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## **Assam Municipal Act, 1956 (excerpts)**

(Excerpts - water supply and sanitation provisions)

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## ASSAM MUNICIPAL ACT, 1956

### CHAPTER I Preliminary

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

(9) A supply of water for domestic purposes shall not be deemed to include a supply-

- (a) for animal or for washing carriages where such animals or carriages are kept for sale or hire,
- (b) for any trade, manufacture or business other than those concerned with the manufacture or supply of articles of food and drink for human beings,
- (c) for fountains,
- (d) for watering gardens, roads or paths,
- (e) for ornamental or mechanical purpose;
- (f) for building purpose;

(10) “Drain” includes a sewer, a house’s drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying off sullage, sewage, offensive matter, polluted water, rain water or sub-soil water;

*Tanks, wells, streams, etc.*

**186. Provision for drinking water, bathing places, etc.** (1) The Board may, by order published at such places as it may think fit, set apart convenient wells, tanks, parts of rivers, streams, channels or water-courses, not being private property, for the supply of water for drinking or for culinary purposes and may prohibit therein all bathing washing of clothes and animals, or other acts calculated to pollute the water set apart for the purposes aforesaid;

and may similarly set apart a sufficient number of the same for the purpose of bathing;

and a sufficient number for washing animals and clothes or for any other purpose connected with the health, cleanliness or comfort of the inhabitants.

(2) The Board may, by an order published at such places as it may think fit, prohibit in the private portion of any stream, channel or watercourse used as a part of the public water supply, bathing, washing of clothes or animals, or any act likely to pollute the water in the public portion of such stream, channel or water-course.

**187. Prohibition by Board of use of unwholesome water.** If the Assistant Director

of Public Health, Civil Surgeon, District or Sub-divisional Medical Officer of Health or Health Officer certifies that the water in any well, tank or water-course situated within a municipality is likely, if used for any purposes, to endanger or cause the spread of disease, the Board may, by public notice prohibit the removal or use of such water during a period to be specified in such order ; in the case of a private well or tank require the owner of, or person having control over it, to close it permanently or to fill it up with suitable materials.

**188. Disobeying order under S. 186 or 187.** Any person who disobeys an order passed by the Board under the provisions of S. 186 or 187 shall, for every such offence, be liable to a penalty not exceeding fifty rupees.

*Dangerous or insanitary holdings and other places*

**189. Power to require owners to clear noxious vegetation.** The Board may, by notice, require the owner or occupier of any land within such time as the Board may fix to cut and remove any trees or bamboos or branches thereof, or eradicate and destroy lantana, eupatorium, or other vegetation or undergrowth which may appear to the Board to be insanitary, injurious to health or offensive to the neighbourhood or to be causing or likely to cause damage or destruction to any crop growing or to be grown, or to be obstructing or likely to obstruct the free passing of men or animals along a public road, or of any boat or steam vessel along a public waterway,

**190. Power to require owners to improve bad drainage.** Whenever any land, being private property, or within any private enclosure, appears to the Board by want of drainage to be in a state injurious to health or offensive to the neighbourhood, or by reason of inequalities of surface to afford facilities for the commission of a nuisance, the Board may require the owner or occupier or the owners and occupiers of such land, within fifteen days to drain such land or level such surface:

Provided that, if for the purpose of effecting any drainage under this section it shall be necessary to acquire any land not being property of the person who is required to drain his land, or to pay compensation to any other person, the Board shall provide such land and pay such compensation.

**191. Power to require unwholesome tanks or private premises to be cleansed or drained.** (1) The Board may require the owner or occupier of any land within eight days or such longer period as the Board may fix, either to re-excavate or at his option fill up with suitable material or to cleanse any well, water-course, private tank or pool therein, and to drain off and remove any waste or stagnant water which may appear to be injurious to health or offensive to the neighbourhood :

Provided that if, for the purpose of effecting any drainage under this section it shall be necessary to acquire any land not being the property of the person who is required to drain his land or to pay compensation to any other person, the Board shall provide such land and pay such compensation.

(2) If under the provisions of this Act the Board execute the work of such re-

excavation or filling up with suitable material, it may retain possession of the tank or pool or the site of such tank or pool and turn the same to profitable account until the expenses thereby incurred shall have been realised.

**192. Wells, tanks etc., to be secured.** If any well, tank or other excavation, whether on public or private ground, be, for want of sufficient repair or protection, dangerous to passers-by, the Board shall forthwith require by notice such owner or occupier or such owners and occupiers within eight days properly to secure or protect such well, tank or other excavation ; and if after the said period the work is not executed, the Board shall cause a temporary hoard or fence to be put up for the protection of passers-by and recover the expenses so incurred from the owner or occupier or the owners and occupiers of the land on which such tank, well or other excavation is situated.

**193. Penalty for disobeying requisition under S. 189, 190, 191 or 192.** Any owner or occupier of a house or land who fails to comply with a requisition issued by the Board under the provisions of S. 189, 190, 191 or 192 shall be liable for every such default, to a penalty not exceeding one hundred rupees, and to a further penalty not exceeding twenty rupees for every day during which the default is continued after the expiration of eight days from the date of service on him of such requisition.

**194. Power of State Government to prohibit cultivation, use of manure, or irrigation injurious to health.** If the Assistant Director of Public Health, Civil Surgeon, District or Sub-divisional Medical Officer of Health or the Health Officer certifies that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any specified manner—

- (a) in any place within the limit of the municipality is injurious, or facilitates practices which are injurious to the health of persons dwelling in the neighbourhood ; or
- (b) to any place within or without the limits of the municipality, is likely to contaminate the water supply of the municipality or otherwise renders it unfit for drinking purposes,

the State Government may, on receipt of an application from the Board, by public notice, prohibit the cultivation of such crop, the use of such manure, or the use of the method of irrigation so certified to be injurious, or impose such conditions with respect thereto as may prevent the injury:

Provided that, if the act prohibited has been practised in the ordinary course of husbandry at any time during the five successive years preceding the date of the prohibition, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by such prohibition.

**195. Power to prohibit excavations.** (1) The Board at a meeting may, by a general order, prohibit in the whole or any part of the municipality the making of excavations for the purposes of taking earth or stone therefrom, or for the purposes of storing rubbish or offensive matter therein and the digging of tanks or pits without special permission

previously obtained from it.

(2) If any such excavation, tank or pit is made after the issue and publication of such order without such special permission, the Board may require the owners and occupiers of the land on which such excavation, tank or pit is made within two weeks to fill up such excavation and in case of failure may cause such excavation to be filled up and recover the cost thereof from the person so required.

(3) Any person who contravenes an order made under sub S. (1) shall be liable, for every such offence, to a fine not exceeding twenty-five rupees.

**196. Public latrines and urinals.** The Board may provide and maintain in sufficient number and in proper situation, public latrines and urinals for the separate use of each sex, and shall cause the same to be kept in proper order and to be properly cleansed.

**197. Permission to construct latrines and urinals which are to be properly enclosed.** (1) No person shall construct a latrine or urinal without a written permission of the Board.

Every person constructing a latrine or urinal shall have such latrine or urinal shut out by a sufficient roof and wall or fence from the view of persons passing by or residing in the neighbourhood; and the Board may require any owner or occupier of land on which a latrine or urinal stands to cause the same to be shut out from view as aforesaid within fifteen days.

(2) Any person constructing a latrine or urinal and failing to have it shut out from view as required in sub-S (1), shall be liable to a fine not exceeding twenty rupees and a daily fine of one rupee until it shall have been so shut out from view.

**198. Power to require latrine or urinal to be constructed.** (1) If the Board think that any latrine or urinal or additional or common latrine or urinal should be provided for any house or land within the limits of the municipality, the owners of such house or land shall, within fourteen days after notice given by the Board, or within such longer time as the Board may for special reasons allow, cause such latrine or urinal to be constructed in accordance with the requisition, and, if such latrine or urinal is not constructed to the satisfaction of the Board within such period, the Board may cause the same to be constructed, and the expenses thereby incurred shall be recoverable from the owner.

(2) Any person failing to comply with the requisition within the time allowed under sub-S. (1) shall be liable to a fine of not exceeding twenty-five rupees and a daily fine of one rupee during which the default is continued.

(3) The Board may, for the purposes of this section or for the purpose of levying the latrine tax at a rate per head under S. 72, sub-S (2) (a), by a notice in writing require the owner or occupier of any holding to furnish, within a time to be specified in the notice, a list of the number of persons residing in or habitually resorting to such holding.

(4) Whoever, being the owner or occupier of any holding, fails to furnish the same

by the Board shall be liable to a fine not exceeding one hundred rupees.

**199. No latrine, etc., to be constructed in certain circumstances** (1) No person shall, without a special permission of the Board, construct a latrine or urinal with a door or a trap door opening on to any public road or drain.

(2) No person shall, without the written permission of the Board, construct or keep any latrine, urinal, cess-pool, drain or other receptacle for sewage or other offensive matter within fifty feet of any public tank or water-course or a tank or water-course which the inhabitants of any locality use or any well.

(3) The Board may require any owner and occupier upon whose land any latrine or urinal such as is mentioned in sub-S. (1) or any latrine, urinal, cess-pool, drain or other receptacle so situated as is mentioned in sub-S. (2) exists, or may hereafter be constructed, to remove the same within eight days.

(4) Any person who contravenes any provision of sub-Ss. (1) and (2) shall be liable for every such offence to a fine not exceeding fifty rupees.

(5) Any person who fails to comply with an order under sub-S. (3) shall be liable to fine of fifty rupees and daily fine of five rupees during which the offence is continued.

**200. Inspection of latrines, etc.** The Board, or any person authorised by it in that behalf, may inspect all latrines, urinals, cess-pools, drains and other receptacles for sewage or other offensive matter at any time between sunrise and sunset, after six hours' notice in writing to the occupier of premises in which such latrines, urinals, cess-pools, drains or receptacles are situated, and may, if necessary, cause the ground to be opened where it or he may think fit for the purpose of preventing or removing any nuisance arising from such latrines, urinals, cess-pools, drains or receptacles, and the expenses thereby incurred, if the Board so requires, shall be paid by the owner or occupier of such premises. The expense of causing the ground to be closed and made good as before shall be borne by the Board.

**201. Power to require owner or occupier to repair latrine, etc.** The Board may require the owner or occupier, or the owner and occupier of any land, within fifteen days to repair and make efficient any latrine, urinal, cess-pool, drain or receptacle for sewage or other offensive matter or to close any latrine, urinal, cess-pool or receptacle which is situated on such land.

**202. Penalty for not keeping latrine, etc., in proper order.** If the owner or occupier of any latrine, urinal, cess-pool, drain or other receptacles for sewage or other offensive matter neglects or refuses, after warning from the Board to keep the same in a proper state of repair and efficiency, he shall be liable to a penalty not exceeding fifty rupees and a daily fine not exceeding five rupees during which the offence is continued:

Provided that no person who pays a latrine tax shall be liable to punishment for non-compliance with the provision of this section where the default is exclusively due to the failure of the Board to perform its obligation under this Act.

**203. Power to alter any latrine, etc., made contrary to orders.** (1) If any latrine, urinal, cess-pool, drain or other receptacle for sewage or other offensive matter be defective or be constructed contrary to the directions or the Board, or contrary to the provisions of this Act or any bye-law passed under this Act; or if any person without the consent of the Board constructs, re-builds or opens any latrine, urinal, cess-pool, drain or receptacle which has been ordered by it to be demolished or closed up or not to be made, the Board may cause such addition or alteration to be made in any such latrine, urinal, cess-pool, drain or receptacle as it think fit or may cause the same to be removed and the expenses thereby incurred shall be paid by the person by whom such latrine, urinal, cess-pool, drain or receptacle was improperly constructed, re-built or opened.

(2) The person by whom such latrine, urinal, cess-pool, drain or receptacle is improperly constructed, re-built or opened shall also be liable to a fine not exceeding fifty rupees and a daily fine not exceeding five rupees during which the offence is continued.

**204. Power to demolish unauthorised drains leading into public sewer.** (1) If any person, without the written consent of the Board first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any sewer, drain, water-course, road or land vested in the Board, the Board may cause such branch drain to be demolished, altered, re-made or otherwise dealt with as it shall think fit, and the expenses thereby incurred shall be paid by such person making or altering such branch drain,

(2) The person so making or altering such branch drain shall also be liable for every such offence to a fine not exceeding fifty rupees.

**205. Penalty of allowing water of any sewer, etc., to run on any public road.** Whoever causes or allows the water of any sink, sewer, latrine, urinal, cess-pool, or any other offensive matter belonging to him or being on his land, to run, drain or be thrown or put upon any public road, or causes or allows any offensive matter to run, drain or thrown into a surface drain near any public road, shall be liable to a fine not exceeding twenty-five rupees and a daily fine not exceeding five rupees during which the offence is continued.

**206. Power to require owner to drain land.** If any land, being within one hundred feet of a sewer, drain or other outlet into which such land may, in the opinion of the Board be drained, is not drained to the satisfaction of the Board, the Board may require the owner within one month to drain the said land into such sewer, drain or outlet.

**207. Penalty for disobeying requisition under S. 201 or 206.** Any person who fails to comply with a requisition issued by the Board under the provisions of S. 201 or 206 shall be liable for every such offence, to a fine not exceeding twenty-five rupees and a further fine not exceeding five rupees for every day during which he shall continue to make such default after service on him of such requisition.

**208. Power to drain group or block of houses, etc, by a combined operation.** (1) If it appears to the Board at a meeting that a group or block of houses may be drained or improved more effectively, economically or advantageously in combination than separately, and if a sewer, drain or other outlet already exists or is about to be constructed

within one hundred feet of any part of such group or block of houses, the Board may cause such group or block of houses to be so drained and improved:

and the expenses thereby incurred shall be recovered from the owners of such houses in such proportions as shall be to the Board seem fit.

(2) Not less than one month before any such work is commenced, the Board shall give to each owner—

- (a) a written notice of the nature of the proposed work ;
- (b) an estimate of the expenses to be incurred in respect thereof and on the promotion of such expenses payable by him.

## **CHAPTER VII**

### **Water supply, lighting and drainages systems**

**264. Supply of drinking water.** (1) Every Municipal Board shall provide or arrange for the provision of a sufficient supply of drinking water for the inhabitants of the areas within its jurisdiction.

(2) The Board shall make adequate provision for securing-

- (a) that the water supply is continuous throughout the year, and
- (b) that the water supply is at all times pure and fit for human consumption.

(3) A Municipal Board shall also provide or arrange for the provision of sufficient supply of water for other domestic purposes or for non-domestic purposes.

**265. Satisfactory system of drainage.** (1) Every Municipal Board shall, so far as the fund at its disposal may permit, provide and maintain a sufficient and satisfactory system of public drains for the effectual drainage of its local area.

(2) If in the opinion of State Government any area of the municipality or part thereof should, for any special reason, be provided with a system of public drains or with other means of drainage, they may direct the Municipal Board to provide or execute, within such time as may be fixed by them in this behalf, such works as may be considered necessary by them.

(3) The Board shall at all time keep in good repair all drains, cesspools and the like vested in or belonging to it.

### *Introduction of schemes*

**266. Sanction of scheme by State Government.** The State Government may, on the application, in accordance with rule, of any Municipal Board at a meeting, or of any such Board acting conjointly with any one or more of the local authorities specified in S. 40, sanction a scheme for a water supply or for introduction of a system of lighting by



electricity or otherwise or for the supply of gas or of a system of drainage or sewerage.

**267. Publication of scheme.** Before any scheme or a joint scheme for any of the purposes mentioned in S. 226 is sanctioned by the State Government there shall be published in the official Gazette and locally the following particulars:

- (a) a general description of the scheme ;
- (b) an estimate of the cost of carrying it out and its maintenance ;
- (c) source from which the cost will be met; and
- (d) the amount of loan, if any, proposed to be taken.

**268. Scheme to be carried out by municipalities.** When a scheme has been sanctioned under S. 266, the Municipal Board or any of the other local authorities concerned or a joint-committee constituted under S. 49, shall, if the tax and other moneys to be collected, received or recovered for or in respect of the supply of water or the lighting, drainage or sewerage system, be sufficient for the purpose, proceed to carry it out, or cause it to be carried out.

**269. State Government may appoint an officer to execute the works.** The State Government may order the works specified in any scheme as aforesaid, or any portion thereof to be executed by an officer to be appoint-ed by it, and may fix the remuneration of such officer; and may specify a period within which the work shall be completed and may extend such period from time to time as may be necessary-

*General provisions relating to the laying and connecting of pipes, sewers and the like*

**270. Power of Board to lay or carry wires, pipes, drains, or sewers, thorough private land subject to payment of compensation for damage sustained provided that no nuisance is created.** The Board may carry any wire, pipe, drain, sewer or channel of any kind for the purpose of providing or of carrying out and establishing or maintaining a system of water supply, lighting, drainage or sewerage, through, across, under or over any road, place laid out as or intended for a road, and after giving reasonable notice in writing to the owner and occupier, into, through, across, under, over or up the side of any land or building whatsoever situated within the limits of the municipality and for the purpose of introduction, distribution or outfall of water or for the removal or outfall of sewerage, without such limits, and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such wire, pipe, drain, sewer or channel, as the case may be, in an effective state for the purpose for which the same may be used or intended to be used:

Provided that no nuisance more than is necessarily caused by the proper execution of the work is created by any such operation; and

Provided further, that reasonable compensation shall be paid to the owner or occupier or both for any damage at the time sustained by him or them and directly occasioned by the carrying out of any such operations.

**271. Provisions as to wires, pipes, drains or sewers laid or carried above surface of ground.** In the event of any 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 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.

**272. Previous notice to be given.** Except as otherwise provided the Board shall cause not less than fourteen days' notice in writing to be given to the owner or occupier before commencing any operations under S. 270.

**273. Power to permit connections with main.** (1) Subject to rule, the Board may on application of the owner or occupier of any premises, make, or cause or permit to be made, any connection to such premises from any wire, pipe, drain, sewer or channel constructed or maintained by or vested in the Board, on such terms as the Board at a meeting may from time to time determine.

(2) Any person who shall, without the permission of the Board, make or cause to be made, any such connection or flush, draw off, divert, take or use water or gas from any works belonging to, or under the control of the Board, or divert or take water from any water or stream by which water-works belonging to, or under the control of the Board, are supplied shall be liable, to a fine not exceeding one hundred rupees.

**274. Power to make or require connections in certain cases.** In municipalities to which the provisions of this section may, at any time, by notification, be extended by the State Government, the Board may establish any connection from any drain or sewer to any premises, or may by notice require the owner or occupier of any such premises to establish any such connection, in such manner and within such time as the Board by notice in that behalf may prescribe, at the cost of such owner or occupier.

**275. Power to prescribe size of ferrules and to establish meters and the like.** The Board may prescribe the size of the ferrules to be used for the supply of gas and water, and may establish meters or other appliances for the purpose of testing the quantity or quality of any gas supplied to the premises of any person or to or for the use of any person or business.

**276. Communication and connections to be made subject to inspection by and to the satisfaction of the Board.** All works in connection with the ferrules, communication-pipes, connections, meters, stand-pipes and all fittings thereon or connected therewith, leading from mains or service wires, pipes, drains, sewers or channels into any house or land, and the wires, pipes, fittings and works inside any such house or within the limits of any such land shall, in all cases be executed subject to the inspection and to the satisfaction of the Board.

## **COMMENTS**

ASSAM (CASE-LAW)

*Section 276.* The order stopping the construction of the building and suspending the permission of the Board cannot but affect the enjoyment of the property. Such orders are prejudicial to the interest of the public and can only be passed by a statutory body after giving him a reasonable opportunity to show cause against such orders. [*Parma Singh v. Deputy Commissioner, K. and J. Hills*, AIR 1971 A & N 162].

**277. Connections may be made by Board's own agency.** The Board may require such ferrules, communication-pipes, connections, meters, stand-pipes and fittings to be supplied and fitted by its own agency upon such terms as may be agreed upon between it and the person requiring the connection or subject to such charges as may be fixed by the Board; and may require the amount necessary for the execution of such works to be paid or deposited before such works are executed.

**278. Power to enter premises.** (1) Any Officer authorised in that behalf by the Board may, between the hours of seven in the forenoon and five in the afternoon, enter into any house or land for the purpose of inspecting or repairing gas, water, or other installations, and for taking readings of meter connections therewith.

(2) If such officer at any such time refused admittance into such house or land for the purposes aforesaid, or be prevented from making such examination,, the Board may forthwith cut off the supply of gas or water, as the case may be, from such house or land:

Provided that nothing hereinbefore contained shall authorise an entry into any room appropriated for the *zenana* or residence of women, which by the custom of the country is considered private, unless a notice in writing of not less than four hours is given,

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

**280. Testing of water.** (1) If the owner or occupier of any premises to which water or gas is supplied through a meter desires to have the meter tested, he may send a written application to the Board, and such application must be accompanied by a free of five rupees.

(2) Upon receipt of any such application and fee, the Board shall forthwith cause such meter to be tested, at a time and place to be specified in a notice to be served upon such owner or occupier.

(3) If such meter is found, upon being so tested, to be incorrect by more than two per cent, the said free shall be returned to the person who sent it.

**281. Penalty for fraud in respect of meter.** (1) Any person who shall fraudulently—

- (a) alter the index to any meter, or prevent any meter from duly registering the quality or quantity of water or gas supplied, or
- (b) abstract or use water or gas before it has been registered by a meter set up for

the purpose of testing the quantity or quality of the same,  
shall be liable to a fine not exceeding one hundred rupees,

(2) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, obstruction or use shall be evidence that the consumer has fraudulently effected the same.

**282. Penalty for injuring meter.** Any person who shall wilfully or negligently injure or suffer to be injured any meter or any of the fittings of any meter shall be liable to a fine not exceeding one hundred rupees.

**283. Estimate and specification of works to be sent.** No works for establishing any such connection as is referred to in S. 273, shall be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such specification and estimate to the owner.

**284. Owner to bear the cost of keeping works in repair.** Except in the case of a special agreement to the contrary, the owner of any premises shall bear the expense of keeping any such connection with such premises as is referred to in Ss. 273 and 274 and all works connected therewith in substantial repair and if he fails to do so the occupier may, after giving the owner three days' notice in writing, himself have the repairs executed and deduct the expenses thereof from any rent which is due from him to the owner in respect of such premises:

Provided that nothing in this section shall affect the liabilities of parties under leases executed previous to the commencement of this Act.

*Special provisions relating to water supply systems*

**285. Board to provide water-supply.** (1) In any municipality in respect of which a scheme for a supply of water has been sanctioned under S. 226 and in which the imposition of a water-tax has been sanctioned by State Government under S. 68, sub-S. (1) (b), the Board shall provide a supply of water within the limits of the municipality for domestic purposes; and for this purpose it shall be lawful for it to cause such main and pipes to be laid, and such tanks, reservoirs or other works to be made and constructed, as shall be necessary for the supply of water in the chief public roads; and it may also erect in all such roads sufficient and convenient stand-pipes or pumps for the use of the inhabitants of the municipality for domestic purposes.

(2) The Board may supply water for other than domestic purposes.

**286. Pressure at which water must be kept.** The Board at a meeting shall determine what pressure of water shall be maintained in its service-pipes and mains, and during what hours such pressure shall be continued; and any order made under this section shall not be published in such manner as the Board may direct, and shall not be altered except with the sanction of the Board at a meeting.

**287. Provision for water-meter.** (1) The Board may provide a water-meter and

attach it to the communication-pipe of any premises to which water is supplied by the Board, and whenever a water-meter is provided the Board shall maintain it in an efficient state.

(2) When any meter attached to the communication pipe of any premises is out of order or under repair, the Board shall forthwith replace it by another meter.

(3) The expense of providing, attaching and replacing a meter under sub-Ss. (1) and (2) may, at the discretion of the Board, be borne by the municipal fund, or may be recovered wholly or in part from the person requiring the supply, or, if the communication pipe has been laid down before the commencement of this Act, from the owner of the premises, except in the case of special agreement to the contrary between the owner and the occupier, in one instalment or more than one instalment according as the Board thinks proper: and if the expense as aforesaid or any part of it is borne by the municipal fund, the Board may recover rent for the meter at such rate as may be fixed by it.

**288. House holder entitled to certain supply of water for domestic use.** (1) The Board at a meeting may determine what quantity of water shall be supplied for domestic purposes to the occupier of any premises free of further charge for every rupee paid to the Board as water tax on account of such premises.

(2) Any water which may be used for domestic purposes over and above the quantity to which the occupier is entitled as aforesaid, and any water which may be used for other than domestic purposes, shall be paid for by him at such rate as the Board at a meeting may determine.

**289. Power to provide water for latrines.** It shall be at the option of the Board to provide water for all latrines and water closets, and it shall be lawful for it to require that all latrines and water closets supplied with water shall be provided with a cistern of such size and description as the Board shall direct, and all such cisterns shall be put up at the cost of the owner of premises so supplied with water.

**290. Power to turn off water.** (1) The Board may cause the water to be turned off from any premises which are supplied with water after giving notice in writing of not less than twenty-four hours-

- (a) if the premises are unoccupied; or
- (b) if the person liable to pay the water-tax or any charge made under S. 287 (5) or 288 (2) neglects to pay the same; or
- (c) if any pipes, works, fittings or meters connected with the supply of water and being the property of the owner or occupier are found, on examination by any officer of the Board authorized in that behalf, to be out of repair to such an extent as to cause the waste of water; or
- (d) if the owner or occupier of the premises willfully or negligently contaminates,

misuses or causes waste of water;

and may recover from the owner or occupier of such premises, or from the person liable to pay the water-tax or the charge, as the case may be, the expenses incurred for turning off the water:

Provided that the stopping or cutting off of the supply of water shall not relieve any person from any penalties of liabilities which he may have incurred.

(2) When the water has been turned off under sub-S. (1) (b) the Board shall restore the supply on payment of sums for non-payment of which the water was turned off together with the expenses incurred in turning off the water or on the removal of the defects referred to in Cls. (c) and (d) of sub-S. (1) for which the water was turned off.

**291. Penalty for causing waste of water.** (1) The occupier of any premises, in which water supplied by the Board under this Chapter is, from negligence or other circumstances under the control of the said occupier, wasted, or in whose house or land the pipes, works, fitting, or meters for the supply of water shall be found to be out of repair to such an extent as to cause waste of water, shall be liable to a fine not exceeding twenty rupees.

(2) Any person otherwise causing waste of water supplied by the Board shall be liable to a fine not exceeding five rupees.

**292. Power to allow person outside the town to take water.** It shall be within the discretion of the Board to allow any person not residing within the limits of the municipality to take or be supplied with water for domestic use, on such terms as the Board at a meeting may from time to time determine:

and any person taking or causing to be taken for use, outside the limits of the municipality, water supplied by the Board without the permission of the Board, shall be liable to a fine not exceeding fifty rupees.