissioner to be unfit for drinking the Municipal Commissioner may, by notice, require the owner or person having control thereof to desist from so using such water or permitting others to so sue it, and if, after such notice, such water is used by any person for drinking, the Municipal Commissioner, may by notice require the owner or person having control thereof to close such well, either temporarily or permanently, or to enclose or fence such water-course, spring, tank well or other place in such manner as he may direct, so that the water thereof may not be so used.

404. Latrines for factories, schools and places of public resort.— The Municipal Commissioner may require by notice any person employing more than twenty workmen or labourers or owning, managing or having control of a market, school or theatre or other place of public resort to provide such latrines and urinals as it may deem fit, and to cause the same to be kept in proper order and to be daily cleansed :

Provided that nothing in this section shall apply to a factory regulated by the [Factories Act, 1948.]

405. Power to require removal of nuisance arising from tanks, etc.—The Municipal Commissioner may by notice require the, owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off a private well, tank, reservoir, pool, depression or excavation therein which may appear to the Municipal Commissioner to be injurious to health or offensive to the neighbourhood :

Provided that the owner or occupier may require the Municipal Commissioner to acquire at the expense of the Corporation or otherwise provide, any land or rights in land necessary for the purpose of effecting drainage ordered under this section.

Prevention and Checking of Dangerous Diseases

406. Power of Municipal Commissioner, Nagar Swasthya Adhikari, etc., in case of dangerous diseases.—Where a person attacked with a dangerous disease or suffering from such disease, is—

- (a) found lying in any vehicle or any public place, or

- (b) without proper lodging or accommodation, or
- (c) living in a room or house which he neither owns nor is otherwise entitled to occupy, or
- (d) lodged in a room or set of apartments occupied by more than one family and any of the occupiers objects to his continuing to lodge therein,

the Municipal Commissioner may, on the advice of a medical officer of rank not inferior to that of an Assistant Surgeon, remove the patient to the hospital or a place at which persons suffering from such disease are received for medical treatment and may do anything necessary for such removal.

407. Any place may at any time be inspected for purpose of preventing spread of dangerous disease.—The Municipal Commissioner may at any time, by day or by night, without 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.

408. Information of dangerous disease to be given.—Every person—

- (a) being a medical practitioner and in the course of such practice becoming cognizant of the existence of any dangerous disease in any dwelling other than a public hospital in the city, or
- (b) in default of such medical practitioner, being the owner or occupier of such dwelling, and being cognizant of the existence of any such dangerous disease therein, or
- (c) in default of such owner or occupier, being the person in charge of, or in attendance on, a person suffering from any such dangerous disease in such dwelling and being cognizant of the existence of the disease therein.

shall give information to such officer as the Municipal Commissioner may appoint in this behalf respecting the existence of such disease.

409. Closure of lodging and eating houses.—The Municipal 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 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 Nagar Swasthya Adhikari certifies that it has been disinfected or is free from infection.

410. Persons suffering from dangerous disease, etc., not to do certain things.—No person while suffering from any dangerous disease-or, loathsome disorder shall—

- (a) make or offer for sale an article of food or drink for human consumption or a medicine or drug, or
- (b) wilfully touch any such article, medicine or drug when exposed for sale by others, or
- (c) take any part in the business of washing or carrying soiled clothes.

411. Municipal Commissioner may take special measures on outbreak of any dangerous disease.—(1) 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, the Municipal

Commissioner if he thinks the ordinary provisions of this Act and any rules thereunder or of any other law at the time in force are insufficient for the purpose, may, with the sanction of the 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 any rules in this behalf and as he shall deem necessary, to prevent the outbreak of such disease or the spread thereof.

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

Disposal of the Dead

412. 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 Municipal Commissioner within a period of six months from the appointed day to register the same and the Municipal Commissioner shall cause the same to be registered.

(2) Such applications shall be accompanied by a plan bearing the 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 or person or community interested therein, the system of management and such further particulars as the Municipal Commissioner may require.

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

(4) The Municipal Commissioner shall cause to be deposited in the Corporation office at the time of registering the plan referred to in Sub-section 92).

(5) If the Municipal Commissioner is not satisfied with the plan or statement of 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 bearing the signature of the Municipal Commissioner shall be deposited in Corporation office.

413. New Places for disposal of the dead not to be opened without permission of Municipal 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 written permission of the Municipal Commissioner who, with the approval the Corporation, May grant or withhold such permission.

414. Provisions 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 415 the Municipal 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 412 and shall deposit in the Corporation office, at the time of registration of each place so provided, a plan thereof showing the locality, extent and boundaries of the same.

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

415. Closing of Place for burial of the dead.—(1) If after personal inspection the Municipal Commissioner is at any time 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 churchyard or burial ground adjacent thereto, or
- (b) that any other place used for the disposal of the dead is or is likely to become injurious to public health, he may submit his considered opinion with the reason therefore to the Corporation, and the Corporation shall forward the same with its opinion, for the consideration of the State Government.

(2) Upon receipt of the opinion mentioned in Sub-section (1) the State Government after such further inquiry as it deems fit to make, may, by notification published in the official Gazette and in such newspapers as it may deem necessary, direct that such place of public worship or other place shall no longer be used for the disposal of the dead.

(3) On the expiration of three months from the date of any such notification, the place to which it relates shall no longer be used for the disposal of the dead.

(4) Private space set apart for burial may be exempted from any such direction subject to such conditions as the Municipal Commissioner may impose in this behalf, provided that the limits of such space are sufficiently defined and that it shall only be used for the burial of members of the family of the owners thereof.

416. Re-opening of place for burial of the dead.—(1) If, after personal inspection, the Municipal Commissioner is of opinion that any place which had been closed under the provisions of Section 415 has, by lapse of time, become no longer injurious to health and may without risk or danger be again used for the said purpose, he may submit his opinion with the reasons therefore to the Corporation, which shall forward the same, with its opinion for the consideration of the State Government.

(2) Upon receipt of such opinion the State Government, after such further enquiry as it deems fit to make, may, by notification in the official Gazette, direct that such place be re-opened for the disposal of the dead.

417. Burials within places of worship and exhumations not to be made without permission of Municipal Commissioner.—(1) No person shall, without the written permission of the Municipal Commissioner under Sub-section (2) —

- (a) make any vault or grave or interment within any wall of any place of worship or underneath any passage, porch, portico, plinth or verandah of any-such place;
- (b) make any internment or otherwise dispose of any corpse in any place which is closed for the dead under Section 415;
- (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 corpse at any place which is not registered in the register kept under Section 412;

- (d) exhume any body, except under the provisions of Section 176 of the Code of Criminal Procedure, 1898, or of any other law for the time being in force from any place for the disposal of the dead.
- (2) The Municipal Commissioner may in special cases grant permission for any of the purposes aforesaid, subject to such general or special orders as the State Government may from time to time make in this behalf.

418. 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 Municipal Commissioner may by public notice, from time to time, think fit to require;
- (c) except where no other route is available, carry a corpse or part of a corpse along any street along which the carrying of corpse is prohibited by a public notice issued by the Municipal Commissioner in this behalf;
- (d) remove a corpse or part of a corpse, which has been kept or used for purpose 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 or the coffin, or, when no coffin is used, 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 Municipal Commissioner;
- (i) without the written permission of the Municipal Commissioner reopen for the internment 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 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 place of burning without its being completely reduced to ashes.

419. State Government may extend provisions of Chapter outside limits of City.—The State Government may, by order which shall be published in the official Gazette, apply to any area to be specified in the order but not lying beyond a distance of two miles from the limits of the City, the provisions of any section in this Chapter and of rules made thereunder, subject to such adaptations whether by way of modification, addition or omission, as it may deem to be necessary and expedient and

thereupon the provisions and rules so applied shall have effect in that area as it were within the City.

420. Power to make rules.—(1) The State Government may make rules for the purposes of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing powers such rules may be provided for—

- (i) liability of owners and occupiers to collect and deposit dust, etc.;
- (ii) liability of occupiers in areas not covered by Section 388 to have collected and conveyed to receptacles, etc., provided under Section 385 excrementitious and polluted matter accumulating upon their premises;
- (iii) removal of rubbish and filth accumulating in large quantities on premises;
- (iv) removal of nuisance caused by—
 - (a) accumulating of building materials on premises;
 - (b) defective roofs or other insanitary condition of premises;
 - (c) smoke of kitchens in dwelling houses and other smoke, dust, etc.;
 - (d) pools, swamp, ditch, tank, well, pond, quarry holes, drain, water-course or any collection of water;
 - (e) dangerous tanks, wells, holes, etc.;
 - (f) dangerous quarrying;
 - (g) collection of offensive matter in premises;;
- (v) cleansing of insanitary private water-course, spring, tank, well, etc., used for drinking;
- (vi) regulation of keeping and tethering of animals in the City;
- (vii) sanitary regulation of factories or workshops, workplace, etc., subject to the provisions of the Indian Boilers Act, 1923 and supplying of information connected therewith;
- (viii) regulation of washing of clothes by washermen and provision of washing places;
- (ix) giving of information of animals suffering from contagious or infectious disease;
- (x) disinfection of houses and other public and private places to prevent spread of dangerous diseases;
- (xi) prohibition and regulation of the use of whistles, trumpets, loudspeakers and other noise-producing instrument operated by any mechanical means;
- (xii) the removal, trimming and cutting of trees and hedges.