



महाराष्ट्र जीवन प्राधिकरण

४ था मजला, एक्सप्रेस टॉवर्स, नरीमन पॉईंट, मुंबई - ४०० ०२१.
 दूरध्वनी : २२०२६२४९, २२८३५२४७, २२०२५३५४.(थेट)
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 ई-मेल पत्ता : headquarters@mjp.gov.in
 वेब पत्ता : mahamjp.com

जा.क्र.मजीप्रा/जनरल/परिपत्रक/(४७)/आ.८/

दि.१७/०५/२०१६

परिपत्रक

महाराष्ट्र जीवन प्राधिकरणाच्या मालकीच्या राज्यस्तरावरील विविध पाणी पुरवठा केंद्रामधून नागरिकांना पाणी पुरवठा होत असतो. पाणी पुरवठा यंत्रणेमधून होणा-या पाण्याच्या गळतीमुळे तसेच पाईप फोडून पाणी चोरामुळे देखिल, प्राधिकरणाच्या महसूली उत्पन्नात घट येते. पाईप लाईन मधील गळती तांत्रिक उपाय योजना करून बंद करण्यांत येते. तथापि पाणी चोरीमुळे होणारे आर्थिक नुकसान टाळण्यांसाठी कायदेशिर उपाययोजना करण्याची गरज आहे. नेमकी कोणती कायदेशिर कार्यवाही करावी याबाबत क्षेत्रीयस्तरावरील अधिका-यांना खालील प्रमाणे मार्गदर्शक सूचना करण्यांत येत आहेत.

१. भारतीय दंड विधान (Indian Penal Code) च्या कलम ३७८ अन्वये " चोरी "(Theft) या शब्दाची व्याख्या करण्यांत आली असून, महाराष्ट्र जीवन प्राधिकरणाच्या मालकीच्या पाण्याच्या पाईपला अनधिकृतरीत्या छिद्र पाडून, नुकसान पोहचवून पाण्याचा अप्रमाणिक हेतूने केलेला गैरवापर " चोरी " च्या व्याख्येत येऊ शकतो, हे लक्षात घेऊन ज्या ज्या ठिकाणी महाराष्ट्र जीवन प्राधिकरणाच्या मालकीच्या पाणी पुरवठा केंद्राच्या, पाईप लाईनला नुकसान पोचवून बेकायदेशिर रित्या पाण्याचा वापर करणा-या व्यक्ति विरुद्ध भारतीय दंड विधान संहितेच्या कलम ३७८ खाली गुन्हा, FIR व्दारे संबंधित पोलीस ठाण्यामध्ये नोंदविण्यात यावा.पुराव्यासाठी अशा ठिकाणचे छायाचित्रण (Video shooting) करावे व जबाबदार साक्षीदार बोलावून घटनास्थळी पंचनामा करावा. सोबत भारतीय दंडविधानाच्या कलम ३७८ ची प्रत माहितीसाठी सोबत जोडली आहे.

२. महाराष्ट्र जीवन प्राधिकरण अधिनियम १९७६ च्या कलम ४५ अन्वये देखिल काही कृत्याना प्रतिबंधीत करण्यांत आला आहे.त्यातील कलम ४५ (१)(सी) नुसार महाराष्ट्र जीवन प्राधिकरणाच्या मालकीच्या पाणी पुरवठा केंद्रामधील पाणी बेकायदेशिररित्या घेण्यास प्रतिबंध करण्यांत आला आहे, व ही प्रतिबंधीत कृती /गुन्हा केल्यास महाराष्ट्र जीवन प्राधिकरण अधिनियम कलम ५५ नुसार दोषसिध्दीनंतर रु.१०००/ दंड होऊ शकतो. या महाराष्ट्र जीवन प्राधिकरण अधिनियमातील तरतूदीचा

(महाराष्ट्र शासन उपक्रम)

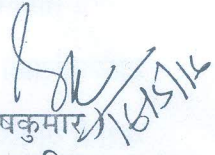
पाणी हे जीवन आहे ! पाण्याची बचत करा !

भंग करुन केलेल्या गुन्ह्याची दखल घेण्यास कलम ५६ नुसार न्यायालयास सक्षम ठरविण्यात आले असून त्यासाठी गुन्हा घडल्यापासून महाराष्ट्र जीवन प्राधिकरणाने सहा महिन्यांच्या आंत तक्रार दाखल करणे अनिवार्य आहे.

महाराष्ट्र जीवन प्राधिकरण अधिनियम १९७६ च्या कोणत्याही तरतूदीचा भंग करताना एखादी व्यक्ति आढळल्यास अशा व्यक्तिला जवळच्या पोलीस ठाण्याच्या हवाली करण्याचे अधिकार देखिल महाराष्ट्र जीवन प्राधिकरण अधिका-याना कलम ५८ अन्वये देण्यांत आले आहे.

सबब महाराष्ट्र जीवन प्राधिकरण अधिनियम कलम ४५(१) (सी), ५५, ५८ मधील तरतूदीचा वापर करुन देखिल पाणी चोरीद्वारे होणारे आर्थिक नुकसान थांबविणे शक्य आहे याकडे सर्व क्षेत्रिय अधिका-यांचे लक्ष वेधण्यात येत आहे, या कायदेशिर तरतूदीचा प्रभावीपणे व परिणामकारक वापर करुन पाणी चोरीस प्रतिबंध करवा.

सोबत : १) कलम ३७८ भां.दं.वि.ची प्रत
२) मजीप्रा अधिनियम कलम ४५, ५५, ५८
ची प्रत


(संतोषकुमार) 16/1/16
सदस्य सचिव (भाप्रसे)

प्रत : मा.मंत्री, (पाणी पुरवठा व स्वच्छता विभाग) व अध्यक्ष, महाराष्ट्र जीवन प्राधिकरण यांचे खाजगी सचिव, मंत्रालय, मुंबई यांना माहितीकरिता

प्रत : सर्व मुख्य अभियंता, महाराष्ट्र जीवन प्राधिकरण यांना माहितीसाठी

प्रत : सर्व अधीक्षक अभियंता, महाराष्ट्र जीवन प्राधिकरण यांना माहितीसाठी

प्रत : सर्व कार्यकारी अभियंता, महाराष्ट्र जीवन प्राधिकरण यांना माहितीसाठी

Cited by 1119 docs - [\[View All\]](#)

Jainath Prasad vs State Of Bihar & Anr on 17 July, 2014

High Court Of Punjab And Haryana At vs M/S. Atma Tube Products Ltd. & Ors on 18 March, 2013

High Court Of Punjab And Haryana At vs M/S. Atma Tube Products Ltd. & Ors on 18 March, 2013

Parmeshwar Mandal vs The State Of Bihar & Ors on 26 November, 2013

Bhageerathi Amma And Ors. vs Jeevankumar And Ors. on 5 November, 1981

[\[Complete Act\]](#)

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Central Government Act

Section 378 in The Indian Penal Code

378. Theft.—Whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft. Explanation 1.—A thing so long as it is attached to the earth, not being movable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth. Explanation 2.—A moving effected by the same act which affects the severance may be a theft. Explanation 3.—A person is said to cause a thing to move by removing an obstacle which prevented it from moving or by separating it from any other thing, as well as by actually moving it. Explanation 4.—A person, who by any means causes an animal to move, is said to move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal. Explanation 5.—The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied. Illustrations

(a) A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession without Z's consent. Here, as soon as A has severed the tree in order to such taking, he has committed theft.

(b) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be dishonestly to take the dog out of Z's possession without Z's consent. A has committed theft as soon as Z's dog has begun to follow A.

(c) A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, A has committed theft of the treasure.

(d) A, being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs away with the plate, without Z's consent. A has committed theft.

(e) Z, going on a journey, entrusts his plate to A, the keeper of the warehouse, till Z shall return. A carries the plate to a goldsmith and sells it. Here the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft, though he may have committed criminal breach of trust.

(f) A finds a ring belonging to Z on a table in the house which Z occupies. Here the ring is in Z's possession, and if A dishonestly removes it, A commits theft.

(g) A finds a ring lying on the highroad, not in the possession of any person. A by taking it, commits no theft, though he may commit criminal misappropriation of property.

(h) A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.

(i) A delivers his watch to Z, a jeweller, to be regulated. Z carries it to his shop. A, not owing to the jeweller any debt for which the jeweller might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass and assault, has not committed theft, in as much as what

he did was not done dishonestly.

(j) If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as a security for the debt, and A takes the watch out of Z's possession, with the intention of depriving Z of the property as a security for his debt, he commits theft, in as much as he takes it dishonestly.

(k) Again, if A, having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he borrowed on the watch, he commits theft, though the watch is his own property in as much as he takes it dishonestly.

(l) A takes an article belonging to Z out of Z's possession, without Z's consent, with the intention of keeping it until he obtains money from Z as a reward for its restoration. Here A takes dishonestly; A has therefore committed theft.

(m) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.

(n) A asks charity from Z's wife. She gives A money, food and clothes, which A knows to belong to Z her husband. Here it is probable that A may conceive that Z's wife is authorised to give away alms. If this was A's impression, A has not committed theft.

(o) A is the paramour of Z's wife. She gives a valuable property, which A knows to belong to her husband Z, and to be such property as she has no authority from Z to give. If A takes the property dishonestly, he commits theft.

(p) A, in good faith, believing property belonging to Z to be A's own property, takes that property out of B's possession. Here, as A does not take dishonestly, he does not commit theft. Comments Ingredients The delay in hearing of appeal for long period is no cause for not interfering with an order of acquittal which was based on conjectures and surmises, resulting in gross failure of justice; State of Rajasthan v. Shanker, 2000 Cr LJ 266 (Raj). Taking need not be permanent It is not necessary that the taking should be of a permanent character, or that the accused should have derived any profit. A temporary removal of an office file from the office of a Chief Engineer and making it available to a private person for a day or two amounts to the offence of theft; Pyare Lal Bhargava v. State of Rajasthan, AIR 1963 SC 1094.

Prohibition
of certain
other acts.

45. (1) No person shall—

(a) wilfully obstruct any person acting under the authority of '[the Authority]' in setting out the lines of any work or pull up or remove any pillar, post or stay fixed in the ground for the purposes of setting out the lines of such works, or deface or destroy any works made for the said purpose ; or

(b) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, meter or other work or apparatus belonging to '[the Authority]' ; or

(c) unlawfully obstruct the flow of or flush, draw off, or divert, or take water from any water works belonging to '[the Authority]' or any water course by which any such water is supplied ; or

(d) obstruct any officer or servant of '[the Authority]' in the performance and discharge of his duties and functions under this Chapter or refuse or wilfully neglect to furnish him with means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any water works ; or

(e) bath in, at or upon any water works, or wash or throw or cause to enter therein any animal or throw any rubbish, dirt or filth into any water works, or wash or clean therein any cloth, wool or leather or the skin of any animal, or cause water of any sink or drain or any steam engine or boiler or any other polluted water to turn or be brought into any water works, or do any other act whereby the water in any water works belonging to '[the Authority]' is fouled or likely to be fouled.

(2) Nothing in clause (b) of sub-section (1) shall apply to a consumer closing the stop-cock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply be affected thereby.

CHAPTER VII

SEWERAGE

Right of
owner or
occupier to
obtain sewer
connection.

46. The owner or occupier of any premises shall be entitled to empty sewerage of the premises into a sewer of '[the Authority]', provided that, before doing so, he,—

(a) obtain written permission of '[the Authority]' and pays connection fee and other charges in accordance with the bye-laws ; and

(b) complies such other conditions as may be provided by the bye-laws.

Power to
require
owner to
have sewer
connection.

47. Where any premises are in the opinion of '[the Authority]', without sufficient means of effectual disposal of sewage and sewer of '[the Authority]' is situated at a distance of fifty meters from any part of the premises, '[the Authority]' may, by written notice, require the owner of the said premises to have sewer connection as provided by bye-laws.

Prohibition
of connection
with sewer
without
permission.

48. No person shall, without the permission of '[the Authority]', make or cause to be made any connection or communication with any sewer of '[the Authority]'.

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

- (e) to mark such levels, boundaries and lines by placing marks and cutting trenches;
- (f) to do any other thing necessary for the purposes of this Act or any rules or regulations or bye-laws :

Provided that, in exercising the powers under this sub-section due regard shall be paid by the officer or servant ¹[the Authority] concerned to the social and religious customs of the occupants of the premises.

(2) When any person is entitled to enter into or upon any premises in exercise of the powers under sub-section (1), he may also enter in similar manner into or upon any adjoining premises for any work authorised by or under this Act or for the purpose of depositing therein, any soil, grind-stone or other materials or for obtaining access to such work or for any other purpose connected with the execution of the same.

(3) It shall be lawful for any authorised officer or servant to make any entry into any place to open or cause to be opened any door, gate or other barrier—

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent or being present refuses to open such door, gate or barrier.

Power to
disinfect
tanks, pools
and wells.

54. Any officer or servant authorised by ¹[the Authority] in that behalf may have any tank, pool or well, cleaned or disinfected after notice to the owner or occupier, if any, when it appears that such cleaning or disinfection will prevent or check the spread of any dangerous disease. The cost of cleaning or disinfection shall be recoverable by ¹[the Authority] from the owner or occupier of such tank, pool or well.

CHAPTER VIII

PENALTIES AND PROCEDURE

General
penalty.

55. Whoever contravenes the provisions of this Act or of any rule or bye-law or fails to comply with any notice, order or requisition issued under this Act or any rule or bye-law, shall, on conviction, be punished with fine which may extend to one thousand rupees, and with further fine which may extend to fifty rupees for every day on which such contravention or failure continues after the first conviction.

Cognizance
of offence.

56. No Court shall take cognizance of any offence under this Act, except on the complaint of ¹[the Authority] made within six months next after the commission of the offence.

Offences
by
companies.

57. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was responsible to the company for the conduct of its business as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

¹ These words were substituted for the word "the Board", by Mah. 25 of 1997, s. 5.

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is or other officer of the company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) 'company' means any body corporate and includes a firm or other association of individuals, and

(b) 'Director', in relation to a firm, means a partner in the firm.

58. It shall be lawful for any officer of ¹[the Authority] authorised by it in this behalf to arrest and hand over to the officer in charge of the nearest police station any person who commits or is suspected to have committed offence punishable under section 55 and who on demand refuses to give his true name and address or where there is reason to believe that the name or address given by him is not correct. Such police officer shall adopt such legal measures as may be necessary to cause that person to be taken before a Magistrate with the least possible delay.

Power to arrest person committing an offence and refusing to give name and address.

59. (1) The Member-Secretary or any other officer of ¹[the Authority] authorised by it by general or special order in that behalf may, either before or after the institution of proceedings for any offence punishable under this Act, accept from any person charged with such offence by way of composition of the offence a sum not exceeding two thousand rupees, as he thinks proper.

Compounding of offences.

(2) On payment of such sum, no further proceedings shall be taken against the said persons in respect of the same offence.

CHAPTER IX

EXTERNAL CONTROL

60. (1) In the performance of its duties and discharge of its functions, ¹[the Authority] shall be guided by such directions on questions of policy as may be given to it, from time to time, by the State Government.

Directions to ¹[the Authority] on questions of policy.

(2) If any question arises whether any matter is or is not a matter as respects which the State Government may issue a direction under sub-section (1), the decision of the State Government shall be final.

¹ These words were substituted for the word "the Board", by Mah. 25 of 1997, s. 5.