

THE RANGOON WATER-WORKS ACT, 1884.

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ACT NO. XIX OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th October, 1884.)

An Act to confer powers and impose duties on the Municipal Committee for the Town of Rangoon in respect to the construction and maintenance of Water-works and the supply of Water in that Town.

WHEREAS a scheme has been settled and to some extent carried out for the construction and maintenance of water-works and the supply of water to the Town of Rangoon by the Municipal Committee for that town;

And whereas it is necessary for the purposes of the scheme that the Royal Lake at Rangoon, and all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, stand-pipes and works, and all land, bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, should vest in, and be under the control of, the Municipal Committee for that town;

And whereas it is expedient that powers should be conferred and duties imposed upon the said Municipal Committee with respect to the construction and maintenance of the proposed water-works and the supply of water to the Town of Rangoon, and otherwise in relation thereto, and that all acts already done by the said Municipal Committee which could have been lawfully done if this Act had been in force should be validated;

It

(Chapter I.—Preliminary.—Sections 1 & 2.)

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title
and com-
mencement.

1. (1) This Act may be called the Rangoon Water-works Act, 1884; and

(2) It shall come into force on such date as the Chief Commissioner may, by notification in the official Gazette, fix in this behalf.

(3) All acts done before the passing of this Act which could have been lawfully done if this Act had been in force shall be deemed to have been lawfully done.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

(1) “town” means the local area for the time being comprised within the municipal limits of the Town of Rangoon :

(2) “street” means any street, road, thoroughfare, passage or place over which the public have a right of way ; and includes the surface-soil and sub-soil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street :

(3) “owner” includes—

(a) the person who is for the time being entitled to the rent of the house or land in respect of which the word is used and who is not liable to pay rent for that house or land to any other person ;

(b) an agent of that person ; and

(c) a trustee for that person :

(4) “house” includes schools ; also factories and other buildings in which persons are employed :

(5) “water-works”

(Chapter II.—Vesting of Property.—Section 3.)

(5) "water-works" includes all lakes, streams, tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, stand-pipes and works, and all land, bridges, buildings, engines, works, materials and things for supplying, or used for supplying, water under this Act to the Town of Rangoon :

(6) "the Committee" means the Municipal Committee for the Town of Rangoon :

(7) "water-rent" includes any rent, reward or payment to be made to the Committee in connection with the supply of water under this Act, but does not include the water-tax leviable under the Burma Municipal Act, 1884 : and

(8) a "supply of water for domestic purposes" does not include a supply of water for cattle, or for horses, or for washing carriages, where the cattle, horses or carriages are kept for sale or hire or by a common carrier, or a supply for any trade, manufacture or business, or for watering gardens, or for fountains or for any ornamental purpose.

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CHAPTER II.

VESTING OF PROPERTY.

3. There shall vest in, and be under the control of, the Committee, freed and discharged of and from all manner of rights, titles, privileges or claims whatsoever of any other person,—

Vesting of
Royal Lake
and cisterns,
&c., in
Committee.

- (a) the Royal Lake at Rangoon ; and
- (b) all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, stand-pipes and works, used or intended to be used for supplying water to the public in the town, and all land, bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto :

Provided

(Chapter III.—Construction and Maintenance of
Water-works.—Sections 4—6.)

Provided as follows:—

(1) Any person may at any time, subject to such rules as the Committee make in this behalf, row, sail or fish on or in the waters of the Royal Lake:

(2) Nothing in this section shall affect the land adjacent to the Royal Lake and known as the Dal-housie Park, but that land shall be preserved as a public park for the use of the public.

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WATER- WORKS.

Duty of
Committee to
construct
works for
supply of
water.

4. Subject to rules to be made under this Act by the Chief Commissioner, the Committee shall cause such mains and pipes to be laid, and such water-works to be constructed, as may be necessary for the supply of pure and wholesome water sufficient for the use of the inhabitants for domestic purposes in all parts of the town:

Provided that the Chief Commissioner may, by order in writing, from time to time exempt any part of the town from the provisions of this section, and cancel any such exemption.

Duty of
Committee
to erect
stand-pipes.

5. The Committee shall cause such stand-pipes or pumps to be erected, at such intervals as the Chief Commissioner, by rules made under this Act, prescribes, in all the chief streets in those parts of the town in which mains or pipes have been laid under the last foregoing section.

Power for
Committee
to execute
works.

6. The Committee may, for the purpose of constructing or maintaining any water-works for the supply of water to the town, enter upon any land and take levels of the same, and set out such parts thereof as they think necessary, and dig and break up the soil of the land:

Provided

(Chapter IV.—Supply of Water.—Sections 7 & 8.)

Provided that, in the exercise of these powers, the Committee shall do as little damage as may be, and shall make full compensation to all persons interested for all damage sustained by them through the exercise of these powers, and the amount of such compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1870.

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7. The Committee may open and break up the soil and pavement of the streets, and lay down and place pipes, conduits and other works and engines, and, from time to time, repair, alter or remove the same, and do all other acts which the Committee, from time to time, deem necessary for supplying water to the town.

Power for Committee to break up streets.

CHAPTER IV.

SUPPLY OF WATER.

A.—Supply of water for domestic purposes to Occupiers of Houses or Lands.

8. (1) Every occupier of a house or land situate in a part of the town not exempted under the proviso to section 4 shall be entitled to have free of further charge, through the communication-pipes constructed as hereinafter provided, a supply to the house or land of fifteen hundred gallons of pure and wholesome water for domestic purposes for every rupee paid to the Committee for water-tax on account of the house or land.

Right of occupier to certain supply of water for domestic purposes.

(2) If the Committee have reason to believe that the occupier of any house or land consumes more water than he is entitled to have free of further charge under this section, they may provide a water-metre at their own expense, and attach it to such part of the communication-pipes as they think fit.

(3) If the occupier consumes any water over and above the quantity to which he is entitled free of further

ther

(Chapter IV.—Supply of Water.—Sections 9—12.)

ther charge under this section, he shall pay for it at the rate of one rupee for every fifteen hundred gallons, or part of fifteen hundred gallons.

Right of occupier paying water-tax to have water brought into his house or land.

9. Every occupier of a house or land who is entitled to a supply of water free of further charge under the last foregoing section shall, subject to the provisions of this Act, be entitled to have communication-pipes laid down from the service-pipes of the Committee, for bringing into his house or land a reasonable supply of water :

Provided that the Committee may cut off the supply of water to any house or land while the house or land is unoccupied.

Construction of communication-pipes.

10. The communication-pipes leading the water from the service-pipes of the Committee into the house or land of any occupier, and the pipes and works within the house connected therewith, shall be of such character, dimensions and material as the Committee fix and approve, and shall be constructed at the expense of the person requiring them.

Inspection of works, pipes and fittings before connection with service-pipes.

11. (1) Before a connection for the supply of water from the service-pipes of the Committee to any house or land is sanctioned by the Committee, the Committee shall cause all the works, pipes and fittings within the house or land to be inspected by such officer as the Committee appoint in this behalf.

(2) The cost of an inspection under this section shall be payable in advance by the person applying for the connection, at such rate as the Committee, at a special meeting, from time to time, direct.

(3) Until the officer has certified that the works, pipes and fittings have been executed and put up in a satisfactory manner, a connection with the Committee's service-pipes shall not be permitted.

Connection with service-pipes to be executed only by an officer of the Committee.

12. (1) The connection with the service-pipes of the Committee, and the laying of communication-pipes under any street, shall be executed by an officer of the Committee authorized in that behalf.

(2) The

(Chapter IV.—Supply of Water.—Sections 13—16.)

(2) The expense of making the connection shall be payable in advance by the person applying for the same, at such rate as the Committee, at a special meeting, from time to time, direct.

13. (1) The officer authorized in that behalf by the Committee may, between the hours of seven in the forenoon and five in the afternoon, enter into or on any house or land supplied with water as aforesaid in order to examine all pipes, works and fittings connected with the supply of water, and to ascertain if there is any waste or misuse of the water.

Power for officer of Committee to enter premises.

(2) If any such officer at any such time is refused admittance into any such house or land for the purposes aforesaid, or is prevented from making such examination as aforesaid, the Committee may forthwith turn off or cut off the water from the house or land.

14. If any pipes, works or fittings connected with the supply of water to any house or land are at any time found, on examination by any officer of the Committee authorized in that behalf, to be out of repair to such an extent as to cause any waste of water, the Committee may, after the expiry of twenty-four hours from the service of notice in writing to this effect, cause the water to be turned off or cut off from the house or land, and may recover the expense incurred for turning off or cutting off the water from the occupier of the house or land.

Power for Committee to turn off water when pipes are out of repair.

B.—Supply for gratuitous use in Stand-pipes.

15. The Committee shall cause a sufficient quantity of pure and wholesome water to be supplied for the gratuitous use of the inhabitants of the town for domestic purposes in the stand-pipes to be erected by the Committee under section 5.

Duty of Committee to supply water for gratuitous use in stand-pipes.

C.—Supply of water for extinguishing Fires and cleansing Sewers and Streets.

16. The Committee shall fix and renew and keep in effective order such fire-plugs in such of the mains

Duty of Committee to fix fire-plugs in mains.

(Chapter IV.—Supply of Water.—Sections 17 & 18.)

and other pipes laid by them, and shall deposit keys of the fire-plugs at such places, as the Chief Commissioner, by rules made under this Act, directs.

Duty of Committee to supply water for cleansing sewers and drains.

17. In all the mains and pipes to which any fire-plug is fixed, the Committee shall provide and keep constantly laid on, unless prevented by unusual drought or other unavoidable accident, a sufficient supply of water for use with fire-engines, for cleansing the sewers and drains, and for cleansing and watering the streets.

D.—Supply of Water for other than domestic purposes.

Supply for other than domestic purposes.

18. (1) The Committee may, from time to time, supply any person with water by measurement for other than domestic purposes, for such remuneration and on such terms and conditions as shall be agreed on between the Committee and the person :

Provided that—

- (a) notwithstanding any such agreement, a person shall not be entitled to such a supply whenever and as long as the Committee are of opinion that the supply would interfere with the proper supply of water for domestic purposes under this Act ; and
- (b) the Committee shall not be liable, in the absence of express stipulation under any such agreement, to any forfeiture, penalty or damages for not supplying the water if the want of the supply arises from unusual drought or other unavoidable cause or accident.

(2) When any such agreement has been entered into by the Committee with any person, the Committee may, subject to such charges or rates as may have been fixed by the Committee at a special meeting, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and character as may be fixed by the Committee,

(Chapter V.—Reciprocal Rights of Owners and Occupiers to supply of Water to Houses.—Secs. 19—21.)

Committee, for supplying the person with water in accordance with the terms of the agreement.

E.—Pressure of Water supplied.

19. From such a day as the Chief Commissioner, by notification in the local official Gazette, directs in this behalf, the supply of water in the mains and pipes which the Committee are required to lay under this Act shall be laid on at such pressure as the Chief Commissioner, by rules made under this Act, prescribes.

Pressure at which water must be kept.

CHAPTER V.

RECIPROCAL RIGHTS OF OWNERS AND OCCUPIERS TO SUPPLY OF WATER TO HOUSES.

20. (1) Any occupier holding direct from the owner of a house may, by notice in writing signed by him, require the owner of the house to construct all such works as may be necessary for bringing into the house a supply of water for domestic purposes.

Power for occupier of house to require owner to provide works for water-supply.

(2) Every notice under this section shall contain an undertaking on the part of the occupier to pay interest at the rate of one per centum per mensem, calculated from the date of the completion of the works, on the cost of the works during the residue of his term of occupation.

(3) If the house, or the land attached thereto, does not abut upon a street in which there is a supply-main, the occupier shall undertake to pay the cost of connecting the house with the nearest supply-main.

21. (1) If the owner does not, within three months from the service of the notice mentioned in the last foregoing section, cause such works as aforesaid to be completed, the occupier may cause the works to be completed, and may by way of additional remedy deduct the cost of the works from the rent payable by him in respect of the house :

Power for occupier to make works in default of owner.

Provided

(Chapter V.—Reciprocal Rights of Owners and Occupiers to supply of Water to Houses.—Secs. 22 & 23.)

Provided that the occupier shall not recover on account of the cost—

- (a) a sum exceeding the amount of six months' rent; or
- (b) where the house or the land attached thereto does not abut upon a street in which there is a supply-main, the cost of connecting the house with a supply-main.

(2) The deduction which an occupier is authorized to make under this section shall be made by six equal monthly instalments.

(3) Interest on each instalment shall be payable to the owner by the occupier at the rate of one per centum per mensem from the time when it is deducted.

What works are sufficient for supply of water to house.

22. The works shall not be deemed sufficient for bringing into the house a supply of water for domestic purposes unless the following taps, with the necessary works in connection therewith, are provided, namely:—

- (a) two taps in the house;
- (b) one tap in the cook-room of, or other building attached to, the house, and
- (c) one tap in or near the stables or other out-houses belonging to the house:

Provided that, if the annual rent of the house with the buildings and land attached thereto is less than three hundred rupees, it shall be sufficient to provide one tap only, together with the necessary works in connection therewith, within the house and the buildings and land attached thereto.

Estimate and specification of works to be sent.

23. Works for introducing a supply of water to a house shall not be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such a specification and estimate to the owner.

24. If

(Chapter VI.—Rules.—Sections 24—29.)

24. If there is any difference between the owner and the occupier respecting the cost or the sufficiency of the proposed works, either the owner or the occupier may refer the difference to the Committee, and the written award of any officer authorized by the Committee in this behalf shall be final and binding on the owner and the occupier.

Power to refer to Committee.

25. There shall be payable by the person making a reference to the Committee under the last foregoing section a fee (not exceeding ten rupees) at the rate of two rupees for every hundred rupees of the monthly rent of the house in respect of the water-supply to which the difference has arisen.

Fee on reference.

26. (1) The owner of any house or land shall keep all works connected with the supply of water to the house or land in substantial repair.

Duty of owner to keep works in repair.

(2) If the owner fails to put any such works in substantial repair after being requested by the occupier to do so, the occupier may cause the necessary repairs to be made, and may by way of additional remedy deduct the cost of the repairs from the rent payable by him in respect of the house or land.

27. Any owner to whom any sum is payable under section 20 or section 21 may recover the sum from the person liable to pay it as if it were rent payable by that person for the house in respect of which the expenses have been incurred.

Power for owner to recover sums payable by occupier.

28. Nothing in this chapter shall affect any contract in writing between the owner and occupier of any house or land.

Saving of contracts between owners and occupiers.

CHAPTER VI.

RULES.

29. The Chief Commissioner may, from time to time, make rules consistent with this Act—

Power for Chief Commissioner to make rules.

(a) to prescribe the size and nature of the mains and pipes to be laid and the water-works to

be

(Chapter VI.—Rules.—Section 30.)

be constructed by the Committee for the supply of water under this Act;

- (b) to prescribe the size and nature of the stand-pipes or pumps to be erected by the Committee under this Act, and the intervals at which they must be erected;
- (c) to prescribe the mains or pipes in which fire-plugs are to be fixed, and the places at which keys of the fire-plugs are to be deposited, by the Committee under this Act;
- (d) to prescribe the pressure at which the water supplied by the Committee under this Act is to be laid on either generally or at specified times; and
- (e) generally to define and regulate the powers and duties of the Committee under this Act.

Power for
Committee
to make
rules.

30. (1) The Committee may, from time to time, at a special meeting, make rules consistent with this Act—

- (a) for regulating rowing, sailing and fishing on or in the Royal Lake; and
- (b) for preventing the waste or misuse of water supplied by them, and for defining the nature of the pipes, casks, cisterns and other apparatus to be used by every person supplied by them with water.

(2) In making a rule under this section the Committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing one, with a further fine of five rupees for every day after the first during which the breach continues.

(3) If any person, having or requiring a supply of water from the Committee, fails to comply with any rules made under clause (b) of this section, the Committee may refuse to supply water to him, and may cut off the water supplied to him, unless and until the rules are complied with:

Provided

(Chapter VII.—Arrears and Offences.—
Sections 31—33.)

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

31. (1) The Chief Commissioner or Committee shall, before making any rules under section 29 or section 30, publish a draft of the proposed rules for the information of persons interested. Procedure for making rules.

(2) The publication shall be made—

(a) in the case of rules under section 29, in such manner as, in the opinion of the Chief Commissioner is sufficient; and

(b) in the case of rules under section 30, in such manner as the Chief Commissioner, by order, directs.

(3) A notice shall be published with the draft rules specifying a date at or after which the draft shall be taken into consideration.

(4) The Chief Commissioner or Committee shall, before making the rules, receive and consider any objection or suggestion which is made by any person with respect to the draft before the date so specified.

32. Every rule made under section 29 or section 30 shall be published in the local official Gazette in English and in such other language or languages as the Chief Commissioner directs, and such publication shall be conclusive evidence that the rule has been made as required by section 31. Publication of rules.

CHAPTER VII.

ARREARS AND OFFENCES.

33. All arrears of water-rents under this Act may be recovered, on application to such Revenue-officer as the Local Government may appoint in this behalf, as if they were arrears of land-revenue. Arrears of water-rents.

34. If

(Chapter VII.—Arrears and Offences.—
Sections 34—36.)

Power for
Committee
to turn off
water on
neglect to
pay water-
tax or water-
rent.

34. If any person supplied with water neglects to pay—

- (a) the water-tax leviable under the Burma Municipal Act, 1884, or
- (b) any water-rent payable by him to the Committee,

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1884.

the Committee may turn off or cut off the water from the house or land in respect of which the water-tax or water-rent is payable, by cutting off the pipe to the house or land, or by such other means as the Committee think fit, and may recover in manner provided by the last foregoing section the expense of turning off or cutting off the water from the person :

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

Penalty for
obstructing,
diverting or
wasting
water.

35. If any person unlawfully obstructs the flow of, flushes, draws off, diverts or takes, water from any water-works belonging to, or under the management or control of, the Committee, or from any water or streams by which these water-works are supplied, or wastes any water supplied to him under this Act, he shall be punished with fine which may extend to one hundred rupees.

Penalty for
unauthorized
application
of water.

36. If any person—

- (a) uses for other than domestic purposes any water supplied under this Act for domestic purposes ; or
- (b) where water is supplied under section 18 for a specified purpose, uses that water for any other purpose,

he shall be punished with fine which may extend to fifty rupees, without prejudice to the right of the Committee to recover from him the price of the water misused.

37. (1)

(Chapter VII.—Arrears and Offences.—
Sections 37 & 38.)

37. (1) If any person—

- (a) bathes in, at or upon any water-works, or washes, throws or causes to enter therein any dog or other animal, or
- (b) throws any rubbish, dirt, filth or other noisome thing into any water-works, or washes or cleanses therein any cloth, wool, leather or skin of any animal, or any clothes or other thing, or
- (c) causes the water of any sink, sewer or drain, or of any steam-engine or boiler, or any other filthy water belonging to him or under his control, to turn or be brought into any water-works, or does any other act whereby the water in any water-works is fouled, or likely to be fouled,

Penalties for causing the water of the Committee to be fouled, &c.

he shall, for every such offence, be punished with fine which may extend to one hundred rupees, and to ten rupees in addition for each day (if more than one) during which the offence continues.

38. Prosecutions under this Act or the rules made under this Act may be instituted by the Committee or any person authorized by them in this behalf, and not otherwise.

Prosecutions.