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Tripura Panchayats Act, 1993 (excerpts)

(Excerpts - water supply and sanitation provisions)

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TRIPURA PANCHAYATS ACT, 1993

CHAPTER II

Functions and powers of Panchayat Samiti

91. Functions. Subject to any general or special direction by the State Government, Panchayat Samiti shall perform the following functions:

(A) *General functions:*

(AA) *Drinking Water:*

- (1) Establishment, repairs and maintenance of rural water supply schemes.
- (2) Prevention and control of water pollution.
- (3) Implementation of rural sanitation schemes.

CHAPTER III

Powers and duties of Gram Panchayat

31. Obligatory duties of Gram Panchayat. Subject to such conditions as may be prescribed, it shall be the duty of every Gram Panchayat, so far as its funds may allow, to make reasonable provisions within the area under its jurisdiction for-

- (a) sanitation, conservancy and the prevention of public nuisances;
- (c) supply of drinking water and the cleaning of public streets and protection thereof;

36. Improvement of sanitation. (1) For the improvement of sanitation, a Gram Panchayat shall have the power to do all acts necessary for, and incidental to, the same and in particular and without prejudice to the generality of the foregoing power, a Gram Panchayat may by order require the owner or occupier of any land or building within such reasonable period as may be specified in the notice served upon him and after taking into consideration his financial position-

- (a) to close, remove, alter, repair, cleanse, disinfect, or put in good order any latrine, urinal, water closet, drain, cesspool, or other receptacle for filth, sullage, rubbish or refuse pertaining to such land or buildings, or to remove or alter any door or trap or construct any drain for any such latrine, urinals or water-closet which opens on to a street or drain or to shut off such latrine, urinal or water closet by a sufficient roof or wall or fence from the view of persons passing by or dwelling in the neighbourhood;
- (b) to cleanse, repair, cover, fill up, drain off or remove water from a private well, tank, reservoir, pool, pit, depression or excavation therein which may be injurious to health or offensive to the neighbourhood;
- (c) to clear off any vegetation, undergrowth, prickly pear or scrub jungle therefrom; and
- (d) to remove any dirt, dung, nightsoil, manure or any obnoxious or offensive matter therefrom and to cleanse the land or building:

Provided that a person on whom a notice has been served as aforesaid may, within thirty days of receipt of such notice, appeal to the prescribed authority against the order contained therein whereupon the prescribed authority may stay the operation of order contained in the notice till the disposal of the appeal and it may, after giving such notice of the appeal to the Gram Panchayat concerned as may be prescribed, modify, set aside or confirm the order;

Provided further that the prescribed authority shall, when it confirms or modifies the order contained in the notice after the expiry of the period mentioned therein, fix a fresh period within which the order contained in the notice, as confirmed or modified by it, shall be carried out.

(2) If the order contained in a notice served as aforesaid has not been set aside by the prescribed authority and if the person whom the notice has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time specified in the notice or within the time fixed by the prescribed authority, as the case may be, he shall be liable, on conviction by a Magistrate, to a fine which may extend to five hundred rupees.

37. Power of Gram Panchayat over public street, waterways and other matters. (1) Subject to such conditions or restrictions as may be prescribed, a Gram Panchayat shall have control over all public streets and waterways within its jurisdiction other than canals constructed, maintained or controlled by the State Government, not being private property and not being under the control of the Central or State Government or any local authority, and may do all things necessary for the maintenance and repair thereof, and may-

- (a) construct new bridges and culverts;
- (b) divert or close any such public street, bridge or culvert;
- (c) widen, open, enlarge or otherwise improve any such public street, bridge or culvert and with minimum damage to the neighbouring fields, plant and preserve trees on the side of such street;
- (d) deepen or otherwise improve such waterways;
- (e) with the sanction of the State Government or with the sanction of such officer or authority as the State Government may prescribe, undertake irrigation projects;
- (f) trim hedges and branches of trees projecting on public streets;
- (g) set apart, by public notice, any public source of water supply for drinking or culinary purpose and likewise prohibit all bathing, washing or other acts likely to pollute the source so set apart.

(2) A Gram Panchayat may, by a notice in writing, require any person who has caused obstruction or encroachment on or damage to any public street or drain or other property under the control and management of the said Gram Panchayat, to remove such damage, as the case may be, within the time to be specified in the notice.

(3) If the obstruction or encroachment is not removed or damage is not repaired within the time so specified, the Gram Panchayat may cause such obstruction or encroachment to be removed or such damage to be repaired and the expenses of such removal or repair shall be recoverable from such person as arrears of land revenue.

(4) For the purpose of removal of obstruction or encroachment under sub-S. (3) the Gram Panchayat may apply to the Sub-Divisional Magistrate and the Sub-Divisional Magistrate shall, on such application, provide such help as may be necessary for the removal of such obstruction or encroachment.

38. Power of Gram Panchayat in respect of polluted water supply. (1) A Gram Panchayat may, by written notice, require the owner of, or the person having control over, a private water course, spring, tank, well or other place, the water of which is used for drinking or culinary purpose after taking into consideration his financial position to take all or any of the following steps within a reasonable period to be specified in such notice namely:

- (a) to keep and maintain the same in good repair;
- (b) to clean the same, from time to time, of silt, refuse or decaying vegetation;
- (c) to protect it from pollution; and
- (d) to prevent its use, if it has become so polluted as to be hazardous to the public health:

Provided that a person upon whom a notice as aforesaid has been served may within thirty days from the date of receipt of the notice, appeal to the prescribed authority against the order contained in the notice whereupon the prescribed authority may stay the operation of order contained in the notice till the disposal of the appeal and it may, after giving such notice of (he appeal to the Gram Panchayat concerned as may be prescribed, modify, set aside or confirm the order;

Provided further that the prescribed authority shall when it confirms or modifies the order contained in the notice after the expiry of the period mentioned therein, fix a fresh period within which the order contained in the notice, as confirmed or modified by it, shall be carried out.

(2) If the order contained in a notice served as aforesaid has not been set aside by the prescribed authority and if the person upon whom the notice has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time specified in the notice or within the time fixed by the prescribed authority, as the case may be, he shall be liable, on conviction by a Magistrate, to a fine which may extend to five hundred rupees.

39. Power of Gram Panchayat to prevent growth of water-hyacinth or other weed which may pollute water. (1) A Gram Panchayat may, by written notice, require the owner or occupier of any land or premises containing a tank or similar deposit of water after taking into consideration his financial position, not to allow water hyacinth or any other weed which may pollute water to grow thereon and to eradicate the same therefrom within such reasonable period as may be specified in the notice:

Provided that a person on whom a notice as aforesaid has been served may, within thirty days from the date of receipt of the notice, appeal to the prescribed authority and it may stay the operation of the order contained in the notice till the disposal of the appeal and it may, after giving such notice of the appeal to the Gram Panchayat concerned as may be prescribed, modify, set aside or confirm the order;

Provided further that the prescribed authority shall, when it confirms or modifies the order contained in the notice after the expiry of the period mentioned therein, fix a fresh period within which the order contained in the notice, as confirmed or modified by it, shall be carried out.

(2) If the order contained in a notice served as aforesaid has not been set aside by the prescribed authority and if the owner or occupier upon whom the notice has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time as specified in the notice or within the time fixed by the prescribed authority, as the case may be, he shall be liable, on conviction by a Magistrate, to a fine which may extend to two hundred rupees.

40. Emergent power on outbreak of epidemic. In the event of an outbreak of cholera or any other water-borne infectious'- disease in any locality situated within the local limits of the jurisdiction of a Gram Panchayat, the Pradhan, the Up-pradhan or any other person authorised by the Pradhan may, during the continuance of the outbreak, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purpose of drinking and may further take such steps as he may deem fit to prevent the drawing of water therefrom.