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## **Chhattisgarh Municipal Corporation Act, 1956 (excerpts)**

(Excerpts - water supply and sanitation provisions)

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# THE CHHATTISGARH MUNICIPAL CORPORATION ACT, 1956

## CHAPTER I - Preliminary

**5. Definitions.**-In this Act, unless there is anything repugnant in the subject or context,-

(61) “**water for domestic purposes**” shall not include water for cattle, or for horses, or for washing vehicles where the cattle horses or vehicles are kept for sale or hire or by common carrier and shall not include water for any trade, manufacture or business, or for building purposes, or for watering gardens, or for fountains or for any ornamental purposes;

## CHAPTER XV - Sanitary Provisions

### *Regulations of Public Bathing, Washing, etc.*

**217. Construction of places for public bathing, etc.**-The Commissioner may from time to time—

- (a) set apart suitable places for use by the public for bathing or for washing animals, or for washing or drying clothes or other material;
- (b) specify the times at which and the sex of persons by whom such places may be used;
- (c) prohibit, by public notice, the use by the public for any of the said purposes, of any place not so set apart; and
- (d) charge fees for the use of such place by any specified class or class of persons or by the public generally.

**218. Prohibition of corruption of water by steeping therein animal or other matter.**-No person shall—

- (a) steep in any bonk, reservoir, stream, well, trough or ditch any animal, vegetable or mineral matter likely to render the water thereof, offensive or dangerous to health;
- (b) while suffering from any contagious, infectious or loathsome disease, bath in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream, well or trough, or any part of a river Within the limits of the Corporation or within five miles upstream from the Corporation boundary.

**219. Regulation of washing of clothes by washermen.**-(1) The Commissioner may, by public notice, prohibit the washing of clothes by washermen in exercise of their calling except at such places as he may appoint for this purpose; and after such prohibition no washerman shall wash clothes at any place not appointed for this purpose except for himself or for the owner or occupier of such place.

(2) **Washing places to be provided for washermen.** -The Commissioner shall provide suitable places for the exercise of their calling by washermen, and may require with the approval of the Mayor-in-Council the payment of such fees for any such place as he may from time to time determine.

## **CHAPTER XVI - Water Supply**

**220. General powers for supplying the city with water.-**For the purpose of providing a supply of water proper and sufficient for public and private purposes, the Commissioner may, either within" or without the City—

- (a) construct and maintain waterworks and do all acts which may be necessary or expedient in connection with such construction or maintenance;
- (b) purchase or take on lease any waterwork or any water or right to store water or to take and convey water; or
- (c) enter into any arrangement with any person for the supply of water:

Provided that if in the city any Government Department is administering and controlling water-supply, the Commissioner shall not make any such arrangement without prior approval of the Government and the arrangement shall be subject to the terms and conditions laid down by Government in this respect.

**221. Supply of water.-**(1) The Commissioner may supply water for any purpose on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2) The supply of water shall be made upon such terms and conditions as to payment and quantity and for such period, as the Corporation may prescribe <sup>1</sup>[by byelaws] in this behalf.

(3) The corporation may, on such terms as it may think fit, undertake to supply water to any area outside the city from the waterworks maintained by the Corporation and do other acts ancillary thereto.

**222. Making connections with municipal waterworks.-**Where an application under section 221 has been received all necessary communication pipes and fittings shall be supplied by the Commissioner and the work of laying and applying such communication and fitting shall be executed by municipal agency under the Commissioner's orders; but the cost of making any such connection and of all communication pipes and fittings so supplied and of all work so executed, shall be paid by the owner or the person making such application. The Commissioner shall provide a matter and charge rent for the same.

**223. Obligation of owner or occupier to give notice of waste of water.-**Any owner or occupier of any land or building in or on which water Supplied under this Act is misused from negligence or other circumstances under his control or in which the pipes, mains or other work are out repair to such an extent as to cause waste of water, shall, if he has knowledge thereof, be bound to give notice of the same to such officer as the Commissioner may appoint in this behalf.

**224. Responsibility for damage caused by leakage of water.-**Neither the owner nor occupier of any land or building in which pipes mains, or other works are situated, nor the Corporation shall be liable to pay compensation to any person for any damage caused by any leakage of water or any failure to keep in repair such pipes, mains or other works, unless the owner or occupier or the Corporation has knowledge thereof and has failed to lake reasonably prompt action to report the same

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<sup>1</sup> Ins. By section 3(2) of the M.P. Act 13 of 1961.

to the prescribed officer or to stop the leakage or to execute the required repairs, as the case may be.

**225. Cutting off water-supply to premises.-**If any person whose premises are supplied with water neglects to pay any sum payable under section 221 when due, or to give notice as provided in section 223 or wilfully or negligently misuses or causes waste of water the Commissioner may cut off the supply of water to the premises.

**226. Presumption as to correctness of meter.-**Whenever water is supplied under this chapter through a meter, it shall be presumed, that the quantity indicated by the meter has been consumed, until the contrary is proved.

**227. Injuring water-works misappropriating water and tampering meters.-**No person shall—

- (a) wilfully or negligently injure or suffer to be injured wells, reservoirs, mains, pipes or other appliances for the supply of water under the management of control of the Corporation;
- (b) draw off, divert or take any water from any municipal well, reservoir, main, or pipe, except in accordance with direction made in this behalf; or
- (c) tamper with any meter under the management or control of the Corporation.

**228. Misuse of and leaving open valves and tampering with valves and hydrants.-**No person shall—

- (a) open or keep open the valves of any water-works used for the supply of water to the public by any means other than the use of pressure by the hand; or
- (b) having opened such valve, fail to close the same or leave the same open or tamper with any valve or hydrant not intended for the supply of water to the public.

**229. Prohibition of erection of any building which would injure sources of water-supply.-**Except with the permission of the Corporation, no person shall—

- (a) erect any building of any purpose whatever on any part of the area enclosed by the boundary-fence of any lake or reservoir from which supply of water is derived for a municipal water-work: or
- (b) remove, alter, injure, damage or in any way interfere with the aforesaid boundary-fence.

**230. Prohibition of bathing in or polluting water.-**Except as provided hereinafter, no person shall—

- (a) bathe in or near any water-works belonging to the Corporation; or
- (b) wash, throw, or cause any animal to enter into the water of such works; or
- (c) throw any rubbish, dirt, filth or any other thing whatsoever into the water of such works;
- (d) wash or cleanse therein any cloth, wool, leather or skin of any animal or any clothes or other things;
- (e) cause the water of any sink, drain, steam engine, boiler or other filthy water belonging to him or under his control to run, percolate or be brought,

into any such waterworks or do any other act whereby the water in such works may be fouled or polluted or its quality altered.

## **CHAPTER XVII**

### **General Provisions with reference to Drainage, Water Supply and Water and other Mains**

**231. Occupier of premises to be primarily liable for certain offences against the Act.**-If an offence against any provision of Chapters XIII, XIV, XV or XVI or against any rules or byelaws made under the provisions of this Act made in this behalf, has been committed on any premises to which a private supply of water is furnished by the Corporation, it may be presumed, until the contrary is proved, that such offence has been committed by the occupier of the said premises.

**232. Least practicable nuisance to be caused.**-(1) In carrying out the duties imposed on the Corporation by clause (b), (c), (j) and (1) of section 66 or exercising the powers conferred upon it by sections 190,191,192,193, 211, 213, and 214, the Corporation shall not cause any nuisance which in the circumstances of the case can reasonably be avoided.

(2) The Commissioner shall make reasonable compensation to any person who has sustained damage occasioned by the carrying out of any such operations:

Provided that no compensation shall be claimed or paid for inconvenience unavoidably caused.

**233. Power of carrying wires, pipes, drains, etc.**-Subject to the provisions of any law for the time being in force, the Commissioner may carry any cable, wire, pipe, drain or channel of any kind required for the establishment or maintenance of any system of drainage, water-supply or lighting through, across, under or over any street or any place laid out as or intended for a street, and also after giving reasonable notice in writing to the owner or occupier, through, across, under, over or along side any or building whatsoever within or without the city, and may place and maintain in any immovable property in the city or without the city, any posts, poles, standards, brackets or other contrivances for supporting cables, wires, pipes, channels and lights and may do all acts necessary or expedient for repairing and maintaining any such cable, wire pipe, drain, channel, post, pole, standard, brackets or other similar contrivance in an effective state for the purpose for which it is intended to be used or for removing the same.

**234. Provision as to wires, pipes or drains laid or carried above surface or ground.**-In the event of any cable, wire, pipe, drain, sewer, or channel being laid or carried above the surface of any land or through, over or up the side of any building, such cable, wire, pipe, drain, sewer or channel, as the case may be, shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building and reasonable compensation shall be paid in respect of any substantial interference with any such right to such enjoyment,

**235. Previous notice to be given.**-Except in cases to which sections 372, 373 and 374 relate, the Commissioner shall cause not less than fourteen days' notice in writing to be given to the owner or occupier before commencing any operations under section 233.

**236. Connection with main not to be made without permission of Commissioner.**-(1) No person shall, without the permission of the Commissioner, at

any time, make or cause to be made, any connection or communication with any cable wire, pipe, ferrule, drain, or channel constructed or maintained by or vested in the Corporation for any purpose whatsoever.

(2) Any person acting in contravention of the terms of sub- section (1) shall be punishable with a fine not exceeding fifty rupees.

**237. Power of Commissioner to require the owner to make provision for drainage.**-Where any premises have no drain communicating with a public sewer, or a drain insufficient for the effectual drainage of the premises, or a drain not adapted to the general sewerage system of the City, or a drain which is in the opinion of the Commissioner otherwise objectionable, the Commissioner may by notice, require the owner of the premises to make satisfactory provisions for the drainage of the premises or to do such other work within such time as may, in the opinion of Commissioner, be necessary for remedying the cause complaint or 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 Commissioner thinks necessary and drain or drains emptying into such cesspool.

**238. Power to establish meters and the like.**-The Commissioner may establish meters or other appliances for the purpose of testing the quantity or quality of electricity supplied to the premises of any person or for the use of any person or business.

**239. Communications and connections, etc., to be executed subject to inspection by and to the satisfaction of the Commissioner.**-The ferrules, communication pipes, connections, meters, standpipes and all fittings thereon or connected therewith, leadings from mains or service cables, wires, pipes, fittings and works inside any such house or within the limits of any such land, shall in all cases, be executed to the satisfaction of the Commissioner.

**240. Power of Commissioner to fix scale of charges.**-Subject to the provisions of any law for the time being in force, the Commissioner may with the approval of the Mayor-in-Council, from time to time, fix the scales of charges which the Corporation may make for establishing communications from and connections with main or service cables or for installing wires and pipes for the supply of electricity or water or for use of meters or other appliances for testing the quality or quantity thereof and may levy such charges from the owner or occupier as the circumstances may require.

**241. Troughs and pipes for water and sullage.**-(1) The Commissioner may, by notice, require the owner of any building or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying water and sullage from the land or building and for discharging the same so as not to cause inconvenience to person passing along with street.

(2) For the purpose of efficiently draining any building or land the Commissioner may by notice in writing—

- (a) require any court-yard, alley or passage between two or more buildings to be paved by the owner or part-owner or owners or part-owners of such buildings with such materials and in such manner as may be approved by the Commissioner; and
- (b) require such paving to be kept in proper repair.

**242. Control by Corporation and the Mayor-in-Council.**-In dealing with municipal drainage, sewage and water-works schemes, the Commissioner shall follow the general principles laid down by the Corporation, for any scheme of sewage or drainage or water- works and may refer to the Mayor-in-Council any question connected with the carrying out of such a scheme in which the intention of the Corporation does not appear to him to have been clearly expressed, or in which the provisions of the scheme appear to him to require modification. The Mayor-in-Council shall in its discretion either decide the question or refer the matter for the orders of the Corporation:

Provided that any question involving the expenditure of a sum, exceeding one lakh of rupees shall be referred to the Corporation for orders.

**243. Building not to be erected without permission over drains or water or airmains.**-(1) Without the written permission of the Commissioner no building, wall or other structure shall be erected or re-erected, and no street, railway, electric or telephone line or similar other structure shall be constructed over any municipal drain or water or airmain.

(2) If any building, wall or other structure is erected, or re-erected or constructed in contravention of the provisions of sub-section (1), the Commissioner may, subject, to the provisions of any law for the time being in force, remove the same or otherwise deal with it as he may think fit. The expenses incurred by him under this sub-section shall be paid by the person offending.

<sup>2</sup>[**243-A. Control by Government.**-No drainage, sewage or waterworks scheme involving an expenditure of a sum of five lakhs of rupees or more shall be sanctioned by the Corporation without the previous approval of the Government.]

**244. Power of access to municipal water-work.**-Any municipal sewage or drainage scheme or any municipal water-works may be inspected by a person appointed by the Government in this behalf, and the Commissioner or any such person may at all reasonable times-

- (a) enter upon and pass through any land whether within or without the city adjacent to or in the vicinity of such a drainage or sewage scheme or such water-works in whomsoever such land may vest,
- (b) after giving not less than two days' written notice to the occupiers, cause to be conveyed into and through any such land, all necessary men, materials, tools and implements.

**245. Compensation of dam age.**-If in the exercise of any of the powers conferred by section 233 or 244 any damage or inconvenience is caused, which in the circumstances could reasonably have been avoided, the Corporation or the Government shall pay compensation according as the damage or inconvenience is caused by the Corporation or by a person appointed by the Government.

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<sup>2</sup> Ins. By section 3(2) of the M.P. Act 13 of 1961.