

(a) the State Government, on such terms and conditions as the State Government may determine, and

(b) any person, firm, Corporation or other organisation, on payment of compensation calculated on the basis of the market value on the date of service of the notice of all the properties connected with such system.

CHAPTER X

DRAINAGE AND SEWERAGE

Board to provide Drainage and Sewerage and outfall.

63. (1) The Board shall construct and maintain drains and sewers and provide a safe and sufficient outfall, in or outside the urban area, for effectual drainage and proper discharge of storm water and sewage of the urban area.

(2) If the outfall deteriorates by the decay of existing river channel or otherwise, the State Government may require the Board to take at its cost such action as may be necessary to ensure a safe and sufficient outfall.

Power of the Board to improve, discontinue drains, etc.

64. Power of the Board under section 63 shall include the power to—

(a) enlarge, arch—over or otherwise improve any of its drains, or

(b) discontinue, close up or destroy any of its drains which in its opinion becomes useless or unnecessary, or

(c) construct any new drain in the place of an existing drain in any land wherein any of its drains has already been lawfully constructed, or repair or alter any drain so constructed :

Provided that—

- (i) if, in the exercise of any of its powers conferred by this section, it is proposed to demolish any house-drain, a written notice shall be served upon the owner of such drain; and
- (ii) if by reason of anything done under this section, any person is deprived of the lawful use of any drain, the Board shall as soon as possible, provide for his use some other drain as effectual as one which has been demolished, closed up or destroyed.

Power of the Board to carry its drains beyond the urban area for specific purpose.

65. (1) Where it is necessary for the purpose of outfall or discharge of sewage to carry any drains of the Board outside the urban area, the Board may do so—

- (i) through, across or under any street or any place laid out as or intended for street, and
- (ii) after giving reasonable notice in writing to the owner and occupier, into, through or under any land whatsoever or under any building.

(2) In the exercise of any power under this section, the Board shall cause as little damage as possible to any property and shall pay compensation to any person who sustains damage in consequence of the exercise of such power.

Communication of Board's drains with drains, lake, etc., beyond the urban area.

66. The Board may, if necessary, make its drains to communicate with or empty themselves into any public drain, lake, stream, canal or water-course outside the urban area and in so doing it may exercise throughout the line of country outside the urban area, through which the said drains are to run, all the powers which it might exercise under this Act if the said drains were to run entirely in the urban area.

Right of owner or occupier of premises to empty drain into drain of the Board.

67. The owner or occupier of any premises shall be entitled to cause his house-drain to empty into a drain of the Board, provided that, before doing so, he—

(a) obtains a written permission of the Managing Director and pays connection fee in accordance with the regulations, and

(b) complies with such condition as the Managing Director may specify as to the mode in which, and the superintendence under which, communications between house drains and the drains of the Board are to be made.

Connection with drains of the Board not to be made except in conformity with Section 67.

68. No person shall without complying with the provisions of Section 67 make or cause to be made any connection of a house drain with a drain of the Board.

Compulsory connections of house-drains with each other.

69. When a house drain belonging to one or more persons has been laid in a private street which is common to more than one premises, and the Managing Director considers, if desirable, any other premises should be drained into such drain, he may, by written notice, require the owner of such premises to connect his house-drain with such first-mentioned drain and the owner of such first-mentioned drain shall thereupon be bound to permit such connection to be made:

Provided that no such connection shall be made except upon such terms as may be provided by the regulations and until any payment which may be directed by the Managing Director in accordance with the regulations, has been duly made.

Power to enforce Drainage into premises.

70. When any premises are, in the opinion of the Managing Director, without sufficient means of effectual drainage, he may by written notice require the owner of the said premises—

(a) to make house-drain emptying into a drain of the Board ;

(b) to provide and setup all such appliance and fittings, as may appear to the Managing Director necessary for the purposes of gathering and receiving the drainage from, and conveying the same

off, the said premises and of effectually flushing such house-drain and every fixture connected therewith; or

(c) to remove any existing house-drain, or other appliance or thing used or intended to be used for drainage which is injurious to health;—

Provided that—

(i) in cases where the drain of the Board is beyond seventy meters from the premises the cost of constructing the portion of the house-drain beyond seventy metres from the premises shall be paid out of the fund of the Board; and

(ii) if the Managing Director is satisfied that the owner is unable to bear the whole or any part of the cost of constructing even the portion of the house-drain as is within seventy meters from the premises, he may, with the approval of the Board, direct that whole or such part of the cost be paid from the fund of the Board.

Provision of
Privy and
Urinal accom-
modation
in premises
where such
accommoda-
tion has not
been provi-
ded or is in-
sufficient.

71. Where any premises are without privy or urinal accommodation or if the Managing Director is of the opinion that the existing accommodation thereof available for the persons occupying or using the premises is insufficient, inefficient, or for sanitary reasons objectionable, the Managing Director may, notwithstanding anything contained in any law governing any Municipal Corporation or Municipal Board or Town Committee as the case may be, or in any rule or bye-law made thereunder, by written notice, requires the owner the such premises to

(a) provide such or such additional privy or urinal accommodation as he may specify, or

(b) make such structural or other alterations in the existing privy or urinal accommodation as he may specify, or

(c) substitute privy or urinal accommodation directly connected with a sewer for any service privy or service urinal accommodation, within ninety days of such requisition.

Cost of repair of privy payable out of the fund of the Board in certain cases.

72. When a notice has been issued under Section 71 in respect of any privy, urinal or group of privies or urinals and the Managing Director is satisfied that the owner of the land or building on or in which any such privy or urinal is situated is unable to pay the whole or part of the expenses of carrying out the work required by the notice, he may, with the previous approval of the Board, direct that such expenses or such portion thereof be paid out of the fund of the Board.

Power to the Managing Director to require repairs, etc., to be made to house-drain, etc.

73. (1) If any house drain, ventilation, shaft or pipe, cesspool, house gully, privy urinal or bathing or washing place in any premises is found on inspection and examination by the Managing Director or by any other officer authorised by him in this behalf to be not in good order or condition, or constructed in contravention of any of the provisions of this Act, or rule or byelaw made under the same, prevailing at the time of such construction, the Managing Director may by written notice require the owner of the premises—

(a) to close or remove the same or any encroachment thereupon, or

(b) to renew, repair, cover, re-cover, trap, ventilate, pave and pitch, flush, or cleanse or take such other action as he may think necessary in this regard.

(2) In any such case the Managing Director may forthwith and without notice—

(a) stop up or demolish any house drain by which sewage, offensive matter or polluted water is carried through, from, into or upon any premises in contravention of any of the provision of this Act or any regulation made thereunder, or

(b) clear, cleanse, or open out any house-drain which is choked, blocked or in any way obstructed, and all expenses incurred in so doing shall, in the discretion of the Managing Director, be paid by the owner or the occupier of the premises.

Regulations as to drains, privies and urinals.

74. Drains, privies and urinals and all appurtenances thereof shall be constructed, maintained, repaired, altered and regulated in accordance with such regulations as may be made.

Power of Managing Director to require occupier to carry out work in place of owner.

75. Under the provisions of this chapter and chapter IX, the Managing Director may require the owner of any premises to carry out any work, he may, if he considers it desirable so to do, require the occupier of the said premises to carry out such work and the occupier shall be bound to comply with the requisition:

Provided that except in the case of a special agreement to the contrary, such occupier may deduct the amount of the expenses reasonably incurred or paid by him in respect of such work from the rent payable to the owner or may recover the same from him in any court of competent jurisdiction: Explanation—An occupier who is a tenant shall be deemed to have given his written consent to any expenditure incurred for any work done in pursuance of chapter IX and X of this Act which amounts to an improvement.

Taking over by and vesting in the Board of other sewerage and drainage system.

76. (1) When the Board has taken any of the services relating to sewerage and drainage in any area under section 18 or is in a position to provide sewerage and drainage where there is no such service, the Board may, after serving at least three month's notice in such manner as may be provided by regulations, take over any independent sewerage or drainage system in the area belonging to—

(a) the State Government, on such terms and conditions as the State Government may determine, and

(b) any person, firm, corporation or other organisation, on payment of compensation calculated on the basis of the market value on the date of service of the notice of all the properties connected with such system.

(2) Notwithstanding anything to the contrary contained in the Assam Municipal Act 1956 and The Guwahati Municipal Corporation Act 1969, and any other Municipal Corporation Act which may come into force from time to time after the Board has taken over the Municipal services relating to water supply, drainage or sewerage in any area, any works constructed in any street within the area by any Development Authority constituted under Assam Town & Country Planning Act 1959, in the course of execution of any improvement or development scheme for providing water, sewerage or drainage facilities therein shall vest in the Board on and from the date of such street vests in the Municipal Corporation, Municipal Board or Town Committee, as the case may be.

CHAPTER XI

Prosecution and Penalty.

Prosecution

77. No court shall take cognisance of any offence under this Act or any rule or regulation made thereunder except on the complaint of an officer of the Board authorised by it in this behalf.

Penalty

78. Whoever contravenes the provision of this Act or of any rule or regulation made thereunder shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

CHAPTER XII

Miscellaneous.

Power to undertake survey

79. The Board may, for the purpose of carrying out its functions, undertake survey within and outside the urban area and for that purpose it shall be lawful for any officer of the Board—

- (a) to enter upon and take level of any land ;
- (b) to dig or bore into the sub-soil ;
- (c) to mark levels and boundaries by placing marks and cutting trenches ; and
- (d) where other wise the survey cannot be completed and levels taken and boundaries marked, to cut down and clear away any part of any standing crop, fence or jungle ;

Provided that before entering upon any land the Board shall give notice of its intention to do so in such manner as may be provided by regulations.

Powers to the Board to place and maintain pipes, drains etc.

80. The Board may from time to time place and maintain pipes, drains and other installations upon, along, across or under any immovable property and enter upon such property for such purpose and for the purposes of examining, repairing, altering or removing such pipe, drains and installations ;

Provided that the Board shall not acquire any right other than that of user only in the property upon, along, across or under which the Board place the pipes, drains and other installations :

Provided further that before commencing any operation under this section, the Board shall give notice of its intention to do so in such manner as may be provided by regulations.

Payment for damage

81. While exercising any power conferred upon the Board under Section 79 and 80, the Board shall cause as little damage as possible to any property, and shall pay compensation to all persons interested in any such property, not being a property of the State Government, for any damage sustained by them in consequence of the exercise of such power.

Power to acquire land compulsorily

82. The Board may for the purpose of carrying out its functions under this Act, with the previous sanction of the State Government, compulsorily acquire any land with or without structure thereon under the provisions of any law for the time being in force authorising such acquisition.

Transfer of land to the Board.

83. When any land has been acquired in pursuance of Section 82, the collector within whose jurisdiction the land is situated shall, upon payment of the cost of acquisition, make over charge of land to the Board, and the land shall thereupon vest in the Board, subject to the liability of the Board to pay any further cost which may have been incurred on account of its acquisition.

Conditions of service of officers and employees.

84. Subject to the provisions contained in Section 8, for all appointments under the said section the method of recruitment, qualifications, pay and other terms and conditions of service shall be such as may be Provided by regulations.

Officer and employees to be subordinate to the Managing Director.

85.(1) All officers and employees of the Board shall be subordinate to the Managing Director.

(2) Any officer or employee aggrieved by an order or decision of the Managing Director or any other officer authorised by the Managing Director in this behalf inflicting punishment on him, may appeal to the Board and the decision of the Board thereon shall be final.

Delegation of Powers.

86 The exercise of any power delegated under this section shall be subject to such restriction and conditions as may be specified in the order and also to control and revision by the Government or by such officer as may be empowered by the Government in this behalf or, as the case may be, by the Board or such officer as may be empowered by the Board in this behalf.

Powers of Managing Director as to the Institution, composition, etc. of legal proceedings and obtaining legal advice.

87. The Managing Director may, subject to the control of the Board—

(i) institute, defend or withdraw from legal proceedings instituted under this Act or any rules made thereunder ;

(ii) compound any offence against this Act or any rules made thereunder which, under any law for the time being in force or the rules prescribe by the Government may lawfully be compounded ;

(iii) admit, compromise or withdraw any claim made under this Act or any rules or byelaws or schemes made thereunder ; and

(iv) obtain legal advice and assistance as may from time to time, think necessary or expedient to obtain, or as may be desired by the Board to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vested in or imposed upon the Board or any officer or employee of the Board.

Power of the Government to issue orders and directions to the Board.

88. The Government may issue to the Board such order and directions as in their opinion are necessary or expedient for carrying out the purposes of this Act and the Board shall give effect to all such orders and directions.

Adjudication of disputes between the Board and Local Authorities.

89. (1) When a dispute exists between the Board and one or more other local authority or among local authorities in regard to any matter arising under the provisions of this Act, and the State Government are of the opinion that the parties are unable to settle it amicably among themselves, they may take cognizance of the dispute and decide it themselves.

(2) The decision of the State Government thereon shall be binding on the Board and the local authorities concerned and shall not be liable to be questioned in any court of law.

Effect of other laws.

90. Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in it, any other law for the time being in force or any custom, usage or contract or decree or order of a court or other authority, and the provisions which do not suffer from any such incon-

sistency shall be in addition to and not in derogation of any other law for the time being in force.

Notice of
Suit Against
Board etc.

91. No suit shall be instituted against the Board, or any Director, or any officer or employee of the Board, or any person acting under the direction of the Board, or of the Chairman or Managing Director or any officer or employee of the Board, in respect of any action done or intended to be done under this Act or any rule or bye-law or scheme made thereunder until the expiration of sixty days next after written notice has been delivered or left at the Board's office or the place of abode of such officer, employee or person, stating the cause of action, the name and place of abode of the intending plaintiff, and the relief which he claims, and the plaint must contain a statement as to whether such notice has been so delivered or left.

Compensation to be
paid by Offenders for
Damage caused by
them.

92. (1) When any person is convicted of any offence under this Act or any rule or bye-law or scheme made thereunder, the magistrate convicting such person may, on application made in this behalf by the Board or by its officer or employee authorised by it in this behalf, call upon such person forthwith to show cause as to why he should not pay compensation to the Board for damage caused by the commission or omission in respect of which he is convicted.

(2) The Magistrate shall record and consider any cause which such person may show and if the magistrate, after making such enquiry as he may think fit, is satisfied that such person is liable to pay compensation, may direct that a sum, not exceeding one thousand rupees as he may determine, be paid by such person as compensation to the Board.

(3) The amount of compensation directed to be paid under sub-section (2), shall if it be not paid forthwith, be recovered as if it were a fine imposed by the magistrate on such person.

Prohibition
of removal
of mark.

93. No person shall remove any mark placed, or fill up any trench cut, for the purpose of marking levels and boundaries by the Board under the provisions of this Act.

Mode of re-
covery of
dues.

94. (1) If any amount due to the Board in accordance with the terms of a contract or otherwise or any sum payable in connection therewith, or any dues referred to in Section 44 of this Act, has not been paid by the person liable for payment of the dues within thirty days from the service of notice of demand, such sum together with all costs and penalties, if any, may be recovered under a warrant issued in the form to be prescribed by distress and sale of the movable property or the attachment and sale of the immovable property of the defaulter.

(2) where the property is in the urban area, the warrant shall be addressed to an employee of the Board and where the property is outside the urban area, to the collector of the district concerned, who shall proceed to collect it as arrear of land revenue:

Provided that the employee to whom the warrant is addressed may endorse such warrant to a subordinate employee.

(3) For every warrant issued under this section, a fee shall be charged at the rates to be prescribed by the Board and the amount of the said fee shall be included in the cost of recovery.

Authenti-
cation of
orders and
other instru-
ments of
the Board.

95. (1) All orders and decision of the Board shall be authenticated by the signature of the Secretary or any officer of the Board authorised in writing by the Board in this behalf.

(2) The Managing Director or any officer of the Board authorised in writing in this behalf may sign on behalf of the Board any agreement or other instrument to be executed on behalf of the Board.

Stamping
signature on
Notice
or Bills.

96. Every notice or bill which is required by this Act or by any rule or bye-law made thereunder to bear the signature of the Managing Director or any other Director or of any officer or employee of the Board, shall be deemed to be properly signed if it bears the facimile of the signature of the Managing Director or such other Director or such officer or employee as the case may be stamped thereupon.

Protection
of action
taken in
good faith.

97. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is, in good faith, done or intended to be done in pursuance of this Act or any rule or order or scheme made thereunder.

(2) No suit or other legal proceedings shall lie against the Government, the Board or any committee thereof, for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or order or scheme made thereunder.

Officers and
employees
of the Board
to be public
employees.

98. All officers and employees of the Board and any person entrusted with the execution of any function under this Act, shall be deemed to be public employees within the meaning of section 21 of the Indian penal Code (Central Act XLV of 1960).

The Board
to be a Local
Authority
under cen-
tral Act I
of 1894 and
central Act
19 of 1914.

99. The Board shall be deemed to be a local authority for the purposes of the Land Acquisition Act 1894 (Central Act I of 1894) and the Local Authorities Loans Act, 1914 (Central Act IX of 1914).

Duties of
Local Bodies
to assist.

100.(1) All Local Bodies shall render such help and assistance and furnish such information to the Board and shall make available for its inspection and examination and if necessary, preparation of copies from such records, maps, plan and other documents, as it may require to discharge its function under this Act.

(2) Without prejudice to the provisions of sub-section (1), every local body shall on demand make available free of cost, certified copies or extracts from assessment lists and other relevant documents in connection with assessment of annual value of premises and levy of taxes, fees and charges.

(3) Without prejudice to other provisions of this Act and notwithstanding anything contained in any other law for the time being in force, the State Government may give to any local body such direction as in its opinion may be necessary or expedient for enabling the Board to perform its functions under this Act and thereupon it shall be the duty of the local body to comply with such directions.

Local Authorities not to sanction building plan unless plan relating to water supply etc. is in conformity with bye-laws.

101. All building plans submitted to a Municipal Corporation, Municipal Board, Town Committee or Development Authority for sanction shall conform to the bye-laws of the Board relating to water supply, drainage, privy and urinal accommodation within the premises and no building plan shall be sanctioned by the authorities of any Municipal Corporation, Municipal Board, Town Committee or Development Authority, unless the same so conforms.

Determination of the value of vested properties.

102. (1) The value of all properties and assets vested under Section 18 shall, after notifying the date and time for the purpose and allowing an opportunity of being heard to the local authorities or others concerned, shall be determined by the Board, and such determination shall be final subject to an appeal which may be preferred within thirty days from the date of such determination to such judicial officer of the State Government not below the rank of a District Judge and in such manner as may be prescribed.

(2) The value so determined under sub-section (1) shall be entered in the Books of the Board as the value on the date of transfer.

Power of
entry.

103. It shall be lawful for the Managing Director or any officer authorised by him in this behalf to enter into or upon any land or building within the urban area with or without assistants or workmen in order to make any enquiry, inspection, measurement or valuation, or to execute any work which is authorised by or under this Act or which it is necessary to execute for any of the purposes or in pursuance of any of the provisions of this Act or of any rule or regulation made thereunder ;

Provided that before entering upon such land or building, notice of the intention to do so shall be given to the owner or occupier or both in such manner as may be provided by regulations.

Power of
inspection
and exam-
ination

104. (1) The Managing Director or an officer authorised by him in this behalf may—

(a) inspect and examine any house-drain, ventilation shaft or pipe, cess-pool, house-gully, privy, urinal or bathing or washing place existing in, or any pipe, tap, fitting or meter for supply of water to, any premises ; and

(b) if necessary for the purpose of such inspection and examination, cause the ground or any portion of any house-drain or other work exterior to a building or any portion of a building to be opened, brokenup or removed :

Provided that in the prosecution of any such inspection and examination as little damage as possible shall be done.

(2) Any ground or any portion of any house drain or other work exterior to a building or any portion of a building opened, brokenup or removed under clause (b) of sub-section (1) shall be filled in, re-instated and made good by—

(a) the owner of the premises at his own cost where the works or things mentioned in clause (a) of sub-section (1) are found on inspection and examination to be not in good order or condition or

constructed in contravention of any of the provisions of this Act or any regulation made thereunder, or of any other Act, or rule or bye-law made under the same, prevailing at the time of such construction, and

(b) the Board, in other cases.

(3) Where the owner of any premises raises any dispute as to the existence of any of the circumstances referred to in clause (a) of sub-section (2) he may, within thirty days from the date of inspection and examination, make a written representation to—

(a) the Managing Director, in cases where the inspection and examination is done by any officer of the Board other than the Managing Director, and

(b) the Board, in other cases, and the decision of the Managing Director or the Board as the case may be, shall be final.

Power of Board and Managing Director to enforce requisition or order.

105. (1) When any requisition or order is made under any of the provisions of this Act or any regulation made thereunder by a written notice issued by the Board or the Managing Director, a reasonable period shall, unless otherwise provided for under such provision, be specified in such notice for carrying such requisition or order into effect, and a reasonable period shall also be specified therein within which any written objection thereto shall be received by the Managing Director.

(2) Such written objection, if any, shall be heard and disposed of by the Managing Director after giving notice to the objector and the order of the Managing Director thereon shall be final.

(3) If the requisition or the order is not complied with within the period specified in the notice or, if an objection has been preferred and disallowed, within such extended time as may be specified in the order of disposal of the objection, the Managing Director may take such measure or cause such works to be executed or such things to be done as may, in his opinion, be necessary for giving due effect to the requisition or the order so made, and unless it is otherwise expressly provided in this

Act or in any regulation made thereunder, the expenses thereof shall be paid by any one of the persons to whom such requisition or order was addressed and shall be recoverable as arrears of water-charge.

(4) The Managing Director may take any measure under sub-section (3), whether or not the person who has failed to comply with the requisition or order is liable to punishment or has been prosecuted or sentenced to any punishment under this Act or any regulation made thereunder for such failure.

Compensation.

106. (1) The compensation payable under Sections 62, 65, 76 and 81 shall be determined by the Managing Director or any other officer authorised by him in this behalf in such manner as may be prescribed; provided that where the amount of claim exceeds rupees twenty-five thousand, the Managing Director shall refer the claim to the Board which shall then determine compensation in such manner as may be prescribed.

(2) Where several persons claim to be entitled to the compensation, the Board, the Managing Director or the officer, as the case may be, determining the amount of compensation under sub-section (1) shall determine the persons who in its or his opinion, are so entitled and apportion the amount among them.

(3) Determination of the amount of compensation under sub-section (1) and of persons entitled thereto and apportionment thereof under sub-section (2) shall, subject to appeal as hereinafter provided, be final.

Appeal.

107. (1) Any person aggrieved by an order of the Managing Director or the officer determining the annual value of any land or building under Section 46 or by an order of the Board, the Managing Director or the officer, as the case may be, determining the amount of compensation under sub-section (1) of Section 106 or determining the persons entitled thereto or apportioning the amount thereof

under sub-section (2) of the said section may, within sixty days from the date of such order, prefer an appeal to such authority as may be appointed by the State Government by notification.

(2) No person shall be appointed under sub-section (1) as an authority to hear appeals unless he is or has been a judicial officer for at least 10 years.

(3) Appeals under sub-section (1) shall be filed and heard in such manner as may be prescribed.

Prohibition
of obstruction.

108. (1) No person shall, in any way, obstruct any Director, officer or employee of the Board in the discharge of any duty or the exercise of any power under this Act.

(2) No person shall obstruct any person with whom the Board has entered into a contract, in the performance or execution by such person of his duty under, or in doing anything which he is empowered to do by virtue of, or in consequence of, this Act or any rule or regulation made thereunder.

Repeal and
amendment.

109. With effect from the date of vesting in the Board of any of the services of water supply, sewerage and drainage in any area, the provisions of the Assam Municipal Act, 1956 or the Guwahati Municipal Corporation Act, 1969 or any other Act for the time being in force relating to such services shall stand repealed in the area.

Duties of
Police Officers.

110. (1) It shall be the duty of every Police Officer—

- (a) to co-operate with the Board for carrying into effect and enforcing the provisions of this Act or any rule or regulation or scheme made thereunder;
- (b) to communicate without delay to the proper officer or employee of the Board any information, which such police officer received, of a design to commit, or of the commission of, any offence against this Act or any rule or regulation or scheme made there under; and

(c) to assist the Board or any officer or employee of the Board reasonably demanding the aid of such police officer for the lawful exercise of any power vesting in the Board or any such officer or employee under this Act or any rule or regulation or scheme made thereunder.

(2) Any police officer who omits or refuses to perform any duty imposed on him by this Act, shall be deemed to have committed the offence under the relevant provisions of Assam Police Act.

(3) The State Government may empower any officer or staff or any class of officer or staff of the Board to exercise the powers of a police officer for the purposes of this Act.

Arrest of offenders.

111. (1) Any police officer not below the rank of a head constable, may arrest any person who commits in his presence, any offence against this Act or any rule or regulation or scheme made thereunder, if the name or address of such person be unknown to him and if such person on demand declares to give his name or address, or gives a name or address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained or for any longer time than is necessary for bringing him before a magistrate and in no case shall such detention exceed twenty-four hours from the time of arrest without the orders of a magistrate.

Offences by Companies.

112. (1) If the person committing an offence under this Act is a Company, every person, who at the time the offence was committed was in-charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this section shall render any such person liable to any punishment

provided in this Act, if he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act, has been committed by a company, and it proved that the offence had been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be proceeded against and punished accordingly.

EXPLANATION.—For the purposes of this section,—

- (a) 'Company' means a body corporate and includes a firm or other association of individuals; and
- (b) 'director' in relation to a firm means a partner in the firm.

Emergency
powers
of
Managing
Director.

113. The Managing Director may, in cases of emergency, direct the execution of any work or the doing of any Act which requires the sanction of the Board if the immediate execution or the doing of which is, in his opinion, necessary service or safety of the public and may also direct that the expenses of executing the work or of doing the act shall be paid from the funds of the Board:

Provided that,—

(a) he shall not act under this section in contravention of any direction of the Board or Government prohibiting the execution of any particular work or the doing of any particular act.

(b) he shall report the action taken by him under this section and the reasons thereof to the Board at its next meeting and shall also submit a copy of his report to the Government and the Board or the Government as the case may be, may issue such directions as it or they may deem fit on such report.

Revision.

114. (1) The Government may call for the records of any proceeding of the Board or any officer subordinate to the Board for the purposes of satisfying itself as to the legality or propriety of any order or proceedings and may pass such order with respect thereto as it thinks fit.

(2) The Board may call for the records of any proceedings of any officer subordinate to it for the purpose of satisfying itself as to the legality or propriety of any order or proceedings and may pass such order with respect thereto as it thinks fit.

(3) No order under sub-section (1) or sub-section (2) shall be made to the prejudice of any person unless he has had a reasonable opportunity of being heard.

CHAPTER XIII

Rules and Regulations :

Power to
make rules.

115. (1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters expressly required or allowed by this Act to be prescribed ;

(b) the qualifications for appointment of, and the grant of leave of absence to, the Vice-Chairman and the Managing Director of the Board ;

(c) the conditions of service of the Vice-Chairman, the Managing Director and the non-official directors including the payment of any honorarium or sitting fees for attending the meeting of the Board and any other allowances and the manner of filling casual vacancies in the office of the non-official directors of the Board ;

(d) the functions of the Board;

(e) the conditions for the acquisition, transfer, etc., of any property by the Board;

(f) the mutual relationship of the Board and other local authorities in any matter in which they are jointly interested;

(g) the manner of operation of funds by the Board;

(h) the borrowing and lending of money by the Board;

(i) the form and manner and the time limit for the submission of statistics and returns by the Board to the Government;

(j) the manner in which the accounts of the Board will have to be published;

(k) the rights, privileges and authority of auditors appointed under this Act;

(l) the officer before whom an appeal may be preferred and the manner of doing so under sub-section (1) of Section 102;

(m) the manner of determining annual value under Section 46;

(n) the public health standards of water-supply under sub-section (1) of Section 53;

(o) the manner of determining compensation under sub-section (1) of Section 106;

(p) the manner of filing and hearing of appeals under sub-section (3) of Section 107;

(3) All rules made under this Act shall be published in the Official Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

Power to
make regu-
lations or
bye-laws.

116. (1) The Board may by notification make regulations or bye-laws not inconsistent with this Act, and the rules made thereunder, for the purpose of giving effect to the provisions of this Act.

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

- (a) all matters expressly required or allowed by this Act to be prescribed by regulations ;
- (b) terms and conditions of appointment and service and the scales of pay of officers and employees of the Board including the payment of travelling and daily allowances in respect of journeys undertaken by such officers and employees of the Board ;
- (c) the supervision and control over the acts and proceeding of the officers and employees of the Board and the maintenance of discipline and conduct among the officers and employees of the Board ;
- (d) the procedure in regard to the transaction of business at meetings of the Board including the quorum ;
- (e) the purpose for which and the manner in which temporary association of persons may be made ;
- (f) the duties, functions and terms and conditions of service of the members of the Committees ;
- (g) the duties, functions and the powers of the Chairman, Vice-Chairman, the Managing Director, the Secretary, the Chief Engineer, the Chief Accounts Officer and other officers of the Board ;
- (h) the manner and the form in which a sinking fund, a depreciation reserve fund and a development fund shall be constituted ;

- (i) the manner and the form relating to the maintenance of the accounts of the Board;
- (j) the terms and conditions for supply of water for domestic and other purposes;
- (k) the installation of meters or the transfer of their connection, and their use, maintenance, testing, disconnection and reconnection, the fees the rent and other charges in respect thereof, including the furnishing of security by the consumer and matters connected therewith;
- (l) the manner of notifying the rates of water charge, surcharge and tax under sub-section (2) of Section 44;
- (m) the manner of determining consumption of water under sub-section (2) and (3) of Section 48;
- (n) the time, place and manner of Payment of taxes, fees, charges and surcharges under sub-section (1) of Section 52;
- (o) the rules for making, maintaining and regulating connections for the supply of water and fees for connection and reconnection under Section 54;
- (p) the conditions for sinking tube wells under Section 59;
- (q) the procedure for obtaining and the granting of written permission and the payment of connection fee referred to in clause (a) of Section 67;
- (r) the terms and the amount payable for compulsory connection of house-drains under the proviso to Section 69;
- (s) the rules for construction, maintenance, etc., of drains, privies and urinals under Section 74;

- (t) all matters in connection with investigation, construction, maintenance and repair of any water works, sewerage system and drainage system or for such systems contingent upon them;
- (u) any other matter which may be or is required to be provided by regulations under this Act.
- (3) No regulation/bye-law or its cancellation or modification shall have effect until the same shall have been approved by the Government.
- (4) The Government may, by notification, rescind any regulation made under this section and thereupon, the regulation shall cease to have effect.

CHAPTER XIV

Transitory provisions.

117 (1) Any water-tax or drainage-tax imposed by the local body concerned in respect of any urban area before the appointed day, and any notification, notice, order, direction, rule, bye-law or form in relation to such tax or to the provision of water-supply or sewerage or drainage services immediately before the appointed day, including any assessment or order or order for exemption of connection, disconnection or reconnection made or granted, or penalty imposed in respect of the owner or occupier of any premises, or any licence issued to a plumber, or any order made in connection therewith, under any provision of law applicable to the local body having jurisdiction over the urban area, and in force until other provision or order is made or other proceedings or action taken under this Act by the Board for imposition or assessment of such tax or for grant or such licence or connection or provision of such services, and reference in such notification, notice, order, direction, rule, bye-laws, or licence to the local body concerned, shall be construed as a reference to the Board and in particular the proceeds of such taxes and fees shall go into the Board's fund instead of the fund of the local body concerned

(2) All proceedings for acquisition of land in connection with any water-supply or sewerage or drainage services or sewage farm initiated by or at the instance of any local body or the State Public Health Engineering Organisation before the appointed day under the Land Acquisition Act, 1894, or any other law shall continue from the stage at which they are pending on the appointed day, and the Board shall be substituted for such local body or the State Public Health Engineering Organisation, as the case may be, and those proceedings shall be deemed to be for the benefit of the Board, and all liabilities in respect thereof shall fall on the Board.

K. LASKAR,

Joint Secy. to the Govt. of Assam,
Legislative Department.