

There purpose or for
any other purpose. a



**ASSIGN
BUSTER**

There must be corrupting or fouling the water of any public spring or reservoir. This must be done so as to render it less fit for the purpose for which it is ordinarily used. The act of doing so must be voluntary. The use of the expression ' less fit' and not ' unfit' is deliberate. The water may not have been rendered totally unfit, but if it has been turned less fit, the accused is guilty.

The word ' voluntarily' has the same meaning as given under section 39 of the Code. The water must be of a public spring or reservoir. A spring or reservoir is public whose water is used by the public; it is immaterial whether the public is entitled lawfully to use that water or not. The water may be for drinking purpose or for any other purpose. A river is not a spring or reservoir.

Taking water by a person belonging to lower caste from a public spring or reservoir does not render it less fit, and it is not corrupting or fouling it. The offence under this section is non-cognizable, bailable and non-compoundable, and is triable by magistrate of the first class.