The Jammu and Kashmir Village Sanitation Act, 1933

Act 5 of 1933

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Village, Village Lands, Well or Spring, Magistrate, Proprietor of Village Lands
VILLAGE SANITATION ACT, 1990 (1933 A.D.)

THE VILLAGE SANITATION ACT, SVT. 1990 (1933 A.D.).

(Act No. V of Svt. 1990)

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Amendments made (after 1956 edition) by Act No.—

1. XL of 1966.

(Act No. V of 1990)

[Sanctioned by His Highness the Maharaja Bahadur vide Revenue Minister's Notification, dated 13th July, 1933, and published in Government Gazette dated 26th Sawan, 1990.]


Whereas it is expedient to make better provision for sanitation in villages in the Provinces of Jammu and Kashmir; It is hereby commanded as follows:

1. Title, extent and commencement.—(1) This Act may be called the Village Sanitation Act of the Provinces of Jammu and Kashmir.

(2) It extends to the Provinces of Jammu and Kashmir.

(3) It shall come into force at once.

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

(1) “village” means an inhabited site, but does not include a municipality;

(2) “village lands” means the lands included in the revenue mauza or mauzas in which the village is situated;

(3) “well” or “spring” means a well or spring the water of which is habitually used for drinking purposes by all or some of the inhabitants of a village;

(4) “Magistrate” means the District Magistrate or any other Executive Magistrate especially authorised in this behalf by the Government.

(5) “proprietor of village lands” means the proprietor who is responsible to pay Government revenue for the village lands and in the Province of Kashmir it will include the Assami responsible for the payment of Government revenue.

3. Local enquiry as to sufficiency and purity of water supply in a village.—In any village which

2. Substituted for “Revenue Minister” by Act X of 1996.
Government in this behalf] may, from time to time by special order, direct the Magistrate may cause a local enquiry to be made, through the agency prescribed by rules made under section 13, into the sufficiency and purity of the water supply and general sanitary condition of the village, with a view to ascertaining any of the following matters:--

1. whether the water of any well or spring is contaminated from surface drainage, or from any other cause against which effective measures of protection can not be taken;

2. whether the water of any well, spring or river is dangerous to health and its impurity is due to causes against which effective measures of protection cannot be taken;

3. whether it is necessary for the health of the inhabitants of the village that there should be provision for general conservancy, for protection and periodical examination of the water supply, for regulation of building of houses, for prohibition of public nuisances in or near any village.

4. Action that may be taken by the Magistrate on considering the result of the local enquiry.--The Magistrate shall take into consideration the result of the above enquiry and may--

1. by publication of a notice, direct that any well or spring be closed or repaired or otherwise protected from contamination by, or at the expense of, those of the inhabitants of the village who are found on local enquiry to be using the same;

2. by publication or service of notice in the manner prescribed declare any or all of the rules framed by Government under section 13 applicable to the village.

5. Content of notice.--Every notice issued under section 4 shall specify the nature and extent of the work to be executed, its estimated cost and the period within which it is to be completed.

6. Magistrate's duty.--On the expiration of the period prescribed in any notice the Magistrate shall ascertain whether the direction conveyed by the notice has been satisfactorily complied with; and may in default of such compliance proceed to execute the work himself:

Provided that, he may, on sufficient cause being shown, extend the period specified in the notice, or modify or rescind the direction conveyed by it.
7. Application for loan of public money.—Whenever notice has been issued under section 4 directing that measures be taken with regard to a well or a spring, the persons affected by the notice, may apply to the Magistrate for a loan of public moneys for the purpose of executing the work specified in the notice; and the Magistrate on being satisfied that the applicants are competent to execute the work, may grant to them in loan a sum not exceeding the amount specified in the notice, and may direct that it may be paid to such persons among the applicants as they may appoint.

8. List of persons from whom money to be recovered.—Whenever the Magistrate has expended money under section 6, or has made a loan under section 7, he shall forthwith prepare a list of the persons from whom such expenditure or loan is declared to be recoverable under section 11.

9. Penalty for breach of rules.—(1) The Government may direct that a breach of rules made under section 13 shall be punishable with a fine which may extend to ten rupees.

(2) All fines recovered under this section shall be applied for the benefit of the village as the Government shall from time to time direct.

10. Measures to be taken in case of a serious epidemic etc.—When a Magistrate has ascertained that a serious epidemic or infectious disease is present in the district, or in any part of the district and that special preventive measures are required, he may record the reasons in writing, specifying at the same time the tract in which such preventive measures are required. The Magistrate may then, subject to the provisions of any rules made under section 13, take such measures as he may deem necessary for the following purposes in any village, which is situated in the said tract, and in which an outbreak of the disease has either taken place or is apprehended, namely:—

(1) the cleansing and conservancy of the site;

(2) the disposal of corpses by cremation or burial;

(3) the prohibition of the use for drinking purposes, or the closing, of any source of water-supply; and

(4) the disposal or destruction of materials likely to convey infection.

11. Recovery of money.—Subject to the rules made under section 13, sums expended by the Magistrate under the preceding section shall be
recoverable, in whole or in part, from the proprietors of village lands, and owners and occupiers of houses in the village with reference to their respective means and circumstances.

12. Compensation to persons.—When any hut, shed, clothing, bedding or other article which is likely to retain infection is destroyed under the provisions of section 10, clause (4), the Magistrate shall pay such compensation, if any, as he may consider reasonable to any person sustaining substantial loss thereby; but no person shall be entitled as of right to claim compensation for any loss or damage sustained by him by reason of destruction.

13. Power to make rules.—(1) The Government shall make rules consistent with this Act—

(a) prescribing the agency by which the local inquiry referred to under section 3 shall be conducted; fixing the limit referred to in section 5;

(b) determining the rate of interest (if any) to be charged on the advances made under this Act and fixing the period within which and the instalments by which such advances and sums shall be repaid;

(c) prescribing the mode of assessment of sums recoverable under sections 6 and 7, and the agency by which such sums shall be assessed and recovered;

(d) prescribing the measures which may be taken to carry out any of the objects detailed under section 3(3) and section 10;

(e) limiting the sums which may be recovered under section 11;

(f) generally for giving effect to the provisions of this Act.

14. Dues under the Act recoverable as arrears of land revenue.—Any sum becoming due under this Act, and not paid on or before the date fixed for payment, shall be recoverable by the Magistrate as if it were an arrear of land revenue.