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The Goa Panchayat Raj Act, 1994

(Excerpts - water supply and sanitation provisions)

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GOA PANCHAYAT RAJ ACT, 1994

Chapter II - Gram Sabha — Constitution of Panchayats

3. Declaration of Panchayat Areas and Establishment of Panchayats

(1) After making such inquiry as may be necessary, the Government may, by notification, declare a local area, comprising of a village or a group of villages or any part or parts thereof, or a combination of any two or more of them to be a Panchayat area for the purposes of this Act and also specify its headquarters.

(2) For every Panchayat area, there shall be a Panchayat as from such date as the Government may, by notification, appoint.

Chapter III - Functions, Duties and Powers of Panchayats, Sarpanch and Deputy Sarpanch

60. Functions of the Panchayat

(1) Subject to such conditions as may be specified by the Government from time to time, the Panchayat shall perform the functions specified in Schedule-I.

65. Power of Panchayat as to Roads, Bridges, etc.

All village roads and bridges thereon, cart tracks, drain, well and other public places in the Panchayat area not being private property and not being under the control or management of Zilla Panchayat, or Municipal Council, or the Government shall vest in the Panchayat and the Panchayat may do all things necessary for the maintenance and repair thereof, and may:

(e) deepen or otherwise improve any water way.

Provided that no road or bridge shall be diverted, discontinued or closed before the Panchayat publishes its intention of doing so and calls for objections and obtains the approval of the Zilla Panchayat to which a copy of the resolution of the Panchayat and the objections thereto shall be forwarded.

77. Power as to Sanitation, Conservancy and Drainage

(1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction, a Panchayat may by written notice, require within a reasonable period to be specified therein:

(i) the owner or occupier of any building or any hut or the owner of any privy to remove such hut or privy either wholly or in part;

(ii) the owner or the occupier of any building to construct private drains thereof or to alter or to remove private drains thereof;

(iii) the owner or occupier of any land or building which needs to be cleansed, to cause the same to be cleansed to the satisfaction of the Panchayat;

(iv) the owner or occupier of any land or building which contains a well, pool, ditch, pit, pond, tank, or any place containing or used for the collection of any drainage, filth or stagnant water, which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be filled

up, cleansed or deepened or to cause the water to be removed therefrom or drained off to take such other action therewith, as may be deemed necessary by the Panchayat;

(v) the owner or occupier of any land overgrown with vegetation, undergrowth, prickly pear, or jungle, which is in any manner injurious to health or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, undergrowth, prickly pear or jungle.

(2) If any work required by a notice under sub-section (1) is not executed within the period specified in the notice, the Panchayat may itself cause such work to be carried out and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) as if it were a tax imposed under this Act.

79. Power for Providing Adequate Water Supply

(1) For providing the area under its control or any part thereof with a supply of water pure and sufficient for public and private purposes, the Panchayat may:

(a) construct, repair and maintain tanks or wells and clear stream or water courses;

(b) purchase or acquire by gift or otherwise any tank, well, stream or water course, or any right to take or convey water within or without the area under its control;

(c) with the consent of the owner thereof utilize, cleanse or repair any tank, well, stream or water course or provide facilities for obtaining water therefrom;

(d) contract with any person for supply of water; or

(e) do any other act for carrying out the purpose of this section.

(2) The Panchayat may, by order published at such place as it may think fit, set part for the supply of water to the public for drinking or culinary purpose, any tank, well, stream or water course in respect of which action has been taken under clause (a) or (b) or (c) of sub-section (1) subject to any rights which the owner referred to in clause (c) of sub-section (1) may retain with the consent of the Panchayat.

(3) The Panchayat may, by order published at such place as it may think fit, prohibit:

(a) bathing, washing of clothes and animals or other acts likely to pollute the water of any tank, well, stream or water course set apart for drinking or culinary purpose under sub-section (2); and

(b) the use of any source of water supply for drinking or culinary purposes or for the washing of clothes during epidemics.

80. Power of Panchayat to Make Bye-Laws Regarding Provisions of Water Supply

Subject to such rules as the Government may make in this behalf, a Panchayat may make bye-laws for conserving and preventing injury to sources and means for water supply and appliances for the distribution of water whether within or without the limits of the Panchayat, and for regulating all matters connected with the supply and use of water, and turning on, or turning off, and preventing the waste of water, and construction, maintenance and control of Panchayat water works and pipes and fittings in connection therewith whether the property is of the Panchayat or not.

83. Filthy Buildings, etc.

Whoever, being the owner or occupier of any building or land, whether tenanted or otherwise, suffers the same to be in a filthy or unwholesome state, or in the opinion of the Panchayat is a nuisance to persons residing in the neighbourhood or overgrown with prickly pear or vegetation, and who shall not, within a reasonable time after notice in writing from any person authorized by the Panchayat in this behalf to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall on conviction, be punished with fine which may extend to one hundred rupees and if the offence be a continuing one with further fine which may extend to five rupees for every day during which the said offence is continued after the date of the first conviction.

84. Powers and Duties in Regard to Sources of Water Supply

The Secretary or any officer authorized by the Panchayat in this behalf may at any time by written notice require that the owner or any person who has control over any well, stream, channel, tank, or other source of water supply shall, whether it is private property or not:

(a) if the water is used for drinking:

(i) keep and maintain any such source of water supply other than a stream, in good repair; or

(ii) within a reasonable time to be specified in the notice, cleanse any such source of water supply from silt, refuse and decaying vegetation; or

(iii) in such manner as the Panchayat may direct, protect any such source of water supply from pollution by surface drainage; or

(iv) desist from using and from permitting others to use for drinking purposes any such sources of water supply, which not being a stream in its natural flow, is in the opinion of the Panchayat unfit for drinking; or

(v) if notwithstanding any such notice under sub-clause (iv), such use continues and cannot, in the opinion of the Panchayat, be otherwise prevented, close either temporarily or permanently, or fill up or enclose or fence in such manner as the Panchayat considers sufficient to prevent such use, such source of water supply; or

(vi) drain off or otherwise remove from any such source of water supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Panchayat considers as injurious to health or offensive to the neighbourhood;

(b) within twenty four hours of such notice, repair, protect or enclose in such manner as the Panchayat may direct or approve any source of water supply, whether used for drinking purposes or not, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure such source of water supply is, in the opinion of the Panchayat, dangerous to the health or safety of the public or of any persons having occasion to use or to pass by or approach the same.

85. Remedy for Non-compliance with Directions Issued

If the owner or the person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of section 84,

the Panchayat may, and, if in the opinion of the Secretary immediate action is necessary to protect the health or safety of any person, he shall at once, proceed to execute the work required by such notice, and all the expenses incurred thereon shall be paid by the owner, or person, having control over such source of water supply, and shall be recovered in the same manner as an amount claimed on account of any tax recoverable under this Act:

Provided that in the case of any well or private stream or any private channel, tank or other source of water supply the water of which is used by the public or by any section of the public as of right, the expenses incurred by such owner or the person having control may, if the Panchayat so directs, be paid from the Panchayat fund.

86. Power to Set Apart Public Springs, etc., for Certain Purposes

The Panchayat may by public notice which shall be put up at the spring, tank, or other places concerned places and parts of public water sources for drinking purposes or for bathing or for convenience of the inhabitants, and with the consent of the owners, may also set apart any private springs, tanks, wells or other places for any of the aforesaid purposes.

87. Power to Prohibit Use of Water from Certain Sources

The Panchayat may, during epidemics on receipt of a certificate from any medical officer of the Government stating that such action is desirable, summarily by notice prohibit the use of water from any source to which the public have access. Such notice shall be served by putting up a copy thereof near the source of water supply stating the number of days during which such prohibition shall last. The Panchayat may from time to time extend or modify the period of prohibition without the production of a further certificate.

88. Penalty for Using Water for Certain Purposes

Whoever:

- (a) bathes in or defiles, the water in any place set apart for drinking purposes by the Panchayat, or, in the case of private property, by the owner thereof; or
- (b) deposits any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes; or
- (c) washes clothing in any place set apart as aforesaid for drinking or bathing; or
- (d) washes any animal or any cooking utensils or wood, skins, or other foul or offensive substances, or deposits, any offensive or deleterious matter in any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes; or
- (e) allows the water from a sink, sewer, drain, engine or boiler, or any other offensive matter belonging to him or flowing from any building or land belonging to or occupied by him, to pass into any place set apart as aforesaid for drinking into any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes; or
- (f) uses water from any source in contravention of the provisions of section 87;

shall on conviction, be punished with fine which may extend to fifty rupees and if the offence be a continuing one, with further fine which may extend to ten rupees for every day during which the said offence is continued after the date of first conviction.

89. Abatement of Nuisance from Foul Water

When any pool, ditch, tank, pond, well, hole or any waste or stagnant water, or any channel, or receptacle of foul water or other offensive or injurious matter, whether the same be within any private enclosure or otherwise shall appear to the Secretary to be likely to prove injurious to the health of the inhabitants or offensive to neighbourhood, the Secretary, may by written notice require the owner of the same to cleanse, fill up, drain off or remove the same, or to take such measures as shall in his opinion be necessary to abate or remove the nuisance.

97. Prohibition against Burying or Burning in Unauthorized Places

No person shall in any Panchayat area bury, burn or otherwise dispose off or cause or suffer to be buried, burnt or otherwise dispose off any corpse in any place within hundred meters of a dwelling place or any source of drinking water-supply other than a place registered under section 94 or licensed under section 95, or provided by the Panchayat.

101. Power for Making Drains

(1) In order to carry out any drainage scheme, it shall be lawful for a Panchayat to carry any drain, sewer, conduit tunnel, culvert, pipe or water course through, across or under any cellar or vault which may be under any street and after giving reasonable notice in writing to the owner or occupier, into through or under any land whatsoever within the Panchayat area.

(2) The Panchayat or any officer authorized by it for such purpose may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the Panchayat has been already constructed or may repair or alter any drain vested in the Panchayat.

102. Sufficient Drainage of Houses

(1) If any building or land in a Panchayat area is at any time, untrained or not drained to the satisfaction of the Panchayat, the Panchayat may, by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such building or land into:

(a) some drain or sewer, if there is a suitable drain or sewer within sixteen meters of any part of such building or land;

(b) a covered cess pool to be provided by such owner.

(2) It shall not be lawful to erect any building or to rebuild any building or to occupy any building newly erected or rebuilt in a Panchayat area unless and until;

(a) a drain is constructed, of such size, materials and description at such level, and with such fall, as shall appear to the Panchayat to be necessary for the effectual drainage of such building; or

(b) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the Panchayat to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same of, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a Panchayat drain, or into some place legally set apart for the discharge of drainage situated at a distance, then such drain shall empty into such cess pool as the Panchayat directs.

103. Power of owner or occupier of buildings or lands to drain into Panchayat Drains

The owner or occupier of any building or land within a Panchayat area shall be entitled to cause his drain to empty into sewers of the Panchayat, provided that he first obtains the written permission of the Panchayat and that he complies with such conditions as the Panchayat prescribes as to the mode in which and the superintendence under which the communications are to be made between drains not vested in the Panchayat and drains which are so vested.

104. Right to carry drain through land or into drain belonging to other persons

(1) If the owner or occupier of any building or land within a Panchayat area desires to connect the same with any Panchayat drain, by means of a drain to be constructed through any land or connected with a drain belonging to or occupied by or in the use of some other person, he may make an application in that behalf to the Panchayat.

(2) Thereupon, the Panchayat after giving to such other person a reasonable opportunity of stating any objection, may, if no objection is raised or if the objection raised is insufficient authorize the applicant to carry his drain into or through or under the land or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintenance and repair as may appear to it to be adequate and equitable.

(3) Every such order shall be a complete authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose after giving or tendering to the owner, occupier or user of the said land or drain the compensation and rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner, occupier or user reasonable notice in writing, to enter upon the land specified in the said order with assistants and workmen at any time between sunrise and sunset and, subject to the provision of this Act, to do all such work as may be necessary:

(a) for the construction or connection of the drain as may be necessary from time to time; or

(b) for renewing, repairing, or altering the same as may be necessary from time to time; or

(c) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

(4) In executing any work under this section, as little damage as possible shall be done and the owner or occupier of the building or land for the benefit of which the work is done shall cause the work to be executed with the least practicable delay and fill in, reinstate and make good at his own cost the ground or any portion of the building or other construction opened, broken up or removed for the purpose of executing the said work and pay compensation to any person who sustains damage by the execution of the said work.

105. Rights of Owner of Land through Which Drain is Carried in Regard to Subsequent Building Thereon

If the owner of any land into, through or under which a drain has been carried under section 104 whilst such land was not build upon, shall at any subsequent time desires to construct a building thereon, the Panchayat shall, if it sanctions the construction of such building or land, by written notice require the owner to demolish or close any privy for the benefit of which such drain was constructed, to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as it may deem to be necessary in order to admit of the construction or safe enjoyment of the proposed building.

106. Provision of Privies, etc

(1) In case a Panchayat is of the opinion that any privy or cesspool or additional privies or cesspools should be provided in or on any building or land, are shifted or removed from any building or land or in any area in which a water closet system has been introduced that water closets should be substituted for the existing privies in or on any building or land or that additional water closets should be provided therein or thereon, the Panchayat may, by written notice call upon the owner of such building or land to provide such privies, cess pools or water-closets as the Panchayat may deem proper.

(2) A Panchayat may, by written notice, require any person or persons employing workmen or labourers exceeding twenty in number or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the Panchayat may direct and to cause the same to be in proper order to be daily cleansed.

(3) A Panchayat may by written notice, require the owner or occupier of any land upon which there is a privy or urinal to have such privy or urinal shut out by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood or to alter as it may direct any privy door or trap-door which opens on to any street, and which it deems to be a nuisance.

107. Cost of Altering, Repairing and Keeping in Proper Order Privies, etc

(1) All sewers, drains, privies, water-closets, house-gullies and cesspools within a Panchayat area shall, unless constructed at the cost of the Panchayat be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and building to which the same belong, or for the use of which they are constructed or continued, and the Panchayat may, by written notice, require such owner to alter, repair and put the same in good order in such manner as it thinks fit.

(2) The Panchayat may, by written notice, require the owner to demolish or close any privy or cesspool whether constructed before or after the coming into force of this Act, which in the opinion of the Panchayat, is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleansed or kept in good order.

108. Inspection of Drains, etc

(1) A Panchayat or any officer appointed by it for such purpose, may inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset may enter upon any lands or buildings, with

assistants and workmen and cause the ground to be opened where he or it may think fit, doing as little damage as may be.

(2) The expenses of such inspection and of causing the ground or structure to be closed and made good as before, shall be born by the Panchayat unless the sewer, drain, privy, water-closet, house-gully or cesspool is found to be in bad condition, or was constructed in contravention of the provisions of any enactment or of any bye-law of the Panchayat in force at the time, in which case such expenses shall be paid by the owner of such sewer, drain, privy, water-closet, house-gully or cesspool and shall be recoverable in the same manner as a tax or fee due to the Panchayat.

Chapter VIII - Taxes and Fees

153. Levy of Taxes, Rates etc. by Panchayat

(2) A Panchayat may levy water rate for supply of water for drinking and other purposes.

(3) A Panchayat may also levy all or any of the following tax and fees at such rates as the Panchayat shall determine but not exceeding the maximum specified in Schedule III and in such manner and subject to such exemptions as may be prescribed, namely:

(d) pilgrim fee on persons attending the jattras, festivals, etc., where necessary arrangement for water supply, health and sanitation are made by the Panchayat;

(j) drainage tax;

(m) garbage disposal tax.

Schedule I - Functions and Responsibilities of Village Panchayat

IV. Fisheries

(1) Development of fisheries in the villages.

VIII. Drinking Water

(1) Construction, repairs and maintenance of drinking water well, tanks and ponds.

(2) Prevention and control of water pollution.

(3) Maintenance of rural water supply schemes.

IX. Roads, Buildings, Culverts, Bridges, Ferries, Waterways and Other Means of Communication

(1) Construction, and maintenance of village roads, drains and culverts.

(2) Maintenance of buildings under its control or transferred to it by the Government or any public authority.

XVIII. Rural Sanitation

(1) Maintenance of general sanitation.

(2) Cleaning of public roads, drains, tanks, wells and other public places.

(3) Maintenance and regulation of burning and burial grounds.

(4) Construction and maintenance of public latrines.

(5) Disposal of unclaimed corpses and carcasses.

(6) Management and control of washing and bathing gais.

Schedule I-A - Functions and Responsibilities of Taluka Panchayat

IV. Minor Irrigation, Water Management and Watershed Development

- (1) Construction, renovation and maintenance of minor irrigation works.
- (2) Watershed development programmes.

VI. Fisheries

- (1) Development of fisheries in irrigation works vested in the Taluka Panchayat.
- (2) Implementation of fishermen's welfare programmes.

X. Drinking Water

Promotion of drinking water and rural sanitation.

XII. Roads, Buildings, Bridges, Ferries, Waterways and other means of communication

- (1) Construction and maintenance of Taluka roads and culverts cause-ways and bridges (excluding State Highways and Village roads) within the Taluka.
- (2) Construction of administrative and other buildings, connected with the requirement of the Taluka Panchayat.

Schedule II - Functions and Responsibilities of Zilla Panchayat

IV. Minor Irrigation, Water Management and Watershed Development

- (1) Providing for the timely and equitable distribution and full use of water under irrigation schemes under the control of the Zilla Panchayat.
- (2) Development of ground water resources.
- (3) Supervision over the minor irrigation works undertaken by Taluka Panchayat

VI. Fisheries

- (1) Development of fisheries in irrigation works vested in the Zilla Panchayat;
- (2) Promotion of inland, brackish water and marine fish culture.

IX. Drinking Water

Guidance for promotion of drinking water and rural sanitation to Taluka Panchayat and Village Panchayat.

XII. Roads, Buildings, Bridges, Ferries, Waterways and Other Means of Communication

- (1) Construction and maintenance of District roads and culverts, causeways and bridges (excluding State Highways and Village roads);
- (2) Construction of administrative and other buildings connected with the requirements of the Zilla Panchayat;
- (3) Supervision over the works undertaken by Village Panchayat and Taluka Panchayat as regards the construction of roads.