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Orissa Municipal Act, 1950 (Excerpts)

(Excerpts - water supply and sanitation provisions)

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ORISSA MUNICIPAL ACT

195. Requisition on employers or their representatives to furnish list- The Executive Officer may by notice require any employer or the head or secretary or manager of any public or private office, hotel, boarding house club or of a firm or company.

- (a) to furnish within a specified time a list in writing of the names of all persons employed by such employer or by such office, hotel, boarding house, club, firm or company as officers, servants, agents, suppliers or contractors with a statement of the salary or income of such employed person, and
- (b) to furnish particulars in regard to any company of which such employer, head, secretary or manager, as the case may be, is the agent.

195-A. Appeal against levy of profession tax- (1) Any person who is served with a notice under Section 192 may within thirty days from the date of such service prefer an appeal against the demand made in the notice before the District Magistrate or such other authority as may be prescribed.

Provided that no appeal shall be entertained unless the appellate authority is satisfied that the appellant has made payment of the tax so demanded.

(2) If as a result of the decision in the appeal the tax demanded from the appellant is set aside or reduced the amount paid by way of tax or as the case may be, paid in excess shall be refunded to the appellant in the prescribed manner or adjusted towards the tax due from him or respect of any other period.

CHAPTER-XIV

PUBLIC HEALTH, SAFETY AND CONVENIENCE

196. Municipality to provide water-supply, drainage and lighting- Subject to rules as may be prescribed and in accordance with sanction granted under such rules the Municipality shall

- (a) provide sufficient supply of water for the domestic use of the inhabitants.
- (b) provide and maintain a sufficient system of drainage and conservancy; and
- (c) cause the public roads to be sufficiently lighted.

197. Vesting of works in Municipality- (1) All public watercourses and spring, all public reservoirs, tanks, cisterns, fountain, wells, stand-pipes and other water works, existing at the time of the coming into force of this Act. or afterwards made, laid or erected, and whether made, laid or erected, at the cost of the Municipality or otherwise, and also any adjacent land (not being private property) appertaining thereto shall vest in

the Municipality and be subject to its control.

(2) The State Government maybe notification, limit or define such control or may assume the administration of any public source of water supply and public land, adjacent and appertaining thereto, after consulting the Municipality and giving due regard to its objections, if any.

198. Construction and maintenance of waterworks- (1) The Municipality may, with the sanction of the State Government, direct the construction of such works as it deems fit, without the limits of the Municipal area for supplying it with water, and may provide channels, tanks, reservoirs, cisterns, engines, mains, wells, fountains stand pipes and other works as it way deem fit within the said limits for the use of the inhabitants.

(2) The Municipality may cause existing works for the supply of water to be maintained and supplied with water or it may close any such works and substitute other such works and may cause them to be maintained and supplied with water.

199. Trespass on premises connected with water-supply- It shall not be lawful for any person, except with permission of the Municipality duly obtained to enter upon land belonging, to or vested, in a Municipality along with a conduct or pipe runs, or upon any premises connected with the water-supply.

200. Prohibition of building over water mains- (1) Without the permission of the Municipality no building; wall or other structure shall be newly erected and no road shall be constructed over any Municipal water mains.

(2) If any building, wall or other structure be so erected, or any road be so constructed the Municipality may cause the same to be removed or otherwise dealt with, as shall appear to it fit and the expenses thereby incurred shall be paid by the persons offending.

SUPPLY FOR DOMESTIC USE

201. Council to provide water for domestic use- The Municipality shall, so far the funds at its disposal may admit, provide a sufficient supply of water fit for the domestic use of the inhabitants.

202. Control over house connections- All house connections, whether or without the premises to which they belong, with any water-supply mains which may have been constructed by a Municipality, shall be under the control of the Municipality but shall be altered, repaired and kept in proper order at the expense of the owner of the premises to which they belong, or for the use of which they were constructed and in conformity with bye-laws and regulations framed by the Council in this behalf.

203. Private water-supply for consumption and domestic use and powers of Executive Officer to enforce provision of water-supply- (1) In Municipal areas in which there is a pipe supply of water the Executive Officer may at his discretion, on application by the owner or occupier of any building, arrange in accordance with the bye-

laws, to supply water thereto for domestic consumption and use.

Provided that the Executive Officer shall not without the sanction of the Municipality agree to supply water to any building, assessed at an annual value of less than one hundred and twenty rupees.

(2) Whenever it appears to the Executive Officer that any dwelling house assessed at an annual value of not less than two hundred rupees is without a proper supply of water for domestic consumption and use. and that such supply can be furnished from a main, not more than one hundred feet distant from any part of such building, the Executive Officer may, by notice require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the bye-laws and regulations.

(3) The cost of making the connection and the cost of hire of metres shall be borne by the owner or applicant and shall be recoverable in the same manner as the holding tax.

Explanation- Supply of water for domestic consumption and use shall not be deemed to include a supply-

- (a) for any trade, manufacture or business,
- (b) for gardens or for purposes of irrigation,
- (c) for building purposes.
- (d) for fountains, swimming baths, public baths, tanks in or near temples and mosques within the Municipal area for any ornamental or mechanical purpose,
- (e) for animals or for washing carts or carriages, where such animals or carts or carriages are kept for sale or hire,

but shall be deemed to include a supply-

- (a) for flushing latrines,
- (b) for all baths other than swimming baths or public baths,
- (c) for the consumption and use of inmate of hotels , boarding house and the like and for baths used by such inmates.

(4) For all water supplied under this Section in excess of a maximum determined by bye-laws made by the Municipality payment shall be made at such times and on such conditions, as may be laid down in such bye-laws and shall be recoverable in the same manner as the holding tax.

PRIVATE WATER-SUPPLY FOR NON-DOMESTIC PURPOSES

204. Power of Executive Officer to supply water for non-domestic purposes at rates fixed by Municipality- (1) The Executive Officer may supply water for any

purpose, other than domestic consumption and use on receiving a written application, specifying the purpose for which such a supply is required and the quantity likely to be consumed.

(2) For all water supplied under Sub-section (1) payment shall be made at such rates as may be determined and on such conditions as shall be imposed by the Municipality by general or special order.

SUPPLY BEYOND LIMITS OF MUNICIPAL AREA

205. Supply without the Municipality- The Municipality may, with the sanction of and on such terms, if any, as may be approved by the State Government, supply water to a local authority or other person without the Municipality.

CUTTING OFF WATER SUPPLY

206. Power to cut off water-supply- (1) The Executive Officer may cut off the supply of Municipal water from any premises.

- (a) if the premises are unoccupied;
- (b) if any water-tax or any sum due for water for the cost of making a connection, or for the cost of hire of a metre, or for the cost of carrying out any work or test connected with the water-supply, which is chargeable to any person by or under this Act, is not paid within fifteen days after a bill for such tax or sum has been presented;
- (c) if after receipt of notice from the Executive Officer requiring him to refrain from so doing; the owner or occupier continues to use the water or to permit it to be used in contravention of any bye-law made under this Act.
- (d) if the owner or occupier neglects within a period specified in any notice issued by the Executive Officer under any bye-law made under this Act to put up a metre or to comply with any other lawful order or requisition.
- (e) if the owner or occupier willfully or negligently damages his metre or any pipe or tap conveying Municipal water;
- (f) if the occupier refuses to admit the Executive Officer into premises which he proposes to enter for the purpose of executing any work, or for placing or removing any apparatus, or of making any examination or inquiry in connection with the water-supply, or prevents the Executive Officer doing such work placing or removing such apparatus, or making such examination or inquiry;
- (g) if any pipes, taps, works or fittings connected with the Municipal water-supply are found on examination by the Executive Officer to be out of repair to such an extent as to cause waste or contamination of water;
- (h) if the owner or occupier causes pipes, taps, works or fittings connected with the

Municipal water-supply to be placed, removed repaired or otherwise interfered with in violation of bye-laws:

Provided that in cases under sub-clauses (e), (g) and (h) the Executive Officer shall not take action unless notice of not less than twenty-four hours has been given to the owner or occupier of the premises.

(2) The expenses of cutting off the supply shall be paid by the owner or occupier of the premises.

(3) in cases under Clause (d) as soon as any money, for non-payment of which water has been cut off together with the expense of cutting off the supply, has been paid by the owner or occupier the Executive Officer shall cause water to be supplied, as before, on payments of the cost, if any, of reconnecting the premises with the Municipal water works.

(4) No action taken under the section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

207. Non-liability of Municipality for reduction or stoppage of supply in certain cases- The Municipality shall not be liable to any penalty or damages for cutting off the supply of water or for-not supplying water save in the case of express stipulation in an agreement for the supply of water for other than, domestic purposes, in the case of any drought to other unavoidable cause or accident, or the necessity for relaying or repairing pipes.

208. Power to set apart wells, tanks or drinking culinary, bathing and washing purposes- (1) The Municipality may by order published at such places as it thinks fit, set apart convenient wells, tanks, ports or rivers streams or channels, not being private property-

(a) for the supply of water for dunking and for culinary purposes,

or

(b) for the purposes of bathing; or

(c) for washing animals or clothes ; or

(d) for any other purposes connected with the health cleanliness or comfort of the inhabitants, and may by like order prohibit bathing or the washing of animals or clothes or other things at any public places not-set apart for the purposes, or at a time or by a sex; other than that specified in the order, and may in like-manner prohibit any other act by which water-in public places may be rendered foul or unfit for use or which causes or is likely-to cause inconvenience or annoyance to persons lawfully using such places.

(2) Any person who contravenes an order of the Municipality under Sub-section (1) shall be liable to a fine not exceeding fifty rupees.

LIGHTING

209. Provision for lighting public roads- The Municipality shall so far as the funds at its disposal permit, cause the public roads to be lighted and for that purpose shall, provide such lamps and works as it thinks necessary.

PUBLIC DRAINAGE

210. Maintenance system of drainage by Municipality- The Municipality shall, so far as the funds at its disposal may admit provide and maintain a system of publications.

PRIVATE DRAINAGE

211. Control over house-drains, privies and cess-pools- All house-drains, whether within or without the premises to which they belong, and all private latrines and cess-pools within the Municipal area shall be under the control of the Municipality but shall be altered, repaired, cleaned and kept in proper order at the expense of the owner of the premises to which the same belong, or for the use of which they were constructed, and in conformity with bye-laws and regulations framed by the Municipality in this behalf.

212. Connection of house-drain or with public drain- (1) The Health Officer shall on application by the owner or occupier of any premises, owner of a private street, arrange, in accordance with the bye-laws, for the connection of the applicant's drain with any public drain at a distance not exceeding these hundred feet therefrom at the applicant's expense.

(2) If there is a public drain or outfall, within a distance not exceeding one hundred feet of the nearest point on any premises, the Health Officer may by notice, direct the owner of the said premises to construct a drain leading therefrom to such drain or place of outfall and to execute all such works as may be necessary in accordance with the bye-laws and regulations at such owners expense.

(3) If any premises are in the opinion of the Health Officer without sufficient means of effectual drainage, but no part thereof is situated within one hundred feet of a public drain, or a place of outfall, the Health Officer may by notice direct the owner of the said premises to construct a cess-pool or septic tank or filters of such material, dimensions and description, in such position and at such level as the Health Officer thinks necessary, and to construct a drain or drains emptying into such cess-pool, tank or filters and to execute all such works as may be necessary in accordance with the bye-laws and regulations.

Provided that

(a) no requisition shall be made under this Section on any person who has been

exempted from payment of the drainage tax under Section 135.

- (b) no person shall be required under this Section to expend a sum. exceeding five times the holding tax on any such building with the land assessed with it as part of the same premises or in the case of buildings exempted under Section 132 five times the holding tax which would be payable on such buildings with the land winch be assessed with it to the holding tax, if such buildings were not exempt and if any amount exceeding the said sum is expended, the excess shall be born by the Municipality.

213. Health Officer may close or limit use of existing private drains- (1) Where a drain connecting any premises with a public drain or other place set apart by the Municipality for the discharge of drainage is sufficient for the effectual drainage thereof and is otherwise unobjectionable but is not in the opinion of the Health Officer adopted to the general drainages system of the Municipality or of the part of the Municipality in which such drain is situated, the Health Officer with the approval of the Municipality may-

- (a) subject to the provisions of sub-section (2) close, discontinue or destroy the said drain and do any work necessary for that purpose; or
- (b) direct that such drain shall, from such date as he specifies in this behalf, be used for sullage and sewerage only for water unpolluted with sullage or sewerage only and by notice require the owner of the premises to make at his own expense an entirely distinct drain for water unpolluted with sullage or sewage or for sullage and sewage.

(2) No drain may be closed, discontinued or destroyed by the Health Officer under Clause (1) (a), except on condition, of his providing another drain as effectual for the drainage of the premises and communicating with a public drain or other place aforesaid; and the expense of the construction of any dram so provided by the Health Officer and of any works done under Clause (1) (a) shall be paid by the Municipality.

214. Power of Health Officer to drain premises in combination- (1) When the Health Officer is of opinion that any group or block of premises, any part of which is situate within one hundred feet of a Municipal drain already existing, or about to be constructed, may be drained more economically or advantageously in combination that separately, the Health Officer may. with the approval of the Municipality cause such groups or block of premises to be drained by such method as appears to the Health Officer to-be best suited therefor and the expenses incurred by the Health Officer in so doing shall be paid by the owners in such proportions as the Municipality may decide.

(2) Not less than fifteen days before any work under this Section is commenced, the Health Officer shall give notice to the owners of-

- (a) the nature of the intended work.
- (b) the estimated expenses thereof; and

(c) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under Sub-section (1) shall be the joint owners of every drain-constructed, erected or fixed or continued for the special use and benefit only of such premises, and shall in the proportion in which it is determined that they are to contribute to the expense incurred by the Health Officer under Sub-section (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition.

215. Building not to be erected without permission over drains- (1) Without the permission of the Municipality no person shall place or construct any fence, building, culvert, drain covering, drain, or other structure or any road or cable over, under, in or across any public drain, or stop, divert, obstruct or in any way interfere with any public drain whether it passes through public or private ground.

(2) The Health Officer may remove or otherwise deal with any thing placed or constructed in contravention of Sub-section (1) as he shall think fit, and the cost of so doing shall be recoverable from the person responsible therefore in the manner provided in Section 345.

216. Construction of culverts or drain coverings by owner or occupier- (1) The Health Officer may by notice require the owner or occupier of any building or land, adjoining a public road, to construct culverts or drain coverings over the side channels or ditches at the entrances to the said building or land.

(2) All culverts or drain coverings or pills maintained over side channels or ditches by the owners or occupiers of adjacent buildings or lands shall be of such form and size and consist of such materials and be provided with such means of ventilation as the Health Officer may by notice require and shall be maintained and kept free from all obstructions at the expense of the said owners or occupiers.

217. Maintenance of trough and pipes for catching water- The owner or occupier of any building in a public road shall, within fifteen days after receipt of notice in that behalf from the Health Officer put up and hence forward maintain proper trough and pipes for catching and carrying the water from the roof and other parts of such building and for discharging such water in such manner as the Health Officer may permit.

GENERAL POWERS

218. Power to carry wire, pipes, drains, through private property subject to causing as little inconvenience as possible and paying for direct damage- The Municipality may carry and cable, wire, pipe drain or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under or cover any road, street or place laid out for a road, and after giving reasonable notice to the owner or occupier, through, across, under, over or up the side of any land or building in the Municipal area and may place and maintain posts, poles, standard, brackets or other contrivances to support wires and lights on any pole or post in the Municipal area not vested in and under the control of the Government and may do all acts necessary or

expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, pole, standard, bracket or other similar contrivances in an effective state for the purpose of which it is intended to be used or for removing the same.

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person.

Provided further that the Executive Officer shall with the sanction of the Municipality pay compensation to any person who sustains loss or damage by the exercise of such power.

219. Prohibition against making connection with mains without permission- (1) No person shall, without the permission of the Municipality make any connection with any Municipal cable, wire, pipe, drain or channel or with house connection of any other person.

(2) The Executive Officer may by notice require any connection made in contravention of Sub-section (1), to be demolished, removed, closed, altered or remade.

220. Powers in respect of works outside the Municipal area- (1) The Municipality shall not undertake new works beyond the limits of the Municipal area without the sanction of the State Government.

(2) The Municipality may in the execution and for the purpose of any work, beyond the limits of the Municipal area, sanctioned by the State Government; whether before or after the passing of this Act, exercise all the powers which, it may exercise within the Municipal area throughout the line of the country through which conduits, channels, pipes, lines or posts and wires and the like run, and with the sanction of the State Government-

- (a) Over any lake, or reservoir from which a supply of water for drinking, for producing electric energy or for other purposes is derived and over all lands within one mile of the high water level of any such lake, tank or reservoir;
- (b) over any water course from which a supply of water for drinking for producing electric energy or for other purposes is derived, within one mile above and half a mile below any point at which is taken for such use; and
- (c) over any lands used for sewage farms, sewage disposal tanks, filters and other works connected with the drainage of the Municipality.