

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.

Penalties for causing the water of the committee to be fouled, etc.

37. 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,

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.

Prosecutions.

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.

THE UNDERGROUND WATER ACT.

[BURMA ACT IV, 1930.] (21st June, 1930.)

WHEREAS it is expedient to conserve and protect underground sources of water supply in the Union of Burma ; it is hereby enacted as follows :—

1. This Act extends to such areas as the President of the Union may, by notification,¹ direct and shall apply only to tubes exceeding a depth to be prescribed by the President of the Union: Provided that the President of the Union may prescribe different depths for different local areas.

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

- (a) "underground water" means water obtained from below the surface of the ground by the sinking of tubes; and
 (b) "water officer" means such officer as the President of the Union may, by notification, prescribe in this behalf.

3. No person shall sink a tube for the purpose of obtaining underground water except under and in accordance with the terms of a licence granted by the water officer.

Every person owning a tube which was in existence before the extension of this Act to the local area concerned shall apply to the water officer for a licence for the said tube, and such licence shall be granted free of charge.

4. (1) Any Magistrate taking cognizance of an offence under section 3 may at any time order the tube in respect of which the offence has been or is alleged to have been committed to be forthwith closed until such time as a licence for the same has been taken out in accordance with the provisions of the said section.

(2) If the order for the closure of a tube under sub-section (1) is not complied with, the Deputy Commissioner, Subdivisional Officer or Township Officer exercising jurisdiction over the local area concerned may cause the said tube to be closed, and the expense of such closure shall be recoverable from the owner of the tube as if it were an arrear of land-revenue.

5. Every person obtaining or attempting to obtain underground water shall supply the water officer with such information as the President of the Union may by rule prescribe.

6. The President of the Union may make rules²—

- (a) prescribing the conditions subject to which licences may be granted by the water officer under section 3;
 (b) prescribing the form of and the procedure for granting such licences and the fees payable for the issue thereof;
 (c) prescribing the information to be supplied to the water officer under section 5.

7. Whoever contravenes the provisions of section 3 or of section 5 shall be punishable with fine which may extend to one thousand rupees.

¹ This Act has been extended to the Rangoon, Hanthawaddy and Insein districts and applies to tube-wells exceeding a depth of 40 feet below ground level in the said localities; see *Burma Gazette*, 1941, Part I, page 1266.

² For such rules see *Burma Gazette*, 1941, Part I, page 1267.