

# THE CALCUTTA MUNICIPAL CORPORATION ACT, 1980

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## West Bengal Act 59 of 1980

### PART V

### CIVIC SERVICES

### CHAPTER XVII

### Water Supply

#### *A. General*

**233. Definitions.** In this Chapter, unless the context otherwise requires, -

- (1) "main" means a trunk main, or reserve main, or service main, as the case may be, in a given context;
- (2) "reserve main" means a main laid by the Corporation for the purpose; of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such main;
- (3) "service main" means so much of any main for supplying water from a service main to any premises, as is subject to water pressure from that reserve main or would be so subject but for the closing of some tap,
- (4) "supply pipe" means so much of any pipe for supplying water from a service main to any premises as is subject to water pressure from that main or would be so subject but for the closing of some tap,
- (5) "trunk main" means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk, from one part of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk;
- (6) "water fittings" includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water,

#### *B. Functions in relation to water supply*

**234. Corporation's duty to supply water.** (1) It shall be the duty of the Corporation to take steps from time to time —

- (a) for ascertaining the sufficiency and wholesomeness of water supplied within Calcutta;
- (b) for providing a supply of wholesome water in pipes to every part of Calcutta in which there are houses, for domestic purposes of the occupants thereof,

and for taking the pipes affording that supply to such point or points as will enable the houses to be connected thereto at a reasonable cost, so, however, that the Corporation shall not be required to do anything which is not practicable at a reasonable cost or to provide such a supply to any part of Calcutta where such a supply is already available at such point or points aforesaid:

<sup>1</sup>Provided that the Corporation may, at any time, levy an annual fee, subject to the regulations made in this behalf, on the occupier of every house to which such supply is made;

- (c) for providing, as far as possible, a supply of wholesome water otherwise than in pipes to every part of Calcutta in which there are houses, for domestic purposes of the occupants thereof and to which it is not practicable to provide a supply in pipes at a reasonable cost, and in which danger to health arises from the insufficiency or unwholesomeness of the existing supply and a public supply is required and can be provided at a reasonable cost, and for securing that such supply is available within a reasonable distance of every house in that part.

(2) If any question arises under clause (b) of sub-section (1) as to whether anything is or is not practicable at a reasonable cost or as to the point or points to which pipes must be taken in order to enable houses to be connected to them at a reasonable cost or, under clause (c) thereof, as to whether a public supply can be provided at a reasonable cost, the Mayor-in-Council shall decide the question and thereupon the Municipal Commissioner shall give effect to the decision.

(3) Without prejudice to the provisions of sub-section (1), the Municipal Commissioner shall, for the purpose of securing, that, so far as is reasonably practicable, a sufficient supply of wholesome water for domestic purposes is available to every house and every public place, exercise his powers, under this Act, of requiring the owner of such house or public place to provide a supply of water thereto.

**235. Supply of unfiltered water.** The Corporation shall provide a supply of unfiltered water—

(a) in those parts of Calcutta in which such water is provided at the commencement of this Act, and

(b) in such other parts of Calcutta as it may think fit:

Provided that the Corporation may discontinue the supply of unfiltered water in any part of Calcutta where a supply, in sufficient quantity, of wholesome water becomes available.

**236. Water-supply to huts or bustees.** (1) The Corporation shall, subject to the rules or the regulations made in this behalf, provide supply of wholesome water either in pipes or by sinking tubewells or otherwise to huts or *bustees* for domestic purposes of the occupants thereof.

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<sup>1</sup> Proviso added by W. Bengal Act 32 of 1983.

(2) The Corporation shall provide, where it is so available, supply of unfiltered water for the flushing of privies in *bustees*.

**237. Water-supply through hydrants, standposts or other conveniences.** (1) The Municipal Commissioner may, with the prior approval of the Mayor-in-Council, erect hydrants or <sup>2</sup>[standpost for supply] wholesome water to the public within Calcutta through other conveniences:

Provided that for the purpose of safety, maintenance and regulation of use of such public hydrant or standpost, it may be placed under the charge of any person who may realize from each consumer such fee as the Mayor-in-Council may, from time to time, determine:

Provided further that the Corporation may, by regulations, control the functions of such person.

(2) The Municipal Commissioner may, with the prior approval of the Mayor-in-Council, close a public hydrant or standpost or close other convenience when it is no longer required for the supply of wholesome water to the public.

**238. Supply of water for domestic purposes not to include any supply for certain specified purposes.** (1) The use of wholesome water shall be for domestic purposes only.

(2) The supply of water for domestic purposes under this Act shall not be deemed to include any supply—

- (a) for washing of animals kept for sale or hire, or
- (b) for such trade, manufacture or business as may be determined by the Mayor-in-Council, or
- (c) for fountains or swimming baths, or
- (d) for watering gardens or streets, or
- (e) for any ornamental or mechanical purpose, or
- (f) for building purposes, or
- (g) for flushing purpose other than the purpose of flushing privies in *bustees*, or
- (h) for washing cars, carriages: and other vehicles:

Provided that in case of emergency, wholesome water may be used for extinguishing fire.

**239. Power to supply water for non-domestic purposes.** (1) The Municipal Commissioner may, with the prior approval of the Mayor-in-Council and subject to such terms and conditions as to payment, quantity or period as may be fixed under this Act or the rules or the regulations made thereunder, supply water for any purpose, other than the domestic purpose, on receiving a written application specifying the

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<sup>2</sup> Words subst. by W. Bengal Act 13 of 1984.

purpose for which the supply is required and the quantity likely to be consumed:

Provided that in a case where the purpose is such for which any licence is required under this Act or any other law for the time being in force, no such approval shall be given until such licence is produced.

(2) When an application under sub-section (1) is approved, the Municipal Commissioner may, subject to such charges and rates as may be fixed under the regulations, place or allow to be placed the necessary pipes and water fittings of such dimension and character as may be specified therein.

**240. Supply of water to ships.** The Municipal Commissioner shall, on demand, supply any ship in the Port of Calcutta with a reasonable supply of wholesome water for use on the voyage at such price for every thousand litres and on such conditions as the Mayor-in-Council may from time to time determine.

**241. Supply of water to areas adjacent to Calcutta.** (1) The Mayor-in-Council may, at any time, on receiving an application from the Commissioners of a municipality or from the Cantonment Board of a cantonment or from any other authority in respect of any other area adjacent to Calcutta which may be included in Calcutta by the State Government by notification, direct that such quantity of wholesome water *per diem* as may be determined by it shall be delivered into such reservoirs or pipes of such municipality or cantonment or area, as the case may be, as may be specified in such application.

(2) The supply of water under sub-section (1) shall be at such rate not being less than the cost of production and delivery (including the costs for debt servicing, depreciation of plant and machinery, losses and other charges, if any) as the Mayor-in-Council may from time to time determine.

(3) If payment for water delivered to any municipality or cantonment or area is not made regularly and in time, the Mayor-in-Council may, after giving twelve months' notice of its intention so to do, cut off the supply with the approval of the State Government.

(4) An appeal shall lie to the State Government from any refusal by the Mayor-in-Council to give direction under sub-section (1) or from any direction given by the Mayor-in-Council under that sub-section.

(5) Before deciding any appeal, the State Government shall consider any representation made by the Mayor-in-Council with reference to such appeal.

(6) No order made on any such appeal shall direct the delivery of water at a rate lower than the cost of production and delivery.

(7) Every order made by the State Government on any such appeal shall be final.

(8) Notwithstanding anything contained in sub-section (1), any municipality or cantonment or area which was getting delivery of wholesome water from the Corporation constituted under the Calcutta Municipal Act, 1951 immediately before the date of commencement of this Act shall, subject to the provisions of sub-section

(3), continue to get delivery of wholesome water from the Corporation constituted under this Act on the terms and conditions in force immediately before such date, and such terms and conditions may be modified at any time in accordance with the provisions of this section.

**242. Corporation's proprietary rights over sub-soil water resources.** All rights over the sub-soil water resources in Calcutta shall vest in the Corporation.

**243. Corporation's powers concerning water-works.** (1) For the purpose of providing Calcutta with supply of water, proper and sufficient for public and private uses, the Corporation may-

- (a) plan, construct, operate, maintain and manage waterworks, either within or outside Calcutta;
- (b) purchase or take on lease any waterwork or any water or right to store or to take and convey water, either within or outside Calcutta;
- (c) enter into an arrangement with any person and authority for supply of water:

Provided that the Corporation may, with the approval of the State Government, make over to or take over from a statutory body waterworks so as to do anything which may be necessary or expedient for the purpose of carrying out its functions under this Act or under any other law for the time being in force.

(2) Without prejudice to the generality of the foregoing provision, such power shall include the power-

- (i) to make over to or to take over from a statutory body all or any of the existing or new municipal responsibilities, powers, controls, facilities, services and administration relating to water supply in Calcutta, and to manage the same;
- (ii) to extend, expand and develop existing facilities and to construct and operate new ones;
- (iii) to establish, operate, maintain and manage engineering workshops related to the waterworks and the water supply system;
- (iv) to establish, maintain and operate laboratories and experimental and research stations;
- (v) to establish in-service training courses and provide other training for its personnel;
- (vi) to regulate drilling of tubewells, public or private, and to control withdrawal of underground water;
- (vii) to prevent pollution of any water including any water-source, water course or channel within or outside Calcutta;
- (viii) to prevent discharge of industrial wastes or foul water into any river, canal,

or other water channel abutting the water source, water course or channel of Corporation's water supply;

- (ix) to acquire any tank, pond, well or other water area within Calcutta considered to be prejudicial to community health.

**244. Municipal Commissioner to manage water-works.** Subject to the other provisions of this Act, the Municipal Commissioner shall manage all waterworks and allied facilities belonging to the Corporation and shall maintain the same in good repair and efficient condition and shall cause to be done from time to time all such things as shall be necessary or expedient for improving the said works and facilities.

**245. Power of access to water works.** (1) The Municipal Commissioner, or any person appointed by the State Government under section 246 in this behalf, may, for the purpose of inspecting or repairing or executing any work in, upon or in connection with any waterwork, at all reasonable times,-

- (a) enter upon and pass through any land within or outside Calcutta, adjacent to or in the vicinity of such waterwork, in whomsoever such land may vest,
- (b) convey into and through any such land all necessary materials, tools and implements.

(2) In the exercise of any power conferred by this section as little damage as possible shall be done, and compensation for any damage which may be done in the exercise of any such power shall be paid by the Municipal Commissioner or, if any person appointed under section 246 has caused the damage, by the State Government.

**246. Inspection of waterworks by persons appointed by State Government.** Any person appointed by the State Government in this behalf may, at all reasonable times and with the prior intimation to the Municipal Commissioner, enter upon and inspect any waterworks belonging to the Corporation.

**247. Purity of wafer for domestic purposes.** The Municipal Commissioner shall, at all times, secure that the water in any waterworks belonging to the Corporation from which water is supplied for domestic purposes is wholesome.

#### *D. Tubewells*

**248. Prohibition regarding sinking of tubewells.** (1) No person shall except with the prior permission in writing of the Municipal Commissioner, sink a tubewell in any premises.

(2) The Municipal Commissioner may, with the prior approval of the Mayor-in-Council, grant such permission and issue a tubewell licence on such conditions and on payment of such annual fee as the Mayor-in-Council may from time to time specify:

Provided that any person owning a tubewell sunk before the commencement of this Act shall take out a tubewell licence on such conditions and on payment of such annual fee as the Mayor-in-Council may from time to time determine.

**249. Municipal Commissioner's direction to sink tubewell in some cases.** (1) Notwithstanding the provisions of section 248, the Municipal Commissioner may,

with the prior approval of the Mayor-in-Council, by a written notice, require the owner of a premises to sink a tubewell, if the premises is to be used as a place of public resort, or as a market, or as a place of employment of more than fifty persons, or, in other cases, for reasons to be recorded in writing.

(2) Every such owner shall be bound to take out a tubewell licence on such conditions and on payment of such annual fee as the Mayor-in-Council may from time to time determine.

**250. Municipal Commissioner to maintain a register of tubewells sunk in Calcutta.** The Municipal Commissioner shall cause to be maintained a register, in such form and in such manner as may be determined by regulations, which shall provide an inventory of the tubewells, public or private, sunk in Calcutta and such register shall be updated from time to time..

*E. Water supply mains and connections to premises*

**251. Power to lay mains.** (1) The Corporation may lay a main, whether within or outside the local limits of Calcutta,-

- (a) in any street, and
- (b) with the consent of every owner or occupier of any land not forming part of a street, in, over or on that land,

and may, from time to time, inspect, repair, alter or renew or may, at any time, remove any main so laid, whether under this section or otherwise:

Provided that where a consent required for the purpose of this subsection is withheld, the Municipal Commissioner may, after giving the owner or the occupier of the land a written notice of his intention so to do, lay the main in, over or on that land even without such consent.

(2) Whenever the Municipal Commissioner, in exercise of the powers under this section, lays a main in, over or on any land not forming part of a street, or inspects, repairs, alters, renews or removes a main so laid in, over or on any such land, he shall pay compensation to every person interested in that land for any damage done thereto, or injurious affection of that land by reason of the laying, inspection, repair, alteration, renewal or removal of the main.

**252. Power to lay service mains, etc.** (1) The Municipal Commissioner may, in any street whether within or outside the local limits of the Corporation, lay such service mains with such stopcocks and other water fittings as he may deem necessary for supplying water to premises and may, from time to time, inspect, repair, alter or renew and may, at any time, remove any service main laid in a street whether under this section or otherwise.

(2) Where a service main has been lawfully laid in, over, or on the land not forming part of a street, the Municipal Commissioner may, from time to time, enter upon that land and inspect, repair, alter, renew or remove the main or lay a new main in substitution thereof but shall pay compensation for any damage done in the course of such action.

**253. Provision of fire hydrants.** (1) The Municipal Commissioner shall fix hydrants on water mains (other than trunk mains) at such places as may be most convenient for affording a supply of water for extinguishing any fire which may break out and shall keep in good order and from time to time replace every such hydrant.

(2) To denote the situation of every hydrant placed under this section, letters, marks or figures shall be displayed prominently on any wall, building or other structure near such hydrant.

(3) As soon as any such hydrant is completed, the Municipal Commissioner shall deposit a key thereof at each place where a public fire engine is kept and in such other places as he deems necessary.

(4) The Municipal Commissioner may, at the request and expense of the owner or the occupier of any factory, workshop, trade premises or place of business situated in or near a street in which a main is laid (not being a trunk main and being of sufficient dimensions to carry a hydrant), fix on the main and keep in good order and from time to time renew one or more fire hydrants, to be used only for extinguishing fires, as near as may be to such factory, workshop, trade premises or place of business.

(5) The Municipal Commissioner shall allow all persons to take water for extinguishing fires from any main on which a hydrant is fixed without any payment.

**254. Power to Municipal Commissioner to allow connections of premises to service mains.** The Municipal Commissioner may permit the owner, lessee or occupier of any premises to connect the premises by means of supply pipes for conveying to the premises a supply of wholesome or unfiltered water from the service mains of the Corporation subject to the provisions of this Act and the rules and the regulations made in this behalf.

**255. Power to require separate supply pipes.** (1) The Municipal Commissioner may require the provision of a separate supply pipe for each of the premises supplied or to be supplied by him with water.

(2) If, in the case of any premises already supplied with water but not having a separate supply pipe, the Municipal Commissioner gives notice to the owner of the premises requiring the provision of such a pipe, the owner shall, within three months, lay so much of the required pipe as is not required to be laid in a street, and the Municipal Commissioner shall lay so much of the required pipe as is to be laid in a street and make all necessary communications.

**256. Stopcocks.** (1) The Municipal Commissioner shall, in every service main laid after the commencement of this Act and may, on every service main laid before such Commencement, fit a stopcock enclosed in a cover box or a pit of such size as may be reasonably necessary.

(2) Every stopcock fitted on a service main after the commencement of this Act shall be placed in such position as the Municipal Commissioner deems most convenient:

Provided that—



- (a) a stopcock in private premises shall be placed as near to the street from which the supply pipe enters those premises as is reasonably practicable; and
- (b) a stopcock in a street shall be placed as near to the boundary thereof as is reasonably practicable.

**257. Water pipes etc., not to be placed where water will be polluted.**

(1) No water pipe shall be laid in a drain or on the surface of an open channel or house gully or within twenty feet of a cesspool or in any position where the pipe is likely to be injured or the water therein polluted; and no well or tank and, except with the consent of the Municipal Commissioner, no cistern shall be constructed within twenty feet of a latrine or cesspool.

(2) No latrine or cesspool shall be constructed or made within twenty feet of any well, tank, water pipe or cistern or in any position where pipe, well, tank or cistern is likely to be injured or the water therein polluted.

**258. Supply pipes to be kept in efficient repair.** It shall be incumbent on the owner or the occupier of any premises to which water is supplied from any waterworks belonging to the Corporation to keep in a thoroughly clean condition, not to maintain and keep in efficient repair, every supply pipe connecting the premises to the supply mains of the Corporation and any other water-fittings in the premises:

Provided that upon an inspection, the Municipal Commissioner may, by written notice require the owner or the occupier of the premises to remedy any defect which he may find:

Provided further that when an occupier of any premises is served with a notice under this section, he may, after giving three days' notice in writing to the owner or to the person to whom he is responsible for the payment of his rent, himself have the repairs executed and deduct the expenses thereof from any rent which is due from him to such person.

**259. Vesting of connections to premises in the Corporation.** The Municipal Commissioner may, if he thinks fit, take charge of all supply pipes and water-fittings of any premises connected with the water mains of the Corporation and under such circumstances as may be specified by regulations, the same shall thereafter vest in and be maintained at the expense of the Corporation.

**260. Municipal water supply, sewerage and drainage code.** (1) All private connections of premises to the service mains of the Corporation for the supply of water thereto and all pipes, taps and other water-fittings used for such supply shall be made, maintained and regulated in accordance with and subject to such regulations as may be made in this behalf, and such regulations shall form a part of a Municipal Water Supply, Sewerage and Drainage Code:

Provided that in making such regulations, due regard shall be given to the relevant codes relating to water supply and other matters related thereto, published by the Indian Standards Institution from time to time:

Provided further that in the absence of any such regulations, the provisions of the relevant codes of the Indian Standards Institution shall apply.

(2) The regulations shall specify the requirements with which an owner, lessee or occupier of any premises who desires to have a supply of water from the Corporation shall comply.

(3) The regulations shall provide for inspection of premises by the Municipal Commissioner to ascertain compliance with the provisions of sub-section (1) and for testing any water-fittings, used in connection with water supplied by the Corporation.

#### *F. Water-Meters*

**261. Power of Corporation to establish block meters.** (1) The Corporation may, if it thinks fit, establish block meters through which the entire supply of wholesome water for a given area shall pass and such supply shall be recorded.

(2) The Mayor-in-Council may, from time to time and with due regard to the size of the population and technical compulsions, if any, and after taking into account the capacity approved by it for non-domestic purposes, regulate the supply of water in a given area in such a manner so as to ensure that there is equitable distribution of available water supply through Calcutta:

Provided that the Mayor-in-Council shall have full and final discretion in these matters.

**262. Power of Municipal Commissioner to provide meters.** (1) The Municipal Commissioner may provide a water-meter and attach the same to the supply pipe in the premises connected with the service mains of the Corporation.

(2) The expenses of providing and attaching a meter under sub-section (1) shall be paid out of the Municipal Fund.

(3) The use, rent to be paid for such use, maintenance and testing of meters shall be governed by the regulations made in this behalf and shall form a part of the Municipal Water-Supply, Sewerage and Drainage Code.

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

**264. Prohibition of fraud in respect of meters.** (1) No person shall fraudulently-

- (a) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied;
- (b) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

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

**265. Payment for supply of water as recorded by meters.** (1) In a premises where a meter has been attached on a supply pipe, the occupier shall be liable to pay

for the water shown to have been consumed on the basis of the readings recorded by the meter attached to the supply pipe.

(2) The Corporation shall, from time to time, determine the rate per thousand liters for the supply of water at which the amount payable under sub-section (1) shall be calculated:

Provided that in fixing pro rata unit rate, the Corporation shall endeavour to cover the cost for operation, maintenance, depreciation, interest payments and other charges related to the waterworks and the distribution costs, including distribution losses, if any.

(3) The manner for determining consumption of water under sub-section (1) and for determining the liability of an occupier for the time being shall be governed by regulations made in this behalf.

*G. General powers regarding water supply and its uses*

**266. New premises not to be occupied without arrangement for water supply.**

No person shall occupy or cause or permit to be occupied any premises or part thereof constructed or reconstructed after the commencement of this Act until he has obtained a certificate from the Municipal Commissioner that there is provided within, or within a reasonable distance of, the premises such supply of wholesome water as appears to the Municipal Commissioner to be adequate for the persons who may occupy or be employed in such premises, for their domestic purposes.

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**267. Power to require water supply to be taken.** If it appears to Municipal Commissioner that any premises in Calcutta are without supply of wholesome water for domestic purposes or that the existing supply of water for domestic purposes available for the persons usually occupying or employed in such premises is inadequate or on any sanitary grounds objectionable, the Municipal Commissioner may by notice in writing require the owner of the premises or the persons primarily liable for the payment of the consolidated rate in respect of the same—

- (a) to take a connection from the supply mains of the Corporation adequate for the requirements of the person occupying or employed in the premises or to take such additional or enlarged connection or connections from the supply means; and
- (b) to provide supply pipes and water-fittings and instal and work a pump and do all such works and take all such measures as may, in the opinion of the Municipal Commissioner necessary for the above purposes.

**268. Power to close or restrict use of water from sources of supply.** (1) If the Municipal Commissioner is of opinion that the water in, or obtained from, any well, tank or other source of supply not vested in the Corporation, being water which is or is likely to be used for domestic purposes or for the preparation of food or drink for human consumption, is or is likely to become so polluted as to be prejudicial to health, the Municipal Commissioner may, after giving the owner or the occupier of the premises in which the source of supply is situated a reasonable opportunity of being heard, by order, direct that the source of supply be permanently or temporarily

closed or cut off or the water therefrom be used for certain purposes only or make such order as appears to him necessary to prevent injury or danger to the health of person using the water or consuming food or drink prepared therewith or therefrom.

(2) Before making any order under this section, the Municipal Commissioner may cause the water to be analysed at the cost of the Corporation.

(3) If the person to whom an order is made under this section fails to comply therewith, the Municipal Commissioner may do whatever may be necessary for giving effect to the order, and any expenses reasonably incurred by him in so doing may be recovered by him from the person in default as an arrear of tax under this Act.

**269. Power to require filling up of wells.** Whenever a supply of filtered or unfiltered water has been provided in an area, the Municipal Commissioner may, by a written notice, require the owner, lessee or the occupier, as the case may be, of a well, tank or other water area forming a part of any premises in the said area, to fill up such well, tank or water area.

**270. Power of Corporation to require owners of premises to set up pumps, etc.** The owner of every premises connected with the service mains of the Corporation shall, when so required by the Municipal Commissioner, set up electric pumps or other contrivances whereby water may be caused to reach to the top of the top-most storey of such premises.

**271. Water supplied for domestic purposes not to be used for non-domestic purposes.** No person shall, without the written permission of the Municipal Commissioner, use or allow to be used water, supplied for domestic purposes, for any other purposes.

**272. Use of unfiltered water.** (1) Unfiltered water shall be used for the following purposes:—

- (a) extinguishing of fire;
- (b) street watering;
- (c) flushing of drains of the Corporation, gully-pits, public privies and urinals;

(2) Unfiltered water may also be used, free of charge,—

- (a) for flushing privies and urinals in private premises connected with sewers
- (b) for flushing of drains in private premises;
- (c) for cleansing garages and washing vehicles.

(3) Unfiltered water shall not be used for domestic purposes or, without the written permission of the Municipal Commissioner, for any purposes other those specified in sub-sections (1) and (2).

(4) Notwithstanding anything contained hereinbefore in this Chapter, wholesome water may be used in lieu of unfiltered water for non-domestic purposes where the supply of unfiltered water is not available for the time being.

**273. Prohibition of waste or misuse of water.** (1) No person shall willfully or negligently cause or suffer any water-fitting, which he is liable to maintain,—

- (a) to be or remain so out of order or so in need of repair, or
- (b) to be or remain so constructed or adapted or to be so used, that the water supplied to him by the Corporation is or is likely to be wasted, misused or unduly before use, or that foul air or any impure matter is likely to return into any pipe belonging to, or connected with, a main belonging to the Corporation.

(2) If any water-fitting which any person is liable to maintain is in such condition or is so constructed or adapted as aforesaid, the Municipal Commissioner, without prejudice to his right to proceed against the person under any other provision of this Act, may require that person to carry out any necessary repairs or alterations and, if he fails to do so within forty-eight hours, <sup>3</sup>[may cause to be carried out] the work and recover from him the expenses reasonably incurred by him in so doing as an arrear of tax.

**274. Power to enter premises to detect waste or misuse of water.** The Municipal Commissioner or any officer of the Corporation authorised by the Municipal Commissioner in writing may, between sunrise and sunset, enter any premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and the Municipal Commissioner or such officer shall not be refused admittance to the premises or obstructed by any person in making his examination.

**275. Power to Municipal Commissioner to cut off or turn off supply of water to premises.** (1) Notwithstanding anything contained in this Act, the Municipal Commissioner may cut off the connection between any waterworks of the Corporation and any premises to which water is supplied from such works, or may turn off such supply, in any of the following cases, namely:-

- (a) if the premises are unoccupied;
- (b) if, after receipt of a written notice from the Municipal Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues to use the water or to permit the same to be used, in contravention of this Act or of any regulations made thereunder;
- (c) if the occupier of the premises contravenes section 238;
- (d) if the occupier refuses to admit any officer or employee of the Corporation duly authorized in that behalf into the premises for the purpose of making any inspection under this Act or under any regulations relating to water supply made under this Act, or prevents such officer or employee from making such inspection;
- (e) if the owner or the occupier of the premises wilfully or negligently injures or damages his meter or any pipe or tap conveying water from any works of the

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<sup>3</sup> Subst. by W.Bengal Act 13 of 1984

Corporation;

- (f) if any pipes, taps, works or fittings connected with the supply of water to the premises be found, on examination by the Municipal Commissioner, to be out of repair to such an extent as to cause so serious a waste of water that, in the opinion of the Municipal Commissioner, immediate prevention is necessary;
- (g) if the use of the premises for human habitation has been prohibited under this Act from the date from which the premises are to be vacated in pursuance of an order under this Act;
- (h) if there is any water-pipe situated within the premises to which no tap or other efficient means of turning the water off is attached;
- (i) if by reason of a leak in the service-pipe or fitting, damage is caused to the public street and immediate prevention is necessary.
- (j) if the occupier of the premises fails to pay in full any amount due from him for supply of water under this Act.

Provided that--

- (i) water supplied for flushing privies or urinals shall not be cut off or turned off except when the Municipal Commissioner thinks it necessary to cut off or turn off such water for preventing damage to or accident on public streets;
  - (ii) water shall not be cut off or turned off in any case referred to in clause (g) or clause (j) unless written notice of not less than seventy-two hours has been given to the occupier of the premises;
  - (iii) in any case referred to in clause (f) or clause (i), the Municipal Commissioner may carry out necessary repair to pipes, taps, works, or fitting and recover the expenses thereof from the owner or the occupier of the premises.
- (2) The expenses of cutting off or turning off water-supply shall be paid by the owner or the occupier of premises and shall be recoverable from the owner or the occupier as an arrear of tax under this act.

**276. Joint and several liability if owners and occupiers for offence in relation to water supply.** If any offence committed under this Act on any premises connected with the service main of the Corporation, the owner, the person primarily liable for the payment of the consolidated rate and the occupiers of the said premises shall be jointly and severally liable for such offence.

## **CHAPTER XVIII**

### **Drainage and Sewerage**

#### *A. Functions in relation to Drainage and Sewerage*

**277. Corporation to provide drainage, sewerage and outfall (1)** The

Corporation construct and maintain drains and sewers and provide a safe and sufficient outfall, in or outside Calcutta, for effectual drainage and proper discharge of storm-water and sewage of Calcutta in such a manner as not to cause any nuisance, whether by flooding any part of Calcutta or of the country surrounding the outfall or in any other way.

(2) If the outfall deteriorates by the decay of existing river channels or otherwise, the State Government may require the Corporation to take at the cost of the Municipal Fund such action as may be necessary to ensure a safe and sufficient outfall.

**278. Provision of means for disposal of sewage.** The Corporation may, for the purpose of receiving, treating; storing, disinfecting, distributing or otherwise disposing of sewage, construct, operate, maintain, develop and manage any work within or outside Calcutta.

**279. Appointment of places for the emptying of drains and disposal of sewage.** The Mayor-in-Council may cause any or all of the municipal drains to empty into, and all sewage to be disposed of at such place or places as it considers suitable:

Provided that no place which has not been before the commencement of this Act used for any of the purposes specified in this section shall be used except in conformity with the provisions under the West Bengal Town and Country (Planning and Development) Act 1979 and without the approval of the Corporation:

Provided further that on and after such date as may be appointed by the State Government in this behalf no sewage shall be discharged into any water-course until it has been so treated as not to affect prejudicially the purity and quality of the water into which it is discharged.

*B. Proprietary rights of the Corporation in respect of  
drains and sewage disposal works*

**280. Public drains and sewage disposal works to vest in the Corporation.** (1) All public drains, a;; drains in, alongside or under any public street, and all sewage disposal works constructed or acquired out of the Municipal Fund or otherwise and all works, materials and things appertaining thereto, which are situated within or outside Calcutta shall vest in the Corporation.

(2) All public and other drains which are vested in the Corporation are hereafter in this act referred to as municipal drains.

(3) For the purposes of laying, constructing, enlarging, deepening or otherwise repairing or maintaining any such drain or sewage disposal work, so much of the sub-soil appertaining thereto as may be necessary for the said purposes shall be deemed also to vest in the Corporation.

(4) All drains and ventilation shafts, pipes and all appliances and fittings connected with the drainage works constructed, erected or set out of the Municipal Fund in or upon premises not belonging to the Corporation, whether -

(a) before or after the commencement of this Act, and

- (b) for the use of the owner or occupier of such premises or not,

shall, unless the Corporation has otherwise determined, or does at any time otherwise determine, vest and be deemed always to have vested in the Corporation.

**281. Corporation's power to make over to or to take over from a statutory body the drainage and sewerage services.** (1) Subject to the approval of the State Government in this behalf, the Corporation may take over to, or take over from a statutory body any drain or sewer or sewage disposal works so as to do anything which may be necessary or expedient for the purpose of carrying out its functions under this Act or under any other law for the time being in force.

(2) Without prejudice to the generality of the foregoing provision, such power shall include the power-

- (i) to make over to, or take over from, a statutory body all of any existing or new municipal responsibilities, powers, controls, facilities, services and administration relating to drainage and sewerage in Calcutta, and to manage the same when taken over;
- (ii) to extend, expand and develop existing facilities and to construct and operate new ones.

**282. Control of drains and sewage disposal works.** All municipal drains and sewers, all sewage disposal works and all works, materials and things appertaining thereto shall be under the control of the Municipal Commissioner.

### *C. Municipal Drains*

**283. Power for making drains.** (1) The Municipal Commissioner may carry any municipal drain through, across or under any street or any place laid out as or intended for a street or under any 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 Calcutta or for the purpose of outfall or distribution of sewage outside Calcutta.

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

**284. Alteration and discontinuance of drains.** The Municipal Commissioner may enlarge, alter the course of, lessen, arch over or otherwise improve any municipal 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 foul water drainage or for the purpose 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 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.



**285. Communication of municipal drains with drains, lakes, etc., beyond Calcutta.** Subject to the approval of the State Government in this behalf, the Corporation may, if necessary, make its drains to communicate with, or empty themselves into, any public drain, lake, stream, canal or water-course outside Calcutta, and in so doing it may exercise throughout the line of country outside Calcutta through which the said drains are to run all the powers which it might exercise under this Act if the said drains were to run entirely in Calcutta.

**286. Communication of drain under control of local authority beyond Calcutta with municipal drain.** Subject to the approval of the State Government in this behalf and upon such terms and conditions as may be agreed upon between any local authority and the Corporation, any local authority outside Calcutta may cause any drain under its control to communicate with any municipal drain.

**287. Cleansing drains.** (1) the municipal drains shall be so constructed, maintained and kept as to create the least practicable nuisance and shall, from time to time, be properly cleansed and emptied.

(2) For the purpose of flushing, cleansing and emptying the said drains, the Municipal Commissioner may construct or set up suck reservoirs, sluices, machines and other works as he may from time to time determine.

*D. Drains of private streets and drainage of premises*

**288. Power to Connect drain of private street with municipal drain.** The owner of a private street shall be entitled to connect the drain of such with a municipal drain subject to such conditions as may be determined by the Corporation by regulations.

**289. Right of owner or occupier of premises to drain into municipal drain.** (1) Subject to such regulations as the Corporation may make in this behalf, the owner or occupier of any premises having a private house-drain may apply to the Municipal Commissioner to have his house-drain made to communicate with the municipal drains and thereby to discharge foul water and surface water from those premises:

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

- (a) to discharge directly or indirectly into any municipal drain any trade effluent from any trade premises except in accordance with the provisions made under this act or any liquid or other matter the discharge of which into municipal drains is prohibited by or under this Act of any other law for the time being in force; or
- (b) where separate municipal 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 house-drain made to communicate directly with a stormwater

overflow main;

(2) Any person desirous of availing himself of the provisions of s section (1) shall give to the Municipal Commissioner notice of his proposals, and at any time within one month after receipt thereof the Municipal Commissioner may grant permission or by notice to him refuse to permit the communication to be made, if it appears to him that the mode of construction or condition of the house-drain is such that the making of the communication would be prejudicial to the drainage system, and for the purpose of examining the mode of construction and condition of the house drain he may, if necessary, require it to be laid open for inspection.

(3) The Municipal Commissioner may, if he thinks fit construct such part of the work necessary for having a private house-drain made to communicate with a municipal drain as is in or under a public street and in such a case, the expenses incurred by the Municipal Commissioner shall be paid by the owner or occupier of the premises in advance in accordance with such regulations as may be made by the Corporation in this behalf.

**290. Connections with municipal drains not to be made: except in conformity with section 289.** No person shall without complying with the provisions of section 288 or section 289 and the regulations made there-under make or cause to be made any connection of a house-drain belonging to himself or to some other person with any municipal drain; and the Municipal Commissioner may close, demolish, alter or re-make any such connection made in contravention of this section, and the expense incurred by the Municipal Commissioner in so doing shall be paid y the owner or occupier of the premises, as the case may be, for the benefit of which the connection was made or by the person offending.

**291. Premises deemed to be without effectual drainage.** For the purposes of this Chapter, premises shall be deemed to be without effectual drainages unless drainage therefrom is discharged or the drain attached thereto is emptied into a municipal drain or some place; legally set apart for the discharge of drainage or a cesspool in accordance with, the provisions of this Act.

**292. Power of Municipal Commissioner to require 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, it shall be competent for the Municipal Commissioner to require that there shall be one drain for sewage, offensive matter and polluted water and an entirely distinct drain for rain-water and unpolluted sub-soil water, each type emptying into separate municipal drains or other suitable places.

**293. New premises not to be erected without drains.** (1) It shall not be lawful to erect or re-erect any premises in Calcutta or to occupy any such premises unless—

- (a) a drain is constructed of such size, materials and descriptions at such level and with such fall as may appear to the Municipal Commissioner to be necessary for the effectual drainage of such premises;
- (b) there have provided and set up on such premises such appliances and fittings as may appear to the Municipal Commissioner to be necessary for the purposes of gathering or receiving the drainage from, and conveying the

same off, the said premises and of effectually flushing the drain of the said premises and every fixture connected therewith.

(2) The drains so constructed shall empty into a municipal drain situated at a distance of not exceeding thirty meters from the premises; but if no municipal drain is situated within that distance then such drain shall empty into a cesspool to be constructed by the owner situated within the distance to be specified by the Municipal Commissioner for the purpose.

**294. Power of Municipal Commissioner to enforce drainage of undrained premises.** (1) Where any premises are, in the opinion of the Municipal Commissioner, without sufficient means of effectual drainage and a municipal drain or some place approved by him for such discharge is situated at a distance not exceeding sixty meters from any part of the said premises, he may by a written notice require the owner of the said premises-

- (a) to construct a house-drain emptying into such municipal drain or place;
- (b) to provide and set up 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 house drain and every fixture connected therewith;
- (c) to remove any existing house-drain or other appliance or thing used or intended to be used for drainage which is injurious to health;
- (d) to provide a closed drain in substitution of an open drain or to provide such other appliance or thing either newly or in substitution of any existing appliance or thing or to provide both a closed drain and such other appliance or thing in substitution of the existing open drain and other appliance or thing which is or is likely to be injurious to health.
- (e) to provide and set up all such appliances and fittings as may appear to the Municipal Commissioner to be necessary for the purpose of gathering and receiving the waste water from the floors and galleries of buildings when they are washed and conveying the same through spouts by down-take pipe so as to prevent such waste water from discharging directly on streets or inside any lower portion of the premises;
- (f) to carry out any work to improve or re-model an existing house-drain which is inadequate, insufficient or faulty.

(2) Where in any case not provided for in sub-section (1) any premises are, in the opinion of the Municipal Commissioner, without sufficient means of effectual drainage, he may, by written notice require the owner of the premises-

- (a) to construct a house-drain up to a point to be specified in such notice but not at a distance of more than sixty meters from any part of the premises; or
- (b) to construct a dosed cesspool or soaking pit and drain or drains emptying into such cesspool or soaking pit.

(3) Any requisition for the construction of any house-drain under sub-section (2) may contain any of the details specified in sub-section (1).

**295. Compulsory connections of house-drains with each other.** When a drain belonging to one or more persons has been laid in a private street which is common to more than one premises and the Municipal Commissioner considers it desirable that any other premises should be drained into such drain, he may, by written notice, require the owner of such premises to connect his house-drain with such drain in the private street, and the owner of such drain in the private street shall thereupon be bound to permit such connection to be made:

Provided that no such connection shall be made except upon such terms as may be provided by the regulation and until any payment, which may be directed by the Municipal Commissioner in accordance with the regulations, has been duly made.

**296. 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 may be drained more economically or advantageously in combination than separately and a municipal drain of sufficient size already exists or is about to be constructed within thirty meters of any part of that group or block of premises, the Municipal Commissioner may cause that group or block or premises to be drained by a combined operation.

(2) The expenses incurred in carrying out any work under sub-section (1) in respect of any group or block of premises shall be paid by the owners of such premises in such proportions as the Municipal Commissioner may determine and shall be recoverable from them as an arrear of tax under this Act.

(3) Not less than fifteen days before any such work is commenced the Municipal Commissioner shall give to each such owner –

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

(4) 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 proportions in which it is determined that the owners of such premises, are to contribute to the expenses incurred under sub-section (1), be responsible for the expenses or maintaining every such drain in good repair and efficient **condition.**

Provided that every such drain shall from time to time be flushed, cleansed and emptied by the Municipal Commissioner and the cost of such work may be recovered from the owners concerned.

**297. Power of Municipal Commissioner to close or limit the use of house-drain in certain cases.** Where a house-drain connecting any premises with a municipal drain is sufficient for the effectual drainage of such premises and is otherwise unobjectionable but is not, in the opinion of the Municipal Commissioner,

adopted to the general system of drainage in Calcutta, he may, by written notice addressed to the owner of the premises, direct-

- (a) that such house-drain be closed, discontinued or destroyed and that any work necessary for that purpose be done; or
- (b) that such house-drain shall, from such date as may be specified in the notice in this behalf, be used for sewage, offensive matter and polluted water only or for rain-water and unpolluted sub-soil:

Provided that-

- (i) no house-drain may be closed, discontinued or destroyed under clause (a) except on condition of his providing; another drain equally effectual for the drainage of the premises and communicating with any municipal drain which he thinks fit; and
- (ii) the expenses of the construction of any drain so provided by the Corporation and of any work done under clause (a) may be paid out of the Municipal Fund.

**298. Power of Municipal Commissioner to require owner to carry out certain works for satisfactory drainage.** For the purpose of efficient drainage of any premises, the Municipal Commissioner may, by notice in writing,-

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

**299. Power of Municipal Commissioner to require occupier to carry out work.** The Municipal Commissioner may, if he considers necessary so to do, require the occupier, instead of the owner, of any premises to carry out any work which might otherwise be required to be carried out by such owner under the provisions of pier shall be bound to carry out such work:

Provided that except in the case of any special agreement to the contrary, such occupier may deduct the amount of the expenses reasonably incurred or paid by him in respect of such work from any rent payable to the owner or may recover the same from him by an order of a court of competent jurisdiction.

**300. Drains for huts.** (1) The Municipal Commissioner may construct and maintain such drains for the drainage of butts as he may consider necessary.

(2) Notwithstanding the provisions of sub-section (1), if the Municipal Commissioner considers that a new drain should be constructed for the benefit of occupants of any hut, he may, by a written notice require the owner of the land on which such hut stands to construct with drain; and such owner shall construct such drain and shall maintain and, from time to time, cleanse and repair such drain to the satisfaction of the Municipal Commissioner.

(3) Notwithstanding the provisions of sub-section (1) or sub-section (2), any statutory authority may, subject to the provisions of the West Bengal Slum Areas (Improvement and Clearance) Act, 1972, construct or maintain drains and sewers and connect such drains or sewers with a municipal drain.

**301. Special provisions relating to trade effluent.** Subject to the provisions of this Act and the regulations made thereunder and of any other law for the time being in force, the occupier of any trade premises may, with the consent of the Municipal Commissioner or, so far as may be permitted by this Act or the regulations made thereunder or any other law for the time being in force, without such consent, discharge into the municipal drains any trade effluent proceeding from those premises.

**302. Special provisions regarding drainage of trade effluents.** Notwithstanding anything contained in this Act or the regulations made thereunder or any usage, custom or agreement, where in the opinion of the Municipal Commissioner any trade premises are without sufficient means of effectual drainage of trade effluent or the drains thereof, though otherwise unobjectionable, are not adopted to the general drainage system of Calcutta, the Municipal Commissioner may by written notice require the owner or occupier of such premises-

- (a) to discharge the trade effluent in such manner, at such times, through such drains and subject to such conditions as may be specified in the notice and to cease to discharge the trade effluent otherwise than in accordance with the notice;
- (b) to purify the trade effluent before its discharge into a municipal drain and to set up for purifying the trade effluent such appliances, apparatus, fittings and plant as may be specified in the notice;
- (c) to construct a drain of such material, size and description and laid at such level and according to such alignment and with such fall and outlet as may be specified in the notice;
- (d) to alter, amend, repair or renovate any purification plant, existing drains, apparatus, plant-fitting or article used in connection with any municipal or house drain.

**303. Certain matters not to be passed into municipal drains.** No person shall throw, empty, or turn into any municipal drain or into any drain communicating with a municipal drain-

- (a) any matter 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; or
- (b) any chemical, refuse or waste steam, or any liquid of a temperature higher than forty-five degrees centigrade, being refuse or waste steam which, or liquid which when so heated, is either alone or, in combination with the contents of the drain, dangerous, or the cause of a nuisance, or prejudicial to health; or

- (c) any dangerous petroleum.

*Explanation.*—For the purpose of this section, the expression "dangerous petroleum" shall have the same meaning as in the Petroleum Act, 1934.

**304. Power of Municipal Commissioner to affix shafts, etc., or ventilation of drain or cesspool.** For the purpose of ventilating any drain or cesspool, whether vested in the Corporation or not, the Municipal Commissioner may, in accordance with such regulations as may be made by the Corporation in this behalf, erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as may appear to him to be necessary.

**305. Obligation of owners of drains to allow use or joint ownership to others.** Every owner of a drain connected with a municipal drain or other place legally 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 determined under section 306.

**306. Use of drain by a person other than the owner.** (1) Any person desiring to drain his premises into a municipal 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 an application under sub-section (1) or otherwise, that the only or the most convenient means by which the owner or the occupier of any premises can cause the drain of such premises to empty into a municipal drain is through a drain belonging to another person, 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 any objection which is raised appears to him invalid or insufficient, by an order in writing either authorise the said owner or the 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 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 said drain is situate with assistants and workmen at any time between sunrise and sunset and, Subject to the 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 connection; or
- (c) discharging any responsibility attaching to the person 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 executing any work under this section, as little damage as possible shall be done, and the owner or the occupier of the premises for the benefit of which the work is done shall—

- (a) cause 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 works;
- (c) pay compensation to any person who sustains damage by the execution of the said work.

**307. Power of Municipal Commissioner to charge for drainage and sewerage service in certain cases.** (1) The Municipal Commissioner may, subject to such terms and conditions as to payment, quantity or period as may be fixed under this Act or the rules or the regulations made there-under, levy a charge for drainage and sewerage service in any case which is governed by the provisions of section 239 or section 248 or section 249.

(2) Any unpaid sum under this section shall be recoverable from the person concerned as an arrear of tax under this Act.

#### *E. Position of Cesspools and other filth receptacles*

**308. Position of cesspool.** (1) No person shall construct a cesspool—

- (a) beneath any part of any building or within fifteen metres of any tank, reservoir, water-course or well; or
- (b) upon any site or in any position in Calcutta which has not been approved by the Municipal Commissioner; or
- (c) upon any site or in any position outside Calcutta which has not been so approved and is situated within ninety metres of any reservoir used for the storage of wholesome water to be supplied to Calcutta.

(2) The Municipal Commissioner may, at any time by written notice, require any person within whose premises any cesspool is constructed in contravention of sub-section (1) to remove such cesspool or to fill it up with such material as may be approved by him.

**309. No filth receptacle to be situated within fifteen metres of tank, well, water-course or reservoir.** (1) No person shall construct any house-drain, urinal or other receptacle, not being a cesspool, for sewage or offensive matter within fifteen metres of any tank, well or water-course or any reservoir for the storage of water, unless he first satisfies the Municipal Commissioner that he will take such action as will prevent any risk of sewage or offensive matter passing by percolation or otherwise into such tank, well, water-course or reservoir.



(2) The Municipal Commissioner may, at any time by a written notice, require any person within whose premises is situated, within fifteen metres of any tank, well, water-course or reservoir for the storage of water any receptacle mentioned or referred to in sub-section (1) to remove such receptacle.

(3) The provision of this section shall also apply to any such receptacle outside Calcutta which is constructed or situated within fifteen metres of any reservoir used for the storage of wholesome water to be supplied to Calcutta.

**310. Construction of septic tanks and sanitary privies and urinals in unsewered areas.** Subject to the provisions of section 308 and such regulations as may be made by the Corporation in this behalf, the Municipal Commissioner may permit in any unsewered area the construction of septic tanks and sanitary privies and urinals connected with such septic tanks:

Provided that no such permission shall be granted unless in the opinion of the Municipal Commissioner there is sufficient open space available for the site of such septic tanks:

Provided further that the Municipal Commissioner shall require that there is adequate supply of water in overhead reservoir constructed for the purpose to flush the proposed privies and urinals.

## **CHAPTER XIX**

### **General powers in relation to water-supply, drainage and sewerage**

**311. Right of owner of premises to place pipes and drains through land belonging to other persons.** (1) If it appears to the Municipal Commissioner that the only or most convenient means of water-supply to, and drainage of, any premises is by placing or carrying any pipe or drain over, under, along or across the immovable property of another person, the Municipal Commissioner; after giving to the owner of the immovable property a reasonable opportunity of stating any objection, may, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorise the owner or the occupier of the premises to place or carry such pipe or drain over, under, along or across such immovable property in such manner as he may think fit to allow.

(2) Upon the order in writing under sub-section (1), the owner or the occupier of the premises may, after giving reasonable notice in writing of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe or drain over, under, along or across such immovable property or for the purpose of repairing the same.

(3) In respect of the execution of any work under this section, the person in whose favour the Municipal Commissioner's order is made shall be subject to the same restrictions and liabilities which are specified in sub-section (4) of section 306.

(4) If the owner of the immovable property across which a pipe or drain has been placed or carried under this section whilst such immovable property was not build upon desires to erect any building on such property, the Municipal Commissioner shall, by notice in writing, require the owner of the premises to close,

remove or divert the pipe or drain in such manner as may be approved by him and to fill in, reinstate and make good the immovable property as if the pipe or drain had not been placed or carried over, under, along or across the same:

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

**312. Rights of user of property for aqueducts, lines, etc.** (1) The Municipal Commissioner may place and maintain aqueducts, conduits and lines of mains or pipes or drains over, under, along or across any immovable property, whether within or without the local limits of the Corporation, without acquiring the same and may, at any time for the purpose of examining, repairing, altering or removing any aqueducts, conduits or lines of mains or pipes or drains, enter on any property over, under, along or across which the aqueducts, conduits or lines of mains or pipes or drains have been placed:

Provided that the Corporation shall not acquire any right other than a right of user in the property over, under, along or across which any aqueduct, conduit or line of mains or pipes or drains is placed.

(2) The power conferred by sub-section (1) shall not be exercisable in respect of any property vested in the Union or under the control or management of the Central or the State Government or the railway administration or vested in any local authority save with the permission of the Central or the State Government or railway administration or the local authority, as the case may be, and in accordance with the rules or the regulations made in this behalf:

Provided that the Municipal Commissioner may, without such permission, repair, renew or amend any existing works of which the character or position is not to be altered, if such repair, renewal or amendment is urgently necessary in order to maintain without interruption the supply of water, drainage or disposal of sewage or is such that delay would be dangerous to health, human life or property.

(3) In the exercise of the powers conferred upon him by this section, the Municipal Commissioner shall cause as little damage and inconvenience as may be possible and shall full compensation for any damage or inconvenience caused by him.

**313. Municipal Commissioner not to sanction building plan unless plan relating to water-supply etc. is in conformity with rules and regulations.** All building plans submitted to the Municipal Commissioner for sanction shall conform to such rules or regulations as may be framed in this behalf relating to water-supply, drainage, privy and urinal accommodation within the premises and sewerage, and no building plan shall be sanctioned by the Municipal Commissioner unless the same so conforms.

**314. Power of inspection and examination.** (1) The Municipal Commissioner or any officer authorized by him in this behalf may-

- (a) inspect and examine any house-drain, ventilation shaft or pipe, cesspool, house gully, privy, urinal, or bathing or washing place existing in, or any

pipe, tap fitting or meter for supply of water to, any premises; and

- (b) if necessary for the purpose of such inspection and examination, cause the ground or any portion of any house-drain or other work exterior to a building or any portion of a building 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.

(2) Any ground or any portion of any house-drain or other work exterior to a building or any portion of a building opened under clause (b) of sub-section (1) shall be filled in, reinstated and made good by-

- (a) the owner of the premises at his own cost, where the works or things mentioned in clause (a) of sub-section (1) are found on inspection and examination to be not in good order or condition or constructed in contravention of any of the provisions of this Act or any rules or regulations made thereunder or of any other law for the time being in force, and
- (b) the Municipal Commissioner, in other cases.

(3) Where the owner of any premises raises any disputes as to the existence of any of the circumstances referred to in clause (a) of sub-section (2), he may, within thirty days from the date of inspection and examination, make a written representation to-

- (a) the Municipal Commissioner, in cases where the inspection and examination is done by any officer of the Corporation other than the Municipal Commissioner.
- (b) the Mayor, in other cases,

and the decision of the Municipal Commissioner or the Mayor as the case may be shall be final.

**315. Power of Municipal Commissioner to require repairs, etc., to be made.**

When the result of such inspection and examination as aforesaid is as described in sub-section (2) of section 314, the Municipal Commissioner may,-

- (a) by written notice, require the owner of the premises or the several owners of the respective premises in which the drain, ventilation shaft or pipe, cesspool, house-gully, water-closet, privy, latrine, urinal or bathing or washing place is situated or for the benefit of which the same has been constructed, erected or set up,-
  - (i) to close or remove the same or any encroachment thereupon; or
  - (ii) to renew, repair, cover, recover, trap, ventilate, pave and pitch, flush, cleanse or take such other action as the Municipal Commissioner may think fit to direct and to fill in, reinstate and make good ground, building or thing opened, broken up or removed for the purpose of such inspection and examination; and

- (b) without notice, close, fill up or demolish any drain by which sewage, offensive matter or polluted water is carried through, from, into or upon any premises in contravention of any of the provisions of this Act, and may also, forthwith and without notice, clear, cleanse or open out any drain which is choked, blocked or in any way obstructed; and the expenses incurred by the Municipal Commissioner in so doing shall be paid by such owners or occupiers and shall be recoverable as an arrear of tax under this Act.

**316. Power of Municipal Commissioner to execute work after giving notice to the person liable.** (1) When under the provisions of this Act, any person may be required or is liable to execute any work, the Municipal Commissioner may, in accordance with the provisions of this Act and of any rules or regulations made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by him for this purpose.

(2) The expenses incurred or likely to be incurred by the Municipal Commissioner in the execution of any such work shall be payable by the said person unless the Mayor-in-Council directs the payment of such expenses out of the Municipal Fund.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefore as an arrear of tax under this Act.

**317. Prohibition for any construction over the water-mains, municipal drains, etc.** (1) Without the written permission of the Municipal Commissioner, no building, wall or other structure shall be newly erected or no street, team track or railway shall be constructed over any water-main, drain or sewer or no underground duct, cable or pipe shall be laid over or along such main, drain or sewer belonging to the Corporation:

Provided that the Municipal Commissioner may refuse such permission, subject to prior approval of the Mayor-in-Council.

(2) If any building, wall or other structure or street or team track or railway is newly erected or constructed or any underground utility is laid without such permission, the Municipal Commissioner may with the approval of the Mayor-in-Council remove such construction or erection or otherwise deal with the same, and the expenses of such removal or otherwise shall be recovered from the owner as an arrear of tax or from the person committing the offence.

**318. Prohibition of certain acts.** No person shall-

- (a) willfully obstruct any person acting under the authority of the Municipal Commissioner in setting out the lines of any works or pull up or remove any pillar, post or stake fixed in the ground for the purpose of setting out lines of such work or deface or destroy and works made for the same purpose; or
- (b) willfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, meter or other work or apparatus belonging to the Corporation; or
- (c) unlawfully obstruct the flow of, or flush, draw off or divert, or take, water

from any waterwork belonging to the Corporation or any water-course by which any such waterwork is supplied; or

- (d) unlawfully obstruct the flow of, or flush, draw off, divert or take, sewage from any sewage work belonging to the Corporation or break or damage any electrical transmission line maintained by the Corporation; or
- (e) obstruct any officer or other employee of the Corporation in the discharge of his duties under this Act or refuse or willfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or enquiry thereunder in relation to any water or sewage work; or
- (f) bathe in, at or upon any waterwork or wash or throw or cause to enter therein any animal or throw any rubbish, dirt or filth into any waterwork or wash or clean therein any cloth, wool or leather or the skin of any animal or cause the water of any sink, or drain or any steam-engine or boiler or any polluted water to turn or be brought into any waterwork or do any other act whereby the water in any waterwork is fouled or likely to be fouled; or
- (g) in contravention of any of the provisions of this Act in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove obstruct, close, destroy, or change, any drain, ventilation shaft or pipe, cesspool, privy, urinal or bathing or washing place of any trap, covering or other fitting or appliances connected therewith; or
- (h) make any encroachment upon or in any way injure or cause or permit to be injured any drain, cesspool, housegully, privy, latrine or urinal, or bathing or washing place; or
- (i) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain any brick, stone, earth or ashes or any substance or matter by which or by reason of the quantity of which such drain is likely to be obstructed; or
- (j) 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 was not provided; or
- (k) cause or suffer to be discharged into any drain from any factory, bakehouse, distillery, workshop or workplace or from any building or place in which steam, water or mechanical power is employed any hot water, steam or fumes, or trade effluents or any liquid which may prejudicially affect the drain or the disposal, by sale or otherwise, of the sewage conveyed along, the drain or which is, by reason of its temperature or otherwise, likely to create public nuisance.

**319. Maps of underground water-mains, supply pipes, drains, etc.** Subject to the provision of section 349, the Municipal Commissioner shall cause to be maintained complete survey maps, drawings and descriptions of water-supply mains, supply pipes, municipal drains, sewers, and connections thereto from all premises in Calcutta.

**320. Work to be done by licensed plumber.** (1) No person other than a licensed plumber shall execute any work relating to house connection described in Chapter XVII or Chapter XVIII or Chapter XIX and no person shall permit any such work to be executed except by a licensed plumber:

Provided that if, in the opinion of the Municipal Commissioner, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(2) Every person who employs a licensed plumber to execute any work shall, when so required, furnish to the Municipal Commissioner the name of such plumber.

(3) When any work is executed except in accordance with the provisions of sub-section (1), such work shall be liable to be dismantled at the discretion of the Municipal Commissioner without prejudice to the right of the Corporation to prosecute under this Act the person at whose instance such work has been executed.

(4) The Corporation may make regulations for the guidance of licensed plumbers and a copy of all such regulations shall be available for sale at the Corporation.

(5) The Corporation may, from time to time, specify the charges to be paid to licensed plumbers for any work done by them under or for any of the purposes of Chapter XVII or Chapter XVIII or Chapter XIX.

(6) No licensed plumber shall, for any work referred to in sub-section (5), demand or receive more than the charges specified therefore under that sub-section.

(7) The Corporation shall by regulations provide for-

- (a) the exercise of adequate control on all licensed plumbers;
- (b) the inspection of all works carried out by them; and
- (c) the hearing and disposal of complaints made by the owners or occupiers of premises with regard to the quality of work done, material used, delay in execution of work, and the charges made, by a licensed plumber.

(8) No licensed plumber shall contravene any of the regulations made under this section or execute carelessly or negligently any work under this Act or make use of bad materials, appliances or fittings.

(9) If any licensed plumber contravenes the provisions of sub-section (8), his licence may be suspended or cancelled whether he is prosecuted under this Act or not.

**321. Rules as to drainage, sewerage, cesspool, privies and urinals.** Save as otherwise provided in section 260, the Municipal Water-supply, Sewerage and Drainage Code shall include such regulations as may be made by the Corporation from time to time concerning the construction, maintenance, repair and alteration of drains, privies and urinals, cesspools and all appurtenances thereof and any other matter covered by Chapter XVII or Chapter XVIII or Chapter XIX.

## CHAPTER XX

## Solid Wastes

### A. Functions in relation solid wastes

322. Collection, removal and disposal of solid wastes. For the purpose of securing the efficient scavenging and cleansing of all streets, public places and premises in Calcutta, the Corporation shall undertake the functions of collection, removal and disposal of solid wastes.

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