



International Environmental
Law Research Centre

West Bengal Municipal Corporation Act, 2006 (Excerpts)

(Excerpts - water supply and sanitation provisions)

This document is available at ielrc.org/content/e0641.pdf

For further information, visit www.ielrc.org

Note: This document is put online by the International Environmental Law Research Centre (IELRC) for information purposes. This document is not an official version of the text and as such is only provided as a source of information for interested readers. IELRC makes no claim as to the accuracy of the text reproduced which should under no circumstances be deemed to constitute the official version of the document.

PART IV**CHAPTER VIII****Powers and functions of Corporation**

Obligatory
functions of
Corporation.

97. It shall be the obligatory duty of the Corporation to make reasonable and adequate provisions for the following matters within the jurisdictional limits of the Corporation area and within the financial means at its disposal, namely:—

- (1) in the sphere of public works,—
 - (a) construction and maintenance of waterworks and providing, by itself or by an agency, means for supply of water for public and private purposes;
 - (b) providing, by itself or by an agency, means of supply of water for fire-fighting purposes;
 - (c) construction, maintenance and cleansing of sewers and drains, sewerage and drainage works;
 - (d) construction, maintenance and cleansing of public latrines, urinals and similar conveniences;
 - (e) construction, maintenance, alteration and improvement of public streets and street furniture, bridges, culverts, flyovers, subways, and causeways;
 - (f) naming of streets and numbering of premises;
 - (g) lighting of public streets and other public places;
 - (h) planting and care of trees on roadside and elsewhere;
 - (i) construction and maintenance of municipal markets and slaughterhouses, and regulation of all markets and slaughterhouses;
 - (j) maintenance of all monuments vested in the Corporation;
- (2) in the sphere of public health and sanitation,—
 - (a) scavenging, removal and disposal of filth, rubbish, and other obnoxious or polluted matters;
 - (b) reclamation of unhealthy localities, removal of noxious vegetation, and abatement of all nuisances;
 - (c) regulating and abating offensive and dangerous trades or practices;

The West Bengal Municipal Corporation Act, 2006.

*(Part IV.—Chapter VIII.—Powers and functions of Corporation.—
Section 97.)*

- (d) watering and cleansing of public streets and other public places;
- (e) ensuring wholesomeness of water supplied for drinking and domestic purposes;
- (f) regulation of places for the disposal of the dead, and provision and maintenance of places for the said purpose;
- (g) measures for preventing and checking the spread of dangerous diseases;
- (h) public vaccination and inoculation;
- (i) removal and disposal of unclaimed dead bodies and carcases of all dead animals;
- (j) maintenance of all public tanks and regulating re-excavation, repair and up-keep of all private tanks, wells and other sources of water supply on such terms and conditions as the Mayor-in-Council may deem proper;
- (k) conversion of all service privies into sanitary latrines and providing adequate facilities for sanitation so that open defecation may be completely done away with;
- (l) disposal of solid and liquid wastes consistent with efforts to cause recovery and re-use of all that can be salvaged;

The West Bengal Municipal Corporation Act, 2006.

(Part VI.—Civic Services.—Chapter XI.—Water supply and drainage.—
A. General.—Section 175.—B. Functions in relation to
water supply.—Section 176.)

PART VI**CIVIC SERVICES****CHAPTER XI****Water supply and drainage****A. General**

Definitions.

175. 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 or any other agency 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 reserve main;
- (3) “service main” means so much of any main for supplying water from a reserve 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 such service 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 such limits of supply, 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 apparatus used in connection with the supply and use of water.

B. Functions in relation to water supply

Duty of Corporation to supply water.

176. (1) It shall be the duty of every Corporation to provide a supply of wholesome water for the domestic use of the inhabitants.

(2) The supply of water for domestic and non-domestic uses may be charged for at such scale of fee, or price, on the basis of annual valuation of the holdings of the beneficiary concerned or other criteria, such as consumption of water as may be prescribed:

Provided that in the case of Water Supply Projects, implemented in any Corporation area with external aid or on joint venture basis or through private participation, the Corporation may make regulation fixing fees for supply of water and other allied matters associated with the Project, as may be necessitated by the terms and conditions of the project.

(3) The Corporation, for the purpose of measuring or recording the quantity of water consumed, may provide for devices of attachment of meter in the premises or adopt a system of calculation by the size or number of ferrules through which the supply is made or any other method of measurement or recording in such manner and in accordance with such procedure as may be prescribed.

The West Bengal Municipal Corporation Act, 2006.

*(Part VI.—Civic Services.—Chapter XI.—Water supply and drainage.—
B. Functions in relation to water supply.—Sections 177-180.)*

Supply of
unfiltered water.

- 177.** The Corporation shall provide for a supply of unfiltered water—
- (a) in those parts of the Corporation area in which such water is provided immediately before the commencement of this Act, and
 - (b) in such other parts of the Corporation area as it may think fit:
- Provided that the Corporation may discontinue the supply of unfiltered water in any part of the Corporation area where a supply, in sufficient quantity, of wholesome water becomes available.

Water supply to
huts or *bustees*.

- 178.** (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 tube-wells or otherwise, to huts or *bustees* for domestic purposes of the occupants thereof.
- (2) The Corporation shall provide, where it is so available, supply of unfiltered water for the flushing of privies in *bustees*.

Water supply
through hydrants,
stand-posts or
other conven-
iences.

- 179.** (1) The Commissioner may, with the prior approval of the Mayor-in-Council, erect hydrants or stand-posts for supply of wholesome water to the public within the Corporation area through other conveniences:
- Provided that for the purpose of safety, maintenance and regulation of use of such hydrants or stand-posts, the Commissioner may place them under the charge of any person or agency or organisation who may realize from each consumer such fee as the Mayor-in-Council may determine:

Provided further that the person or agency or organisation as aforesaid shall perform such functions as the Corporation may, by regulations, provide:

Provided also that installation of hydrants may be limited only in slum areas where there has not been any water supply through pipe line.

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

Supply of water
for domestic
purpose not to
include supply of
water for certain
other purpose.

- 180.** (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 of water—
- (a) for washing of animals kept for sale or hire, or
 - (b) for such trade, manufacture or business as may be determined by the Corporation, 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 purpose, or
 - (g) for flushing purpose, other than the purpose of flushing privies in *bustees*, or
 - (h) for washing cars, carriages and other vehicles, or
 - (i) to any building used, or deemed to be used, for any institutional or assembly or business or mercantile or industrial or storage or hazardous purpose, or for any other non-domestic purpose:

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

*The West Bengal Municipal Corporation Act, 2006.**(Part VI.—Civic Services.—Chapter XI.—Water supply and drainage.—
B. Functions in relation to water supply.—Sections 181-183.)*

ower to supply
ater for non-
domestic purpose.

181. (1) The Commissioner may supply water for any purpose, other than domestic purpose, on receiving a written application specifying the purpose for which the supply of water is required and the quantity of water is likely to be consumed.

(2) Subject to the provisions of sub-section (1), when an application under that sub-section is granted, the Commissioner may, by order, place, or allow to be placed, the necessary pipes and water-fittings of such dimension and character as may be specified in the order.

(3) Notwithstanding anything contained in sub-section (1) of this section or elsewhere in this Act, the Commissioner, on receipt of any information that the water supplied under that sub-section is being consumed for any purpose, other than the purpose specified in the application under that sub-section, may, without prejudice to any other action which he may be entitled to take under this Act, levy a fee for such consumption of water at such rate as may be stated in the budget estimate under sub-section (2) of section 69, with effect from such date as the Commissioner may determine:

Provided that no such fee shall be levied under this sub-section without giving the person concerned an opportunity of being heard.

ply of water to

182. The Commissioner shall, on demand, supply to any ship at a port situated within the Corporation area a reasonable supply of wholesome water for use during voyage at such price for every thousand litres, and on such conditions, as the Corporation may determine.

Supply of water to
reas adjacent to
Corporation area.

183. (1) The Corporation may, at any time, on receiving an application from a Municipality, or from a Cantonment Board or from any other authority in respect of any area adjacent to the Corporation area which may be included in the Corporation area under clause (c) of section 8 give direction that such quantity of wholesome water *per diem* as may be determine by it shall be delivered into such reservoirs or pipes of such Municipality or Cantonment Board or other authority, as the case may be, as may be specified in such application.

(2) The supply of wholesome water under sub-section (1) shall be on payment of 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 Corporation may determine.

(3) If payment of the rate under sub-section (2) for wholesome water delivered to any Municipality or Cantonment Board or other authority is not made regularly and in time, the Corporation, on the recommendation of the Mayor-in-Council and with the approval of the State Government, may, after giving twelve months' notice of its intention so to do, cut off the supply.

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

(5) Before making any order on any appeal under sub-section (4), the State Government shall consider representation, if any, made by the Corporation with reference to such appeal.

(6) No order made on any appeal under sub-section (4) shall contain any direction for delivery of wholesome water at a rate lower than the cost of its production and delivery.

(7) Every order made on any appeal under sub-section (4) shall be final.

The West Bengal Municipal Corporation Act, 2006.

(Part VI.—Civic Services.—Chapter XI.—Water supply and drainage.—B. Functions in relation to water supply.—Sections 184, 185.—C. Planning, construction, operation, maintenance and management of water works.—Sections 186, 187.)

(8) Notwithstanding anything contained in sub-section (1), any Municipality or Cantonment Board or other authority, which was getting delivery of wholesome water from the Corporation constituted under any law in force 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 on the date immediately before the date of commencement of this Act, and such terms and conditions may be modified at any time in accordance with the provisions of this section.

Presumption as to supply of water.

184. Where any supply of wholesome water has been made to any premises or building, either for domestic purpose or for any other purpose, through a meter or ferrule attached to the supply pipe in such premises or building, it shall be presumed, irrespective of the size of the ferrule, that the supply of as much quantity of such wholesome water as may pass through such ferrule has been made and there shall not be raised any dispute about the payment of any fee for such supply on any ground whatsoever, except on the ground of disconnection, if any, of the supply pipe as aforesaid under any provision of this Act or the rules or the regulations made thereunder.

Presumption as to washing of vehicles.

185. Where the address of the owner of a motor vehicle, as recorded in the certificate of registration of such motor vehicle under any law for the time being in force, is within the jurisdiction of the Corporation, or where such motor vehicle is kept in any area within the jurisdiction of the Corporation, it shall be presumed that additional water for washing such motor vehicle has been consumed by such owner, and the Corporation shall have the power to levy fee, on such owner, at such rate, as may be stated in the budget estimate under sub-section (2) of section 69 or as may be fixed by regulations under the first proviso to sub-section (1) of section 181.

C. Planning, construction, operation, maintenance and management of waterworks

Proprietary rights of Corporation over subsoil water resource.

186. All rights over the subsoil water resources in the Corporation area shall vest in the Corporation.

Power of Corporation relating to waterworks.

187. (1) For the purpose of providing the Corporation area with proper and sufficient supply of water for public and private uses, the Corporation may—

- (a) plan, construct, operate, maintain, and manage waterworks, either within or outside the Corporation area;
- (b) purchase, or take on lease, any waterworks, or any water, or any right to store, or to take and convey, water either within or outside the Corporation area;
- (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, any organization established under any law for the time being in force any 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 provisions, of sub-section (1), the Corporation shall have the power—

- (a) to make over to, or to take over from, any organization established under any law for the time being in force all or any of the responsibilities, powers, controls, facilities, services and administration relating to water supply in the Corporation area;

The West Bengal Municipal Corporation Act, 2006.

(Part VI.—Civic Services.—Chapter XI.—Water supply and drainage.—
C. Planning, construction, operation, maintenance and management
of water works.—Sections 188-191.)

- (b) to extend, expand and develop the existing facilities, and to construct and operate new facilities relating to water supply;
- (c) to establish, operate, maintain and manage engineering workshops relating to waterworks and water supply system;
- (d) to establish, maintain and operate laboratories and experimental and research stations;
- (e) to introduce in-service training courses and to provide other training for its personnel;
- (f) to regulate sinking of public or private tubewells and to control withdrawal of under ground water;
- (g) to prevent pollution of any water including any watersource, watercourse or channel within or outside the Corporation area;
- (h) to prevent discharge of industrial wastes or foul water into any river, canal, or other water channel abutting the watersource, watercourse or channel of water supply of the Corporation area;
- (i) to acquire any tank, pond, well or water area within the Corporation area, considered to be prejudicial to community health.

Commissioner to
manage
waterworks.

188. Subject to the other provisions of this Act, the Commissioner shall manage all waterworks and allied facilities belonging to the Corporation and shall maintain such waterworks and allied facilities in good repair and efficient condition and shall cause to be done all such things as shall be necessary or expedient for improving such waterworks and allied facilities.

Power of access to
waterworks.

189. (1) The Commissioner, or any person appointed by the State Government under section 190, may, for the purpose of inspection or repair or execution of any work in, upon, or in connection with, any waterworks, at all reasonable times,—

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

(2) While exercising any of the powers under sub-section (1), as little damage as possible shall be done, and compensation for any damage in course of exercise of any such power shall be paid—

- (a) by the Corporation, if such damage is done by the Commissioner, or
- (b) by the State Government, if such damage is done by the person appointed by the State Government under section 190.

Inspection of
waterworks by
person appointed
by State
Government.

190. The State Government may appoint any person for the purpose of inspection of any waterworks and, thereupon, such person may, at all reasonable times and with the prior intimation to the Commissioner, enter upon and inspect any waterworks belonging to the Corporation.

Parity of water for
domestic purpose.

191. The 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 pure and wholesome.

The West Bengal Municipal Corporation Act, 2006.

(Part VI.—Civic Services.—Chapter XI.—Water supply and drainage.—
D. Tube-well.—Sections 192-194.—E. Water supply mains and connection
to premises.—Sections 195, 196.)

D. Tube-well

Prohibition
regarding sinking
of tube-well.

192. (1) No person shall, except with the prior permission, in writing, of the Commissioner, sink any tube-well in any premises.

(2) The Commissioner may grant permission for sinking a tube-well in any premises, and issue a licence for such tube-well, on such conditions, and on payment of such annual fee, as the Corporation may specify:

Provided that any person owning a tube-well sunk before the commencement of this Act shall take a licence for such tube-well on such conditions, and on payment of such annual fee, as the Corporation may determine.

Direction by
Commissioner to
sink tube-well in
some cases.

193. (1) Notwithstanding anything contained in section 192, the Commissioner may, with the prior approval of the Mayor-in-Council, by a written notice, require the owner of a premises to sink a tube-well, 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 for any other reason to be recorded in writing.

(2) Every such owner shall be bound to take a licence for such tube-well on such conditions, and on payment of such annual fee, as the Corporation may determine.

Commissioner to
maintain a register
of tube-well sunk
in Corporation
area.

194. The Commissioner shall cause to be maintained a register in such form, and in such manner, as may be determined by regulations, and such register shall provide for an inventory of tube-wells, public or private, sunk in the Corporation area, and shall be updated from time to time.

E. Water supply mains and connection to premises

Power to lay
mains.

195. (1) The Corporation may lay a main, whether within or outside the local limits of the Corporation area,—

- (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 inspect, repair, alter, or renew, or may remove any main, whether so laid under this section or otherwise:

Provided that whether or not a consent required for the purpose of this sub-section is withheld by the owner or the occupier, of any land, not forming part of a street, the Commissioner may, after giving the owner or the occupier of such 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 Commissioner, in exercise of the power 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 to every person interested in that land compensation for any damage done thereto, or for any injurious affection thereof, by reason of such laying, inspection, repair, alteration, renewal, or removal of the main.

Power to lay
service mains etc.

196. (1) The 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 inspect, repair, alter, or renew, and may, at any time, remove, any service main, whether so laid in a street 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 Commissioner may enter upon that land and inspect, repair, alter, renew, or remove the service main, or lay a new service main in substitution thereof, but shall pay compensation for any damage done in course of such action.

*The West Bengal Municipal Corporation Act, 2006.**(Part VI.—Civic Services.—Chapter XI.—Water supply and drainage.—
E. Water supply mains and connection to premises.—
Sections 197-201.)*

Provision for fire-hydrant.

197. (1) The Commissioner may 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 may keep such hydrants in good order and may replace every such hydrant from time to time.

(2) For the purpose of denoting the situation of every such hydrant, letters, marks or figures shall be displayed prominently on any wall, building or other structure adjacent to such hydrant.

(3) As soon as a hydrant is fixed on any water mains, the Commissioner shall deposit a key thereof at each place where a public fire engine is kept and in such other places as he may deem necessary.

(4) The 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, but 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, as near and as convenient to such factory, workshop, trade premises or place of business as may be, used only for extinguishing fire.

(5) The Commissioner shall allow every person to take, for extinguishing fire, water from any main on which a hydrant is fixed, without any payment.

Power of Commissioner to allow connection of premises to service mains.

198. The Commissioner may, subject to the provisions of this Act and the rules and the regulations made thereunder, permit the owner, or the lessee, or the 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.

Power of Commissioner to require separate supply-pipe.

199. (1) The Commissioner may require the laying of a separate supply-pipe for entry premises which has been, or is to be, supplied with water by him.

(2) If, in the case of any premises which has already been supplied with water without having a separate supply-pipe, the Commissioner gives notice to the owner of such premises requiring him to lay a separate supply-pipe, the owner shall, within three months of such notice, lay so much of the supply-pipe as is not required to be laid in a street, and the Commissioner shall lay so much of the supply-pipe as is required to be laid in a street and shall make all necessary communications.

Stopcock.

200. (1) The Commissioner may, on every service main laid after the commencement of this Act, and may, on every service main laid before the commencement of this Act, 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 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 such premises as is reasonably practicable;
- (b) a stopcock in a street shall be placed as near to the boundary thereof as is reasonably practicable.

Water-pipe etc. not to be placed where water will be polluted.

201. (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 water-pipe is likely to be injured or the water therein is likely to be polluted, and no well or tank and, except with the permission of the Commissioner in writing, no cistern shall be constructed within twenty feet of a latrine or cesspool.

*The West Bengal Municipal Corporation Act, 2006.**(Part VI.—Civic Services.—Chapter XI.—Water supply and drainage.—**E. Water supply mains and connection to premises.—**Sections 202-204.)*

(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 is likely to be polluted.

Supply-pipe to be kept in efficient repair.

202. (1) 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, and to maintain and keep in efficient repair, every supply-pipe connecting the premises to the water supply mains of the Corporation and any other water-fittings in the premises:

Provided that upon an inspection, the Commissioner may, by a notice, in writing, require the owner or the occupier of the premises to take steps to remove 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 may deduct the expenses thereof from any rent which is due from him to such person.

(2) Except in the case of a special agreement to the contrary, the owner of any premises shall bear the expenses of repairs of all works connected with the supply of water thereto and, if he fails to do so, the occupier may give to the owner and the Corporation three days' notice, in writing, in such form as may be approved by the Corporation, and if the Corporation fails to get the repairs of all works connected with the supply of water to the premises done within three days from the date of receipt of the notice, the occupier may himself have the repairs done and deduct the expenses for such repairs from any rent due from him to the owner in respect of such premises.

Taking charge of supply-pipes and water-fittings by Commissioner and vesting thereof in Corporation.

203. The Commissioner may, if he thinks fit under such circumstances as may be specified by regulations, take charge of all supply-pipes and water-fittings of any premises connected with the water-mains of the Corporation and, thereupon, the same shall vest in, and shall be maintained at the expenses of the Corporation.

Municipal water-supply, Sewerage and Drainage Code.

204. (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 Code to be called Municipal Water Supply, Sewerage and Drainage Code:

Provided that in making such regulations, due regard shall be given to the Code relating to water-supply and other matters connected therewith, published by the Indian Standards Institution:

Provided further that so long as such regulations are not made, the provisions of the Code published by the Indian Standards Institution shall apply.

(2) The regulations under sub-section (1) shall specify the requirements which an owner, lessee or occupier of any premises, who desires to have supply of water from the Corporation, shall comply with.

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

*The West Bengal Municipal Corporation Act, 2006.**(Part VI.—Civic Services.—Chapter XI.—Water supply and drainage.—
F. Water meter.—Sections 205-210.)***F. Water meter**

Power of Corporation to establish block meter.

205. (1) The Corporation may, if it thinks fit, establish block meters through which the entire supply of wholesome water for an area shall pass and the supply of such wholesome water shall be recorded.

(2) The Corporation may, with due regard to the size of the population and the technical compulsions, if any, and after taking into account the capacity approved by it for non-domestic purposes, regulate the supply of wholesome water in an area in such manner as may ensure that there is equitable distribution of available wholesome water throughout the Corporation area:

Provided that the decision of the Corporation on any matter relating to the supply of wholesome water in an area shall be final.

Power of Commissioner to provide water meter.

206. (1) The Commissioner may provide a water meter, and attach the same to the supply-pipe, in the premises connected with the service main of the Corporation.

(2) The expenses of providing and attaching a water 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 water meters shall be governed by regulations in this behalf.

Presumption as to correctness of water meter.

207. Whenever water is supplied under this Act through a water meter, it shall be presumed that the quantity of water indicated by the water meter has been consumed until the contrary is proved.

Prohibition of fraud on water meter.

208. (1) No person shall fraudulently—

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

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

Payment for supply of water on the basis of readings shown by water meter.

209. (1) In a premises where a water meter has been attached to a supply-pipe, the occupier of such premises shall be liable to pay for the water consumed on the basis of the readings shown by the water meter attached to the supply-pipe an annual fee at the rate determined under sub-section (2):

Provided that where a water meter attached to the supply-pipe in any premises or building connected with the service main of the Corporation goes out of order, or where there is a dispute about the proper operation of such water meter, or where such water meter is fraudulently altered or tampered with, the annual fee for the supply of water to such premises or building for domestic purpose or for any other purpose may be levied on the basis of the size of the ferrule attached to the supply-pipe in such premises or building.

(2) The Corporation shall determine the rate per thousand litres of water at which the amount of annual fee payable under sub-section (1) shall be calculated.

(3) Notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Act, the supply of water for domestic and non-domestic uses may be charged for at such scale of fee or price as may be prescribed.

Exemption from payment of fee for supply of water.

210. The Corporation shall have the power to exempt, either wholly or partly, any person from payment of the annual fee for the supply of water for domestic purpose or for any other purpose—

- (a) in any case where such payment causes, to the satisfaction of the Corporation, undue hardship to him, and
- (b) in any other case where the Corporation thinks fit so to do.

The West Bengal Municipal Corporation Act, 2006.

(Part VI.—Civic Services.—Chapter XI.—G. General Provisions regarding water-supply and uses of water supplied.—Sections 211, 212.)

G. General provisions regarding water-supply and uses of water supplied

Premises constructed or reconstructed after the commencement of this Act not to be occupied without arrangement for water supply.

211. 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 Commissioner that there is provided within, or within a reasonable distance of, the premises such supply of wholesome water as appears to the Commissioner to be adequate for the persons who may occupy, or who may be employed in, such premises for their domestic purposes.

Power to require water supply to be taken.

212. (1) If it appears to the Commissioner that any premises in the Corporation area is 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 ground, objectionable, the Commissioner may, by a notice, in writing, require the owner or the lessee or the occupier of the premises or the person primarily liable for the payment of the property tax in respect of the premises or any other person having an interest therein—

- (a) to take a connection from the supply mains of the Corporation, adequate for the requirements of the persons usually occupying, or employed in, the premises or to take additional or enlarged connection or connections from the supply mains, and
- (b) to provide supply-pipes and water-fittings and to install, and work at, a pump and do all such works, and take all such measures, as may, in the opinion of the Commissioner, be necessary for the above purpose,

within such period as may be specified in the notice.

(2) On receipt of the notice under sub-section (1), the owner or the lessee or the occupier of the premises or the person primarily liable for the payment of the property tax in respect of the premises or the other person having an interest therein, as the case may be, shall—

- (a) obtain from the supply mains of the Corporation such quantity of water as may be adequate for the requirement of the persons usually occupying, or employed in, the premises, and
- (b) provide connection pipes of such size, materials and description, and take such necessary steps for the purpose, as may be provided by regulations,

within the period specified in the notice.

(3) If the owner or the lessee or the occupier of the premises or the person primarily liable for the payment of the property tax in respect of the premises or the other person having an interest therein, as the case may be, does not comply with the notice within the period specified therein, the Board of Councillors shall—

- (a) obtain from the supply mains of the Corporation such quantity of water as may be adequate for the requirement of the persons occupying, or employed in, the premises, and
- (b) provide connection pipes of such size, materials and description, and take such necessary steps for the purpose, as may be provided by regulations,

and the cost incurred therefor by the Board of Councillors shall be recovered from the owner or the occupier of the premises or the other person having an interest therein, as the case may be, as an arrear of tax under this Act.

*The West Bengal Municipal Corporation Act, 2006.**(Part VI.—Civic Services.—Chapter XI.—Water supply and drainage.—**G. General provisions regarding water-supply and uses of water supplied.—Sections 213-218.)*

Power to close, or to restrict the use of water from, polluted sources of supply.

213. (1) If the Commissioner is of opinion that any 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, and is, or is likely to become, so polluted as to be prejudicial to health, the 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 such 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 such water or consuming food or drink prepared therewith or therefrom.

(2) Before making any order under sub-section (1), the 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 sub-section (1) fails to comply such order, the Commissioner may do whatever may be necessary for giving effect to the order, and any expenses incurred by him in so doing may be recovered by him from the person in default as an arrear of tax under this Act.

Power to require filling up of well.

214. Whenever a supply of filtered or unfiltered water has been provided in an area, the Commissioner may, by a notice, in writing, require the owner or the 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.

Power of Corporation to require owner of premises to set up pump etc.

215. The owner of every premises connected with the service main of the Corporation shall, when so required by the Commissioner, set up electric pumps or other contrivances whereby water may be caused to reach to the top of the topmost storey of such premises.

Filtered water supplied for domestic purpose not to be used for non-domestic purpose.

216. No person shall, without the permission, in writing, of the Commissioner, use, or allow to be used, filtered water, supplied for domestic purpose, for any other purpose.

Use of unfiltered water.

217. (1) Unfiltered water shall be used for the following purposes:—
 (a) extinguishing of fire;
 (b) street watering;
 (c) flushing 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.
 (3) Unfiltered water shall not be used for domestic purposes or, without the permission, in writing, of the Commissioner, for any purposes other than those specified in sub-section (1) and sub-section (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.

Prohibition of waste or misuse of water.

218. (1) No person shall wilfully or negligently cause or suffer any water-fitting, which he is liable to maintain,—
 (a) to be, or to remain, so out of order or so in need of repair, or
 (b) to be, or to 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 consumed, or contaminated before use, or that foul air or any input matter is likely to return into any pipe belonging to, or connected with, a main belonging to the Corporation.

*The West Bengal Municipal Corporation Act, 2006.**(Part VI.—Civic Services.—Chapter XI.—Water supply and drainage.—
G. General provisions regarding water-supply and uses
of water supplied.—Sections 219, 220.)*

(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 Commissioner, without prejudice to his right to proceed against the person under any other provision of this Act, may give direction to such person to carry out any necessary repairs or alterations and, if he fails to do so within forty-eight hours of such direction, may cause to be carried out the work and recover from him the expenses incurred by him in so doing as an arrear of tax under this Act.

Power to enter premises to detect waste or misuse of water.

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

Power to cut off or turn off supply of water to premises.

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

- (a) if the premises is unoccupied; or
- (b) if, after receipt of a notice, in writing, from the Commissioner requiring him to refrain from so doing, the owner or the 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; or
- (c) if the occupier of the premises contravenes the provisions of section 180; or
- (d) if the occupier refuses to admit any officer or employee of the Corporation, duly authorised 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; or
- (e) if the owner or the occupier of the premises wilfully or negligently injures or damages his water meter or any pipe or tap conveying water from any works of the Corporation; or
- (f) if any pipe, tap, work or fitting connected with the supply of water to the premises be found, on examination by the 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 Commissioner, immediate prevention is necessary; or
- (g) if the use of the premises for human habitation has been prohibited under this Act from the date from which the premises is to be vacated in pursuance of an order under this Act; or
- (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; or
- (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; or
- (j) if, in respect of the premises, any taxes or rates or fees or charges under this Act are in arrear for payment for more than one year:

Provided that—

- (i) water supplied for flushing privies or urinals shall not be cut off or turned off except when the Commissioner thinks it necessary to cut off or turn off such water preventing damage to, or accident on, public streets;

The West Bengal Municipal Corporation Act, 2006.

(Part VI.—Civic Services.—Chapter XI.—Water supply and drainage.—
G. General provisions regarding water-supply and uses of water
supplied.—Section 221.—H. Drainage and sewerage.—Sections 222-224.)

- (ii) water shall not be cut off or turned off in any case referred to in clause (g) or clause (j) unless a notice, in writing, 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 Commissioner may carry out necessary repair to, or, tap, work 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, in case the owner or the occupier refuses to pay such expenses, the same shall be paid from the Municipal Fund, and it shall be recoverable from the owner or the occupier of such premises as arrear of tax under this Act.

Joint and several liability of owner and occupier for offence in relation to water supply.

221. If any offence relating to water-supply is 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 property tax, and the occupier of the said premises shall be jointly and severally liable for such offence.

H. Drainage and sewerage

Public drain and drain in, alongside, or under, public street to vest in Corporation.

222. (1) All public drains, and all drains in, alongside, or under, any public street, whether made at the charge of the Municipal Fund or otherwise, and all works, materials and things, appertaining thereto, which are situated within the Corporation area, shall vest in the Corporation:

Provided that the Corporation may, with the approval of the State Government, make over the trunk-sewers, sewage treatment plants, pumping stations and other utilities to a separate and independent agency for maintenance and development, and it shall be lawful for such agency to construct new trunk-sewers, sewage treatment plants, pumping stations, or other utilities.

(2) For the purpose of enlarging, deepening or otherwise repairing or maintaining any such drain, so much of the sub-soil appertaining to the drain as may be necessary for the said purpose shall also be deemed to have vested in the Corporation.

Drain etc. constructed, erected or set up in premises at charge of Municipal Fund, to vest in Corporation.

223. All drains and ventilation-shaft, pipes and other appliances and fittings connected with drainage works constructed, erected or set up at the charge of Municipal Fund in or upon premises not belonging to the Corporation, whether for the use of the owner or the occupier of such premises or not, shall, unless the Corporation otherwise determines, vest, and shall be deemed always to have vested, in the Corporation.

Private street etc. not to be constructed over municipal drain without permission.

224. (1) Without the permission, in writing, of the Commissioner granted in accordance with such regulations as may be made by the Corporation in this behalf,—

- (a) no private street shall be constructed over any municipal drain, or
- (b) no wall or other structure shall be newly erected over any municipal drain, or
- (c) no wall, fence or structure shall be erected on the bed, bank or embankment of any municipal sewage or storm-water channel, nor any portion thereof shall be interfered with, encroached upon, altered or occupied for fishery, agriculture or any other purpose.

(2) If any private street is constructed, or any wall or other structure is erected over any municipal drain, or if any wall, fence or structure is erected on the bed or embankment of any municipal sewage or storm-water channel or if any portion thereof is interfered with, encroached upon, altered or occupied without the permission, in writing, of the Commissioner, the Commissioner may remove or otherwise deal with the same in such manner as he may think fit, and the expenses incurred by the Corporation in so doing shall be paid by the owner of such private street, wall, or other structure or by the person who interferes with, or encroaches upon, or alters or occupies, as the case may be.

*The West Bengal Municipal Corporation Act, 2006.**(Part VI.—Civic Services.—Chapter XI.—Water supply and drainage.—
H. Drainage and sewerage.—Section 225.—1. Drainage of
premises.—Sections 226-231.)*

Power of the Commissioner to levy fees for drainage and sewerage service.

225. (1) The Commissioner may, at any time, levy an annual fee, for drainage and sewerage, at such rate, as may be fixed under the regulations made thereunder, or as stated in the budget estimate referred to in sub-section (2) of section 69 in this behalf, on the owner or the occupier or the person responsible to pay property tax on any house or land.

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

I. Drainage of premises

Right of owner or occupier of premises to empty his house-drain into municipal drain.

226. The owner or the occupier of any premises shall be entitled to cause his house-drains to empty into a municipal drain, provided that before so doing, he obtains the written permission of the Commissioner and complies with such condition as the Commissioner may determine as to the mode in which, and the superintendence under which, communications between house-drains and municipal drains are to be made.

Connection with municipal drain not to be made except in conformity with section 226.

227. (1) No person shall, without complying with the provisions of section 226, make or cause to be made, any connection of a house-drain with a municipal drain.

(2) The Commissioner may, in accordance with such regulations as may be made by the Corporation in this behalf, close, demolish, alter, or remake any connection made in contravention of sub-section (1), and the expenses incurred in so doing shall be paid by the owner or, the occupier of the premises, as the case may be, for the benefit of which such connection was made or by the person who made, or caused to be made, such connection, and, such expenses shall be realised by the Commissioner as arrears of taxes under this Act.

(3) Notwithstanding anything contained in the foregoing provisions of this section, no drain shall be used for disposal of trade effluents or wastes from slaughter house or such items as may cause any health hazard, except in such manner as the Corporation may direct.

(4) The Corporation may, by regulations, prescribe the parameter, limits and compoundable lines for the disposal of waste water.

(5) The Corporation may levy a sewer charge at such rate as it may determine.

House-drain, closed cesspool, etc.

228. Where any premises is, in the opinion of the Commissioner, without sufficient means of effective drainage, the Commissioner may, by a notice, in writing require the owner of the premises to construct a house-drain up to a point to be specified in the notice or to construct a closed cesspool and drains emptying into such cesspool in such manner as may be determined by regulations.

Grouping or combination of house-drains and enforcement of drainage in undrained premises.

229. The Corporation may, if it considers necessary, make regulations for grouping or combination of house-drains for economic or operational advantages and for enforcement of drainage of undrained premises and for any other matters in connection with drainage.

Municipal drain may communicate with public drain etc.

230. Subject to the approval of the State Government in this behalf the Corporation may, if necessary, make the municipal drains communicate with, or empty themselves into, any public drain, lake, canal or watercourse outside the Corporation area and in so doing it may, exercise throughout the line outside the Corporation area along which the municipal drains are to run all the powers exercisable by it under this Act, if the said municipal drains were to run entirely within the Corporation area.

Certain matters not to be passed on to municipal drain.

231. (1) No person shall throw, empty or otherwise discharge into any water-source, channel or municipal drain within or outside the Corporation area any matter, refuse, trade effluent, or waste so as to cause pollution, health hazard or nuisance prejudicial to environment.

*The West Bengal Municipal Corporation Act, 2006.**(Part VI.—Civic Services.—Chapter XI.—Water supply and drainage.—
1. Drainage of premises.—Sections 232-234.—J. Privies, urinals and
bathing and washing places.—Sections 235-238.)*

(2) Subject to the provisions of any other law for the time being in force, the Corporation may, by regulations, provide for treatment standard to be maintained before discharge of any industrial waste or foul water or refuse into any river, water-source, channel, or municipal drainage and sewerage system.

Placing or carrying any pipe etc., over, under or across any immovable property.

232. If it appears to the Corporation that it is necessary to place, or to carry, any pipe or drain over, under, or across the immovable property of any person to maintain the only or the most convenient water-supply to, and drainage of, any premises, the Corporation may, after giving the owner of the immovable property an opportunity of being heard, authorise the owner or, occupier of the premises, as the case may be, to place or carry such pipe or drain over, under, or across such immovable property in such manner as it may think fit to allow.

Placing and maintenance of aqueduct etc. over, under or across any immovable property.

233. The Corporation may place and maintain aqueducts, conduits and lines of mains or pipes or drains over, under, or across any immovable property within or without the Corporation area and may enter any property for such purpose:

Provided that the Corporation shall not acquire any right other than the right of user in the property over, under, or across which any aqueducts, conduits, lines of mains, pipes or drains are placed.

Map of underground utilities.

234. The Commissioner shall cause to be maintained complete survey maps, drawings and descriptions of all underground utilities within the Corporation area, including water-supply mains, supply-pipes, sewers and connections thereto in such Form, and in such manner, as may be prescribed, and shall ensure the secrecy of the same in conformity with the provisions of the Official Secrets Act, 1923.

19 of 1923.

J. Privies, urinals, and bathing and washing places

Power of Corporation to provide and maintain public privies and urinals.

235. The Corporation shall—

- (a) provide and maintain, in proper and convenient situations, water closets and urinals for the use of the public, and
- (b) cause such water closets and urinals to be so constructed and kept as not to be a public nuisance or injurious to public health.

Licence for public toilets and urinals.

236. (1) The Corporation may grant licence to a private individual or organisation for maintenance, and regulation for use, of public toilets and urinals constructed by it, on such terms and conditions as may be determined by regulations.

(2) On the grant of a licence to a private individual or organisation under sub-section (1), such private individual or organisation, as the case may be, shall be entitled to recover from the persons using such public toilets or urinals such fee as may be determined by regulations.

(3) No person shall keep, or maintain, any toilet or urinal for public use without the specific permission of the Corporation, and the Corporation may impose such conditions therefor as it may consider necessary.

Conversion of service privies into sanitary toilets etc.

237. (1) No person, either owner or occupier of any premises, shall be allowed to maintain service privy within the Corporation area.

(2) The Commissioner shall issue a notice to the owner or the occupier of every premises having service privy, directing him to convert the service privy by connecting either with the sewerage system or into a sanitary toilet, as the case may be.

(3) The owner or the occupier of the premises, as the case may be, shall, on receipt of the notice under sub-section (2), either convert the service privy into a sanitary toilet or connect the service privy with the sewerage system, as the case may be, within 90 days from the date of receipt of the notice under sub-section (2).

(4) No person shall be allowed to discharge night-soil directly in the municipal drain.

Privy, urinal and other accommodation in premises for twenty or more labourers or workmen.

238. (1) There shall be provided in every new building in which ten or more labourers or workmen are likely to be employed, and in any part of which a manufacturing process is likely to be carried on with the aid of power, or is likely to be ordinarily so carried on, such privy and urinal accommodation, and such accommodation for bathing and for washing of clothes and domestic utensils, as the Corporation may decide.

*The West Bengal Municipal Corporation Act, 2006.**(Part VI.—Civic Services.—Chapter XI.—Water supply and drainage.—**J. Privies, urinals, and bathing and washing places.—Section 239.—**K. Cesspools and other filth receptacles.—Sections 240-243.)*

(2) Where any premises in which twenty or more labourers or workmen are employed, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on, is without any privy, urinal or other accommodation for bathing and for washing of clothes and domestic utensils or with inadequate accommodation, the Corporation may by a notice, in writing require the owner of such premises to provide such premises with such privy, urinal, bathing or other accommodation for washing of clothes and domestic utensils as it may determine.

Provisions for
privy and urinal
accommodation in
premises intended
for human
habitation.

239. (1) If any premises, intended for human habitation, is without privy or urinal accommodation, or if the existing accommodation is, in the opinion of the Corporation, insufficient, inefficient or objectionable for sanitary reason, the Corporation may, by a notice, in writing, direct the owner or the occupier, as the case may be, of such premises to make such structural or other alterations of the existing privy or urinal accommodation as may be specified in the notice within 90 days from the date of issue of the notice.

(2) If the owner or the occupier of the premises, as the case may be, fails to comply with the directions of the Corporation within the time limit specified in sub-section (1), he shall be punished with fine in accordance with the provisions of section 403.

K. Cesspools and other filth receptacles

Position of
cesspools.

240. (1) No person shall construct a cesspool—

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

(2) The Commissioner may, at any time, by a notice, in writing, require the owner of any premises in which any cesspool has been constructed in contravention of the provisions of sub-section (1) to remove such cesspool and to fill up it with such materials as may be approved by him.

(3) If the owner or the occupier of any premises in which any cesspool has been constructed does not comply with the notice under sub-section (2) within fifteen days from the date of receipt of the notice by him, the Commissioner shall take such steps to remove such cesspool and to fill up it as he may deem fit, and all expenditure incurred by the Commissioner for the purpose shall be recoverable from the owner or the occupier of such premises as an arrear of tax under this Act.

House drains etc.
to be subject to
survey and control
of Corporation.

241. All house-drains, within as well as without the premises to which they belong, and all cesspools, privies and urinals shall, as respects their site, construction, materials, and dimension and arrangements for flushing the same, be under the survey and control of the Corporation and shall be subject to such regulations as the Corporation may make in this behalf.

Power of
Corporation to
grant licence to
plumbers.

242. (1) The Corporation may, from time to time, grant to any person it thinks fit a licence to act as a plumber for the purposes of this Act.

(2) Every such licence shall be granted in such manner, in such Form, and on such terms and conditions, as may be determined by the Corporation by regulations.

Prevention of
mosquito-
breeding.

243. (1) If, in the opinion of the Corporation, any pool, ditch, tank, well, pond, swamp, quarry, hole, drain, cesspool, watercourse, pit, cistern, desert or air-cooler, or ground, underground, or overhead tank, or any collection of water, or any land on which water may, at any time, accumulate, is, or is likely to become, a breeding place of mosquitoes or, in any other respect, becomes a nuisance, the Corporation may, by notice, require the owner or the person having control thereof to take all or any of the following actions:—

- (a) to clean, or drain off, or remove water therefrom, or to provide cover thereto; or

The West Bengal Municipal Corporation Act, 2006.

(Part VI.—Civic Services.—Chapter XI.—Water supply and drainage.—
K. Cesspools and other filth receptacles.—
Section 243.)

- (b) to have any courtyard, lane, passage or open space paved with such material, and in such manner, as may be directed by the Corporation, to keep such paving in proper repair, or to raise the level of such courtyard, land, passage, or open space; or
- (c) to fill up any unwholesome waterbody:

Provided that any unwholesome waterbody can be filled up only after compliance with the provisions of section 4C of the West Bengal Land Reforms Act, 1955, by the owner or the person having control thereof.

West Ben.
of 1956.

(2) No person shall keep, or permit to be kept or maintained, within any premises or land, any collection of stagnant or flowing water which, in the opinion of the Corporation, is, or is likely to be, a breeding place for mosquitoes, unless such collection of water is treated in such manner as may effectively prevent the breeding of mosquito.

(3) All borrow pits dug in the course of construction and repair of buildings, roads, or embankments, shall be deep and connected with each other in the formation of a drain directed towards the lowest level and properly sloped for discharge into a river, stream, channel, or drain, and no person shall create any isolated borrow pit which is likely to cause accumulation of water which again, in turn, may breed mosquito.

(4) The owner or the occupier of any premises shall not keep therein any bottle, tyre (old or new), vessel, can, container or receptacle in such manner as may allow it to collect, or to retain, water which may breed mosquito, and shall clean and dry such bottle, tyre (old or new), vessel, can, container or receptacle at the interval of seven days.

(5) The owner or the occupier of any premises shall wrap the openings of the vent-pipes and the outlets of septic tanks with proper mosquito-proof nets and shall maintain covering slabs of septic tanks to prevent entry and exit of mosquitoes.

(6) The owner or the occupier of any premises shall seal the overhead tanks, cisterns or water-receptacles to prevent mosquito-breeding, and shall provide safe ladder for making the overhead tanks or cisterns or water-receptacles approachable in order to facilitate inspection of the water in the container by the authorities of the Corporation.

(7) For construction of permanent water collections such as swimming pools, artificial fountains, or water reservoirs, constructed for the purpose of beautification,—

- (a) an application shall be submitted to the Corporation, stating therein the anti-larval measures taken by the applicant to keep the water free of mosquito larvae;
- (b) the Corporation, after considering the application, shall issue a licence to the applicant;
- (c) the applicant shall receive the said licence on payment of such fee as may be determined by the Corporation, and shall renew the said licence annually.

(8) The owners or the occupiers of all private ponds or water reservoirs shall keep such ponds or water reservoirs free from water hyacinth or allied weeds to prevent mosquito-breeding.

(9) If any person contravenes any provision of this section or fails to comply with any order or direction under this section, he shall be punished with fine which may extend to one thousand rupees, and a daily fine of fifty rupees in case of continuance of such contravention commencing from the day on which such contravention is brought to the notice of such person by the Corporation.