

Bengal Municipal Act, 1932

Section 449 - Nuisance

section 445 or other officer appointed for the purpose, giving such particulars as the 78[State Government] may prescribe; (iii) controlling and regulating the use and management of burial and burning-grounds and the disposal of corpses; (iv) generally for securing the better registration of births and deaths. CHAPTER 21 NUISANCE 1) The powers conferred by this chapter shall be deemed to be in addition to and not in derogation of any powers conferred by the other provisions of this Act. (2) (a) The condition of (i) any premises or part thereof of such a construction or in such a state or so situated or so dirty as to be a cause of annoyance to the inmates thereof, the neighbours or the public, or injurious or dangerous to health or unsafe, including places infested by, or providing haunts for mosquitoes or mosquito larvae, flies or fly maggots, hookworm larvae or ova, or rats or other noxious animals, or insects, and thereby liable to favour the spread of infections disease; (ii) any street, tank, pool, ditch, gutter, watercourse, sink, cistern, water-closet, earth-closet, privy, urinal, cess-pool, drain, dungpit or ash-pit so foul or in such a state or so situated as to be a cause of annoyance to the inmates of the premises, the neighbours or the public, as the case may be, or injurious or dangerous to health; (iii) any premises by reason of abandonment or disputed ownership or for any other reason remain untenanted and thereby becomes a resort of idle and disorderly persons ; (iv) any school, factory, workshop or other trade premises so unclean as to be a cause of annoyance to the inmates, the neighbours or the public, or injurious to health, or not so ventilated as to render harmless, as far as practicable, all gases, vapours, dust or other impurities, generated in the course of the work carried on therein, that are a cause of annoyance to the inmates, the neighbours or the public or injurious to health, or so overcrowded as to be injurious to the health of the persons therein engaged or employed, or not provided with sufficient and suitable privy or urinal accommodation ; (v) any offensive trade or business so carried on as to be injurious to health or unnecessarily offensive to the public; (vi) any well, tank or other water-supply injurious or dangerous to health; (vii) any stable, cowshed or other building or enclosure in which any animal or animals are kept in such a manner or in such numbers as to be a cause of annoyance to the inmates of the premises, the neighbours or the public or injurious or dangerous to health; (viii) any burial or burning-ground which in the opinion of the Commissioners at a meeting is injurious or dangerous or likely to be injurious or dangerous to the health of persons living in the neighbourhood or to the public or offensive to such persons ; (ix) any accumulation or deposit, including any deposit of animal or vegetable or mineral refuse, which is offensive to the neighbours or to the public or injurious or dangerous to health or any deposit of offensive matter, refuse or offal or manure within fifty yards of any public street, wherever situated ; and (b) any act, omission, condition or thing which the 79a79a. Words "Provincial Government" first subs. for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937 and. thereafter, the word "State" subs. for the word "Provincial" by the Adaptation of Laws Order. 1950. [State Government] by notification shall declare to be a nuisance, or which after due inquiry by the Commissioners on the complaint of two or more persons residing in the neighbourhood is found by the Commissioners to be a cause of annoyance to the neighbours or to the inmates of the premises affected or to the public or to be dangerous or injurious to health; shall be deemed to be a nuisance to be dealt with under the provisions of this chapter: Provided that no nuisance shall be deemed to have been committed in respect of any accumulation or deposit necessary for the effectual carrying on of any business, trade or manufacture, if it be proved to the satisfaction of the Court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business, trade or manufacture, and that the best available means have been taken for preventing injury or danger thereby to the public health. "Author of a nuisance" in this chapter means a person by whose act, default, or sufferance the nuisance is caused, exists or is continued, whether he is an owner or occupier or both owner and occupier or any other person.