

ORISSA ACT XXXIV OF 1947
THE BIHAR AND ORISSA LOCAL SELF-
GOVERNMENT (ORISSA AMENDMENT)
ACT, 1947

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AN ACT TO AMEND THE BIHAR AND ORISSA LOCAL
 SELF-GOVERNMENT ACT, 1885, IN ITS APPLICATION
 TO THE PROVINCE OF ORISSA

WHEREAS it is expedient to amend the Bihar and Orissa
 Local Self-Government Act, 1885, in its application to the
 Province of Orissa, in the manner hereinafter appearing;

Bengal
 Act III of
 1885.

It is hereby enacted as follows:—

Short title
 and com-
 mencement

1. (1) This Act may be called the Bihar and Orissa Local
 Self-Government (Orissa Amendment) Act, 1947.

(2) It shall come into force on such date as the Provincial
 Government may, by notification, appoint.

Insertion of
 new Chapter
 I-A in Part
 III of
 Bengal Act
 III of 1885.

2. After Chapter I of Part III of the Bihar and Orissa
 Local Self-Government Act, 1885, the following Chapter shall be
 inserted, namely:—

Bengal
 Act III of
 1885.

“CHAPTER I-A

**POWERS OF DISTRICT BOARDS IN RESPECT OF INDUSTRIES AND
 FACTORIES**

100-A. (1) A District Board may notify that no place
 within such local limits as may be fixed by it, shall be used
 without a licence granted by the Chairman of such Board and
 except in accordance with the conditions specified in such
 licence, for any one or more of the following purposes, namely:—

Purposes for
 which places
 may not be
 used without
 licence.

- (a) rice milling;
- (b) boiling camphor;
- (c) preparing *chua*;
- (d) melting tallow or sulphur;
- (e) dissolving silver and gold in nitric acid;
- (j) storing, boiling or otherwise dealing with offal, blood,
 bones, hides, fish, skins or horns;
- (g) tanning hides and skins, skinning or disemboweling of
 animals;
- (h) washing or drying wool or hair;
- (i) making fish oil;
- j) making soap, oil boiling or dyeing;

- (k) manufacturing or distilling sago, manufacturing artificial manure, manufacturing or refining sugar, manufacturing sugar candy, tanning or manufacturing leather or leather goods, manufacturing lac ;
- (l) manufacturing gun-powder or fire-works ;
- (m) burning bricks, tiles, pottery or lime ;
- (n) keeping a hotel, restaurant, eating-house, coffee-house, boarding house or lodging house (other than a students' hostel under public or recognised control) ;
- (o) preparing flour or articles made of flour for human consumption or sweetmeats ;
- (p) manufacturing ice or aerated waters ;
- (q) selling timber or storing it for sale, storing or selling coal, storing hay, straw, wood, thatching grass, jute or other dangerously inflammable materials ;
- (r) storing any explosive or combustible materials, storing kerosene, petroleum, naphtha or any inflammable oil or spirit ;
- (s) manufacturing anything from which offensive or unwholesome smell arises or which has been declared by the Provincial Government, by notification, to be dangerous or offensive ;
- (t) using for any industrial purpose any fuel or machinery ;
- (u) in general doing in the course of any industrial process anything which is likely to be offensive or dangerous to human life or health or property :

Provided that no licence shall be required for the storage of timber, firewood, thatching materials, hay, grass, straw, fibre or coal or for boiling paddy when such storage or boiling is for private use :

Provided further that no notification under this sub-section shall take effect until sixty days from the date of the publication thereof.

(2) The owner or occupier of every such place shall within thirty days of the publication of such notification apply to the Chairman for a licence for the use of such place for such purpose.

(3) The Chairman may, by an order and under such restrictions and regulations as he thinks fit, grant such licence, or refuse to grant it.

(4) Every such licence shall expire at the end of the year unless for special reasons the Chairman considers that it should expire at an earlier date, when it shall expire at such earlier date as may be specified therein.

(5) Applications for renewal of such licence shall be made not less than thirty days before the end of every year and applications for licences for places to be newly opened shall be made not less than thirty days before they are opened.

(6) (a) The power of the Chairman to grant a licence for the purpose of manufacturing gun powder or fire-works or storing any explosive or combustible materials specified in clauses (l) and (r) of sub section (1) shall be subject to the provisions of the Indian Explosive Act, 1894, and the rules framed thereunder and no such licence shall be granted unless the said provisions have been complied with by the applicant for the licence. IV of 1894

(b) The power of the Chairman to grant a licence for the purpose of storing kerosene, petroleum, naphtha or any other inflammable oil or spirit specified in clause (r) of sub-section (1) shall be subject to the provisions of the Petroleum Act, 1934 and the rules framed thereunder and no such licence shall be granted unless the said provisions have been complied with by the applicant for the licence. XXX of 1934

(7) A District Board may, subject to a maximum to be fixed by the Provincial Government, levy a fee in respect of any such licence and the renewal thereof and may impose such conditions and restrictions upon the grant of such licence as it may think necessary:

Provided that the Provincial Government may, subject to such maximum as has been fixed by them under this sub-section, direct the District Board to levy a licence fee in respect of rice milling as provided in clause (a) of sub-section (1), if in their opinion any District Board has failed to exercise reasonable discretion in fixing the same.

Powers of a District Board to issue directions for abatement of nuisance caused by steam or other power.

100-B. (1) If, in any factory, workshop or work-place in which steam power, water power or other mechanical power or electric power is used, nuisance is caused by reason of the particular kind of fuel employed or by reason of the noise or vibration created, or by reason of insanitary conditions in and around such factory, workshop or work-place affecting the public health, a District Board may issue such directions as it thinks fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

(2) If there is wilful default in carrying out such directions or if the abatement is found impracticable, such District Board may—

- (a) prohibit the use of the particular kind of fuel employed; or
- (b) restrict the noise or vibration by prohibiting the working of the factory, workshop or work-place between the hours of 9-30 P. M. and 5-30 A. M.

(3) Nothing in this section shall be deemed to empower a District Board to pass an order which will be contrary to the provisions of the Factories Act, 1934 or the rules framed thereunder. XXV of 1934

Power of the Provincial Government to pass orders or give directions to a District Board.

106-C. The Provincial Government may, either generally or in any particular case, make such order or give such directions as they deem fit in respect of any action taken or omitted to be taken under section 100-B.

Power of the
Chairman of
a District
Board to
enter
factory,
workshop
or work-
place.

100-D. (1) Subject to the provisions of inspection in any other laws for the time being in force, the Chairman of a District Board or any person authorised by him in this behalf may enter any factory, workshop or work-place—

- (a) at any time between sunrise and sunset;
- (b) at any time when any industry is being carried on; and
- (c) at any time by day or night, if he has reason to believe that any wilful default in carrying out the directions under section 100-B, is being made.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of the powers under this section or by use of any reasonable force necessary for the purpose of effecting an entrance under this section.

Penalties.

100-E. (1) Any person who without a licence uses any place within such local limits as are fixed by a District Board under sub-section (1) of section 100-A for any of the purposes specified under the said sub-section and any person who wilfully disobeys any prohibition or restriction imposed under sub-section (2) of section 100-B shall be punishable with fine which may extend to one hundred rupees.

(2) Any person who having been convicted under sub-section (1) continues to contravene the provisions of sub-section (1) of section 100-A or sub-section (2) of section 100-B shall be punishable with a fine of rupees one hundred for each day, after the date of his first conviction, during which the contravention is continued."