

# **The M.P. Gram Panchayat (Sanitation, Conservancy and Prevention and Abatement of Nuisance) Rules, 1999**

MADHYA PRADESH

India

## **The M.P. Gram Panchayat (Sanitation, Conservancy and Prevention and Abatement of Nuisance) Rules, 1999**

### **Rule**

### **THE-M-P-GRAM-PANCHAYAT-SANITATION-CONSERVANCY-AND-PR of 1999**

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The M.P. Gram Panchayat (Sanitation, Conservancy and Prevention and Abatement of Nuisance) Rules, 1999 Published vide Notification No. F-1-22-98-2-P-2, M.P. Rajpatra (Asadharan), dated 5-3-1999 at page 240 (6) In exercise of the powers conferred by sub-section (1) of Section 95 read with Clause (3) and Clause (7) of Section 54 and Clause (1) of Section 49 at the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of at Section 95 of the said Act, namely :-

## **Chapter I**

### **Preliminary**

#### **1. Short title and commencement.**

- These rules may be called the Madhya Pradesh Gram Panchayat (Sanitation, Conservancy and Prevention and Abatement of Nuisance) Rules, 1999.

## **Chapter II**

### **Definitions**

## **2. Definitions.**

- In these rules, unless the context otherwise requires,-(a)"Act" means the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994);(b)"Abadi" means an abadi area as defined under Section 2 (a) of the Madhya Pradesh Land Revenue Code, 1959;(c)"Gram Panchayat" means a Gram Panchayat constituted under Section 10 of the Act;(d)"Nuisance" includes any act, omission, place or thing which causes or likely to cause injury, danger, annoyance or offences to the sense of sight, smell or hearing or disturbance to rest or sleep of community or which may be dangerous to life or injurious to the health or property or offends against the public morality;(e)"Offensive Matter" includes carcass, cow-dung, dirt sewage, putrid substances or filth of contaminated;(f)"Gram Panchayat Area" means a territorial area of any Gram Panchayat constituted under the Act.

## **Chapter III**

# **Sanitation, Conservancy and Prevention and Abatement of Nuisance**

## **3. Deposit of refuse, dust, ashes, etc.**

- No person shall deposit any refuse, dust, ashes from any garden, kitchen or stable or filth of any kind whatever on a street, road or in any place other than the place or places reserved by the Gram Panchayat for the purpose.

## **4. Flow of sullage, urine, etc.**

- No person shall allow sullage, urine, night soil or water from any sink or sewer to flow on to any street or in such manner as to cause nuisance or danger to public health. If no pucca drains have been constructed by the Gram Panchayat the resident will construct soakage pits of their own.

## **5. Privy, latrines, etc.**

- No person shall construct any new privy, latrine, or septic tank without the permission of the Gram Panchayat, if sufficient number of public latrines have been constructed by the Gram Panchayat the residents of the village will be required to use them.

## **6. Act of nuisance prohibited.**

- No person shall slaughter any animal, clean any carcass or hide, assure nature's call or cause a child to do so, or bathe or clean his body on or within sight of a public street so as to cause nuisance to the public, the neighboring residents or the passers-by.

## **7. Bathing, washing of clothes, utensils animals, carts, etc.**

- No person shall bath, wash clothes or utensils in any tank, river, or well except at the place specifically demarcated for the purpose.

## **8. Public wells.**

- No person suffering from any contagious disease shall be allowed to draw water from public well.

## **9. Gram Panchayat to set apart places for depositing or storage of manure etc.**

(1)The Gram Panchayat shall set apart places for the deposit or storage of any manure, refuse or any other offensive matter.(2)No person shall deposit or store any manure, refuses or other offensive matter in a public place except at a place set apart for the purpose.(3)No person shall throw, put or cause or allow to be thrown or put any manure, refuse or any offensive matter into any sewer, drain, open gutter or water course.

## **10. Notice for depositing or storing manure at places set apart.**

(1)If the Gram Panchayat is satisfied that the deposit or storage of manure, refuse or other offensive matter in any private place is prejudicial to public health, comfort or convenience it may by notice in writing require the owner or occupier to remove the same to a place set apart for the purpose under Rule 9 within the period specified in the notice.(2)If the owner or occupier fails to comply with the notice, the Gram Panchayat shall remove the manure, refuse or other offensive matter to the places set apart under Rule 9 and recover the cost thereof from the owner or the occupier, as the case may be, as an arrear of tax levied under the Act.(3)Besides, the owner or the occupier shall on conviction be punished with fine which may extend to Rupees two hundred fifty and further fine which may extend to Rupees five for every day after the date of first conviction of the offense.

# **Chapter IV**

## **Powers Regarding Nuisance**

## **11. Investigation and action.**

- The Gram Panchayat shall as far as possible, make the arrangement to search, inspect, abate and remove the nuisance.

## **12. Removal of nuisance.**

- The Gram Panchayat, on obtaining information regarding existence of any nuisance in any area, shall get the case investigated and if it appears that nuisance is wholly or partly caused by the owner,

lessee or occupier of that premises or by any act or default of any person or persons outside that premises, shall require the owner, lessee of the premises, or the person or persons responsible for causing that nuisance to take such measures as specified in the notice.

### **13. Responsible persons for causing nuisance.**

- Every owner, lessee, or occupier of the premises or other person who is responsible for causing nuisance shall immediately comply with the directions of the notice and upon failing to comply with the same the Gram Panchayat without prejudice to the liability of penalty to be imposed under the rules framed under the Act shall take such action as it may consider necessary to limit, abate or remove it and the cost incurred shall be recovered from the owner, lessee, occupier or concerned person or persons as an arrear of tax.

### **14. Improvement of conditions causing nuisance through changing, re-constructing or demolishing.**

- If any house, building, shed or structure or any factory, work-shed, working place or workshop or trading place is in such a condition that nuisance cannot be abated or it cannot be removed without structural alteration, re-construction or without demolishing of such house, building, shed or structure, the Gram Panchayat may direct such owner, lessee or occupier to alter or re-construct in the manner specified in the direction or demolish that house, building, shed or structure within the period specified in it and upon failing to comply the same the Gram Panchayat without prejudice to the liability or penalty, to be imposed under the Act, may after giving due notice prohibit the use of or demolish that house, building, shed or structures and shall recover the cost from that party in the manner determined by it and no compensation shall be paid by the Gram Panchayat for such prohibition, improvement or demolition.

### **15. Depositing of dust etc. shall be nuisance.**

(1)Whoever deposits dust, sewer, animal dung, ashes or fuel, dust or kitchen or stable, or any type of soilage or carcasses or animals or broken glasses or earthen pots or other refuse or any article which is nuisance or may be nuisance, or allows it to be deposited by any member of his family, at the place and time other than fixed by the Panchayat at any street or in the curve below the street or in any drain on the side of the street or at any open place or at any side of river, water course, or nullah, or whoever causes nuisance or allows to cause nuisance by any member of his family at any of the places as aforesaid shall be punished with fine which may extend to rupees two hundred fifty.(2)Whoever throws or puts any matter provided in sub-rule (1) in any sewer, drain, culvert, tunnel, dirty drain, water course or gets thrown or put or allows to be thrown or put and whoever causes nuisance or allows any member of his family to cause nuisance by throwing or putting any matter in any sewer, drain, culvert, tunnel, dirty drain or water course or exactly on or very near to it so that it becomes polluted, shall on conviction be punished with fine which may extend to rupees two hundred fifty.

## **16. Power to prohibit collection of inflammable matter or potting fire.**

- Whenever it appears necessary to the Gram Panchayat to prevent danger causing harm to life or property, it may, by written public notice prohibit all persons to heap or collect grass, cotton woods or any other inflammable matter or making mats or huts of grass or putting fire at any place or within any of its boundary specified in the notice.

## **17. Refuse etc., not to be removed.**

- Whoever, being the owner of building or land, keeps or allows to keep latrines, animals dung, bones, ashes, refuse or any injurious or offensive matter in such building or on such land for more than twenty-four hours or otherwise in any proper receptacle, or allows to keep such receptacle in noxious conditions or neglects to clean or wash by using proper measure or keeps or allows to keep carcass of any animal in such building or on such land which causes nuisance shall be punished with fine which may extend to rupees two hundred fifty and in case the offense continues, with further fine which may extend to rupees five for every day for which the offense continues after the date of first conviction of offense.

## **18. Removal of offensive matter etc.**

(1) The Gram Panchayat shall fix such working hours within which it shall be lawful to remove latrines or any other offensive matter. (2) Whoever :- (a) when the Gram Panchayat has fixed such hours of cleansing and its public notice has been given by beat of drums, removes or allows to remove any offensive matter by passing through any street except within the hours so fixed; or (b) at any time, whether such hours have been fixed by Gram Panchayat or not, - (i) shall use any cart, vehicle, receptacle or pot, for any such purpose, in which there is no proper cover to stop flowing out its contents and its smell, or (ii) knowingly or neglectfully drop or spread such offensive matter while removing it or (iii) shall not carefully sweep and clean every such place at which any offensive matter has fallen or spread over, or (iv) shall keep or install, at any public place, any pot filled with offensive matter, or (v) shall derive or allow to derive, or carry any cart or vehicle, or any receptacles or pot by passing through such street or route fixed to be used by public notice by the Gram Panchayat from time to time, shall be punished with fine which may extend to rupees two hundred fifty only.

## **19. Obnoxious and discarded building etc.**

(1) Whoever, whether owner or occupier of any building or land, whether it is rentable or not, keeps it in obnoxious or unhealthy condition or in such condition which is in the opinion of the Gram Panchayat causes nuisance to persons residing in neighborhood or allows to keep growing prickly pears or highly noxious or obnoxious vegetation and who is required, after being given written notice by the Gram Panchayat, to keep tidy such building or land or to clean that building or land by cutting down such prickly pears or vegetation of highly bad or foul smell or otherwise keeping in proper condition does not fulfill the requirements shall be punished with fine which may extend to

rupees two hundred fifty and in case continuously fails to comply with the said notice shall be punished with fine which may extend to rupees five for every day for which the default continues after the date of first conviction of offense.(2)When any building,-(a)becomes a place of intercourse resort of lazy and riotous person or persons who have no visible sources of livelihood or who cannot give satisfactory details regarding their own; or(b)is being used for any unhealthy or unnatural purpose; or(c)gives shelter to snakes, rats or other dangerous animals,due to ruinous state, neglected, discarded or remained non-use or due to disputed ownership or remained vacant and for reasons aforesaid it is so objectionable that it is a nuisance or so unhealthy or bad looking that it is disgraceful, inconvenient or troublesome for neighbours or persons passing through near that building, the Gram Panchayat, if it considers that such objection cannot otherwise be removed under any provision of these rules, it may require such known person or persons who claim to be the owners of that building and residing within the limits of the Gram Panchayat, by giving direction through written notice or in any other case by affixing written notice on the door or at any other conspicuous part of the building directing all persons to demolish that building and remove its material within the period specified in the notice which shall not be less than seven days from the date of notice. In case of non-compliance of such requirements, the Gram Panchayat may, on the expiry of the aforesaid specified period, get the building demolished, its material removed and sold and from the revenue thereof it may make payment of expenses incurred by it in doing so. All expenses which could not be met out by it shall be recovered in the same manner in which the amount due on account of any recoverable tax.(3)If in the opinion of the Gram Panchayat, it is necessary to cover the land or building in question, it shall give notice according to procedure prescribed in sub-rule (2) for putting coverage around it. In the case of non-compliance of such requirements, the Gram Panchayat may put the fencing/coverage around it on the expiry of the specified period and the expenses may be recovered from the concerned persons as an arrear of tax.

## **20. Dustbin for refuse and dust.**

- The Gram Panchayat will provide public dustbins or other suitable receptacles at proper intervals and at reasonable and suitable places and give direction by public notice that all sweeping dust of any house or premises and all refuse dust or offensive matter to be collected therefrom shall be collected by the occupier of the house or premises and shall be put into such public dustbins.

## **21. Cleansing or drains of streets and street sides.**

- The Gram Panchayat shall arrange to provide for sweeping on streets and arrange to remove, refuse, latrines and other matter and cleansing of drains of street sides, under its control.

## **22. Equipment and vehicle.**

- The Gram Panchayat may arrange to provide for throwing or heaping or refuse and offensive matter on low level lands without causing nuisance to persons of that locality or without causing any hurt to their health, or on lands at distance from inhabited areas, or dispose them in a satisfactory manner by making their compost manure by burning them or by scientific method.

### **23. Use of offensive manure etc.**

- Whoever collects or uses, latrine or other manure or such matter which causes obnoxious smell, without written permission of the Gram Panchayat or otherwise not in accordance with the conditions of such permission shall be punished with fine which may extend to rupees two hundred fifty.

### **24. Arrangement of bathing places.**

(1)The Gram Panchayat may provide places for public bath or swimming pools alongwith the sheds, rooms and other facilities and their maintenance.(2)The Gram Panchayat may fix charges for the use of sheds, pools or other facilities at any place for baths which were provided by the Gram Panchayat.(3)The Grain Panchayat may order to close any place of bathing under its control or permitted by it which in its opinion is not safe for the use or which is possibly endangering life or health of bath-takers or people in general.

### **25. Place of bathing.**

- The Gram Panchayat may keep such sufficient public places which are not private property, separately for the purpose of using as bathing places and also provide for ponds or water flow sufficient number for taking baths by residents or keep them separates and also keep ponds, pools or water flows separate for giving baths to animals or washing clothes and for till purposes concerning health sanitation and their convenience and may prohibit the use of any or all other public places within the limits of Grant Panchayat for any of the purposes mentioned in this rule.

### **26. Regulation of washing clothes by washerman.**

(1)The Gram Panchayat may, by public notice, prohibit that the washermen shall wash clothes for running their livelihood at such places which are fixed for this purpose by the Panchayat and not otherwise and whenever it is so prohibited any person whose livelihood is of a washerman shall not wash clothes at the place which is not fixed by the Gram Panchayat for this purpose except the clothes of his own or of owner or occupier of such place.(2)The Gram Panchayat may provide suitable places for washing clothes by washermen for running their livelihood and for the use of such place may require the payment, from them, of fee which may be determined, from time to time, by the Gram Panchayat.(3)Before issuing any public notice under sub-rule (I), the Gram Panchayat shall publish a list of such places proposed for washing clothes provided under sub-rule (2) in such manner which in its opinion sufficient for information of all those persons likely to be affected thereby and with it a notice shall also be published in which the date shall also be specified on or before which the said list shall be considered and before giving final decision of said places, any objection or suggestion given in writing by any person before the date so specified will be considered.

## **27. Flowing of water.**

- Whoever takes bath in any river, tank, pond, pool, well, tub, tap or water flow, bridge of Gram Panchayat in contravention of any order or any of the bye-laws of the Gram Panchayat or washes or allows to wash any animal or article in it or throws, keeps or puts or allows entry of any animal or any other articles, or floats, takes out or brings or allows floating, taking out, or allows to bring any article which is nuisance or may be nuisance, or does any act which makes the water foul or polluted water up to a certain degree and whoever dips any animal, vegetable or mineral matter into any pond, river or ditch situated in its limits or on its limit without permission of the Gram Panchayat making the water of such pond, river or ditch offensive or there is possibility of becoming nuisance, shall be punished with fine which may extend to rupees two hundred fifty.

## **28. Abatement of nuisance by wells etc.**

(1) If in the opinion of the Gram Panchayat, there is a place of breeding of mosquitoes, or nuisance from any other point of view or otherwise injurious or possibility of being injurious for the health of inhabitants at-(a) any pool, ditch, mine, hole, pond, well, drain, water flow, or any water collection, or (b) any tub or other receptacle of water whether it is within or outside that building, or (c) any land on which water is collected and which is situated within a distance of 100 metres from any building to be used as residential house, the Gram Panchayat may, by a written notice, require from its owner that he must fill it, cover it or drain out in such a manner and with such material as Gram Panchayat may prescribe, or make such measure, as may be prescribed, for removal of nuisance or is abatement. (2) (a) No new well, pond, pool, tub or flouara shall be dug nor constructed for drinking water without prior written information to the Gram Panchayat. (b) If any of the construction is started or completed without such information to the Gram Panchayat, it may, either, -(i) require that owner or other person, who has done such work that he must fill such work or demolish it in such manner as the Gram Panchayat may direct, or (ii) permit such construction to remain but such permission will not allow any exemption in any action to be taken against such owner for contravention of any provision of Clause (a) of this sub-rule.

## **29. Control of Gram Panchayat.**

(1) The Gram Panchayat may, by public notice, require that every dog while in streets and not being led by some person shall be muzzled in such a way so as to allow the dog freely to breathe and drink, while actually preventing him from biting. (2) The Gram Panchayat may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it and provided a proper muzzle for it and has paid all the expenses of its detention or cause it to be destroyed. (3) A dog which has been detained under aforesaid sub-rule is wearing a collar with owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address and the dog has remained unclaimed for three clear days : Provided that any dog which is found to be rabid may be destroyed at any time. (4) Any unclaimed dog and a dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having detained for the said period of three clear days. (5) All expenses incurred by the Gram Panchayat under this rule may be recovered from the



owner of the dog which has been taken possession of or detained, in the manner provided for the recovery of taxes under the Act.

### **30. Control of Gram Panchayat in respect of keeping pigs.**

(1) If it appears at any time to the Gram Panchayat that keeping of pigs within its limits is nuisance or full of annoyance, it may, by public notice, direct that no person shall keep any pig without its written permission or otherwise which is not in accordance with the terms of such permission. (2) Whoever after such direction, keeps any pig at any place within the area of the Gram Panchayat without the required permission as aforesaid or keeping of which is otherwise not in accordance with its terms, he shall be punished with fine which may extend to rupees two hundred fifty only. (3) Any pig found wandering stray may be destroyed immediately and its carcass shall be disposed of in such a way as the Gram Panchayat may direct. No claim of compensation for destroying any pig in this way shall be admissible.

### **31. Binding of cattle etc.**

- Whoever so binds any cattle or other animal at any public street or place or allows any member of his family to hind them in such a way so that obstruction is created thereat in the public traffic, or such traffic becomes dangerous or it causes nuisance or allows such animals without keeper wandering stray or leave wandering stray, shall be punished, on conviction, - (a) of first offense with fine which may extend to rupees two hundred fifty, (b) of any subsequent offense with fine which may extend to rupees five.

### **32. Feeding filth dirt to animals.**

- Whoever feeds any matter with refuse, dust of stable, rubbish or other obnoxious matter to any animal kept for the purpose of dairy industry or allows to feed or eat such matter shall be punished with fine which may extend to rupees two hundred fifty.

### **33. Playing any game which causes annoyance.**

- Whoever Hies kite, plays fire arm or throws or plays fire arm or crackers, aero-candles so that it causes or makes possibility of being caused the danger or annoyance to persons passing nearby or to persons working or residing thereat, or causing possibility of damage to the property, shall be punished with fine which may extend to rupees twenty-five.

### **34. Prohibition of spitting at public street etc.**

- Whoever spits on any place other than any drain or pot placed by the Gram Panchayat for spitting purposes shall be punished with fine which may extend to rupees two hundred twenty-five.

### **35. Repeal.**

- All rules corresponding to these rules are in force immediately before the commencement of these rules shall stand repealed :Provided that any thing done or action taken under the rules so repealed shall be deemed to have been done or taken under these rules until it is inconsistent with the provisions of these rules.