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Andhra Pradesh Municipalities Act, 1965 (excerpts)

(Excerpts - water supply and sanitation provisions)

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ANDHRA PRADESH MUNICIPALITIES ACT, 1965

(Act No. 6 of 1965)

Reserved by the Governor on the 5th October, 1964 for the consideration and assent of the President. Received the assent of the President on the 17th February, 1965, and the said assent is hereby first published on the 1st March, 1963, in the Andhra Pradesh Gazette, Part IV-B Extraordinary at Page 1.

An Act to consolidate and amend the law relating to municipalities in the State of Andhra Pradesh.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixteenth Year of the Republic of India as follows:-

PART V

Public Health, Safety and Convenience

CHAPTER I

Water Supply, Lighting and Drainage

Water-Supply-Vesting of works and powers of municipal authorities

133. Vesting of Works in councils:- (1) All public water courses and springs, all public reservoirs, tanks, cisterns fountains, wells, stand-pipes and other water-works existing at the commencement of this Act or afterwards made, laid or erected, and whether made, laid or erected at the cost of the council or otherwise, and also any adjacent land, not being private property, appertaining thereto shall vest in the council and be subject to its control.

Provided that nothing in this section shall apply to any work which is, or is connected with a work of irrigation or to any adjacent land appertaining to any such work.

(2) The Government may by notification in the Andhra Pradesh Gazette, limit or decline such control or may assume the administration of any public source of water-supply and public land adjacent and appertaining thereto after consulting the council and giving due regard to its objections, if any.

134. Construction and maintenance of water works:- (1) The Council may, with the sanction of the Government direct the construction of such works as it deems fit outside the limits of the municipality for supplying it with water and may provide channels, tanks, reservoirs cisterns, engines, mains, wells, fountains, stand-up pipes and other works as it may deem fit within the said limits for the use of the inhabitants.

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

(3) The council may, if it deems fit, entrust water and drainage works to private firms, with the previous approval of the Government.

135. Constitution of water boards for local authorities:- (1) Notwithstanding anything in Section 133, the Government may constitute a water board for one or more municipalities or other local authorities for the construction and maintenance of water works for the supply of water to such municipalities or local authorities.

(2) The local authority or authorities, for which water board is constituted under sub-section (1), shall, subject to such conditions as may be prescribed, be bound to take water from such water board on and from the date of completion of the construction or the commencement of the maintenance of a water works by such water board.

136. Trespass on premises connected with water supply:- It shall not be lawful for any person except with permission duly given and obtained to enter upon land belonging to, or vested in, a council along which a conduit or pipe runs, or upon any premises connected with the water-supply,

137. Prohibition of building over water mains:- (1) Without the permission of the council, no building, wall or other structure shall be newly erected and no street or railway shall be constructed over any municipal water mains

(2) If any building, wall or other structure be so erected or any street or railway be so constructed, the council 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.

138. Council to provide water for use:- The council shall so far as the funds at its disposal may admit, provide a sufficient supply of water fit for the use of the inhabitants.

139. Control over connections:- All connections whether within or outside the premises to which they belong, with any water supply mains constructed by the council shall be under the control of the council, 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.

140. Private water-supply for consumption and use and power of the Chairperson to enforce provision of water supply:- (1) In municipalities in which there is a pipe supply of water the Chairperson may, on application by, the owner or occupier of any building arrange, in accordance with the bye-laws, to supply water thereto for consumption and use.

(2) Whenever it appears to the Chairperson that any building assessed, at an annual rental value of not less than three hundred rupees is without a proper supply of water for consumption and use and that such a supply can be furnished from a main not more than thirty metres distant *from* any part of such building, the Chairperson 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 connections and the cost of hire of meters shall be borne by the owner or applicant and shall be recoverable in the same manner as the property tax.

141. Power of council to make bye-laws for water supply:- (1) For all water supplied under Section 140, payment shall be made on such basis, at such times, and on such conditions as may be laid down in the bye-laws made by the council, and shall be recoverable in the same manner as the property tax.

(2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may -

(a) provide for the classification of supply of water under the following categories, namely :-

- (i) supply to residential buildings;
- (ii) supply to residential hotels;
- (iii) supply to shops, commercial establishments (other than industrial undertakings), restaurants, meeting houses, theaters and places of public amusement or entertainment;
- (iv) supply to industrial undertakings;
- (v) supply to non-residential buildings not falling within the scope of category (ii), category (iii) or category (iv).

Explanation:- In this clause, unless the context otherwise requires, the expression 'commercial establishment', 'eating house', 'residential hotel', 'Restaurant', 'shop', and 'theatre', shall have the meanings assigned to them in the Andhra Pradesh (Andhra Area) Shops and Establishments Act, 1947 (Act XXXVI of 1947);

(b) provide for the levy of different rates of charge in respect of water supplied to the different categories specified in clause (a);

(c) in cases of supply to residential buildings, lay down the maximum free allowances to be made and the rates of charge to be levied in respect of water supplied in excess of such allowance; and

(d) in cases of supply to all buildings lay down that the charge for water supplied shall be based on the number of taps allowed, irrespective of the quantity of water consumed.

¹[**142. Levy and collection of pipe-line service charges:-** The Government may, by notification direct the council to levy and collect pipeline service charges from every

¹ Section 142 subs. by Act 22 of 1990 w.e.f. 19-11-1990.

owner or occupier of a premises to which water connection has been given at such rate as may be prescribed to the different categories specified in Clause (a) of sub-section (2) of Section 141 to defray the capital cost of pipeline service works undertaken by the Council and the operation and maintenance of the pipeline system from time to time.

Provided that no such charges shall be levied on the owner or occupier of any premises situated in the areas which are not served by the pipeline system of the Council.

Supply beyond limits of municipality

143. Supply beyond the limits of municipality:- The council may, with the sanction of the Government and shall, on the direction of the Government, supply water to local authority or other person outside the municipality on such term, if any, as may be approved by the Government.

Disconnection of water-supply

144. Power to disconnect water-supply:- (1) The Commissioner or any person authorised by him in this behalf may cause to disconnect the supply of municipal water from any premises where-

- (a) the premises are unoccupied;
- (b) any water tax or any sum due for water for the cost of making a connection or for the cost or hire of a meter 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) after receipt of a notice from the Commissioner 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-laws made under this Act;
- (d) the owner or occupier neglects within a period specified in any notice issued by the Commissioner under any bye-law made under this Act to put a meter or to comply with any other lawful order or requisition;
- (e) the owner or occupier wilfully or negligently damages his metre or any pipe or tap conveying municipal water,
- (f) the occupier refuses to admit the Commissioner or the person authorised into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry, in connection with the water supply, or prevents the Commissioner or the person authorized from doing such work, placing or removing such apparatus or making such examination or inquiry.
- (g) any pipes, taps, works or fittings connected with the municipal water-supply are found on examination by the Commissioner or the person authorized to be out of repair to such an extent as to cause waste or contamination of water.

(h) 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 the bye-laws;

Provided that in a case falling under clauses (e), (f), (g) or (h), the Commissioner or the person authorized shall not take action, unless notice of not less than twenty-four hours is given to the owner or occupier of the premises.

(2) The expense of disconnecting the supply shall be paid by the owner or occupier of the premises.

(3) In cases falling under clause (b) of sub-section (1), as soon as any money for non-payment of which water is disconnected together with the expense incurred thereof is paid by the owner or occupier, the Commissioner shall cause water to be supplied as before on payment of the costs, if any, of disconnecting the premises with the municipal water-works.

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

145. Non-liability of council for disconnection, or stoppage of supply in certain cases:- Notwithstanding anything in any agreement the council shall not be liable to any penalty or damages for disconnecting supply of water or for not supplying water, in the case of any drought, or other unavoidable cause, or accident, or the necessity for paying or repairing pipes.

Lighting

146. Provision for lighting in public street:- The council shall, so far as the funds at its disposal permit, cause the public streets to be lighted and for that purpose shall provide such lamps and works as it thinks necessary.

Public Drainage

147. Maintenance of system of drainage by council:- The council shall, so far as the funds at its disposal may permit, provide and maintain a sufficient system of public drains.

148. Owners of buildings to pay for clearance of sullage from their buildings by connecting their house-drains with public drains:- (1) For the discharge of drainage from private premises by connecting house-drains with municipal drains, payment shall be made under any one of the basis mentioned in sub-section (2) which the council may, by resolution, specify at such times, and on such conditions as may be laid down in the bye laws made by the council and shall be recoverable in the same manner as the property tax.

(2) The basis referred to in sub-section (1) shall be the following:

(a) a monthly rent at such rate for each building as may be laid down in the

bye-laws;

- (b) such percentage of the capital value of the building as may be laid down in the bye-laws;
- (c) the number of taps allowed, irrespective of the quantity of water consumed.

Private Drainage

149. Control over house drains, privies and cess pools:- All house drains whether within or outside the premises to which they belong and all private latrines and cess polls within the municipality shall be under the control of the council 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 council in this behalf.

150. Connection of house-drains of private latrines with public drains of underground sewers:-²[(1) The Commissioner shall, on an application by the owner or occupier of any premises or the owner of private street, arrange in accordance with the bye-laws, for the connection of the applicant's drain with any public drain, and where there is underground sewer, any private latrine with any underground sewer, at a distance not exceeding one hundred metres therefrom at the applicant's expense.

(2) (a) If there is a public drain or underground sewer or out-fall within a distance not exceeding thirty metres of the nearest point on any premises, or if within such distance, a public drain or underground sewer or out-fall is about to be provided or is in the process of construction, the Commissioner may, by notice, direct the owner or occupier of the said premises to construct a drain leading therefrom to such drain or underground sewer or place of out-fall, and to execute all such works, as may be necessary in accordance with the bye-laws and regulations at owner's expense.

(a) Where the said owner or occupier fails to comply with the notice specified in clause (a) within fifteen days of its service, the Commissioner may construct the said drain and may direct that the expenses of constructing it shall be recovered in the same manner as property tax.

(3) If any premises are, in the opinion Commissioner, without sufficient means of effectual drainage, but no part thereof is situated within thirty metres of a public drain or underground sewer or its place of cut-fall, the Commissioner may, by notice, direct the owner or occupier of the said premises to construct a cess-poll or septic tank or filters of such material, dimensions and description in such position and at such level as the Commissioner thinks necessary and to construct a drain or drains emptying into such cess-poll, tank or filters, and to execute all such works as may be necessary in accordance with the bye-laws and regulations.]

Provided that-

² Subs. by Act 45 of 1976.

(a) no requisition shall be made under (this section on any person who has been exempted from payment of the property tax under sub-section (5) of Section 88; and

(b) no person shall be required under this section to expend a sum exceeding ten times the property 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 Sec. 88, ten times the property tax which would be payable on such building with the land which would be assessed with it to the property tax, if such building were not exempt; and if any amount exceeding the said sum is expended, the excess shall be borne by the council.

151. Commissioner may close or limit the use of existing private drains:- (1) Where a drain connecting any premises with a public drain or other place set apart by the council for discharge of drainage is sufficient for the effectual drainage thereof and is otherwise unobjectionable, but is not, in the opinion of the Commissioner, adapted to the general drainage system of the municipality or of the part of the municipality in which such drain is situated, the Commissioner with the approval of the council 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 sewage only, or for water unpolluted with sullage or sewage 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 Commissioner under clause (a) of sub-section (1) except on condition of his providing another for the drainage of the premises and communicating with a public drain or other place aforesaid, and the expense of the construction of any drain so provided by the Commissioner and of any work done under clause (a) of Section (1) shall be paid by the Council.

152. Power of Commissioner to drain premises in combination:- (1) When the Commissioner is of opinion that any group or block of premises, any part of which is situated within thirty metres of a municipal drain already existing or about to be provided or in the process of construction, may be drained more economically or advantageously in combination than separately, the Commissioner may cause such group or block of premises to be drained and the expenses incurred by the Commissioner in so doing shall be paid by the owners in such proportions as the Commissioner may decide.

(2) Not less than fifteen days before any work under this section is commenced, the Commissioner 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 expenses incurred by the Commissioner under sub-section (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition.

153. Building etc] not to be erected without permission over drains:- (1) Without the permission of the council, no person shall place or construct any fence, building culvert, drain-covering, drain or other or any street, railway or cable over, under in or across, any public drain, or stop up, divert, obstruct or in any way interfere with, any public drain, whether it passes though public or private ground.

(2) The Commissioner may remove or otherwise deal with anything 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 owner thereof in the manner provided in Section 364.

154. Construction of culverts or drain coverings by owner or occupier:- (1) The Commissioner may by notice require the owner or occupier of any building or land adjoining a public street to construct culverts or drains-coverings over the side channels or ditches at the entrances to the said building or land.

(2) All culverts or drain-coverings or pails 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 Commissioner may by notice require and shall be maintained and kept free from all obstruction at the expense of the said owners or occupiers.

155. Power to regulate discharge of water from building or land:- (1) The owner or occupier of any building in a public street shall, within fifteen days; after receipt of note in that behalf from the Commissioner put up an if thenceforward, keep and maintain in good condition proper troughs and pipes built and fixed in accordance with the directions, if any, issued by the Commissioner or contained in the bye-laws of the council, 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 Commissioner may permit.

2) For the purposes of efficiently draining any building or land the Commissioner may, by notice-

(a) require any court-yard, alley or passage between two or more buildings to be paved by the owners of such buildings with such materials and in such manner as may be approved by him; and

(b) require such pavement to be kept in proper repair.

Public Latrines

156. Provision of public latrines and urinals:- The council shall as far as the funds

at its disposal may permit, provide and maintain in proper and convenient places a sufficient number of public latrines and urinals and shall cause the same to be daily cleaned and kept in proper order.

exists so placed and maintained, as readily to afford the audience ample means of safe egress, that the sealing be so arranged as not to interfere with free access to the exits and that gangways, passages and staircases leading to the exists shall, during the presence of the public, be kept clear of obstructions.

Control over wells, tanks, etc.

236. Prohibition of construction of, wells, tanks etc., without the permission of the Chairperson:- (1) No new well or tank shall be dug or constructed without the permission of the Chairperson.

(2) The Chairperson may grant permission, subject to such conditions as he may deem necessary, or may, for reasons to be recorded by him refuse it

(3) If any such work is began or completed without such permission.--

(a) the Commissioner may by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the said officer shall direct; or

(b) the Chairperson may grant permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).

237. Filling in of pools etc., which are a nuisance:- (1) If in the opinion of the municipal health officer—

(a) any pool, ditch, tank, well, pond, bog, swamp, quarry-hole, drain, cess-pool, pit, water-course, or any collection of water; or

(b) any land on which water may at anytime accumulate, is or is likely to become a breeding place of mosquitoes or in any other respect a nuisance,

the said officer may by notice require the owner or person having control thereof to fill up, cover over, weed and stock with larvicidal fish, or petrolize in such manner and with such materials as the said officer shall direct or to take such action for removing or abating the nuisance as the said officer shall direct.

(2) If a person on whom a requisition is made under sub-section (1) to fill up, cover over, or drain off a well, delivers to the municipal health officer within the time specified for compliance therewith, written objections to such requisition, the said officer shall report such objections to the Commissioner and shall make further enquiry into the case, and shall not institute any prosecution for failure to comply with such requisition except with the approval of the Commissioner but the municipal Health officer may nevertheless, if he deems the execution of the work cancelled for by such requisition to

be of urgent importance, proceed in accordance with Section 364 and, pending the Commissioner's disposal of the questions whether the said well be permanently filled up, covered over or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes, and in every such case the municipal health officer shall determine with the approval of the Commissioner whether the expenses of any work already done as aforesaid shall be paid by such owner or by the municipal health officer out of the municipal fund or shall be paid by such owner or by the municipal health officer out of the municipal fund or shall be shared and, if so, in what proportions.

238. Regulation of prohibition of certain kinds of cultivation:- The Council on the report of the municipal health officer that the cultivator of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the municipality, is injurious to the public health may, with the previous sanction of the Government, by public notice, regulate or prohibit the cultivation, use of manure, or irrigation so irrigation so reported to be injurious:

Provided that when such cultivation or irrigation has been practiced during the five years preceding the date of such public notice, with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the Municipal Fund to all persons interested, for any damage caused to them by absolute prohibition.

239. Cleansing of insanitary private tank or well used for drinking:- (1) The municipal health officer may, by notice require the owner or, person having control over any private water-course, spring, tank, well or other place, the water of which is used for drinking, bathing or washing clothes, to keep the same in good repair and to cleanse it of silt, refuse or vegetation and to protect it from pollution by surface drainage in such manner as the said officer may think fit.

(2) If the water of any place which, is used for drinking, bathing or washing clothes, as the case may be is proved to the satisfaction of the said officer to be unfit for the purpose, he may, by notice, require the owner or person having control thereof to-

- (a) refrain from using or permitting the use of such water, or
- (b) close or fill up such place or enclose it with a substantial wall or fence.

240. Duty of council in respect of public well or receptacle of stagnant water :- The council shall maintain in a cleanly condition all wells, tanks and reservoirs which are not private property and may fill them up or drain them when it appears necessary to do so.

241. Public wells etc, open to all:- All such wells, tanks and reservoirs when maintained by the council shall be open to use and enjoyment by all persons.

242. Prohibition against or regulation of washing animals or clothes or fishing or drinking in public water courses, tanks etc.:- The council may, in the interest of the public health, regulate or prohibit the washing of animals, clothes or other things or

fishing in any public spring, tank well, public-water course or part thereof within the municipality and may set apart any such place for drinking or for bathing or for washing clothes or animals respectively or for any other specified purpose,

243. Provision of public wash houses:- (1) The council may construct or provide and maintain public wash-houses or places for the washing of clothes, and may require the payment of such rents and fees for the use of any such wash-house or place as it may determine.

(2) The council may farm out the collection of such rents and fees for any period not exceeding three years at a time on such, terms and conditions as it may think fit.

(3) If a sufficient number of public wash-houses or places be not maintained under sub-section (I), the council may, without making any charge therefore appoint suitable places for exercise by washermen of their calling.

244. Prohibition against washing by washermen at unauthorised places:- (1) The council may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, either within the municipality or outside the municipality, within three kilometres of the boundary thereof except at-

- (a) public wash-houses or places maintained or provided under Section 243, or
- (b) such other places as it may appoint for the purpose.

(2) When any such prohibition has been made, no person who is by calling a washerman shall, in contravention of such prohibition, wash clothes except for himself or for personal and family service or for hire on and within the premises of the hirer, at any place within or outside municipal limits other than a public wash-house or a place maintained or appointed under this Act;

Provided that this section shall apply only to clothes washed within or be brought within the municipality.

245. Prohibition against defiling water of tanks etc., whether public or private:- It shall not be lawful for any person to-

- (a) bathe in or in any manner defile the water in any place set apart by the council or by the owner thereof for drinking purposes;
- (b) deposit any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes; or
- (c) wash clothes in any place set apart as aforesaid for drinking or bathing; or
- (d) wash any animal or any cooking utensil or wool, skins, or other foul or offensive substances or deposit any offensive or deleterious matter in any place set apart as aforesaid for bathing or washing clothes, or

(e) cause or permit to drain into or upon any place set apart as aforesaid for drinking, bathing or washing clothes, or cause or permit any thing to be brought therein or do anything whereby the water may be fouled or corrupted.

Control over abandoned Lands/ Untrimmed Hedges, etc.

246. Untenanted building or lands:- If any building or land, by reason of abandonment, disputed ownership or other cause remains untenanted, and thereby becomes a resort of idle and disorderly persons or in the opinion of the municipal health officer becomes a nuisance, the municipal health officer may, after due enquiry, by notice require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same.

247. Removal of filth or noxious vegetation:- The municipal health officer may, by notice require the owner or occupier of any building or land which appears to the said officer to be in filthy or unwholesome state, or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or offensive to the neighbourhood to clear, cleanse or otherwise put the land in proper state or to clear away and remove such vegetation, trees or undergrowth within twenty-four hours or such longer period and in such manner as may be specified in the notice.

248. Fencing of buildings or lands and pruning of hedges and trees:- The Commissioner may, by notice and for the reasons specified therein, require the owner or occupier of any building or land near a public street to -

- (a) fence the same to the satisfaction of the said officer; or
- (b) prune any hedges bordering on the said street so that they may not exceed such height from the level of the adjoining roadway as the said officer may determine, or