

Conditions
of rights to
appeal.

205. No appeal shall be heard or determined, under section 204, unless—

- (a) the appeal is, in the case of a property tax brought within thirty days next after the date of authentication of the assessment list under section 156 (exclusive of the time requisite for obtaining a copy of the relevant entries therein) or, as the case may be, within thirty days of the date on which an amendment is finally made under section 158 and, in the case of any other tax, within thirty days next after the date of the receipt of the notice of assessment or of alteration of assessment or, if no notice has been given, within thirty days after the date of the presentation of the first bill or, as the case may be, the first notice of demand in respect thereof:

Provided that an appeal may be admitted after the expiration of the period prescribed therefore by this section if the appellant satisfies the court that he had sufficient cause for not preferring the appeal within that period ; and

- (b) the amount, if any, in dispute in the appeal has been deposited by the appellant in the office of the Corporation.

Finality of
appellate
orders.

206. The order of the Court confirming, setting aside or modifying an order in respect of any rateable value or assessment or liability to assessment or taxation shall be final:

Provided that it shall be lawful for the court, upon application or on its own motion, to review any order passed by it in appeal within three months from the date of the order.

CHAPTER XXI

Miscellaneous provisions relating to taxation

Power to inspect for purposes of determining rateable value.

207. (1) The Commissioner, may without giving any previous notice, enter upon and make an inspection of—

- (a) any land or a building for the purpose of determining the rateable value of such land or building;
- (b) any stable, garage, or coach-house or any place wherein he may have reason to believe that there is any vehicle or animal liable to a tax under this Act;

- (c) any place or premises which he has reason to believe are being used or are about to be used for any performance or show in respect of which the theatre-tax is payable or would be payable;
- (d) any land, building or vehicle in or upon which any advertisement liable to tax under this Act is exhibited or displayed.

(2) The Commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle, boat or animal, or of any agent or employee of any such person and may examine such person as to the number and description of vehicles, boats and animals owned by or in the possession or under the control of such person; and every person, agent or employee of such person so summoned shall be bound to attend before the Commissioner and to give information to the best of his knowledge and belief as to the said matter.

Composition. 208. (1) The Commissioner may, with the previous sanction of the Standing Committee, allow any person to compound for any tax.

(2) Every sum due by reason of the composition of a tax under sub-section (1) shall be recovered as an arrear of tax under this Act.

Obligation to disclose liability. 209. (1) The Commissioner may, by written notice, call upon any inhabitant of the city to furnish such information as may be necessary for the purpose of ascertaining—

- (a) whether such inhabitant is liable to pay any tax imposed by the Corporation under this Act;
- (b) at what amount he should be assessed; or
- (c) the rateable value of the land or building which he occupies and the name and address of the owner or lessee thereof.

(2) If any person when called upon under sub-section (1) to furnish information neglects to furnish it within the period specified in this behalf by the Commissioner or furnishes information which is not true to the best of his knowledge or belief, he shall be liable in addition to any penalty which may be imposed under this Act, to be assessed at such amount on account of tax as the Commissioner may deem proper, and the assessment so made shall, subject to the provisions of this Act, be final.

Deduction of profession tax from certain Government employees 210. (1) In case of a person serving under the State Government or Central Government or a local authority, the tax which he is liable to pay shall be deducted at the source in the manner prescribed.

(2) The amount of the tax deducted under subsection (1) shall be credited to the Municipal fund by the Government or the local authority concerned within fifteen days of such deduction.

Power to examine article liable to octroi. 211. Every person bringing or receiving within the limits of the city any article on which octroi is payable shall, when required by an agent or employee duly authorised by the Commissioner in this behalf and so far as may be necessary for ascertaining the amount of tax chargeable:—

(a) permit that agent or employee to inspect, examine, weigh and otherwise to deal with the article, and

(b) communicate of that agent or employee any information and exhibit to him any bill, invoice or documents of like nature which he may possess relating to the article.

Power to search where octroi is leviable. 212. (1) If any person, bringing or receiving a conveyance or package within the prescribed limits of the city on which octroi is believed to be leviable, refuses, on the demand of an employee authorised by the Commissioner in this behalf to permit him to inspect, weigh or otherwise examine the contents of the conveyance or package for the purpose of ascertaining whether it contains any article in respect of which octroi is payable, or refuse to communicate to him any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article or with the intention of defrauding the Corporation communicates any such bill, invoice or document of a like nature which is false, forged, or fraudulent he shall be punishable with fine which may extend to five hundred rupees.

(2) Any such person may demand that the conveyance or package or both, as the case may be, shall be taken without unnecessary delay before the Commissioner or a person appointed by him for this purpose, who shall cause the inspection to be made in his presence:

Power to fix prescribed limits and penalty for evasion from payment of octroi.

213. Any person, who, with the intention to defraud the Corporation, causes or abets the introduction of or himself introduces or attempts to introduce within the notified octroi boundary any animal or article on which octroi is payable, shall be punishable with fine which may extend to twenty times the value of such octroi.

Extension of taxation limits by agreement.

214. (1) When the Corporation, with the sanction of the Government, has entered into an agreement with a Cantonment Authority or the Board of an area notified under the Assam Municipal Act, 1956 or a Panchayat that the same limits for octroi or tax shall be established for the contracting parties, the Corporation may fix limits by bye-laws so as to include so much of the area controlled by the said contracting parties as it may deem necessary, and shall have the powers of collecting such toll or octroi on animals or articles brought within such limits or such tax, and the provisions of this Act for the assessment and collection of such toll or octroi or tax shall apply in the same way as if the said limits were wholly comprised in the area of the Corporation.

(2) The total of the proceeds of such toll, octroi or tax made in the joint area of the Corporation and Cantonment or Municipality or Notified Area or Panchayat and the cost incurred therefor shall be apportioned between the Municipal Fund and the fund subject to the control of the Cantonment Authority or the Municipal Board or Town Committee or the Panchayat in such proportions as shall have been determined by the agreement.

Taxes not invalid for defect of form.

215. (1) No assessment and no charge or demand of any tax made under this Act shall be called in question or in any way affected by reason of —

- (a) any clerical or arithmetical mistake arising from any accidental slip or omission—
 - (i) in the names, residence, place of business or occupation of any person liable to pay the tax ; or
 - (ii) in description of any property or thing liable to the tax ; or
 - (iii) in the amount of assessment of tax ; or
- (b) (i) any clerical error ; or
 - (ii) any defect of form, not being of a substantial nature ;

Provided that the Commissioner may, either of his own motion or on the application of any aggrieved party, correct any such mistake or error or defect of form as is referred to in sub-section (1).

(2) If the property taxed or assessed is so described as to be generally known, it shall suffice in the case of any tax on such property or any assessment of value for the purpose of any tax and it shall not be necessary to name the owner or occupier thereof.

Power of Government to suspend levy of taxes. 216. The Government may by order exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

If at any time, it appears to the Government on representation made or otherwise that any tax imposed by or under this Act is unfair in its incidence or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the Corporation to take within a specified period measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the Government the Government may by notification suspend the levy of the tax or of such part thereof until the objection has been removed or may abolish or reduce the tax.

PART V

CHAPTER XXII

PUBLIC HEALTH, SAFETY AND CONVENIENCE

Water Supply, Drainage and Sewage Disposal

General power for supplying water. 217. For the purpose of providing supply of water the Commissioner may, either within or without the city—(a) construct and maintain water-works and do all acts which may be necessary or expedient in connection with such construction or maintenance,

(b) purchase or take on lease any water work or any water or right to store water or to take or convey water; or

(c) enter into any arrangement with any person for supply of water.

Supply of water. 218. (a) The Commissioner shall supply water for any purpose on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(b) The supply of water shall be made upon such terms and conditions and for such period, as the Corporation may by bye-laws provide.

In connection with municipal water works. 219. Where an application under section 218 has been received, all necessary communication pipes and fittings shall be supplied by the Commissioner and the work of laying and applying such communication pipes and fittings shall be executed by municipal agency under the Commissioners' orders; but the cost of making any such connection and of all communication-pipes and fittings so supplied and of all works so executed shall be paid by the person making such application.

Obligation of owner or occupier to give notice of waste of water. 220. Any owner or occupier of any land or building in or on which water is supplied under this Act is misused from negligence or other circumstances under his control in which the pipes, mains or other works are out of repair to such an extent as to cause waste of water shall, if he has knowledge thereof, be bound to give notice of the same to such municipal employee as the Commissioner may appoint in this behalf.

Responsibility or damage caused by leakage of water. 221. Neither the owner nor the occupier of any land or building in which pipes, mains or other works are situated nor the Corporation shall be liable to pay compensation to any person for any damage caused by any leakage of water or any failure to keep in repair such pipes, mains or other works, unless the owner or occupier or the Corporation has knowledge thereof and has failed to take reasonably prompt action either to report the same to the Commissioner or to stop the leakage or to execute the required repairs, as the case may be.

Cutting off of supply to premises. 222. If any person whose premises are supplied with water, neglects to pay any sum payable under section 218 when due, the Commissioner may cut off the supply of water from the said premises with due notice.

Power of Commissioner to provide meters. 223. (1) The Commissioner may provide a water-meter and attach the same to the service pipe in premises connected with municipal water works.

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

Presumption as to correctness of meters. 224. Whenever water is supplied under this part through a meter it shall be presumed that the quantity indicated by the meter has been consumed until the contrary is proved.

Damaging water works, misappropriating water and tampering with meters.

225. No person shall—

- (a) wilfully or negligently damage or cause to be damaged wells, reservoirs, mains, pipes or other appliances for the supply of water under the management or control of the Corporation
- (b) draw off, or divert any water from any municipal well, reservoir, main or pipe or
- (c) tamper with any meter.

Misuse of and leaving open valves, and tampering with valves and hydrants.

226. No person shall—

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

Prohibition of erection of any building which would damage sources of water supply.

227. Except with the permission of the Corporation no person shall—

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

Prohibition of bathing in or polluting water.

228. Except as provided hereinafter, no person shall—

- (a) bathe in or near any water-works belonging to the Corporation ; or
- (b) wash, throw, or cause any animal to enter into the water of such works; or
- (c) throw any rubbish, dirt, filth or any other thing whatsoever into or upon the water of such works ; or
- (d) wash or cleanse therein any cloth, wool, lather or skin of any animal or any clothes or other thing ; or
- (e) cause the water of any sink, drain, stream, engine, boiler, or other filthy water belonging to him or under his control to run or be brought into any such water-works or do any other act whereby the water in such works may be fouled or polluted of its quality altered.

Non-liability of Corporation when supply reduced or not made in certain cases. 229. The Corporation shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water (save in the case of express stipulation in an agreement for the supply of water for other than domestic purpose) in the case of any draught, other unavoidable cause or accident, or due to the necessity of relaying or repairing pipes.

Water Supply to the public. 230. (1) The Commissioner shall provide gratuitous supply of wholesome water to the public within the city and may for the purpose, erect public hydrants or other conveniences.

(2) The Commissioner, may, close a public hydrant or other convenience when it is no longer required for the supply of wholesome water to the public.

Drainage and sewage

Cleansing drains. 231. (1) The Municipal drains shall be so constructed, maintained and kept as to keep the drains free from public nuisance and shall from time to time be properly flushed, cleaned and emptied.

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

Appointment of places for emptying of drains and disposal of sewage. 232. The Commissioner may cause all or any of the Municipal drains to empty into any place, whether within or without the city, and may dispose of the sewage at any place whether within or without the city, and in any manner which he may deem suitable for such purpose.

Provided that :--

(a) the Commissioner shall not cause any Municipal drain to empty into any place into which a Municipal drain has not here-to-before been emptied, or disposed of sewage at any place or in any manner at or in which sewage has not heretofore been disposed of, without the sanction of the Corporation ; and

(b) no Municipal drain shall be made to empty into any place, and no sewage shall be disposed of at any place or in any manner which the Government may think fit to disallow.

Provision of land for disposal of sewage. 233. The Commissioner may for the purpose of receiving, treating, storing, disinfecting, distributing or otherwise disposing of sewage, construct any work within or without the city or purchase or take on lease any land, building, engine, material or apparatus either within or without the city or enter into any arrangement with any person for any period not exceeding five years for the removal or disposal of sewage within or without the city:

Provided that any such construction or arrangement made without the city shall have to be made in consultation with the local authorities.

Alteration and discontinuance of drains. 234. The Commissioner may enlarge or alter the course of deepen, 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 of foul water drainage or for the purpose of surface drainage:

Provided that, if by reason of anything done under this section any person is deprived of the lawful use of any drain, the 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.

Provision of public latrines and urinals. 235. The Corporation shall provide and maintain in proper and convenient places a sufficient number of public latrines and urinals and shall cause the same to be kept clean and in proper order.

Provision for drain, privies, etc. 236. (1) The Commissioner may, by notice, require the owner of any building or land to provide, move or remove any drain, privy, latrine, urinal, absorption pit, disposal work, cesspool, or other receptacle for filth or refuse or provide any additional drains, privies, latrines, urinals, absorption pits, disposal works, cesspools or other receptacles as aforesaid which should in his opinion be provided for the building or land, in such manner and of such pattern as the Commissioner may direct.

(2) The Commissioner may, by notice require any person employing more than twenty workmen or labourers to provide such latrines and urinals as he may think fit and to cause the same to be kept in proper order and to be daily cleaned.

(3) The Commissioner may, by notice, require the owner or the occupier of any building or land to have any privy, latrine or urinal provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood or to remove or alter, as the Commissioner may direct, any door or trapdoor or other opening of a privy, latrine or urinal opening on to any street or drain.

Repairs and closing of drains, privies, latrines, etc. 237. (1) The Commissioner may, by notice, require the owner or occupier of any building or land to repair, alter or put in good order any private drain, privy, latrine, urinal, absorption pit, disposal work, cesspool belonging thereto, or direct that such private drain shall from such date as may be specified in this behalf, be used for offensive matter and sewage only, and for rain-water and unpolluted sub-soil water direct the occupier of the premises to make an entirely distinct private drain.

(2) No drain connecting any premises with a municipal drain or other place set apart for the discharge of drainage may be closed, discontinued or destroyed by the Commissioner under sub-section (1), except on condition of his providing another drain equally effectual for the drainage of the premises and communicating with such Municipal drain or other place aforesaid as the Commissioner thinks fit, and the expenses of construction of any drain so provided by the Commissioner and of any work done under this section shall be paid from the Municipal Fund.

Power of Commissioner or to demolish drains, etc. 238. The Commissioner may, by notice, require any person who may construct any new drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or receptacle for filth or refuse without his permission in writing or contrary to his directions or the provisions of this Act, or the rules or bye-laws made thereunder or who may construct, rebuild or open any drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or receptacle for filth or refuse, which the Commissioner has ordered to be demolished or stopped or not to be made, to demolish the drain, privy, latrine, receptacle, or to make such alteration therein as he may think fit.

Unauthorised building over drains, etc. 239. The Commissioner may, by notice, require any person who without his permission in writing has erected or rebuilt any building over any drain, conduit, water-course, pumping main or water pipe vested in the Corporation, to pull down or otherwise deal with the same as the Commissioner may think fit.

Removal of latrine, etc. near any source of water-supply. 240. (1) The Commissioner may, by notice, require any owner or occupier on whose land any drain, privy, latrine, urinal, absorption pit, disposal work, cesspool or other receptacle for fifth or refuse for the time being exists within a hundred feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of such notice:

Provided that such owner or occupier shall be entitled to reasonable compensation for such removal or closure as may be assessed by the Commissioner.

Discharging sewage. 241. No person shall without the permission of the Commissioner [case or knowingly or negligently allow the contents of any sink, cesspool or any other offensive matter to flow, drain or be put upon any street or public place, or into any irrigation channel or any drain not set apart for the purpose.

Making or altering drains without authority. 242. No person shall without the permission of the Commissioner, make or cause to be made or alter or cause to be altered, any drain, leading into any of the drains vested in the Corporation.

Power to require removal of nuisance arising from tanks and the lib. 243. The Commissioner may by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private well, tank, reservoir, pool, depression or excavation therein which may appear to the Commissioner to be injurious to health or offensive to the neighbourhood:

Provided that if for the purpose of effecting any drainage under this section it should be necessary to acquire any land not belonging to the same owner or to pay compensation to any person, the Corporation shall provide such land or pay such compensation :

Provided further that if the owner or occupier fails to comply with such notice within ten days, the Commissioner may get the work done at the cost of such owner or occupier as the case may be. Any such cost may be recovered as an arrear of tax under this Act.

New building not to be erected without drains. 244. No person shall erect or re-erect any building, any part of which is within one hundred feet of a municipal drain or of some place set apart by the Commissioner for the discharge of drainage or occupy any such building newly erected or re-erected, unless and until—

- (a) a drain has been constructed which, in the opinion of the Commissioner, shall be sufficient for the effectual drainage of such building to such municipal drain or place ; and
- (b) they have been provided for and set up in such building and in the premises appurtenant thereto all such appliances and fittings as may appear to the Commissioner to be necessary for the purpose of gathering and receiving the drainage from, and conveying the same off the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

Power of owner of premises to place pipes and drains through land belonging to other persons. 245. (1) If it appears to the Commissioner that 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 Commissioner may, by an order in writing, authorise the owner of the premises to place or carry such pipe or drain over, under, along or across such immovable property :

Provided that before making any such order the Commissioner shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be fixed by bye-laws made in this behalf as to why the order should not be made;

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such pipe or drain is placed or carried.

(2) Upon the making of an order under subsection (1), the owner of the premises may, after giving reasonable notice 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 placing or carrying a pipe or drain under this section, as little damage as possible shall be done to the immovable property and the owner of the premises shall:—

- (a) cause the pipe or drain to be placed or carried with the least practicable delay ;
- (b) fill in, reinstate and make good at his own cost and with the least practicable delay, any land opened, broken up or removed for the purpose of placing or carrying such pipe or drain ; and
- (c) pay such compensation as may be assessed by the Commissioner, to the owner of the immovable property and to any other person who sustains damage by reason of the placing or carrying of such pipe or drain.

(4) If the owner of the immovable property, over, under, along or across which a pipe or drain has been placed or carried under this section whilst such immovable property was not built upon, desires to erect any building on such property, the 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 shall 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 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.

Obligation of owner or joint owner of drain to allow the uses of it to other.

246. Every owner of a drain connected with a municipal drain or other place set apart by the Commissioner for drainage shall be bound to allow the use of it to other persons, or to admit other persons, as joint owners, thereof, on such terms as may be prescribed under section 248.

How right of use of a drain may be obtained by a person other than the owner.

247. 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 permission to use his drain, or may apply to the Commissioner for authority to use such drain.

Commissioner may authorise person other than the owner of a drain to use the same or declare him to be a joint user thereof.

248. (1) Where the Commissioner is of opinion whether on receipt of an application or otherwise, that the most convenient means by which the owner or occupier of any premises can drain such premises is through a drain belonging to some person other than the said owner or occupier, the Commissioner shall, give the owner of the drain a reasonable opportunity of stating his objection thereto, and if no objection is raised or if the objection appears to him invalid or insufficient, may, by an order in writing authorise the said owner or occupier to use the drain or declare the said user to be a joint owner thereof, on such conditions as may appear to him equitable with regard to the payment of rent or compensation and to connecting the drain of the said premises with the communicating drain and to the responsibilities of the parties for maintaining, repairing, flushing and clearing the joint drain.

(2) In respect of the execution of any work under sub-section (1) the person in whose favour the Commissioner's order is made shall be subject to the same restriction and liabilities as are specified in sub-section (4) of section 245

Power to drain group or block of premises by combined operation.

249. (1) If it appears to the Commissioner 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 one hundred feet of any part of that group or block of premises, the Commissioner may cause that group or block of 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 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 Commissioner shall give to each such owner—

(a) a written notice of the nature 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 Commissioner may require the owners of such group or block of premises to maintain the work executed under this section.

Connecting drains to be constructed at the expense of owners of premises. 250. (1) In the case of premises abutting on a public street blocking and disconnecting a municipal drain, the Commissioner shall construct such connecting drains at the expense of the owner of the said premises.

(2) The connecting drain mentioned in subsection (1) shall vest in the Corporation and be maintained and kept repaired by the Commissioner as a municipal drain.

(3) The remainder of every drain constructed, erected, set up or continued for the sole use and the benefit of any premises shall—

- (a) vest in owner of such premises;
- (b) be maintained and kept in repair by the owner or occupier of such premises; and
- (c) be from time to time flushed, cleansed and emptied under the order of the Commissioner at the cost of the Municipal Fund:

Provided that, where several premises are drained in common under the last preceding section, such remainder shall vest in the owners jointly and the cost of maintenance and repair thereof shall be distributed in the same proportions as are fixed by Commissioner under the said section.

Power of Commissioner to affix shafts for ventilation of drain or cesspool. 251. For the purpose of ventilating any drain or cesspool, whether vested in the Corporation or not, the Commissioner may, in accordance with bye-laws made 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.

Right of Corporation to drains constructed at cost of Municipal Fund. 252. All drains and fittings thereof constructed or set up at the cost of the Municipal Fund shall vest in the Corporation.

SANITARY PROVISIONS

Regulation of Public Bathing, Washing, etc.

Construction of places for public bathing, etc. 253. (1) The Commissioner may from time to time—

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

(2) The Commissioner may charge such fees as the Corporation may fix for the use of any such place by any specified class or classes of persons or by the public generally.

Prohibition of pollution of water by steeping animals or other matters, etc.

254. No person shall—

- (a) steep in any tank, reservoir, stream, well or ditch, any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health ;
- (b) whilst suffering from contagious, infectious or dangerous disease, bathe in or near any bathing-platform, lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well.

Prohibition of washing of cloth.

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

(2) The Commissioner shall provide suitable place for the exercise of their calling by washermen and may require the payment of such fees for the use of any such place as the Corporation may from time to time determine.

General provision with reference to drainage water supply and water and other mains

Joint and several liability of owners and occupiers for offence in relation to water supply. 256. If any offence relating to water supply is, committed under this Act on any premises connected with the municipal water-works, the owner, the person primarily liable for the payment of the water tax, and the occupiers of the said premises shall be jointly and severally liable for such offence.

Least practicable nuisance to be caused. 257. (1) In carrying out the duties imposed on the Corporation by clauses (1) and (3) of section 7 or exercising the powers conferred upon it by sections 231, 232, 233, 238, 251, 269 and 270 the Corporation shall not cause any nuisance which in the circumstances of the case can reasonably be avoided.

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

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

Power of carrying wires, pipes, drains, etc. 258. Subject to the provisions of any law for the time being in force the Commissioner may carry any cable, wire, pipe, drain or channel of any kind required for the establishment or maintenance of any system of drainage, water supply or lighting through, across, under or over any street or any place laid out as or intended for a street, and also after giving reasonable notice in writing to the owner or occupier, through, across, under, over or along side any land or building whatsoever within or without the city, and may place and maintain in any immovable property in the city or outside the city any posts, poles, standards, brackets or other contrivances for supporting cables, wires, pipes, channels and lights and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used or for removing the same.

Provision as to wires, pipes, or drains laid or carried above surface of ground. 259. In the event of any cable, wire, pipe, drain or channel being laid or carried above the surface of any land or through, over or up the side of any building, such cable, wire, pipe, drain, sewer or channel, as the case may be, shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building and reasonable compensation shall be paid in respect of any substantial interference with any such right to such enjoyment.

Previous notice to be given. 260. Except in cases to which sections 270 and 271 relate the Commissioner shall cause not less than fourteen days notice in writing to be given to the owner or occupier before commencing operations under section 258.

261. No person shall, without the permission of the Commissioner at any time, make or cause to be made, any connection or communication with any cable, wire, pipe, ferrule, drain or channel constructed or maintained by or vested in the Corporation, for any purpose whatsoever.

262. The ferrules, communication-pipes, connections, meters, stand-pipes and all fittings thereon or connected therewith, leading from mains or service cables, wires, pipes, drains or channels into any such house or within the limits of any such land shall in all cases, other than cases which the Government may by general or special order exempt from the operation of this section, be executed to the satisfaction of the Commissioner.

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

(2) For the purpose of efficiently draining any building or land the 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 part owner of such buildings with such materials and in such manner as may be approved by the Commissioner ; and
- (b) require such paving to be kept in proper repair.

264. Any municipal sewage or drainage scheme or any municipal water-works may be inspected by a person appointed by the Government in this behalf. The Commissioner or any such person appointed by Government may at all reasonable times—

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

Compensation for damage.

265. If in the exercise of any of the powers conferred by section 251 or 257, any damage is caused which in the circumstances could reasonably have been avoided, the Corporation shall pay compensation for the damage caused as may be assessed by the Commissioner.

Work to be done by licensed plumber.

266. (1) No person other than a licensed plumber shall execute any work pertaining to water supply, drainage and sewerage disposal as described in this part and no person shall permit any such work to be executed except by a licensed plumber:

Provided that if, in the opinion of the 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 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 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 bye-laws for the guidance of licensed plumbers and a copy of all such bye-laws shall be attached to every license granted to a plumber by the Corporation.

(5) The Standing Committee may, from time to time, fix the charges to be paid to licensed plumbers for any work done by them under or for any of the purposes of this part.

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

Control by the Corporation and Standing Committee.

267. In dealing with municipal drainage, sewage, and water-works schemes, the Commissioner shall follow the general principles laid down by the Corporation, with the approval of the Government, for any scheme of sewage or drainage or waterworks and may refer to the Corporation any question connected with the carrying out of such a scheme in which the intention of the Corporation does not appear to have been clearly expressed, or in which the provisions of the scheme appear to him to require modification by the Corporation:

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

Control by Government 268. No drainage or sewage or water works scheme involving an expenditure of a sum of twenty lakhs of rupees or more shall be sanctioned by the Corporation without the previous approval of the Government.

Conservancy

Deposit of rubbish, offensive matters, sewage and carcasses. 269. (1) The Commissioner shall provide or appoint in proper and convenient situations, public receptacles, depots and places for the temporary deposit or final disposal of rubbish, offensive matters, sewage and the carcasses of dead animals accumulating in the city.

(2) All things deposited in receptacles, depots or places provided or appointed under this section shall be the property of the Corporation.

Collection and removal of sewage. 270. The Commissioner may give public notice that the collection and the removal of sewage, offensive matter and rubbish from the lands and buildings in any portion of the city will be undertaken by municipal agency, and he shall then forthwith take measures for the due collection and removal of such matter from any lands and buildings situated in the said portion of the city.

Collection and temporary deposit of rubbish and offensive matter by occupiers of premises. 271. (1) The Commissioner may, by public notice direct that all rubbish and offensive matter accumulating in any premises, in any street or quarter of the city specified in the notice, shall be collected by the occupier of such premises and deposited in a box, basket or other receptacle, of a kind prescribed by the Corporation, to be provided by such occupier and kept near the entrance to, or where open space is available, within the premises.

(2) The Commissioner may cause public dustbins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situations in streets or quarters in respect of which no notice issued under sub-section (1) is for the time being in force, and may, by public notice, direct that all rubbish and offensive matter accumulating in any premises, the entrance to which is situated within fifty yards of any such receptacle, shall be collected by the occupier of such premises and deposited in such receptacle.

(3) The Commissioner, may, by public notice direct that all rubbish and offensive matter accumulating in any premises in any street or quarter in respect of which no notice issued under sub-section (1) or sub-section (2) is for the time being in force, shall be collected by the occupier of such premises and deposited in lump in the street on which such premises abut or in some portion of such premises.

(4) In any notice issued under any of the foregoing sub-sections the Commissioner shall fix the hours within which rubbish and offensive matter shall be deposited under this section.

(5) The Commissioner may, by public notice, direct that sweepers privately employed for removal of sewage, rubbish or offensive matter shall remove the same in proper receptacles of a type to be approved by him in such manner as not to cause any unnecessary nuisance to passers-by in the street.

Prohibition
of accumula-
tions of offen-
sive matter.

272. No person—

(a) shall throw or place any rubbish, offensive matter or sewage on any street or in any place not provided or appointed for the purposes under the provisions of this Act; and

(b) who is the owner or occupier of any land or building shall allow any sewage or offensive matter to flow, soak or be thrown therefrom or keep or suffer to be kept therein or thereupon anything so as to be a nuisance to any person or negligently suffer any receptacle or place for the deposit of offensive matter or rubbish, on his premises to be in such a state as to be offensive or injurious to health.

Regulation of Factories and Trades

Factory, etc.,
not to be
established
without per-
mission of
the Commis-
sioner.

273. (1) No person shall, without the previous permission in writing of the Commissioner, establish in any premises or materially alter, enlarge or extend any factory, workshop or trade premises in which it is intended to employ steam, electricity, water or other mechanical power.

(2) The Commissioner may refuse to give such permission if he is of the opinion that the establishment, alteration, enlargement or extension of such factory, workshop or trade premises, in the proposed position would be objectionable by reason of the density of the population of the neighbourhood thereof, or would be a nuisance to the inhabitants of the neighbourhood.

(3) The Commissioner may, if he is of opinion that the existence of such factory, workshop or trade premises in any place is objectionable by reason of the density of the population of the neighbourhood thereof, or is a nuisance to the inhabitants of the neighbourhood, direct that the factory, workshop or trade premises be shifted to any other place suitable for the purpose :

Provided that the cost of such shifting shall be borne by the Corporation.

Sanitary regulation of factories, etc.

274. (1) Whenever it appears to the Commissioner that any factory, workshop or work place or a building or place in which steam, water or other mechanical power is employed, is not kept in a clean state or is not ventilated in such a manner as to render harmless as far as practicable, any gas, vapour, soot or other impurity generated in the course of the work carried on therein as to be dangerous or injurious to the health of the person employed or that any machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb, the Commissioner may by written notice require the owner thereof to take such order therewith as he shall think fit.

(2) Nothing in this section shall be deemed to affect any provision of the Indian Boilers Act, 1923, and nothing in this section regulating the fixing or fencing of any machinery shall apply to any factory subject to the provisions of the Indian Factories Act, 1948.

Regulation of dangerous and offensive trades.

275. Except in accordance with the provisions of this Act, no person shall—

- (a) store or keep in any premises any articles which are prescribed as dangerous or offensive, or as being, or likely to be a nuisance to the public, or dangerous to life, health or property ; or

- (b) store or keep in any premises the hide or any part of the carcass of any animal afflicted at the time of its death with infectious or contagious disease ; or
- (c) carry on or allow to be carried on in any premises any trade, manufacturing industry or operation which is prescribed as dangerous to life, health or property or is likely to create nuisance, either from its nature or by reason of the manner in which or the conditions under which the same may be carried on ;

Provided that nothing in this section shall affect the provisions of the Indian Explosives Act, 1884 or Indian Petroleum Act, 1934.

Premises not to be used for certain purposes without licence. 276. (1) No person shall use or permit to be used any premises for any of the following purposes without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, namely:—

- (a) carrying on within the city the trade or operation of a farrier/furrier ;
- (b) keeping in or upon any premises, for any purpose whatever any prescribed articles in excess of the quantity which the Corporation may by bye-law prescribe as the maximum quantity of such article which may at any one time be kept in or upon the same premises without a licence ;
- (c) keeping in or upon any premises except for domestic use any prescribed articles ;
- (d) keeping horses, cattle or other four-footed animals for sale or hire or for sale of the produce thereof, or for any purpose for which any charge or remuneration is made or received ;
- (e) carrying on any of the prescribed trades or operations connected therewith, or any trade or operation which in the opinion of the Commissioner is dangerous to life, health or property, or is likely to create a nuisance either from its nature or by reasons of the manner in which, or the conditions under which the same may be carried on.

Explanation I:—A person shall be deemed to have known that a trade or operation is dangerous or likely to create a nuisance within the meaning of this section after written notice to that effect signed by the Commissioner has been served on such person or affixed to the premises to which it relates.

Explanation II:—A person shall be deemed to carry on a trade or operation or to allow it to be carried on within the meaning of this section if he does any act in furtherance of such trade or is in any way engaged or concerned therein as principal, agent, employer or employee or in any other similar capacity.

(2) It shall be in the discretion of the Commissioner to grant a licence for any of the purposes referred to in sub-section (1) subject to such restrictions or conditions as he may think fit to prescribe or to refuse to grant such licence.

(3) Every person to whom a licence is granted by the Commissioner under sub-section (2) shall keep such licence in or upon the premises, if any to which it relates.

Prohibition
of pollution
of water by
chemicals,
etc.

277. (1) No person engaged in any prescribed trade or manufacture shall—

- (a) wilfully cause or suffer to be brought to or flow into any lake, river or stream, tank, reservoir, cistern, well, duct or other places within the city or into any drain or pipe communicating therewith, any washing or other substance produced in the course of such trade or manufacture as aforesaid; or
- (b) wilfully do any act connected with any such trade or manufacture whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for storing water is fouled or polluted.

(2) After giving not less than twenty-four hours previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade as is referred to in sub-section (1) the Commissioner may let open and examine the said works, pipes or conduits, and if upon such examination, it shall appear that the provisions of sub-section (1) have been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses incurred in laying open and examining them and in adopting any other measure which the Commissioner considers necessary for removing the cause of such contravention shall be paid by the owner of the said works, pipes, or conduits, or by the person who has the management or control thereof or through whose neglect or fault the contravention has occurred. If it appears that there has been no such contravention, the said expenses and also compensation for any damage occasioned by such laying open and examination shall be paid by the Commissioner.

Inspection
of premises
used for Ma-
nufactures,
etc.

278. (1) Subject to the bye-laws made by the Corporation in this behalf, the Commissioner at any time, by day or by night and without notice, enter into or open any premises used for any of the purposes mentioned in section 276 or upon any premises in which a furnace is employed for the purpose of any trade or manufacture, or into any bakery, in order to satisfy himself that there is no contravention of any provision of this Act or any rule or bye-law made thereunder or any condition of any licence granted under this Act, or that no nuisance is being created upon such premises.

(2) No claim for compensation shall lie against any person for any damage which may unavoidably be caused by any such entry or by the use of any force necessary for effecting such entry:

Provided that force shall not be used for effecting an entry, unless there is reason to believe that an offence is being committed against some provisions of this Act or some rules made thereunder.

Prevention of Dangerous Diseases

Obligation to
give informa-
tion of dan-
gerous di-
eases.

279. Any person being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon, any person whom he knows or has reason to believe to be suffering from a dangerous disease, or being the owner, lessee, or occupier of any building in which he knows that any such person is so suffering shall forthwith give information suspecting the existence of such disease to the Medical Officer of Health.

Power of Medical Officer of Health to inspect places and take measure to prevent spread of dangerous disease.

280. The Medical Officer of Health, or any other municipal employee authorised by him in this behalf, may at any time by day or by night, without notice, or after giving such notice of his intention as may, in the circumstances appear to him to be reasonable, inspect any place in which any dangerous disease is reported or suspected to exist, and take such measure as he may think fit to prevent the spread of the said disease beyond such place.

Prohibition of use for drinking or for other domestic purpose of water likely to cause dangerous disease.

281. (1) If it appears to the Medical Officer of Health that the water in any well, tank or other place is likely, if used for the purpose of drinking or for any other domestic purpose, to endanger or cause the spread of any dangerous disease, he may by public notice, prohibit the removal or use of the said water for such purpose.

(2) No person shall remove or use for such purpose any water in respect of which any such public notice has been issued.

Power of Medical Officer of Health to remove patient to hospital in certain cases.

282. (1) When, in the opinion of the Medical Officer of Health, any person is suffering from a dangerous disease and is also without proper lodging or accommodation, or is lodged in such a manner that he cannot be effectually isolated so as to prevent the spread of infection, and the said officer considers that such person should be removed to a hospital or place at which patients suffering from such disease are received for medical treatment, he may with the approval of the Commissioner direct or cause the removal of such person to such hospital or place:

Provided that all costs incurred for the removal and the treatment of any such patient shall be borne by the Corporation:

Provided also that, if any such person is a woman, she shall not be removed to any such hospital or place unless the same has accommodation for women, of a suitable kind, and set apart from the portion assigned to males.

(2) The person, if any, who has charge of a person in respect of whom an order is made under sub-section (1) shall obey such order.

(3) The Corporation shall, if required by the Government erect an infectious diseases hospital of such type and dimension as the Government may direct.

Power of
Medical
Officer of
Health to
disinfect
building,
tank, pool
or well.

283. (1) If the Medical Officer of Health or any municipal employee authorised by him in this behalf, is of opinion that the cleansing or disinfecting of any building or any part of a building, or any article therein which is likely to retain infection, or of any tank, pool or well adjacent to a building, should tend to prevent or check the spread of any dangerous disease, he may cause to be cleaned or disinfected such building or part thereof, article, tank, pool or well and may by written notice, require the occupier of such building or any part thereof to vacate the same for such time as may be specified in such notice.

(2) The cost of cleansing or disinfecting any building or part thereof or any article therein under sub-section (1) shall be paid by the occupier of such building and the cost of cleansing or disinfecting any tank, pool or well, under the said sub-section, shall be paid by the person in actual possession of such tank, pool or well or if there be no such person by the owner, thereof:

Provided that if, in the opinion of the Commissioner, the owner or occupier is due to poverty unable to pay the said cost, the Commissioner may direct payment thereof to be made from the Municipal Fund.

Power of
Medical
Officer of
Health to
destroy huts
and sheds.

284. (1) If the Medical Officer of Health is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation not exceeding the value of the hut as may be assessed by the Commissioner, shall be paid by the Corporation to any person who sustains loss by the destruction of any such hut or shed, but, except as so allowed by the Commissioner, no claim or compensation shall lie for any loss or damage caused by any exercise of the powers conferred by sub-section (1).

Infected building not to be let with out being first disinfected.

285. No person shall let a building or any part thereof in which he knows or has reason to know that a person has been suffering from a dangerous disease,--

- (a) unless the Medical Officer of Health has disinfected the same and has granted a certificate to that effect; and
- (b) until a date is specified in such certificate on which the building or part may be occupied without causing risk or infection.

Explanation :—For the purpose of this section the keeper of a hotel or an inn shall be deemed to have let part of his building to any person accommodated therein.

Provision of place for disinfection, washing, destruction of infected articles and power of Commissioner to disinfect or destroy such articles.

286. (1) The Corporation may provide a place or places with all necessary apparatus and establishment for the disinfection of conveyances, clothings, beddings or other articles which have become infected or suspected to have become infected and when any article have been brought to any such place for disinfection, shall cause them to be disinfected either,—

- (a) free of charge; or
- (b) in its discretion, on payment of such fees as it may from time to time fix in this behalf.

(2) The Corporation may from time to time, by public notice appoint a place or places at which conveyances, clothings, beddings or other articles which have been exposed to infection from any dangerous disease may be washed; and no person shall wash any such article at any place not so appointed.

(3) The Medical Officer of Health or any person authorised by him in this behalf, may disinfect or destroy, or by written notice direct the disinfection or destruction of any clothings, beddings or other articles likely to retain infection.

(4) The Commissioner shall pay such compensation as may appear to him reasonable for any article destroyed under sub-section (3) and his decision shall be final.

287. (1) No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease.

Infected articles not to be transmitted, etc. without previous disinfection.

(2) Nothing in sub-section (1) shall apply to a person who transmits, with proper precautions, any such article for the purpose of having the same disinfected.

Restriction on carriage of patients or dead body in public conveyance. 288. (1) No person who is suffering from a dangerous disease shall enter or cause or permit himself to be carried in, a public conveyance, nor shall any other person knowingly cause or permit a person in his charge and suffering from a dangerous disease or the dead body of any person who has died from such disease to be carried in a public conveyance without—

- (a) previously notifying to the owner, driver or person in-charge of such conveyance that he is so suffering, and
- (b) taking proper precautions against spreading of such disease.

(2) Notwithstanding anything contained in any enactment relating to public conveyances for the time being in force, no owner or driver or person in-charge of a public conveyance shall be bound to carry any person suffering as aforesaid or any such dead body in such conveyance unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

(3) No owner, driver or person in-charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid or any such dead body in contravention of sub-section (1).

Disinfection of public conveyance after carriage of patient or dead body. 289. (1) The owner, driver or person incharge of any public conveyance in which any person suffering from a dangerous disease or the dead body of any person who has died from such disease has been carried, shall immediately take the conveyance for disinfection to a place appointed under sub-section (1) of Section 286.

(2) The person in-charge of such place shall forthwith intimate to the Medical Officer of Health the number of the conveyance and proceed to disinfect the conveyance.

(3) No such conveyance shall be used until the Medical Officer of Health has granted a certificate stating that it may be used without causing risk of infection.

Power of Corporation to provide special conveyance for patient or dead body. 290. (1) The Corporation may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease or of the dead bodies of persons who have died from any such disease.

(2) When such conveyances have been provided it shall not be lawful without the sanction of the Medical Officer of Health, to carry any such person or dead body in, or for any such person to cause himself to be carried in, any other public conveyance.

Prohibition of making or selling of food, etc., or washing of clothes by infected persons. 291. No person while suffering from, or in circumstances in which he is likely to spread, any dangerous disease, shall—

(a) make, carry or offer for sale or take any part in the business of making, carrying or offering for sale, any article of food or drink or any medicine or drug for human consumption, or any article, clothing or bedding for personal use or wear, or

(b) take any part in the business of the washing or carrying of cloths.

Power to restrict or prohibit sale of food or drink. 292. When the city or any part thereof is visited or threatened by an outbreak of any dangerous disease, the Commissioner, may by public notice, restrict in such manner or prohibit for such period as may be specified in the notice, the sale or preparation of any article of food or drink for human consumption specified in the notice or the sale of any fish or flesh of any animals or birds so specified.

Special measure in case of outbreak of dangerous or epidemic diseases.

293. (1) In the event of the city or any part thereof being visited or threatened by an outbreak of any dangerous disease among the inhabitants thereof or of any epidemic disease among any animals therein, the Commissioner if he thinks that the other provisions of this Act and the provisions of any other law for the time being in force are in sufficient for the purpose, may, with the previous sanction of the Corporation—

- (a) take such special measures ; and
- (b) by public notice, give such directions to be observed by the public or by any class or section of the public, as he thinks necessary to prevent the outbreak or spread of the disease:

Provided that where in the opinion of the Commissioner immediate measures are necessary, he may take action without such sanction as aforesaid and if he does so, shall forthwith report such action to the Corporation.

(2) No person shall commit a breach of any direction given under sub-section (1) and if he does so he shall be deemed to have committed an offence under Section 188 of the Indian Penal Code (45 of 1860).

Burning or Burial grounds

Power to call for information regarding burning and burial ground.

294. The Commissioner, may, by notice in writing require the owner or person in-charge of any burning or burial ground to supply such information as may be specified in the notice concerning the condition, management, or position of such ground.

Permission for use of new burning or burial ground.

295. (1) No place which has not been used as a burning or burial ground before the commencement of this Act shall be so used without the permission in writing of the Commissioner.

(2) Such permission may be granted subject to any conditions which the Commissioner may think fit to impose for the purpose of preventing any annoyance to, or danger to the health of, any person residing in the neighbourhood.

Power to require closing of any burning or burial ground.

296. (1) Where the Commissioner, after making or causing to be made local enquiry is of opinion that any burning or burial ground has become offensive to, or dangerous, to the health of person residing in the neighbourhood, he may, with the previous sanction of the Standing Committee, by notice in writing, require the owner, or person in charge of such ground to close the same from such date as may be specified in the notice.

(2) No corpses shall be burnt or buried at the burning or burial ground in respect of which a notice has been issued under this section.

Provision of new places for disposal of dead.

297. If the existing places of the disposal of dead appear to the Corporation at any time to be insufficient it shall provide other fit and convenient places for the disposal of the dead either within or without city :

Provided that all such places shall be managed or approved by the Corporation.

Disposal of Dead Animals

Disposal of dead animals.

298. (1) Whenever any animal under charge of any person dies, the person in charge thereof shall within twenty-four hours either—

- (a) convey the carcass to a place provided or appointed for the final disposal of the carcasses of death animals ; or
- (b) give notice of the death to the Commissioner or any other officer appointed for the purpose, whereupon he shall cause the carcass to be disposed of.

(2) In respect of the disposal of the carcass of dead animal under clause (b) of sub-section (1) the Commissioner may charge such fee as he may by public notice specify.

CHAPTER XXII

PUBLIC SAFETY AND SUPPRESSION OF NUISANCES

Nuisance

Prohibition nuisance.

299. (1) No person shall—

- (a) in any public street or public place—
 - (i) ease himself ; or
 - (ii) loiter, or beg importunately, for alms ;
- or