

অসম



ৰাজপত্ৰ

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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No. 81 Dispur, Saturday, 28th February, 2009, 9th Phalguna, 1930 (S.E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

NOTIFICATION

The 27th February, 2009

No.LGL.102/2008/95 :- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. X OF 2009

(Received the assent of Governor on 19th February 2009)

**THE GUWAHATI METROPOLITAN DRINKING WATER AND
SEWERAGE BOARD ACT, 2009**

AN

ACT

Preamble

to provide for provisions of continuous and uninterrupted, hygienic, piped drinking water, and to promote hygienic environment for public by removing and treating waste water and sewerage in the Guwahati Metropolitan Area.

Whereas it is expedient to provide for the establishment of **The Guwahati Metropolitan Drinking Water and Sewerage Board** for the execution of the projects, development and maintenance of Drinking Water and Sewerage Schemes, and for constitution of **Guwahati Water Regulatory Authority** for consumer protection, regulation of tariff of water supply and sewerage in the Guwahati Metropolitan Area;

It is hereby enacted in the Sixtieth Year of the Republic of India as follows:-

CHAPTER- I

Preliminary

Short title, extent
and
commencement

1. (1) This Act may be called the Guwahati Metropolitan Drinking Water and Sewerage Board Act, 2009.
- (2) It extends to the whole of the Guwahati Metropolitan area.
- (3) It shall come into force on such date as the Government may, by notification, appoint.

Definitions

2. (1) In this Act, unless the context otherwise requires,-

(a) "**Board**" means the Guwahati Metropolitan Drinking Water and Sewerage Board constituted under section 3 of this Act;

(b) "**Board of Directors**" means the Board of Directors constituted under section 3 (4) of this Act;

(c) "**Central Ground Water Board**" means the Central Ground Water Board constituted under Section 3(3) of the Environment (Protection) Act, 1986;

(d) "**charges**" includes any rates, tariff, duty, cess, deposits, rentals, surcharge, development charges or any other charges levied by the Board under this Act;

Central
Act No. 29
of 1986

(e) **"Government"** means the State Government of Assam in the Guwahati Development Department;

(f) **"Guwahati Metropolitan area"** means the Area covered under the Guwahati Metropolitan Development Authority Act, 1985, as amended from time to time;

Assam Act
No. XX of
1985

(g) **"internal pipe"** means the pipe which is laid within the premises of the consumer to deliver water to consumption points;

(h) **"Licensed Plumber"** means a plumber who has been temporarily permitted to operate as licensed plumber in any area of the Board or by any erstwhile body substituted by the Board and will include a licensed plumber who will be licensed by the Board in accordance with the regulations made in this regard;

(i) **"local authority"** means Guwahati Municipal Corporation and Guwahati Metropolitan Development Authority constituted under the Guwahati Municipal Corporation Act, 1969, Guwahati Metropolitan Development Authority Act, 1985 respectively and any other Authority, Board etc. constituted by the State Government;

Assam Act
No. 1 of 1973

Assam Act
No. XX of
1985

(j) **"mains"** means a pipe laid for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe;

(k) **"Managing Director"** means the Managing Director appointed under section 9 of this Act;

(l) **"Municipal Corporation"** means the Guwahati Municipal Corporation established under Section 3 of the Guwahati Municipal Corporation Act, 1969 and includes any successor body or bodies thereto;

Assam Act
No 1 of 1973

(m) **"occupier"** means,- (i) any person who for the time being is paying or is liable to pay to the owner, the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;

(ii) an owner in occupation of, or otherwise using the land or building;

(iii) a rent free tenant of any land or building;

(iv) a licensee in occupation of any land or building;

(v) any person who is liable to pay to the owner damages for the use and occupation of the land or building;

(n) **"owner"** includes a mortgagee in possession, a person who for the time being is receiving or is entitled to receive, or has received, the rent or premium for any land whether on his account or on account of or on behalf of, or for the benefit of, any other person or as an agent, trustee, guardian or receiver for any other person or for any religious or charitable institution or who would so receive rent or premium or be entitled to receive the rent or premium if the land were let out to a tenant; and also includes the Head of a Department or an undertaking of the Central or a State Government, the General Manager of the Railways, the Secretary or other principal officer of a local authority, statutory authority or company in respect of properties under their respective control;

(o) **"Regulations"** means the Regulations made by the Board under this Act;

(p) **"Regulatory Authority"** means the Guwahati Water Regulatory Authority constituted under section 20 of this Act;

(q) **"Rules"** means the Rules made by the State Government under this Act;

(r) **"Service pipe"** means so much of any pipe for supplying water from a main to any premises up to the meter installed in the said premises;

(s) **"sewer"** means a closed conduit for carrying off sewage, sullage, rain water, polluted water, waste water or sub-soil water;

(t) **"shed"** means a slight or temporary structure for shade or shelter;

(u) **"State"** means the State of Assam;

(v) **"supply pipe"** means so much of any service pipe as is not a communication pipe;

(w) **"trade premises"** means any premises used or intended to be used for carrying on any trade, industry or for any commercial purposes;

(x) **"trade refuse"** means the refuse of any trade or industry;

(xa) **"trunk main"** means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk from the part of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk;

(xb) "Water fittings" includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water.

(2) All words and expressions used in this Act and not defined, but defined in the Guwahati Municipal Corporation Act, 1969, and the Guwahati Metropolitan Development Authority Act, 1985 and other related Acts shall have the meanings respectively assigned to them in those Acts.

Assam Act
No 1 of 1973

Assam Act
No XX of
1985

CHAPTER - II

Establishment of the Board

Constitution and
composition of the
Guwahati Metropolitan
Drinking Water and
Sewerage Board

3. (1) The Government shall, as soon as may be after the commencement of this Act, by notification, constitute a Board by the name of "The Guwahati Metropolitan Drinking Water and Sewerage Board" for the proper and effective operation, implementation, maintenance, augmentation and expansion of the water supply and sewerage services in the Guwahati Metropolitan Area.

(2) The Board shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this Act and the rules made there under, to acquire, hold and dispose of property, and enter into contracts, and shall by the said name sue and be sued.

(3) For the purposes of this Act and the Land Acquisition Act, 1894, the Board shall be deemed to be a local authority.

Central Act
1 of 1894

(4) (a) The Board shall consist of the following members:-

- (i) The Minister in-charge of the Guwahati Development Department shall be the Chairman;
- (ii) The Mayor, Guwahati Municipal Corporation shall be the Vice Chairman;
- (iii) Secretary to the Government of Assam, Finance Department, shall be the Ex-officio Director;
- (iv) Secretary to the Government of Assam, Guwahati Development Department, shall be the Ex-officio Director;
- (v) Secretary to the Government of Assam, Public Health Engineering Department, shall be the Ex-officio Director;
- (vi) Commissioner, Guwahati Municipal Corporation, shall be the Ex-officio Director;
- (vii) Chief Executive Officer, Guwahati Metropolitan Development Authority, shall be the Ex-officio Director;

(viii) Managing Director, Guwahati Metropolitan Drinking Water and Sewerage Board, shall be the Ex-officio Director of the Board.

- (b) No act done by the Board shall be called in question on the ground only of the existence of any vacancy or any defect in the constitution of the Board.
- (c) In absence of the Chairman, the Vice Chairman shall carry out the duties and responsibilities of the Chairman. In the absence of both, the Chairman or the Vice Chairman can depute in writing any one of the Directors to carry out the functions of the Chairman during the period of such absence.

Non-participation of a member if he holds interest in any firm, etc.

4. (1) If the Board has entered into or is considering entering into any contract or agreement with any firm or company in which a member holds any share or interest, he shall disclose the fact and nature of such interest and he shall not be entitled to participate in any decision of the Board relating to such contract or agreement.

(2) Every disclosure referred to in sub-section (1) shall forthwith be recorded in the minutes and communicated to the Government, and the Government may thereupon give such direction as it may deem proper.

Disqualifications of Director other than the Managing Director

5. (1) No person shall be a Director of the Board who, —

- (a) is, or at any time has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or
- (b) is, of unsound mind and stands so declared by a competent Court, or
- (c) is, or has been convicted of an offence which, in the opinion of the Government involves moral turpitude, or
- (d) is, or at any time has been convicted of an offence under this Act, or
- (e) has directly or indirectly by himself or any partner, any share or interest in any firm or company carrying on the business of manufacture, sale or hire of machinery, plant, equipment, apparatus or fittings for the treatment of water or sewage or trade effluents, or
- (f) has so abused in the opinion of the State Government his position as a Director, as to render his continuance on the Board detrimental to the interest of the general public.

(2) No order of removal shall be made by the State Government under this section unless the Director concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in section 3(4) (a), a Director who has been removed under this section shall not be eligible for his re-nomination as a Director.

Vacation of seats by Directors

6. If a Director of the Board becomes subject to any of the disqualifications specified in section 5, his seat shall become vacant and shall remain so till the next incumbent joins in the substantive post.

Authentication of orders and other instruments of the Board

7. All orders and decisions of the Board shall be authenticated by the signature of the Secretary or any other Director authorized by the Board in this behalf and all other instruments issued by the Board shall be authenticated by the signature of such Officer of the Board as may be authorized by the Board in this behalf.

Meetings of the Board

8. (1) The Board shall hold ordinary meetings at such intervals as may be provided in the regulations and a meeting may be convened by the Chairman at any other time for the transaction of urgent business.

(2) The number of Directors necessary to constitute a quorum at a meeting and the procedure to be followed, shall be such as may be provided in the regulations.

Appointment of staff

9. (1) State Government shall appoint a Managing Director in charge of the operations and maintenance on such terms and conditions as may be prescribed.

(2) The Board may appoint a Standing Counsel to assist advice and defend the Board in all causes involving the Board.

(3) The Board shall appoint a Secretary to assist the Chairman/Vice Chairman and other Directors of the Board.

(4) The Board shall upon such terms and conditions as may be prescribed by the regulations, appoint a Chief Technical Officer for Water Supply, a Chief Technical Officer for Sewerage, a Chief Accounts Officer for Finance and Budget and such other officers and employees as may be required to enable the Board for carrying out the functions under this Act.

(5) The Board shall engage qualified persons to be act as consultants to the Board and pay them such remuneration as it may think deem proper.

(6) All posts in the Board shall be created with prior concurrence of Finance Department, Government of Assam.

Powers and Functions of the Board

10. (1) The Board shall be responsible for the effective and complete implementation of the objects of this Act and shall in this direction exercise all such powers within the parameters envisaged under this Act.

(2) It shall be the duty of the Board to provide for,-

(i) the supply of potable water as per CPHEEO standard, including planning, design construction, maintenance, operation and management of water supply system; and

- (ii) sewerage, sewage disposal and sewage treatment works including planning, design, construction, maintenance, operation and management of all sewerage and sewage treatment works in the Guwahati Metropolitan area;
- (iii) plan for, regulate and manage the exploitation of ground water in Guwahati in consultation with Central Ground Water Authority and also give advice in this regard to the Guwahati Municipal Corporation, the Army Cantonment Area or any other local authority, with the prior approval of the State Government;
- (iv) promote measures for conservation, recycling and reuse of water;
- (v) if so directed by the Government, take over and carry out any functions relating to the management and regulation of sewerage and ground water of any area, hitherto being carried out by any Government departments, local authorities or agencies;
- (vi) collect, treat and dispose-of sewage from any part of Guwahati and carry out works connected with sewerage, sewage treatment and sewage disposal including the planning, design, construction, operation and maintenance of works relating thereto; Provided that, unless otherwise directed by the State Government, the Board shall collect sewage only in bulk from the areas falling within the jurisdiction of Guwahati Cantonment area, Military Engineering Services;
- (vii) take up or promote any other measures necessary for or ancillary to the functions of the Board laid down under this Act, including negotiations with other Boards or similar authorities, or the Central or any State Government, and entering into agreement with them, or the formulation and implementation of schemes, or research and development works with the approval of the State Government;
- (viii) the Board may with the prior approval of the State Government, entrust any of the tasks and functions referred to in this section to a local authority, limited company, registered society, research institute or government undertaking, including provision for private investment in any works thereof including ownership of the facility for operation and maintenance, on such terms and conditions as may be approved by the Board;
- (ix) make provision for unfiltered water supply;
- (x) notwithstanding anything contained in this Act, the Board shall exercise all such powers as may be necessary for complete and effective implementation of this Act;
- (xi) the Board shall evaluate the performance of all the employees including the Managing Director appointed under section 9 of this Act and submit a report to the State Government.

Power of the Board to delegate its power to an officer of the Board

11. The Board may by order direct that any power conferred or duty imposed on it under this Act shall in such circumstances and under such conditions, if any, as may be specified in the order, be exercised and performed also by any officer of the Board, as specified in the order.

General Principles of Board's Finances

12. For carrying on its operations under this Act the Board shall levy rates, fees, charges as water and sewerage tariffs and may vary tariffs from time to time as may be approved by Regulatory Authority in order to provide sufficient revenues,-

(a) to cover operating expenses, including costs of electricity, chemicals etc. taxes and interest payments and to provide for adequate maintenance and depreciation;

(b) to meet repayments of loans and other borrowings, if any;

(c) to finance normal year to year improvements;

(d) to provide for further capital works as are necessary from time to time; and

(e) to provide for the salaries, allowances and remuneration of the staff and all other administrative and personnel expenditure of the Board;

(f) to provide for the cost of such other purposes beneficial for the extension of water supply and construction of sewerage and sewage treatment works in the Guwahati Metropolitan area as the Board may determine from time to time.

Annual Plan

13. (1) In February of each year, the Board shall submit to the Government the estimated capital and revenue receipts and expenditure, proposed revision of tariff, if any, for the ensuing year.

(2) The said statement shall include a statement of the salaries and allowances of Directors, officers and employees of the Board and such other items of expenditure and particulars as may be prescribed by Regulations.

(3) The Board may, at any time during the year in respect of which a statement under subsection (1) has been submitted, submit to the Government a supplementary statement and all the provisions of this section shall apply to such statement as they apply to the statement under the said sub-section.

Grants and loans to the Board

14. (1) The Government may make grants to the Board for the purpose of carrying out the objects of this Act on such terms and conditions as the Government may determine.

(2) The Government may, from time to time, advance loans to the Board for the purposes of this Act on such terms and conditions as the Government may determine.

- Powers of the Board to borrow**
15. (1) The Board may, from time to time, and on such terms and conditions with the previous sanction of the Government, subject to the provisions of this Act, borrow any sum required for the purposes of this Act.
- (2) The amount which the Board may at any time raise as loan under sub-section (1) shall be fixed by the Government by notification issued in this regard.
- Guarante of Loans**
16. The Government may guarantee in such manner as they think fit the payment of the principal or interest or both of any loan proposed to be raised by the Board under section 15 of the Act.
- Depreciation Reserve**
17. (1) The Board shall create a depreciation reserve and shall at the end of every year, credit to such reserve from its revenues a percentage of the original cost of the assets as specified in the Regulations to be framed under this Act.
- (2) The amount to be credited each year to the depreciation reserve under sub-section (1) shall consist of the incremental deposit in the reserve:
- Provided that the contribution in respect of any asset to the depreciation reserve under this section shall cease at the end of such period as may be prescribed by regulations or when the assets cease to be in use, whichever is earlier.
- Improvements Reserve**
18. The Board shall create a reserve for improvement works and shall, at the end of every year, credit to such reserve from its revenues, such percentage of the balance remaining after meeting its operating, maintenance and management expenses and after adequate provision is made for depreciation, taxes, interest and amortization payments on loans and other borrowings as the Board may determine taking into consideration the improvement works which the Board will have to execute in order to provide adequate water supply and sewage treatment works in the Guwahati Metropolitan area.
- Accounts, Audit and Annual Report**
19. (1) The Board shall cause proper accounts and other records in relation thereto to be kept and maintained, including the proper system of internal check and prepare an annual statement of accounts, including the income and expenditure account and the balance sheet in such form as may be prescribed by regulations.
- (2) The Accounts of the Board shall be audited by the Accountant General, Assam.
- (3) The accounts of the Board may also be audited by such person as may be appointed by the Government and any expenditure incurred in connection with such audit shall be payable by the Board to the Government.
- (4) The accounts of the Board as certified by the person so appointed under sub-section (3) or any other person authorized by him in this behalf, together with the audit report thereon shall be forwarded annually to the Government and the Government may issue such instructions to the Board in respect thereof as they deem fit and the Board shall comply with such instructions.

(5) The Government shall cause the accounts of the Board to be published in the manner prescribed by regulations and make available copies thereof on sale at a reasonable price fixed

(6) The Board shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a summary of its activities during the previous year and copies of it shall be forwarded to the State Government for the purpose of laying it before the State Legislature.

CHAPTER III

Guwahati Water Regulatory Authority

Constitution of the Guwahati Water Regulatory Authority

20. (1) The State Government shall, by notification published in the Official Gazette, constitute a Guwahati Water Regulatory Authority to exercise the powers conferred on, and discharge the functions assigned to it, under this Act from time to time.

(2) The Regulatory Authority shall consist of the following members:-

(a) Chairman;

(b) Member (Technical);

(c) Representative of Consumers as Member.

Term of Office

21. (1) The term of office of the members appointed and / or nominated by the State Government shall be for a period of three years unless extended by the Government by notification published in the Official Gazette.

(2) The Members of the Regulatory Authority shall be entitled to receive from the funds of the Regulatory Authority such allowances as may be prescribed by the rules framed by the State Government in this behalf.

Disqualifications of members

22. (1) No person shall be a member of the Regulatory Authority who, -

(a) is, or at any time has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is, of unsound mind and stands so declared by a competent Court, or

(c) is, or has been convicted of an offence which, in the opinion of the Government involves moral turpitude, or

(d) is, or at any time has been convicted of an offence under this Act, or

- (e) has directly or indirectly by himself or any partner, any share or interest in any firm or company carrying on the business of manufacture, purchase, lease, exchange sale or hire of machinery, plant, equipment, apparatus or fittings for the treatment of water or sewage or trade effluents, or
- (f) has so abused in the opinion of the State Government his position as a member, as to render his continuance as member of the Regulatory Authority detrimental to the interest of the general public.

(2) No order of removal shall be made by the State Government under this section unless the member concerned has been given a reasonable opportunity of showing cause against the same.

(3) A member who has been removed under this section shall not be eligible for his re-nomination as a member.

**Functions of the
Regulatory
Authority**

23.(i) The Regulatory Authority shall, with or without modifications, approve the tariff proposals submitted to it by the Board and the tariff shall be notified and given effect to by the Board only upon approval of the Regulatory Authority.

(ii) The Regulatory Authority shall, from time to time, scrutinize the quality of water supplied by the Board and give rectifying instructions to the Board if it is not up to the drinking water standards set under the Rules to be framed under this Act.

(iii) The Regulatory Authority shall, from time to time, scrutinize metering by the Board and give rectifying instructions to the Board, if there are some errors, mistakes, and inappropriate operations.

(iv) The Regulatory Authority shall look into and adjudicate upon complaints received from the public against the Board in respect of supply of water, sewerage and matters related thereto and the decision rendered by the Regulatory Authority shall be binding and enforceable.

**Appointment
of Staff**

24. (1) The Regulatory Authority may, with the approval of the Government, appoint such employee or employees as may be deemed necessary for the purposes of carrying out the functions of the Authority under this Act.

(2) All posts in the Regulatory Authority shall be created with prior concurrence of the Finance Department, Government of Assam.

(3) The Regulatory Authority may also appoint experts and consultants on such terms and conditions as may be deemed fit and proper by the Regulatory Authority to carry out the functions of this Act.

Grants by the
State
Government
to the
Authority

25. The State Government may, after due appropriation made by the Legislature in this behalf, make to the Regulatory Authority grants of such sums of money as the State Government may consider necessary.

Establishment
of Fund by the
State
Government

26. (1) There shall be constituted a Fund called the Water Regulatory Fund and there shall be credited thereto,-

- (a) any grants made to the Regulatory Authority by the State Government under section 25 of the Act;
- (b) all fees received by the Regulatory Authority under this Act;
- (c) all sums received by the Regulatory Authority as water regulatory fee as part of the water tariff charged to be defined in the Rules to be framed in this behalf;
- (d) all sums received by the Regulatory Authority from such other sources as may be decided upon by the State Government.

(2) The Fund shall be applied for meeting,-

- (a) the salary, allowances and other remuneration of the Chairman, Members and other office bearers of the Regulatory Authority;
- (b) the expense of the Regulatory Authority in discharge of its functions;
- (c) the expenses on objects and purposes authorized by this Act.

Annual Report of
the Regulatory
Authority

27. The Regulatory Authority shall prepare once every year in such form and at such time as may be prescribed, an annual report giving a summary of its activities during the previous year and copies of it shall be forwarded to the State Government for the purpose of laying it before the State Legislature.

Budget of the
Regulatory
Authority

28. The Regulatory Authority shall prepare in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Regulatory Authority and forward the same to the State Government.

Directions by
the State
Government

29. In the discharge of its functions, the Regulatory Authority shall be guided by such directions of the State Government in matters of policy involving public interest as the State Government may give to the Regulatory Authority in writing.

CHAPTER IV

Managing Director of the Board

Powers and
Functions of
the Managing
Director

30. The Managing Director appointed by the State Government under section 9 shall do the following:-

- (i) appoint all such employees other than those mentioned in section 9 of this Act to carry out the functions of the Act with the prior approval of the Board;
- (ii) prepare the budget for the purpose of operation, maintenance, supply of potable water and for any other purposes as may be directed by the Board and submit the same to the Board for approval;
- (iii) cause maintenance of proper accounts of all the functions and activities carried out or caused to be carried out under this Act and for the purposes of this Act;
- (iv) submit regular statement of accounts to the Board in such form and in such manner and at such intervals as may be prescribed in this regard by the Regulations;
- (v) shall be responsible and accountable for complete performance of all the duties and obligations envisaged by and under this Act;
- (vi) carry out any other duties, functions or responsibilities as may be assigned to him by the Board of Directors.

Disqualification
and removal of
the Managing
Director

31. (1) No person shall be appointed as a Managing Director of the Board who,-

- (a) is, or at any time has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or
- (b) is, of unsound mind and stands so declared by a competent Court, or
- (c) is, or has been convicted of an offence which, in the opinion of the Government involves moral turpitude, or
- (d) is, or at any time has been convicted of an offence under this Act, or

- (e) has, directly or indirectly by himself or any partner, any share or interest in any firm or company carrying on the business of manufacture, sale or hire of machinery, plant, equipment, apparatus or fittings for the treatment of water or sewage or trade effluents, or
- (f) is, a Director, or a Secretary, Manager or other salaried officer or employee of any Company or firm having contract with the Board, or the Government or with a local Authority or with a Company or Corporation owned, controlled or managed by the Government for carrying out water supply and sewerage Schemes or for the installation of plants for the treatment of water, sewage or trade effluents, or
- (g) has, so abused in the opinion of the State Government his position as a Managing Director, as to render his continuance on the Board detrimental to the interest of the general public, or
- (h) under- performance by the Managing Director determined upon evaluation made by the Board under section 10 (xi) and upon approval of the same by the Government, is liable for removal from the post of the Managing Director.

(2) No order of removal shall be made by the Board under this section unless, the Managing Director concerned has been given a reasonable opportunity of showing cause against the same.

(3) A person who has been removed from the post of the Managing Director under this section shall not be eligible for re-appointment as the Managing Director.

CHAPTER V

Water Supply by the Board

Vesting of
works on the
Board

32. On and from the date of coming into force of this Act, all public reservoirs, tanks, cisterns, fountains, wells, and bore wells, pumps, pipes, taps, conduits and other works connected with the supply of water to the Guwahati Metropolitan area, including the head work, reservoirs and all bridges, buildings, machinery, works materials and other things connected therewith and all land (not being private property)) adjacent and appertaining to the same, shall vest in the Board and be subject to its control.

Construction of
water works

33. (1) The Board shall construct, lay, or erect filtration plants, reservoirs, machinery, conduits, pipes, or other works for supplying the Guwahati Metropolitan Area with water and may provide tanks, reservoirs, machinery, mains, fountains and other conveniences within the Guwahati Metropolitan area for the use of the inhabitants.

- (2) The Board may cause existing water works to be maintained and supplied with water or it may close any such works and substitute other such works and may cause them to be maintained and supplied with water.
- Trespass on water supply premises**
- 34.** No person shall, except with the permission duly obtained from the Board or the Managing Director or any officer authorized by him in this behalf, enter on land vested in the Board or on any premises connected with the water supply.
- Prohibition of building over water mains**
- 35.** (1) Without the permission of the Board, no building, wall or other structure shall be newly erected and no street shall be laid over any water main belonging to the Board.
- (2) If any building, wall or other structure be so erected or any street be so laid, any other officer authorised by the Board in this behalf may cause the same to be removed or otherwise dealt with as he deems fit and the expenses thereby incurred shall be paid by the persons contravening the provisions of this Act.
- Control over house connections**
- 36.** All house connections, whether within or without the premises to which they belong, with the water supply mains shall be under the control of the Board, but shall be altered, repaired, and kept in proper order at the expense of the owner/occupier of the premises to which they belong, in conformity with the rules made in that behalf.
- Payment to be made for water supplied**
- 37.** Notwithstanding anything contained in this Act or any law, contract or other instrument, for the water supplied under this Act, payment shall be made to the Board at such rates as may be approved by the Water Regulatory Authority, at such times and under such conditions as may be prescribed by the regulations and different rates may be prescribed for supply of water for different purposes and for different quantities.
- Water supply for domestic consumption**
- 38.** The Board may, on application by the owner or occupier of any building arrange, in accordance with the rules, to supply water thereto for domestic consumption and use.
- Supply of Water for domestic purpose not to include any supply for certain specified purposes**
- 39.** The supply of water for domestic purposes under this Act shall not be deemed to include any supply for commercial or industrial purpose and in particular any supply,-
- (a) for any trade, manufacture or business;
 - (b) for gardens or for purposes of irrigation;
 - (c) for building purposes;
 - (d) for fountains, swimming baths, public baths or tanks or for any ornamental or mechanical purposes;
 - (e) for animals, where they are kept for sale or hire or for the sale of their produce or any preparation therefrom;

- (f) for the consumption and use by the inmates, in hotels, commercial boarding houses and clubs;
- (g) for the consumption and use by the persons resorting to theaters and cinemas;
- (h) for construction or for watering streets; or
- (i) for washing vehicles where they are kept for sale or hire but shall be deemed to include a supply for flushing latrines and drains and for all baths other than swimming baths or public baths.

Water supplied for domestic purposes not to be used for non-domestic purposes 40. No person shall use or allow to be used for other than domestic purposes Water supplied for domestic purposes.

Power to supply water for non-domestic purposes 41. (1) The Board may supply water, for any purpose other than a domestic purpose, on such terms and conditions consistent with this Act and the regulations made there under on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2) On the sanction of the application under sub-section (1), the Board may, subject to such charges and rates as may be fixed by the regulations, lay or allow to be laid the necessary pipes and water fittings of such dimensions and descriptions as may be prescribed by the regulations and may arrange for the supply of water through such pipes and fittings.

Supply of water in bulk to the Government, Corporation and other local authorities 42. The Board may, by agreement, supply water in bulk to the Government including the Central Government, Central Government Authorities or any other local Authority or any other public or private undertaking on such terms as to payment and as to the period and the conditions of supply as may be agreed upon between the Board and such person.

Public water supply 43. The Board may provide free of charges gratuitous supply of wholesome water to the public within the city of Guwahati and may, for that purpose, erect public stand posts or other conveniences.

Power to lay mains 44. (1) The Board may lay water mains, sewers, or service pipes of any type in any street or, with the consent of the owner and occupier of land not forming part of the street, in over or on any such land and may from time to time inspect, repair, alter or renew such main, pipe, sewer wherever situated:

Provided that where a consent required for the purpose of this sub-section is withheld, the Board may after giving the owner or occupier a written notice of its intention to do so, lay the main pipe or sewer in, over or on that land even without such consent.

(2) Where the Board, in exercise of its powers under this section, lays or inspects repairs, alters or renews a water main, service pipe or sewer, it shall pay compensation to every person interested in such land for any damage or injury done to such land by reasons thereof.

(3) The compensation payable under sub-section (2) shall be such as may be fixed by the Board in accordance with such procedure as may be prescribed and after considering any claims made by any person interested in such land.

Power to require water supply to be taken and to require maintenance of service pipe

45. (1) After approving the connection to every consumer, the Board shall hire a licensed plumber to lay a service pipe and meter from the main to the premises. The cost of such work may be charged separately in addition to the regular tariff in terms and conditions specified in the Regulations to be framed under this Act:

Provided that the Board may in its discretion permit a consumer to hire on his own a licensed plumber to carry out the work of service pipe connection and meter installation.

(2) It shall be the responsibility of development agencies carrying out, any construction, including multi-storied construction or additions to existing construction, to ensure provision of water supply through storage tanks, either underground or overhead, and booster pumping stations. The construction shall be the responsibility of the developing agency and the maintenance and operation of the arrangements shall be the responsibility of the occupant of such premises. The Board shall be responsible for giving water in the mains feeding the service pipe. The construction arrangements shall be done with the prior permission of the Board and on such terms & conditions as shall be determined by the Board

Provision of fire hydrants

46. The Board, on payment by the agency responsible for fire services, fix hydrants on water mains (other than trunk mains) at such places as may be convenient for supply of water for extinguishing any fire which may break out and shall keep these in order:

Provided that the Board may in public interest allow water to be taken or extinguishing fires from any pipe on which a hydrant is fixed, by the agency responsible for fire services, without any payment.

Power of Board to provide meters

47. (1) The Board shall provide water meters to measure the consumption of water by any person using water supply and, until the contrary is proved, it shall be presumed that the quantity of water shown by the meter has been consumed:

Provided that the Board may in its discretion permit a consumer to use his own water meter subject to the approval of the Board.

(2) The use, installation fees and rent to be paid for such use, maintenance and testing of meters shall be in accordance with regulations framed under this Act, which will remain a property of the Board.

Testing of Meters

48. (1) If the consumers of the Army Cantonment Area and Military Engineering Services desire to have any meter tested, it may make an application in this behalf, accompanied by such fee as may be prescribed, to the Board and the Board shall forthwith cause the meter to be tested, giving due notice of the time and place of such testing.

(2) If the meter is found to be faulty, the Board shall repair or replace it and refund the sum, if any, as determined by the Board to have been paid in excess by reason of the meter being faulty.

Prohibition of waste or misuse of water or installation of booster pumps

49. (1) No person shall willfully or negligently cause to suffer any water fittings to be so constructed or so adopted, or to remain out of order in such a manner, that the water supplied to him by the Board is, or is likely to be wasted, misused or unduly consumed or contaminated, or that foul air or any impure matter is or is likely to be returned to any pipe belonging to, or connecting with a pipe belonging to the Board.

(2) The Board may without prejudice to its right to proceed against such person under any other provision of law, acquire any person infringing the provisions of sub-section (1), to carry out any necessary repairs or alterations and, if he fails to do so within forty eight hours, may carry out the work and recover the cost incurred in so doing from such person.

(3) No person shall install a booster pump or any other appliance without the permission of the Board on any water main or service pipe or shall pump water supplied by the Board otherwise than in accordance with such conditions as may be specified by regulations made in this behalf.

Power to enter premises to detect waste or misuse of water and to restrict use of water from polluted source of supply

50. (1) Any officer, authorized in writing by the Board may, between sunrise and sunset, enter any premises using water supplied by the Board in order to check if there is any misuse of water and no person shall refuse entry to such officer or obstruct him.

(2) If the Board is of the opinion that the water of any well, tank, or other source of supply, which is likely to be used for domestic purpose or for the preparation of food for human consumption, is or likely to be so polluted as to be prejudicial to health, the Board may, after giving the owner or occupier of the premises a reasonable opportunity of being heard, by order, direct that the source of supply be permanently or temporarily cut off or may impose restrictions upon the use of such water.

(3) No person shall construct any latrine or cesspool within ten-meters of any well, tank, water pipe or in any position where such well, tank or pipe is likely to be injured or the water therein polluted.

(4) No person shall sink any well, tube well or hand pump except in accordance with such conditions as may be laid down by regulations in this behalf having regard especially to the proximity of any sewer or storm water drain or of any polluted water and the Board may further require, in accordance with the regulations made in this behalf, that its permission should be obtained.

Power to require every premises to have separate water connection and service pipe

51. (1) Unless otherwise permitted by Board, every premises supplied with water shall have a separate water connection.

(2) If, in respect of any premises already supplied with water but not having a separate service pipe, the Board gives notice to the owner of the premises requiring him to provide such a pipe, the owner shall, within three months, lay the said pipe and the Board shall, as soon as may be after the owner has done so, give the connection to the said pipe from its own supply line.

(3) If an owner on whom a notice has been served under sub-section (2) fails to comply therewith the Board may itself execute the said work and recover the cost incurred.

Power to restrict or prohibit use of water

52. When any part of the jurisdiction of the Board is visited or threatened by an out-break of disease and the Board considers it necessary to do so, the Board may,-

(a) by public notice, restrict in any manner or prohibit for any period, as may be specified in the notice, the sale of water for human consumption as specified in the notice;

(b) without notice and at any time inspect and disinfect any well, tank, public hydrant or other place from which water is or is likely to be taken for the purpose of drinking.

Power to control use of water from tanks, wells, public hydrants etc

53. If the Board is of the opinion that water in any well, tank or other place, if used for drinking, is likely to endanger or cause spread of any diseases, the Board may,-

(a) require the owner or person having control of such well, tank, hydrant or place to take such steps as the Board may consider necessary to prevent the public from having access to or use of such water;

(b) take such other steps as the Board may consider expedient to prevent the out-break of such diseases.

Power of owner of premises to place pipes through land belonging to other persons

54. (1) If it appears to the Board that the most convenient means of supplying water to any premises is by means of a pipe over, under, along or across the immovable property of another person, the Board may, by order in writing, authorize the owner of such premises to place or carry such pipe over, under, along or access such property:

Provided that before making any such order, the Board shall, in accordance with such rules as may be made in this behalf, give to the owner of the property affected a reasonable opportunity to show cause why the order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of use in the property where any such pipe is placed.

Power to execute works

55. When, under the provisions of this Act, any person is required or is liable to execute any work, the Board may cause such work to be executed after giving such person an opportunity of executing it, within such period as the Board may fix for the purpose, and the Board shall recover the cost incurred in the execution of such work, from the said person, in accordance with such rules as may be made in this regard.

Power to erect ventilating shaft

56. For the purpose of ventilating any drain or cesspool, whether vested in the Board or not, the Board may in accordance with Rules made in this behalf, erect upon any premises or affix to the outside of any building any such shaft or pipe as may appear necessary.

Power to cut off water supply

57. (1) The Board may, subject to regulations made in this behalf, cut off or turn off water supply to any premises or part thereof and the expense of cutting or turning off the water supply shall be paid by the owner/ occupier of the premises.

(2) The Board may cut off the supply of water from any premises,-

- (a) if the owner or occupier neglects to comply with any lawful order or requisition regarding water supply issued by the Board within the period specified therein;
- (b) if any charges or any other sum due for water or for the cost of making connection or the hire of a meter or 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 two months after a bill for such charges or sums has been presented or served;
- (c) if after receipt of a notice from the Board 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 the provisions of this Act or any rule made thereunder;
- (d) if the owner or occupier willfully or negligently damages the meter or any pipe or tap conveying water;

- (e) if the owner or occupier refuses to admit the Officer in charge of water supply or any person authorised by the Board in this behalf into the premises which he proposed to enter for the purpose of executing any work or placing or removing any apparatus or making any examination or enquiry in connection with the water supply or prevents the Officer in charge of water supply or such person from executing such work, or placing or removing such apparatus or making such examination or enquiry;
- (f) if any pipes, taps, works or fittings, connected with the water supply are found on examination by the Officer in charge of water supply or any person authorised by the Board to be out of repair to such an extent as to cause waste or contamination of water;
- (g) if the owner or occupier causes pipes, taps, works or fittings connected with the water supply to be placed, removed, repaired, or otherwise interfere with, in contravention of the provisions of this Act or of the rules or regulations made thereunder;
- (h) if the consumer fails to provide proper disposal or treatment of the used water from his premises, in accordance with the provisions of the Guwahati Municipal Corporation Act, 1969 or the Water (Prevention and Control of Pollution) Act, 1974, as the case may be:

Assam Act 1
of 1973
Central Act 6
of 1974

Provided that the Board shall not cut off the supply of water unless notice of not less than seven days has been given to the owner and occupier of the premises, except in cases involving contamination of water supplies, where no such notice need to be given.

- (3) The owner and the occupier of the premises shall be jointly and severally liable for the payment of all the sums referred to in clause (c) of sub-section (1).
- (4) The expenses of cutting off the supply shall be payable by the owner and occupier of the premises jointly and severally.
- (5) In a case under clause (b) of sub-section (1) as soon as any money for non-payment of which water supply has been cut off, together with the expenses of cutting off the supply, including any penalties levied thereon has been paid by the owner or occupier, the Board shall cause water to be supplied as before, on payment of the cost of re-connecting the premises with the water works.
- (6) Action taken under this section against any person shall be without prejudice to any penalties to which he may otherwise be liable.

CHAPTER: VI.

Disposal of Sewage by the Board

Specifying of place for the emptying of drains and disposal of sewage

58. (1) The Board shall cause any or all its sewage to be disposed of at such place or places as it considers suitable, subject to the provision of the Environment (Protection) Act, 1986;

Central Act No 29 of 1986

Provided that no sewage shall be discharged into any water course until it has been so treated as not to affect prejudicially the purity and quality of the water into which it is discharged.

(2) Notwithstanding anything contained in sub-section (1), the Board may permit disposal of sewerage for the time being in such place or places and in such manner as existed at the time of commencement of the Act.

(3) No place which has not been used for any of the purposes specified in sub-section (1) before the commencement of this Act shall be used therefore without the approval of the Board.

Rights of user of property for aqua ducts, mains etc.

59. (1) The Board may place and maintain aqua ducts, conduits and mains or pipes of drains over, under, along or across any immovable property without acquiring the same, and may at any time for the purpose of examining, repairing, altering or removing any such facility, enter on any property over, under, along or across which such facility has been placed:

Provided that the Board shall not acquire any right other than right of user in the property where such conveniences have been placed.

(2) The powers conferred by sub-section (1) shall not be exercisable in respect of any property vested in the Central Government or under the control or management of the State Government or Railway administration or vested in any local Authority except with the specific permission of the said body in accordance with any rules made in this behalf:

Provided that the Board may, without such permission repair, renew or amend any existing works if it is urgently required to maintain interrupted supply of water or disposal of sewage or if delay would be dangerous to health, human life or property.

(3) In exercise of the power conferred by this section, the Board shall cause as little damage and inconvenience as possible and shall compensate for any damage or inconvenience so caused, as determined by the Board.

CHAPTER VII

**SPECIAL PROVISIONS RELATING TO ARMY
CANTONMENT AREA AND MILITARY ENGINEERING
SERVICES.**

- Army Cantonment and Military Engineering Services, to pay for water supplied**
- 60.** The Army Cantonment and Military Engineering Services shall pay for the water supplied to them at the rate calculated in the manner fixed by the Board with the approval of Regulatory Authority and subject to such directions as may be issued by the Government.
- Disposal of sewage of the Army Cantonment Area and Military Engineering Services in bulk**
- 61.** (1) The Board shall receive in bulk all sewage from the Army Cantonment Area and Military Engineering Services to dispose of such sewage:
- Provided that the Army Cantonment and Military Engineering Services shall not execute any major work calculated to increase the normal discharge of sewage without permission of Board.
- (2) The sewage received in pursuance of the provision of sub-section (1) shall be the property of the Board and any income derived there from shall belong to the Board.
- (3) In case of disagreement between the Board and the Army Cantonment or Military Engineering Services with regard to the execution of any work or the doing of any thing, the matter shall be referred to the State Government, whose decision shall be binding.
- Army Cantonment and Military Engineering Services to pay cost of disposal of sewage**
- 62.** (1) The Army Cantonment and Military Engineering Services shall pay for the net cost of disposal of sewage borne by the Board at the rate calculated in the manner fixed by the Board with the approval of the Regulatory Authority and subject to such directions as may be issued by the Government.
- (2) To determine the total net cost of disposal of all sewage, the Board shall take into account such items of expenditure incurred by it as may be prescribed by the regulations made in this behalf.
- Disputes as to the liability for payment to or by the Board**
- 63.** In case of any dispute between the Board and the Army Cantonment or Military Engineering Services as to the liability of the said Military Engineering Services or Army Cantonment to pay any sum demanded by the Board or as to the right of the Military Engineering Services or Army Cantonment to any refund, the matter in dispute shall be referred to the State Government, whose decision thereon shall be final:

Provided that pending the settlement of such dispute, the payment shall be made to the Board by the Military Engineering Services or Army Cantonment as the case may be, as demanded by the Board.

CHAPTER VIII

TRANSFER OF ASSETS, LIABILITIES AND SERVICES RELATING TO OTHER DEPARTMENTS, AUTHORITIES AND AGENCIES

Taking over the activities performed by other agency

64. Notwithstanding anything contained in the Assam Urban Water Supply and Sewerage Board Act, 1985, the Guwahati Municipal Corporation Act, 1969 or in any other State Law for the time being in force, the Board shall take over the water supply and sewerage of a certain area being performed by any other Department, Authority or agency based on mutually agreed terms and conditions and thereupon all the properties, assets and liabilities under control of the said department, Authority or agency shall be vested to the Board as per the terms and conditions as agreed upon:

Assam Act No. II of 1987

Assam Act No. I of 1973

Provided that the Board shall seek prior approval of the Government and that the date of such taking over shall be notified by the Government.

CHAPTER IX

OFFICERS AND OTHER EMPLOYEES OF THE BOARD

Appointment of Officers and Employees

65. (1) The Board, as the case may be, may appoint such officers and employees as it may consider necessary for the efficient performance of its functions.

(2) The pay and other conditions of service of the officers and employees of the Board shall be such as may be laid down in the Regulations made in this behalf.

Discipline of officers and employees of the Board

66. The service rules as prescribed under the Assam Services Conduct Rules 1962 and Assam Services (Discipline and Appeal) Rules, 1964, shall apply, mutates mutandis, to every officer and employee of the Board.

CHAPTER X

CONTROL

Production of Records

67. The Government may at any time require the Board,-

(a) to produce any record, correspondence or other document in the possession of the Board;

(b) to furnish any report, return, plan, estimate, statement of accounts or statistics relating to the functions of the Board for the inspection and examination of works, records, etc. by Government

Inspection and examination of works, records, etc. by Government

68. The Government may depute any person in the service of the Government to inspect or examine any department or office or any service or work undertaken by the Board or property belonging to the Board and to report thereon and the Board and all its officers shall be bound to provide access to such person, at all reasonable times, to the premises and properties of the Board as well as of all records, accounts and other documents, the inspection of which such person may consider necessary to enable him to discharge his duties.

Board to comply with the directions of the Government

69. The Government may at any time issue directions in relation to the management of the Board and the Board shall comply with such directions:

Provided that the Government shall make due provision for any financial liability to the Board arising directly in consequence, of any such directions.

CHAPTER: XI

MISCELLANEOUS

Acquisition of Property

70. (1) The Board shall for the purposes of this Act, by agreement on such terms and at such price as may be approved by the Board, have power to acquire and hold or dispose of movable and immovable property or any interest therein.

(2) The Government having powers of acquisition under the Land Acquisition Act, 1894 or Assam Land Requisition and Acquisition Act, 1964 or any other law or policy for the time being in force, may, at the request of the Board acquire any immovable property.

Central Act
1 of 1894

Assam Act
No. XV of
1964

Contracts by the Board

71. The Board shall be competent to enter into and perform any contract necessary for the discharge of its functions under this Act.

Developments not to be made without permission

72. (1) No person shall make any development without obtaining permission from the Board to the effect that sufficient arrangement will be made for drainage, sewerage and supply of wholesome water, and every such development shall be made subject to and in accordance with any conditions laid down with such permission.

(2) The Board shall be under no obligation to provide water supply or make arrangements for sewerage in respect of any premises constructed without the permission referred to under sub-section (1) or in contravention of any condition laid down in such permission or in contravention of any other provision of this Act, or of any other law:

Central Act 1
of 1894

Assam Act
No. XV of
1964

Provided that the Board may with the prior approval of the Government make arrangements for such services at the full cost of the beneficiaries thereof with such development charges as may be fixed under regulations made in this behalf and subject to such conditions as may be laid down by the Board.

Joint and several liability of owners and occupiers of offenses in relation to Water Supply

73. The owner, the occupiers and any person liable for payment of charge in respect of any services provided by the Board shall be Jointly and severally liable for any offence under this Act committed in relation to such premises.

Certain matters not to be passed into sewage

74. (1) No person shall throw, empty or turn into any sewer communicating with sewer belonging to the Board,-

- (a) solid waste or any matter likely to injure the sewer or to interfere with the free flow of its contents or to affect prejudicially the treatment and disposal of its contents;
- (b) any chemical refuse, industrial effluent or waste steam, or any liquid at temperature higher than forty five degree centigrade, or any liquid which is dangerous or the cause of a nuisance, or is prejudicial to health;
- (c) any industrial effluent except with the express permission of the Board after such treatment as may be required by the Board.
- (d) any dangerous petroleum or any explosive matter.

(2) In this section, the expression "dangerous petroleum" has the same meaning as in the Petroleum Act, 1934.

Central Act
No 30 of 1934

Prohibition of certain acts

75. No person shall,-

- (a) willfully obstruct any member of the Board or any person acting under the Board in the performance of his duties;
- (b) willfully or negligently break, injure or tamper in any manner with any installation, pipe, fitting or apparatus belonging to the Board;
- (c) willfully or negligently obstruct or hinder the flow of or flush, draw off or divert the flow of water or sewerage in any water course, pipe sewer;
- (d) do any act likely to foul or pollute the water in any water works or sewer.

No Construction or development over any sewer, supply pipe of installation etc. without permission

76. (1) No construction or development of any kind, including building, walls, fences, roads or poles or electric transmission lines shall be made above any drain, sewer or water supply pipe or any installation constructed or maintained or vested in the Board, except with the written permission of the Board and subject to such conditions as may be fixed by the Board:

Provided that Railway Administration may take up the works mentioned herein above, in accordance with the provisions of section 11 and section 12 of the Railways Act, 1989.

(2) The Board may remove or otherwise deal with any construction or development made in contravention of the provisions of sub-section (1) in such manner as it thinks fit having regard to the maintenance of its services and any cost including departmental charges incurred by the Board in this regard shall be recovered from the person who made the development or construction:

Provided that in case of construction or development made by the Telegraph Authority, the Board may remove or otherwise deal with it in such manner as it thinks fit and recover the cost including departmental charges incurred by the Board in this regard after giving the Telegraph Authority an opportunity of executing it within such reasonable period as the Board may fix for the purpose.

Penalty in case of
default of payment
of charges

77. (1) If a person liable for payment of any charges, does not, within thirty days of the service of the notice of demand on him under this Act pay the sum due, he shall be deemed to be in default.

(2) A person in default shall in addition to the charges due, including interest and demand fee, be liable to pay such penalty as may be determined by the Board, extending to such sum not exceeding 20% of the amount of the charge and the same penalty shall be recoverable along with other arrears.

Liability of
occupier to pay
for any default
by the owner

78. The officer issuing any notice or order to any person in respect of property of which such person is the owner, may require the occupier of the property to pay to him, instead of the owner, any rent payable to the Board:

Provided that if the occupier refuses to disclose the correct amount of the rent payable by him or the name and address of the person to whom it is payable, the Board or officer may recover from the occupier the whole amount recoverable under this section as an arrear of charge under this Act.

Obstruction of
services
provided by the
Board

79. No person shall obstruct, prevent, divert or stop the supply of water to or the drainage or sewerage of any premises or any portion thereof to which such service has been provided by the Board whether on grounds of any dispute regarding ownership or occupancy of such premises or for any other reason.

General Power
of
compensation

80. The Board may, subject to any regulations which may be made in this behalf, fix compensation to any person who sustains damage or injury in the course of or in consequence of any work done by Board or in relation to any service provided by the Board.

Compensation
to be paid by
offenders for
damage caused
by them

81. (1) Any person who has been convicted of any offence under this Act, shall, notwithstanding any punishment to which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to the property of the Board resulting from the said offence as the Board may consider reasonable.

(2) In the event of a dispute regarding the amount of the compensation payable under sub-section (1) such amount shall, on application made to it, be determined by the Court before which the said person was convicted of the said offence and on non-payment of the amount of compensations determined, the same shall be recovered under a warrant from the said Court as if it were a fine imposed by it on the person liable therefore.

Non liability of the
Board when supply is
reduced or not made

82. The Board shall not be liable to any penalty or damages for cutting of the supply of water or for not supplying water in the case of natural calamities, making it impossible to perform, other unavoidable causes or accidents or in case of necessity of relaying or repairing of pipes.

Recovery
of dues

83. (1) If a person liable to pay any dues to the Board does not, within thirty days from the service of the notice of demand, pay the amount due, such sum together with all costs and the penalty under section 72 shall be recoverable under a notice by distress and sale of the movable property, or the attachment and sale of the immovable property.

(2) Every notice issued under this section shall be signed by a Member of the Board or any officer duly authorized by the Board.

Recovery
from a
person about
to leave area
of
jurisdiction
of the Board

84. (1) If the Board has reasons to believe that any person from whom any sum is due or is about to become due is about to move from Guwahati, he may direct the immediate payment by such person, of the sum of due or about to become due, and cause a notice of demand for the same to be served on such person.

(2) If, on the service of such notice, such person does not forthwith pay the sum so due or about to become due, the amount shall be recovered by distress or attachment and sale in the manner herein before provided.

Offences and
Penalties

85. Save as otherwise provided in this Act whoever,-

(a) contravenes any provision of this Act, or

(b) fails to comply with any order or direction lawfully given to him or requisition lawfully made upon him under any of the section, sub-section, clause, provision of this Act, shall be punishable,-

(i) with fine which may extend to the amount payable by the contravener, or with imprisonment for a term for not more than one year or with both; and

(ii) in the case of a continuing contravention or failure, with an additional fine of Rs. 500 for each day of such contravention or failure.

Prosecution

86. No court shall proceed to the trial of any offence except on the complaint of or upon information received from any officer authorized by the Board by a general or special order in this behalf.

Compounding
of offences

87. (1) The Board may, either before or after institution of the proceedings, compound any offence under this Act:

Provided that no offence shall be compounded unless the offender has paid all dues including penalties payable by him and compensation as the Board may consider necessary, having regard to the facts and circumstances of the case, and indemnifies the Board against any damage for which the Board may be liable on account of his action.

(2) When an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

Arrest of
Offender

88. (1) Any police officer may arrest any person who commits in his view any offence under this Act or under any rule or regulation made there under if, the name and address of such person are unknown to him and such person on demand declines to give his name and address or gives a name and 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.

Protection in
respect of
action taken in
good faith

89. No suit, prosecution or other proceeding shall be instituted or shall be entertained in any Court against any member, officer, employee of the Board or of the Board, or against any person acting under the order or direction of any such person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule, regulation or other instrument made there under.

Notice to be
given of
suits

90. (1) No suit shall be instituted against the Board until the expiration of two months after notice in writing has been served at the Board's office and unless such notice states explicitly the cause of action, the nature of the relief sought amount of compensation claimed and the name and place of residence of the intending plaintiff, and unless the plaint contains a statement that such notice has been so left or delivered.

(2) No suit, such as is described in sub-section (1) shall, unless it is a suit for the recovery of immovable property or for a declaration of title thereto, be instituted after the expiration of six months from the date on which the cause of action arises.

Appeals

91. Appeal shall lie to the District Judge, Kamrup from every decision made by the Regulatory Authority except fixation of tariff.

Permission of Board required for works to be carried out by other public authorities

92. (1) A railway, telegraph line, electric line or street can be constructed and structure of any kind can be erected on any drain or any water works constructed or maintained by or vested in the Board, only after obtaining written permission from the Board.

(2) If any, telegraph line, electric line or street be constructed or any other Structure is erected on any drain or any water works as aforesaid without the written permission of the Board, the Board may remove or otherwise deal with the same as it deems fit.

(3) The expenses incurred by the Board in so doing shall be paid by the owner of the street or of the structure or as the case may be, by electricity administration or the person offending and shall be recovered in accordance with the rules which may be specified under this Act.

Liability of owner and occupier

93. If any offence relating to water supply or sewerage is committed under this Act on any premises connected with water works or sewerage, the owner or the person paying the occupier of the said premises shall be jointly and severally liable for such offence.

Transitional Provisions

94. Notwithstanding anything contained in this Act, the Government may, if necessary, appoint a special officer to exercise the powers and discharge the functions of the Board until the day on which the first meeting of the Board is held after the commencement of this Act.

Power to remove difficulties

95. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provision not inconsistent with the provisions of this Act as may appear to it to be necessary for removing of the difficulty:

Provided that no order shall be made under this section, after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the Assam Legislative Assembly,

Prohibition of obstruction or molestation of execution of works

96. No person shall obstruct any person authorized or empowered by under this Act, or any person with whom the Board has lawfully contracted, in the execution of his duty or of anything which he is authorized or empowered to do by virtue of or in consequence of any of the provisions of this Act or rules or regulations or instrument made there under or in fulfillment of his contract with the Board.

Power to make Rules

97. (1) The Government after consultation with the Board, may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely, removal of any telegraph line, electric line, street or any structure erected upon drain or water work without the written permission of the Board.

(3) All rules made by the State Government under this Act shall, as soon as may be after they are made, be laid before the State Legislative Assembly while it is in session, for a total period of not less than fourteen days, which may be comprised in one session or two or more successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the Official Gazette, subject to such modifications or annulments as the Legislative Assembly may, during the said period agree to make, so however, that any such modifications or annulment shall be without prejudice to the validity of anything previously done there under.

Power to make Regulations

98. (1) The Board may make regulations concerning any matter not inconsistent with the provisions of this Act, which is to be or may be prescribed by regulations under this Act and such provision is, in the opinion of the Board, necessary for the implementation of this Act.

(2) Without prejudice to the generality of its powers under sub-section (1), the Board may make regulations regarding the following matters, namely: -

(a) The terms and conditions including charges for supply of water;

(b) Compensation to be paid to owner or occupier of land for damage caused due for laying of water mains, sewers or service pipes or drains in any street by the Board;

- (c) Requirements to be complied with by a person desiring supply of water;
- (d) Use, installation fees and rent to be paid for use, maintenance and testing of meters;
- (e) Cutting off water supply to a premise and charging expenses therefore;
- (f) Installation of booster pump and sinking or well, tube well or hand pump;
- (g) Laying of a pipe or drain across the property of any person;
- (h) Recovering the cost of execution of a work executed by the Board from a person who is liable to execute the said work but fails to do so;
- (i) Erecting upon a premises a shaft or pipe;
- (j) Terms and conditions for connecting a private drain to a public drain;
- (k) Licensing and control of plumbers;
- (l) Prescribing the fee and charges to be levied by the Board for various purposes under the Act and recovery thereof;
- (m) Terms and conditions of service of officers and employees of the Board;

(3) All regulations made under this Act shall, as soon as may be after they are made, be laid before the State Legislative Assembly while it is in session, for a total period of not less than fourteen days, which may be comprised in one session or two or more successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the Official Gazette, subject to such modifications or annulments as the Legislative Assembly may, during the said period agree to make, so however, that any such modifications or annulment shall be without prejudice to the validity of anything previously done there under.

**Dissolution of
the Board**

99. (1) If the Government is satisfied that the purposes, for which the Board was established under this Act have been substantially achieved, or that the Board is unable to achieve such purposes, and if the continued existence of the Board is, in the opinion of the Government, unnecessary, the Government may, by notification, dissolve the Board with effect from such date as may be specified in the notification and the Board shall stand dissolved accordingly.

(2) From the date of dissolution specified under sub-section (1),-

- (a) all the properties, funds and dues which are vested in, or realizable by, the Board shall vest in, or shall be realizable by, the Government;
- (b) all liabilities which are enforceable against the Board shall be enforceable against the Government;

(3) From the date of dissolution specified under sub-section (1) the functions of the Board shall be discharged in such manner as the Government may specify.

MOHD. A. HAQUE,
Secretary to the Government of Assam,
Legislative Department, Dispur.