

ORISSA ACT XXXV OF 1947
THE SAMBALPUR LOCAL SELF-GOVERNMENT
(THIRD AMENDMENT) ACT, 1947

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AN ACT TO AMEND THE SAMBALPUR LOCAL SELF-GOVERNMENT
 ACT, 1939

WHEREAS it is expedient to amend the Sambalpur Local Self-Government Act, 1939, in the manner hereinafter appearing; Orissa Act VI of 1939.

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Sambalpur Local Self-Government (Third Amendment) Act, 1947.

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

Insertion of new Chapter VII-A in Part I of the Orissa Act VI of 1939.

2. After Chapter VII of Part I of the Sambalpur Local Self-Government Act, 1939 (hereinafter referred to as the said Act), the following Chapter shall be inserted, namely:— Orissa Act VI of 1939.

“ CHAPTER VII-A

POWER OF THE DISTRICT BOARD IN RESPECT OF INDUSTRIES
 AND FACTORIES

Purposes for which places may not be used without licence.

152-A. (1) The 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 the District Board and except in accordance with the conditions specified in such licence for any one or more of the following purposes, namely:—

- (a) rice milling ;
- (b) boiling camphor ;
- (c) preparing *chua* ;
- (d) melting tallow or sulphur ;
- (e) dissolving silver and gold in nitric acid ;
- (f) 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 licences 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 Explosives Act, 1884, 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 1884

(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, XXX of 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.

(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 the District Board has failed to exercise reasonable discretion in fixing the same.

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

152-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, the 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, the 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 the District Board to pass an order which will be contrary to the provisions of the Factories Act, 1934 or the rules framed thereunder.

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

152-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 152-B.

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

152-D. (1) Subject to the provisions of inspection in any other laws for the time being in force, the Chairman of the District Board or any other 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 152-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.

152-E. (1) Any person who without a licence uses any place within such local limits as are fixed by the District Board under sub-section (1) of section 152-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 152-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 152-A or sub-section (2) of section 152-B shall be punishable with a fine of rupees one hundred for each day, after the date of his first conviction during which he contravention is continued.

Amendment of section 171 Orissa Act VI of 1939.

3. After clause (f) of section 171 under Part II of the said Act, the following clause shall be inserted, namely :—

“(ff) the powers and functions of the District Board under Chapter VII-A of Part I in respect of industries and factories situated within the local area;”