

**Calcutta Metropolitan Water And Sanitation Authority Act,  
1966**

**13 of 1966**

**[26 May 1966]**

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**Calcutta Metropolitan Water And Sanitation Authority Act,  
1966**

**13 of 1966**

**[26 May 1966]**

**PREAMBLE**

An Act to provide for the establishment of an Authority for the maintenance, development and regulation of water-supply, sewerage and drainage services and for the collection and disposal of garbage in the Calcutta Metropolitan District with a view to the promotion of public health and for matters connected therewith.

WHEREAS it is expedient to provide for the establishment of an Authority for the maintenance, development and regulation of water-supply, sewerage and drainage services and for the collection and disposal of garbage in the Calcutta Metropolitan District with a view to the promotion of public health and for matters connected therewith;

It is hereby enacted in the Sixteenth Year of the Republic of India, by the Legislature of West Bengal, as follows:-

**CHAPTER 1 PRELIMINARY**

**1. Short title, extent and commencement :-**

(1) This Act may be called the Calcutta Metropolitan Water and Sanitation Authority Act, 1966.

(2) It extends to the Calcutta Metropolitan District excluding any cantonment or part of a cantonment within the said District.

(3) It shall come into force at once.

**2. Definitions :-**

(1) In this Act unless there is anything repugnant in the subject or context,-

(a) "Authority" means the Calcutta Metropolitan Water and Sanitation Authority established under section 3;

(b) "Board" means the Board of Directors mentioned in section 4;

(c) "Calcutta Metropolitan District" or "District" means the area described in Schedule I which the State Government may, in consultation with the Authority, amend from time to time by notification;

(d) "Chairman" means the Chairman of the Board appointed under sub-section (5) of section 5;

(e) "Director" means a Director of the Board appointed or elected under section 5;

(f) "garbage" includes offensive matter, rubbish and carcasses of dead animals;

(g) "General Manager" means the General Manager of the Authority appointed under section 18;

(h) "local authority" means a municipal corporation or municipality or other authority legally entitled to the control or management of local funds but does not include the Commissioners for the Port of Calcutta;

(i) "member" means a member of the General Council mentioned in section 4;

(j) "notification" means a notification published in the Official Gazette;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "public authority" includes any statutory authority or corporation, not being a local authority, exercising public functions;

(m) "regulations" means regulations made under this Act.

(2) The expressions "building", "drain", "house-drain", "house-gully", "occupier", "offensive matter", "owner", "private street", "public street", "rubbish", and "sewage" used in this Act shall, unless there is anything repugnant in the subject or context, have the same meaning as in the Calcutta Municipal Act, 1951.

## **CHAPTER 2** ESTABLISHMENT AND CONSTITUTION OF THE AUTHORITY

### **3. Establishment of the Authority :-**

(1) With effect from such date as the State Government may, by notification, appoint in this behalf, there shall be established for the

Calcutta Metropolitan District an Authority by the name of the Calcutta Metropolitan Water and Sanitation Authority.

(2) The Authority shall be a body corporate having perpetual succession and a common seal, and shall by the said name sue and be sued.

#### **4. Constitution of the Authority :-**

(1) The Authority shall consist of -

(i) a Board of Directors, and

(ii) a General Council.

(2) All action taken by the Authority shall be expressed to be taken in the name of the Authority, and orders and other instruments made and executed in the name of the Authority shall be authenticated by affixing the seal of the Authority and signature of the Chairman or any other Director authorised in this behalf by the Board.

#### **5. Board of Directors :-**

(1) The Board of Directors mentioned in section 4 shall consist of six Directors, namely:-

(a) three whole-time Directors appointed by the State Government by notification of whom one shall be an engineer with experience in public health engineering and another shall be a person with experience in financial administration, and

(b) three Directors elected, in such manner as may be prescribed, by the General Council, of whom one shall be from amongst the members representing the Calcutta Corporation, another from amongst the members representing other municipal corporations and municipalities and the third one from amongst the members representing the Zilla Parishads, and the names of the persons so elected shall be published by the Chairman by notification :

Provided that no member who is a Government servant shall take part or vote in the election of a Director by the General Council:

Provided further that where all the members representing the Calcutta Corporation or the other municipal corporations and municipalities or the Zilla Parishads suffer from any disqualification under sub-section (4) or are unwilling to act as Directors, the General Council shall elect a Director from amongst the elected members of the Calcutta Corporation, elected members and commissioners of other municipal corporations and municipalities, or members of the Zilla Parishads, specified in Schedule II.

(2)

<sup>1</sup>(a) The Directors appointed under clause (a) of sub-section (1) shall hold office during the pleasure of the Governor :

Provided that a Director appointed before the commencement of the Calcutta Metropolitan Water and Sanitation Authority (Amendment) Ordinance, 1972, for any specified period shall hold office until the period for which he was so appointed expires.

(b) The terms of office Directors elected under clause (b) of sub-section (1) shall be two years:

Provided that a Director elected as a representative of a municipal corporation, municipality, or Zilla Perished shall cease to hold office when he ceases to be such a representative.

(3) The qualifications, remuneration and other conditions of service of Directors appointed under clause (a) of sub-section (1) and the fees for attendance at meetings of Directors elected under clause (b) of the said sub-section shall be such as may be prescribed.

(4) A person shall be disqualified for being appointed or elected, or for continuing as, a Director if he has, directly or indirectly, any interest in a subsisting contract made with, or in any work being done for, the Authority except as a shareholder (other than a director) in an incorporated company; provided that where he is a shareholders, he shall disclose to the State Government the nature and extent of shares held by him in such company.

(5) The State Government shall appoint one of the Directors appointed under clause (a) of sub-section (1) as the Chairman whose duties and functions shall be such as may be prescribed.

(6)

(a) The Directors appointed under clause (a) of sub-section (1) shall, pending election of Directors by the General Council under clause (b) of the said sub-section, be competent to function as the Board and be deemed to be a duly constitute Board under this section.

(b) If the General Council does not, by such time as may be prescribed in this behalf, elect a Director representing any body or group of bodies specified in clause (b) of sub-section (1), the State Government shall, by notification, appoint a date for such election and if the General Council fails to elect the Director by the appointed date, the State Government shall, by notification, appoint a Director from amongst the members representing such body or group of bodies, and in such case the provisions of the second proviso to clause (b) of sub-section (1) shall apply subject to the change therein that in place of the words "the General

Council shall elect", the words "the State Government shall appoint" shall be read. Any person so appointed shall be deemed to be a Director as if he had been elected by the General Council.

1. Clause (a) substituted By W. B. Act 13 of 1973.

#### **6. Resignation, casual vacancies and temporary absence :-**

(1) The Chairman or any of the Directors appointed under clause (a) of sub-section (1) of section 5 may resign his office by giving notice in writing to the State Government and any of the Directors elected under clause (b) of the said sub-section may resign his office by giving notice in writing both to the General Council and the State Government. The Chairman or a Director giving such notice shall, on the resignation being notified in the Official Gazette by the State Government, be deemed to have vacated his office on and from the date on which the resignation is so notified.

(2) If any vacancy arises in the office of the Chairman or of any other Director by death, removal, resignation, or otherwise, the State Government shall, in the case of a Director appointed under clause (a) of sub section (1) of section 5, make a fresh appointment, and the General Council shall, in the case of a Director elected under clause (b) of the said sub section, make a fresh election, to fill the vacancy and the Chairman or the Director so appointed or the Director so elected shall hold office for the unexpired portion of the term of his predecessor-in-office.

(3) If any Director is on account of illness or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving his removal, the State Government or the General Council may forthwith appoint or elect, as the case may be, another person to act in his place.

#### **7. General Council :-**

(1) The General Council mentioned in section 4 shall consist of seventeen ex-officio members, three members nominated by the State Government, ten members, representing the State Legislature<sup>1</sup>[to be elected by the members of the West Bengal Legislative Assembly from amongst themselves] and three by the members of the West Bengal Legislative Council, in accordance with the system of proportional representation by means of the single transferable vote, and twenty-five members being representatives of the municipal corporations and municipalities within the District, as



specified in Schedule II.

(2) The nominated members shall hold office for such term as the State Government may decide and the members elected by the State Legislature and the members representing the municipal corporations and municipalities shall hold office for a term of two years:

Provided that a member nominated in his capacity as a member of a particular body or a member elected by the State Legislature or a member representing a municipal corporation or municipality shall cease to hold office when he ceases to be a member of that body or the State Legislature or the municipal corporation or municipality, as the case may be:

Provided further that a member, if not otherwise disqualified, may be nominated or elected for more than one term.

(3)

(i) The representation of the municipal corporations and municipalities shall be on the basis and in the manner as laid down in Schedule II which may be amended by the State Government from time to time by notification having regard to the contiguity, areas, and changes in the population strength and number of different municipal corporations and municipalities within the District.

(ii) The Mayor of a municipal corporation or the Chairman of a municipality shall represent the municipal corporation or municipality, as the case may be. Where the Mayor of a municipal corporation or the Chairman of a municipality is unable to represent the municipal corporation or municipality, the member for such municipal corporation or municipality and the additional members representing the Corporation of Calcutta, the Howrah Municipality and the South Suburban Municipality shall be the person or persons nominated by the Mayor of the municipal corporation or the Chairman of the municipality from amongst the elected members of the municipal corporation or the municipality, as the case may be. In the case of a superseded municipality the person or persons appointed by the State Government under section 554 of the Bengal Municipal Act, 1932, shall represent such municipality, and in the case of supersession of a municipal corporation not governed by the Bengal Municipal Act, 1932, it shall be represented by such person or persons as the State Government may appoint in this behalf.

1. Words substituted by W.B. Act 13 of 1973.

## **Section 8 to 15 - Functions and powers of the Authority**

### **CHAPTER 3 FUNCTION AND POWERS**

#### **8. General Council :-**

(1) The General Council mentioned in section 4 shall consist of seventeen ex-officio members, three members nominated by the State Government, ten member, representing the State Legislature <sup>1</sup>[to be elected by the members of the West Bengal Legislative Assembly from amongst themselves] and three by the members of the West Bengal Legislative Council, in accordance with the system of proportional representation by means of the single transferable vote, and twenty-five members being representatives of the municipal corporations and municipalities within the District, as specified in Schedule II.

(2) The nominated members shall hold office for such term as the State Government may decide and the members elected by the State Legislature and the members representing the municipal corporations and municipalities shall hold office for a term of two years:

Provided that a member nominated in his capacity as a member of a particular body or a member elected by the State Legislature or a member representing a municipal corporation or municipality shall cease to hold office when he ceases to be a member of that body or the State Legislature or the municipal corporation or municipality, as the case may be:

Provided further that a member, if not otherwise disqualified, may be nominated or elected for more than one term.

(3)

(i) The representation of the municipal corporations and municipalities shall be on the basis and in the manner as laid down in Schedule II which may be amended by the State Government from time to time by notification having regard to the contiguity, areas, and changes in the population strength and number of different municipal corporations and municipalities within the District.

(ii) The Mayor of a municipal corporation or the Chairman of a municipality shall represent the municipal corporation or municipality, as the case may be. Where the Mayor of a municipal corporation or the Chairman of a municipality is unable to represent the municipal corporation or municipality, the member for such municipal corporation or municipality and the additional members representing the Corporation of Calcutta, the Howrah Municipality

and the South Suburban Municipality shall be the person or persons nominated by the Mayor of the municipal corporation or the Chairman of the municipality from amongst the elected members of the municipal corporation or the municipality, as the case may be. In the case of a superseded municipality the person or persons appointed by the State Government under section 554 of the Bengal Municipal Act, 1932, shall represent such municipality, and in the case of supersession of a municipal corporation not governed by the Bengal Municipal Act, 1932, it shall be represented by such person or persons as the State Government may appoint in this behalf.

1. Words substituted by W.B. Act 13 of 1973.

### **9. Powers of the Authority :-**

(1) The Authority shall, subject to the provisions made elsewhere in this Act have the power to do anything which may be necessary or expedient for the purpose of carrying out its functions under this Act.

(2) Without prejudice to the generality of the foregoing provision, such power shall include the power -

(i) to take over all existing municipal responsibilities, power, controls, facilities, services, and administration within the District relating to water-supply, sewerage, drainage, and collection and disposal of night-soil and to manage them so as to provide all the people of the area with water, sewerage and drainage services and services of collection and disposal of night-soil until sewerage is constructed throughout the District;

(ii) to extend, expand and develop existing facilities and to construct and operate new ones for the supply of water and for providing sewerage and drainage services;

(iii) to establish, maintain and operate laboratories, and experimental and research stations;

(iv) to establish in-service training courses and provide other training for its personnel;

(v) to adopt schemes for water-supply, sewerage, drainage and night-soil collection and disposal services;

(vi) to regulate drilling of tubewells, public or private, and to control withdrawal of underground water;

(vii) to prevent pollution of any water including any water-source, water-course or channel within the District;

(viii) to regulate the treatment of industrial wastes before discharge

thereof into any sewer, canal, river or other water channel within the District;

(ix) to enter into contracts, agreements or arrangements with any person or organisation as the Authority may deem necessary for performing its functions under this Act;

(x) to acquire, hold and dispose of property, movable or immovable, as it may deem necessary;

(xi) to adopt its own budget annually;

(xii) to determine, levy and collect taxes, fees and charges;

(xiii) to borrow money, issue debentures and manage its own funds; and

(xiv) to incur expenditure and to grant loans and advances as it may deem necessary for carrying out its functions under this Act.

### **10. Collection and disposal of garbage :-**

(1) In addition to the functions and powers specified in sections 8 and 9, the Authority may in any area within the District undertake the function of -

(a) either collection or disposals of garbage or both by entering into agreement with any municipal corporation or municipality within the District on such terms and conditions as may be agreed upon, or

(b) collection and disposal of garbage, and may for that purpose take over with effect from such date as it may specify by notification all existing responsibilities, powers, facilities, services and administration relating to collection and disposal of garbage from a municipal corporation or municipality within the District.

(2) When in respect of any area the Authority undertakes collection and disposal of garbage under clause (b) of sub-section (1), it may provide or appoint receptacles, depots or places in public streets and other public places in such area for the temporary deposit or final disposal of garbage, and may make such regulations as may be necessary for the deposit, collection, removal and disposal of garbage and for the regulation thereof.

### **11. Powers to undertake survey :-**

The Authority may, for the purpose of carrying out its functions, undertake survey of any area within the District and for that purpose it shall be lawful for any officer of the Authority-

(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 otherwise 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 Authority shall give notice of its intention to do so in such manner as may be provided by regulations.

**12. Power to the Authority to place and maintain pipes, drains etc. :-**

The Authority 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 purposes and for the purposes of examining, repairing, altering or removing such pipes, drains and installations :

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

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

**13. Payment for damage :-**

While exercising any power conferred upon the Authority under sections 11 and 12, the Authority 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.

**14. Power to acquire land compulsorily :-**

The Authority 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 strayers thereon under the provisions of any law for the time being in force authorising such acquisition.

**15. Transfer of land to the Authority :-**

When any land has been acquired in pursuance of section 14, the

Collector within whose jurisdiction the land is situated shall, upon payment of the cost of acquisition, make over charge of the land to the Authority, and the land shall thereupon vest in the Authority, subject to the liability of the Authority to pay any further cost which may have been incurred on account of its acquisition.

## **Section 16 to 16 - Functions and powers of the Board**

### **16. Functions and powers of the Board :-**

(1) Unless otherwise provided in this Act, all corporate functions of the Authority shall be vested in the Board and the Directors shall meet as Board at least once a week to discharge such functions as well as the functions hereinbelow specified and in such meetings the decision of the majority shall always prevail, the Chairman having a casting vote in the case of an equality of votes.

(2) The number of Directors necessary to form a quorum and the procedure to be followed by the Board in the conduct of its business shall be such as may be provided by regulations.

(3) The Board shall have the following functions and powers, namely:-

(i) to appoint all officers and employees of the Authority;

(ii) to exercise general supervision and control over the General Manager;

(iii) to prepare or cause to be prepared all schemes contemplated under clause (2) of section 8 and such schemes as may be necessary for carrying out the functions under section 10;

(iv) to consider the annual budget prepared by the General Manager and adopt it with or without modifications, subject to the approval of the General Council;

(v) to fix taxes, fees and charges subject to the approval of the General Council;

(vi) to submit to the General Council for its approval -

(a) the annual budget together with programme for the next financial year of all development works, that is, works of extension or expansion of existing facilities or construction of new facilities, but excluding works, connected with maintenance, replacement or repair,

(b) the annual financial statement,

(c) the annual administrative report,

(d) proposals for making regulation, and

(e) proposals for raising loans and issuing debentures.

## **Section 17 to 17 - Functions and powers of the General Council**

### **17. Functions and powers of the General Council :-**

(1) The General Council shall meet at least once in three months. The Chairman of the Board shall be the presiding officer of the General Council and in case of equality of votes he shall have a casting vote. The other Directors shall have the right to be present and speak in the meeting of the Council but, excepting the Directors who are also members, no right to vote.

(2) The number of members necessary to form a quorum and the procedure to be followed by the General Council in the conduct of its business shall be such as may be provided by regulations.

(3) The General Council shall have the power to approve

(a) Matters submitted to it by the Board under clause (vi) of sub section (3) of section 16, and

(b) taxes, fees and charges fixed by the Board :

Provided that if the General Council does not approve any of the aforesaid matters, it shall within thirty days from the date of receipt thereof refer back the same with its recommendations to the Board for reconsideration and the Board shall after such reconsideration resubmit the matter with or without modifications to the General Council. In case the General Council fails to consider any of the aforesaid matters within thirty days from the date of its receipt for the first time or refer back as aforesaid or does not approve any matter within fifteen days from the date of this resubmission, the Board may refer that matter forthwith to the State Government whose decision there on shall be final.

### **CHAPTER 4 ESTABLISHMENT OF THE AUTHORITY**

### **18. Appointment of officers and employees of the Authority :-**

(1) The Board shall appoint for the Authority a General Manager, who shall have administrative experience and be preferably an engineer. He shall have, in addition to the functions and duties specified elsewhere in this Act, such functions and duties as may be provided by regulations.

(2) The General Manager shall be the chief executive officer of the Authority who shall be accountable to the Board for his actions.

(3) The Board may appoint such other officers and employees as it considers necessary for the efficient performance of the functions of the Authority:

Provided that in respect of officers and employees whose maximum salary does not exceed Rs. 1,000 per month, the Board may delegate its power to appoint to the General Manager.

**19. Conditions of service of officers and employees :-**

Subject to the provisions contained in sub-section (1) of section 18, 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.

**20. Officers and employees to be subordinate to the General Manager :-**

(1) All officers and employees of the Authority shall be subordinate to the General Manager.

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

**21. Delegation of powers by the General Manager :-**

The General Manager may, with the previous approval of the Board, by order in writing-

(a) delegate any of his powers and duties to his subordinate officers and employees; and

(b) define the powers and duties of such officers and employees.

**22. General disqualifications of all officers and employees :-**

No person who has directly or indirectly, by himself or his partner or agent, any share or interest in any contract, by or on behalf of the Authority, or in any employment under, by or on behalf of the Authority otherwise than as an officer or employee thereof, shall become or remain an officer or employee of the Authority.

**CHAPTER 5 VESTING OF EXISTING MUNICIPAL WATER-SUPPLY, SEWERAGE, DRAINAGE AND CERTAIN OTHER SERVICES**

**23. Vesting of existing municipal water-supply, sewerage, drainage and other services :-**



(1) All existing water-supply, sewerage, and drainage services, and service relating to collection and disposal of night-soil including all plants, machineries, pumping stations, filter beds, water mains, public drains and all drains in, alongside or under any public street and all works, materials and things appertaining thereto together with so much of the sub-soil appertaining to the water mains and drains as may be necessary for the purpose of enlarging, deepening or otherwise repairing or maintaining any such water mains, drains and pipes and other appliances and fittings connected with water-supply and drainage works belonging to a municipal corporation or municipality and situated within the District, and all other assets movable or immovable connected therewith, but excluding cash and securities, shall vest in the Authority with effect from such date as the Authority may specify by notification:

Provided that different dates may be specified for the vesting of different services as aforesaid.

(2) With the vesting of the responsibilities for sewerage services of the Municipality of Howrah in the Authority under sub-section (1), all works relating to the sewage disposal scheme for the Municipality of Howrah belonging to the Board of Trustees for the improvement of Howrah constituted under the Howrah Improvement Act, 1956 together with all assets movable or immovable connected therewith, but excluding cash and securities, shall vest in the Authority.

(3) On the taking over by the Authority of the services and responsibilities of collection and disposal of garbage from any municipal corporation or municipality under clause (b) of sub-section (1) of section 10, such services including all plants, machineries, vehicles and other mechanised units and all works, materials and things belonging to such municipal corporation or municipality, and all other assets movable or immovable connected therewith, but excluding cash and securities, shall vest in the Authority.

(4) Any dispute arising in connection with the vesting of any property or asset under sub-sections (1), (2) and (3) shall be referred to the State Government whose decision thereon shall be final.

#### **24. Determination of the value of vested properties :-**

(1) The value of all properties and assets vested under section 23

shall, after notifying the date and time for the purpose and allowing a n opportunity of being heard to the municipal corporation or municipality concerned, be determined by the Authority, 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 Authority as the value on the date of transfer.

## **25. Authority to contribute towards debentures and other loans :-**

The debentures issued and other loans incurred with an original maturity of more than one year by the municipal corporations, municipalities and the Board of Trustees for the improvement of Howrah for acquiring or constructing the properties and assets vested in the Authority under this Chapter and remaining unpaid on the date of vesting shall continue to be the liabilities of the respective municipal corporations, municipalities and the Board of Trustees, but the Authority shall pay annually to each such municipal corporation or municipality or to the Board of Trustees the amount payable by it on account of interest and repayment of such debentures and other loans :

Provided, however, that with respect to the first of such payment to each municipal corporation or municipality or to the Board of Trustees, the amount payable by the Authority pursuant to this section shall be calculated as from the date of vesting.

## **26. Transfer of personnel of vested services :-**

(1) With the vesting of a service belonging to a municipal corporation or municipality or the sewage disposal scheme of the Board of Trustees for the improvement of Howrah under section 23 all persons who, in the opinion of the Board, were on the date of such vesting, primarily engaged in the construction or operation of the same shall be deemed to have been transferred to the Authority under terms and conditions of service not inferior to that as existed immediately before such vesting. The decision of the Board as to the designation and duties such persons would have after transfer shall be final :

Provided that any dispute as to whether a person was primarily engaged on the date of vesting in the construction or operation of a

service shall be referred to the State Government whose decision thereon shall be final.

(2) Every person whose service is so transferred under sub-section (1) shall be paid by the municipal corporation, municipality, or the Board of Trustees, as the case may be, the full amount on account of provident fund, if any, lying at his credit with such municipal corporation or municipality, or the Board of Trustees, on the date of transfer, and he shall have, within two months from the date of receipt of the payment, the option of depositing the amount in his provident fund account with the Authority. The period of service under the municipal corporation, municipality or the Board of Trustees, as the case may be, of each such person shall be taken into account in determining the amount of pension or gratuity, if any, to which he may be entitled.

## **27. Consequential reduction of rates by municipal corporations and municipalities :-**

On and from the date the Authority takes up the responsibilities for one or more of the services relating to water-supply, sewerage, drainage, collection and disposals of night-soil and collection and disposal of garbage, the municipal corporations and municipalities concerned shall correspondingly reduce their rates by such percentage as the State Government may in consultation with the municipal corporations and municipalities concerned determine.

## **CHAPTER 6 REVENUE, FINANCE, ACCOUNTS, AUDIT AND BUDGET**

### **28. Fund of the Authority :-**

(1) The Authority shall have its own fund and all receipts of the Authority shall be carried thereto and all payment by the Authority shall be made therefrom.

(2) Except as otherwise directed by the State Government, all moneys belonging to that fund shall be deposited either in the State Bank of India or in such other Scheduled Bank, or invested in such securities, as may be approved by the State Government.

### **29. Source of fund :-**

The fund required by the Authority may be raised from the following sources, namely :-

- (a) grant from Government or any other source,
- (b) loans from Government or any other source,

- (c) issue of debentures, and
- (d) taxes, fees and charges levied and collected under this Act.

### **30. Borrowing of money :-**

(1) The Authority may, for the purpose of carrying out its functions under his Act, from time to time, raise loans, by the issue of debentures of otherwise, of such sums of money, at such rates of interest, for such period, and upon such terms (as to the time and method of repayment, and the like) as the State Government may sanction.

(2) All loans under sub-section (1) shall be guaranteed by the State Government as to repayment of the principal and payment of interest.

### **31. Sinking and other funds :-**

The Authority shall provide for sinking, depreciation, reserve and other funds at such rates and on such terms as it may deem necessary and in accordance with the regulations.

### **32. Basis for fixations of taxes, fees and charges :-**

The taxes, fees and charges authorised to be imposed under this Act shall be sufficient to enable the Authority to cover to following :-

- (i) operating expenses,
- (ii) maintenance,
- (iii) taxes payable by the Authority,
- (iv) depreciation,
- (v) interest payments,
- (vi) amounts required for the repayment of long-term extent that such repayments shall exceed the provision for depreciation, and
- (vii) adequate allocation to reserves.

### **33. Imposition of taxes, fees and charges :-**

(1) In addition to the charges and fees authorised elsewhere in this Act, the Authority may im pose any one or more of the following charges and taxes, namely:-

- (a) a water-charge based on consumption, subject to a minimum charge, which may be at different rates for water supplied for different purposes, such as domestic, industrial and other pur poses;

- (b) a surcharge on water-charge for sewerage;
  - (c) a graduated tax, which may be at rates different for different areas, on the annual valuation of all lands and buildings within the District and which shall not exceed -
    - (i) 5 per cent, on the annual valuation where the annual valuation does not exceed one thousand rupees;
    - (ii) 7 1/2 per cent, on the annual valuation - where the annual valuation exceeds one thousand rupees, but does not exceed five thousand rupees;
    - (iii) 10 per cent, on the annual valuation - where the annual valuation exceeds five thousand rupees but does not exceed ten thousand rupees;
    - (iv) 15 per cent, on the annual valuation - where the annual valuation exceeds ten thousand rupees;
  - (d) a further tax not exceeding 5 per cent, on the annual valuation of all lands and buildings in any area in respect of which the Authority takes over the responsibilities of collection and disposal of garbage under clause (b) of sub-section (1) of section 10.
- (2) The rates of water-charge, surcharge and tax referred to in sub-section (1) shall be fixed annually and shall be notified to the public in such manner as may be provided by regulations.

#### **34. Amount of tax, how to be fixed :-**

- (1) For the purpose of assessment of tax under clauses (c) and (d) of sub-section (1) section 33, the annual value shall be, -
- (a) in respect of any land or building lying within the jurisdiction of a municipal corporation or municipality, the annual value as assessed by or for such corporation or municipality and prevailing for the time being, and
  - (b) in respect of any other land or building, the gross annual rent at which the land or building might at the time of assessment be reasonably expected to let from year to year, less, in the case of a building, an allowance of ten per cent, for the cost of repairs and for all other expenses necessary to maintain the building in a state to command such gross rent.
- (2) If the gross annual rent under clause (b) of sub-section (1) of any land or building not ordinarily let cannot be easily estimated, then -
- (i) in the case of such land, the gross annual rent shall be deemed to be five per cent, of the estimated present value of such land , and

(ii) in the case of such building, the gross annual rent shall be deemed to be five per cent, of the value of the building obtained by adding the estimated cost of erecting the building at the time of assessment less a reasonable amount to be deducted on account of depreciation, if any, to the estimated present market value of the land with the building as part of the same premises.

**35. Determination of annual value of any land or building not within a municipal area :-**

The annual value under clause (b) of sub section (1) of section 34 shall be determined by the General Manager or such other officer or officers authorised by him in this behalf, in such manner as may be prescribed. Such determination of annual value shall be final subject to appeal as hereinafter provided.

**36. Local and public authorities to pay for supply of water :-**

All street hydrants including fire hydrants, if any, within the jurisdiction of any local or public authority and all places of public resort under the control of such local or public authority shall be supplied with water, charges for which shall be payable by the local or public authority, as the case may be. Such charge shall be determined in the manner laid down in section 37.

**37. Calculation of charges for water supply :-**

(1) For calculating the amount payable by the owner of any premises for consumption of water, the Authority may determine the quantity consumed on the basis of readings recorded by a meter attached to the premises.

(2) Until meters can be attached to any premises, the Authority may, in such manner as may be provided by regulations, determine the average consumption of water on the basis of the pressure of water supply, the number and size of water taps and the size of ferrules, if any, used in the premises, and may determine the amount payable on the basis of such average consumption.

(3) For calculating the amount payable by a local or public authority for consumption of water -

(i) in any place of public resort, the quantity of water consumed may be determined in the manner specified in sub-sections (1) and (2), and

(ii) through street hydrants and fire hydrants within its jurisdiction,

the quantify of water consumed may, in such manner as may be provided by regulations, be determined by the Authority on the basis of the number of such hydrants, the pressure of water-supply and the diameter and size of pipes and fittings connecting the hydrants with the mains of the Authority.

(4) Meters shall be installed and owned by the Authority and cost thereof shall be paid out of the fund of the Authority:

Provided, however, that the Authority may realise for the meters such charge as it may from time to time specify by regulations.

Explanation. - In this section the expression "owner" includes an occupier where the premises or any part of it is in the occupation of such occupier and a separate water-supply connection stands in his name.

### **38. Charge for sewerage service only in certain cases :-**

If the owner of any premises having independent source of water-supply is allowed by the Authority to take sewerage service, he shall be liable to pay for such service such amount as would be payable as surcharge calculated on the basis of water consumed from his independent source, the same being deemed to be water supplied by the Authority. The quantity of water so consumed shall be determined by the Authority by affixing meters for such periods and at such places as it may deem proper :

Provided that no such amount shall be payable by the owner of any premises, solely used for residential purposes, having not more than one tube-well of diameter not exceeding four centimeters as independent source of water-supply.

### **39. Presumption as to correctness of meters :-**

The readings of meters indicating the quantity of consumption of water shall be presumed to be correct unless the contrary is proved.

### **40. Requisition of services of local authorities for certain purposes :-**

(1) Subject to the previous approval of the State Government, the Authority may require a local authority to perform specified functions on behalf of the Authority in connection with the collection of taxes, charges, surcharges or fees imposed under this Act.

(2) The manner in which such functions shall be performed, the procedure to be followed in connection therewith, the manner by which the local authority shall account to the Authority, the time and manner of payment to the Authority of the amounts collected, and the provision of credits or allowances, if any, to the local authority to cover administrative costs shall be such as may be prescribed.

(3) For the purpose of facilitating and enforcing collections by the local authority under this section, the Authority or the General Manager, as the case may be, may delegate to the local authority or any of its officers all or any of the powers granted in this behalf in this Act or in the regulations to the Authority or the General Manager, and in such event the relevant provisions of this Act or the regulations shall apply mutatis mutandis to the local authority and its officers.

#### **41. Realisation of taxes, fees and charges and recovery of arrears thereof :-**

(1) The Authority shall by regulations specify the time, place and manner of payment of the taxes, fees, charges and surcharges payable under this Act.

(2) Interest at 6 per cent, per annum shall be payable on all taxes, fees, charges and surcharges remaining unpaid after due dates.

(3) The taxes, fees, charges and surcharges due from any person in respect of any premises on account of supply of water and other services rendered by the Authority together with interest, if any, payable thereon shall, subject to the prior payments of land-revenue, if any due to the Government thereon and of municipal rates, if any, due to any municipal corporation or the commissioners of a municipality, as the case may be, be a first charge on the land and buildings, comprised in the premises, and upon the movable property, if any, found within such premises and belonging to the said person.

(4)

(i) If any local or public authority fails to pay the taxes, fees, charges and surcharges or any interest thereon due from it for a period of six months, the Authority may approach the State Government for taking necessary steps for recovery of the same and the State Government may then attach the fund or any portion thereof belonging to such local or public authority. (ii) After attachment, no person except an officer appointed in this behalf by



the State Government shall in any way deal with the attached fund or portion thereof but such officer may do all acts in respect thereof which any such local or public authority or officer or servant thereof might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interests due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Authority.

#### **42. Accounts and audit :-**

(1) The accounts of the Authority shall be maintained in such manner and in such form as may be provided by regulations.

(2) The accounts of the Authority shall be audited from time to time and at least once a year by such auditor as the State Government may appoint in this behalf, and the Authority shall pay to the auditor such remuneration as the State Government may direct.

(3) The Authority shall afford to the auditor, his clerks and assistants, access to all such books and documents as are necessary for the purposes of the audit, and shall, when required, furnish to them all vouchers and information requisite for that purpose, and also afford to them all facilities for the proper execution of their duty.

(4) The said auditor shall -

(a) report to the Board any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due to the Authority, or in the accounts, and report the same to the State Government,

(b) furnish to the Board such information as they may from time to time require concerning the progress of his audit, and

(c) within fourteen days after the completion of his audit, forward his report upon the accounts to the General Manager and such report shall form part of the annual financial statement prepared under section 43.

#### **43. Annual financial movement :-**

(1) The General Manager shall prepare an annual financial

statement in such form as may be provided by regulations and submit the same to the Board within six months after the expiry of each financial year.

(2) The annual financial statement shall give a true and faithful account of the income and expenditure during the previous financial year, including the progressive totals since the inception of the Authority and indicating the up-to-date financial position.

#### **44. Budget :-**

The General Manager shall in each year, by such date and in such form as may be provided by regulations, prepare a budget for the next financial year showing the estimated receipts and expenditure and place it before the Board for adoption.

### **CHAPTER 7 WATER SUPPLY**

#### **45. Authority to provide supply of water :-**

(1) The Authority shall provide supply of water throughout the District for domestic, commercial, industrial, recreational and other private or public purposes in accordance with such public health standards as may be prescribed, and the Authority may regulate the hours, quantity and pressure of such supply.

(2) The supply of water under sub-section (1) shall include supply, free of charge, of water for domestic purposes through public stand-posts for which the Authority may erect such stand-posts at such convenient places as it may consider necessary. The Authority shall also, until such time as it may consider necessary, continue to maintain the existing hand - operated public tube-wells belonging to a municipal corporation or municipality and vested in it under, section 23.

(3) The Authority shall not be liable to any penalty or damages for failure to supply water either due to accident or other unavoidable cause or due to necessary repairs replacements, extensions or other works connected with such supply.

#### **46. Regulations to provide connections for supply of water :-**

All connections of premises, street hydrants including fire hydrants and places of public resort to the mains of the Authority for the supply of water therein and all pipes, taps and other fittings used for such supply shall be made, maintained and regulated in

accordance with, and subject to, such regulations as may be made. The Authority may charge such connection and reconnection fees as may be provided by regulations.

**47. Power to direct the owner to obtain supply and lay down pipes, hydrants, etc., in certain cases :-**

When any premises are without supply of water the General Manager may by written notice require the owner of such premises to obtain such supply and for that purpose provide at the cost of such owner such pipes, hydrants, stake-posts and other fittings and execute such other works as the General Manager may decide :

Provided that -

(a) the cost of executing the said works beyond seventy meters from the premises shall be paid out of the fund of the Authority; and

(b) if the General Manager is satisfied that the owner is unable to bear the whole or any part of the cost of even such portion of the said works as is within seventy meters from the premises, he may, with the approval of the Board, direct that the whole or such part of the cost be paid from the fund of the Authority.

**48. Prohibition of unauthorised use of water :-**

No person shall use water except as authorised by this Act or regulations made thereunder.

**49. Prohibition of wastage of water and keeping in order pipes, taps, etc. :-**

(1) No owner or occupier of any premises to which water is supplied by the Authority shall negligently or otherwise suffer such water to be wasted or shall suffer pipes, taps, works and fittings for the supply of water to remain out of repair so as to cause wastage of water.

(2) No person shall cause wastage of water by the misuse of public stand -posts, pipes, drinking fountains or hydrants.

**50. Preventions of wastage of water in premises :-**

(1) Whenever the General Manager has reason to believe that as a result of defects in pipes, taps or fittings connected with the water-supply, the water supply to any premises is being wasted, he may, by written notice, require the owner of the premises, within such

period as may be specified in the notice, to repair and make good the defects.

(2) If such repairs are not effected within the time specified in the said notice the General Manager may cause such repairs to be made in order to stop wastage. The cost of such repairs shall be recovered from the owner of the premises as an arrear of water-charge.

### **51. Supply of water to ships :-**

The Authority shall on demand supply every ship leaving the Port of Calcutta with a reasonable quantity of water for use on the voyage, at such charge as the Authority may from time to time fix by regulations.

### **52. Permission of Authority to sink tube-wells :-**

No tube-well shall be sunk in any area within the District except in accordance with such regulations as may be made and without obtaining previous permission of the General Manager in writing. The General Manager may grant such permission subject to such further condition as he may deem fit or may refuse to grant permission.

### **53. Power to the General Manager to cut off on return off supply of water to premises :-**

(1) Notwithstanding anything contained in this Chapter, the General Manager may cut off the connection between any waterworks of the Authority and any premises to which water is supplied from such works or may turn off such supply, in any of the following cases, namely :-

- (a) if the premises are unoccupied;
- (b) if after receipt of written notice from the General Manager requiring him to refrain from so doing, the owner or occupier of the premises continues to use water or to permit the same to be used in contravention of this Act or any regulation made thereunder.
- (c) if the owner or occupier refuses to admit any officer or servant of the Authority duly authorised in that behalf into the premises for the purpose of making any inspection relating to water supply, or prevents such officer or servant from making such inspection.
- (d) if the owner or occupier of the premises willfully or negligently injures or damages the meter or any pipe or tap conveying water

from any works of the Authority;

(e) if any pipes, taps, works or fittings connected with the supply of water to the premises be found on examination to be out of repair to such an extent as to cause such wastage of water that immediate prevention is necessary;

(f) if by reason of a leak in the service pipe or fitting, damage is caused to a public street and immediate prevention is necessary; or

(g) if there is any water-pipe situated within the premises to which no tap or other efficient means of turning the water off is attached:

Provided that, except in the case where by reason of any of the circumstances referred to in clause (d) to (g) there is risk of contamination of water, the General Manager shall not cut off such connection or turn off such supply unless notice of not less than twenty-four hours has been given to the owner or the occupier of the premises, as the case may be.

(2) No action taken under or in pursuance of this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

(3) The expense of cutting off the connection or of turning off the water and of restoring the same as determined by the General Manager in any case referred to in sub-section (1) shall be paid by the owner or occupier of the premises:

Provided that no charge for such expense shall be made in the case maintained in clause (a) of the said sub-section.

#### **54. General powers of the Authority in regard to water mains :-**

In carrying water-mains within or outside the District, the Authority shall have the same powers and be subject to the same restrictions as are provided in respect of carrying drains within or outside the District.

#### **55. Laying of pipes or construction of aqueducts, etc., beyond the District for bringing water into it :-**

When it is necessary to bring Water into the District from any place outside the District, the Authority may, if required, construct dams, reservoirs or other facilities outside the District, and may lay pipes or construct aqueducts and in so doing may exercise throughout the line of country outside the District through which such pipes or aqueducts are to run, all the powers which it might exercise under this Act or any regulation made thereunder if the said pipes or

aqueducts were to run within the District.

**56. Power of the Authority to take over other water-supply system :-**

When the Authority has taken over the water-supply service in any area under section 23, or is in a position to supply water in any area where there is no such water-supply service, the Authority may, after serving at least three months notice in such manner as may be provided by regulations, take over any independent water-supply 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.

**CHAPTER 8 DRAINAGE AND SEWERAGE**

**57. Authority to provide drainage, sewerage and outfall :-**

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

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

**58. Power to Authority to improve, discontinue drains etc. :-**

The power of the Authority under section 57 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 has in its opinion become 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 the 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 Authority shall as soon as practicable, provide for his use some other drain as effectual as one which has been discontinued, closed up or destroyed.

**59. Authoritys power to carry its drains beyond the District for specific purposes :-**

(1) Where it is necessary for the purpose of outfall or discharge of sewage to carry any drain of the Authority outside the District, the Authority may do so-

(i) through, across or under any street or any place laid out as or intended for a 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 Authority shall cause as little damage as possible to any property and shall pay compensation to any person who sustain damage in consequence of the exercise of such power.

**60. Commission of Authoritys drains with drains, lakes, etc., beyond the District :-**

The Authority may, if necessary, make its drains to communicate with, or empty themselves into, any public drain, lake, stream, canal or water-course outside the District, and in so joint it may exercise throughout the line of country outside the District, 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 District.

**61. Right of owner or occupier of premises to empty house-drains into a drain of the Authority :-**

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

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

(b) complies with such conditions as the General Manager may

specific as to the mode in which, and the superintendence under which, communications between house-drains and the drains of the Authority are to be made.

**62. Connections with drains of the Authority not to be made except in conformity with section 61 :-**

No person shall without complying with the provisions of section 61 make or cause to be made any connection of a house-drain with a drain of the Authority.

**63. Compulsory connections of house-drains with each other :-**

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 General Manager considers it desirable that any other premises should be drained into such drain, he may, by written notice, require the owner of the 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 General Manager in accordance with the regulations has been duly made.

**64. Power to enforce drainage into premises :-**

When any premises are, in the opinion of the General Manager, without sufficient means of effectual drainage, he may by written notice require the owner of the said premises -

- (a) to make a house-drain emptying into a drain of the Authority;
- (b) to provide and set up all such appliances and fittings as may appear to the General Manager 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 -

- (a) in cases where the drain of the Authority is beyond seventy



meters from the premises, the cost of constructing the portion of the house- drain beyond seventy miters from the premises shall be paid out of the fund of the Authority; and

(b) if the General Manager 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 metres from the premises, he may with the approval of the Broad, direct that the whole or such part of the cost be paid from the fund of the Authority.

**65. Provision for privy and urinal accommodation in premises where such accommodation has not been provided or is insufficient :-**

When any premises are without privy or urinal accommodation, or if t h e General Manager is of the opinion that the existing accommodation therefor available for the persons occupying or using the premises is insufficient, inefficient or for sanitary reasons objectionable, the General Manager may, notwithstanding anything contained in any law governing any municipal corporation or municipality, as the case may be, or in any rule or bye - law made thereunder, by written notice, require the owner of 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.

**66. Cost of repair of privy payable out of the fund of the Authority in certain cases :-**

When a notice has been issued under section 65 in respect of any privy, urinal or group of privies or urinals and the General Manager 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 Authority.

**67. Power to the General Manager to require repairs, etc., to be made to house-drain, etc. :-**

(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 General Manager 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 any regulation made thereunder or of any other Act, or rule or by - law made under the same, prevailing at the time of such construction, the General Manager 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, recover, 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 General Manager 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 provisions 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 General Manager be paid by the owner or the occupier of the premises.

**68. Regulations as to drains, privies and urinals :-**

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.

**69. Power of the General Manager to require occupier to carry out work in place of owner :-**

When under the provisions of this Chapter, or Chapter VII, the General Manager 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:

Provided further that for the purpose of clause (b) of section 9 of the West Bengal Premises Tenancy Act, 1956, 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 Chapters VII and VIII of this Act which amounts to an improvement within the meaning of the said West Bengal Premises Tenancy Act, 1956.

#### **70. Taking over by and vesting in the Authority of other sewerage and drainage system :-**

(1) When the Authority has taken over any of the services relating to sewerage and drainage in any area under section 23, or is in a position to provide sewerage and drainage where there is not such service, the Authority may, after serving at least three months 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 Calcutta Improvement Act, 1911, or the Howrah Improvement Act, 1956, after the Authority 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 the Board of Trustees for the improvement of Calcutta or the Board of Trustees for the improvement of Howrah in the course of execution of any improvement scheme for providing water, sewerage or drainage facilities therein shall vest in the Authority on the date such street vests in the Corporation of Calcutta or the Municipality of Howrah, under section 65 of the Calcutta Improvement Act, 1911, or of the Howrah Improvement Act, 1956, as the case may be.

#### **CHAPTER 9 PROSECUTION AND PENALTY**

## **71. Prosecution :-**

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 Authority authorised by it in this behalf.

## **72. Penalty :-**

Whoever contravenes the provisions 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 10 MISCELLANEOUS**

### **73. Power of entry :-**

It shall be lawful for the General Manager or any officer authorised by him in this behalf to enter into or upon any land or building within the District 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.

### **74. Powers of inspection and examination :-**

(1) The General Manager or any officer authorised by him in this behalf may -

(a) inspect and examine any house-drain, ventilation shaft or pipe, cesspool, house-gully, privy, urinal, or bathing or washing place existed 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, broken up 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, broken up or removed under clause (b) of sub-section (1) shall be filled in, reinstated 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 by-law made under the same, prevailing at the time of such construction, and

(b) the Authority, 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 date of inspection and examination, make a written representation to -

(a) the General Manager, in cases where the inspection and examination is done by any officer of the Authority other than the General Manager, and

(b) the Board, in other cases,

and the decision of the General Manager or the Board, as the case may be, shall be final.

#### **75. Powers to disinfect tank, pool or well :-**

(1) The General Manager or any other officer authorised by him in this behalf may have any tank, pool or well cleansed or disinfected after notice to the owner and the occupier, if any, thereof when it appear to him that such cleansing or disinfecting will tend to prevent or check the spread of any dangerous disease.

(2) The cost of cleansing or disinfecting under sub-section (1) shall be paid by the owner or occupier of the tank, pool or well and shall, in case of default, be recoverable as arrear of water-charge; provided that if the General Manager is satisfied that such owner or occupier has no means to pay, he may, with the previous approval of the Board, direct that such cost be paid from the fund of the Authority.

#### **76. Municipal authorities not to sanction building plan unless plan relating to water supply, etc., is in conformity with regulations :-**

All building plans submitted to a municipal corporation or municipality for sanction shall conform to the regulations of the Authority

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 or municipality unless the same so conforms.

**77. Power to Authority and General Manager to enforce requisition or order :-**

(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 Authority or the General Manager, 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 General Manager.

(2) Such written objection, if any, shall be heard and disposed of by the General Manager after giving notice to the objector and the order of the General Manager 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 General Manager may take such measures 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 requisition or order was addressed and shall be recoverable as arrest of water-charge.

(4) The General Manager may take any measures under subsection (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.

**78. Compensation :-**

(1) The compensation payable under sections 13, 56, 59 and 70 shall be determined by the General Manager 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 ten thousand, the General Manager shall refer the case 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 General Manager or the officer, as the case may be, determining the amount of compensation under sub-section (1) shall also 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) subject to appeal as hereinafter provided, be final.

### **79. Appeal :-**

(1) Any person aggrieved by an order of the General Manager or the officer determining the annual value of any land or building under section 35 or by an order of the Board, the General Manager or the officer, as the case may be, determining the amount of compensation under sub-section (1) of section 78, 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.

### **80. Validation :-**

No act or proceeding of the Authority or of the General Council or of the Board shall be deemed to be invalid merely by reason of the existence of any vacancy in the General Council or in the Board or any defect or irregularity in the constitution of the Authority or of the General Council or of the Board.

### **81. Act to override other laws, etc. :-**

The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or any instrument made thereunder.

### **82. Authority to be a local authority :-**

The fund of the Authority shall be deemed to be a local fund and the Authority shall be deemed to be a local authority within the meaning of clause (23) of section 3 of the Bengal General Clauses Act, 1899.

**83. Members, Directors, officers and employees of the Authority to be public servant :-**

All members, Directors, officers, and employees of the Authority shall be deemed, when acting or purporting to act in the discharge of their duties or in the exercise of their powers under this Act or under any rule or regulation made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code.

**84. Prohibition of obstruction :-**

(1) No person shall, in any way, obstruct any member, Director, officer or employee of the Authority 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 Authority has entered into a contract, in the performance or execution by such person of his duty under, or in doing any thing which he is empowered to do by virtue of, or in consequence of, this Act or any rule or regulation made thereunder.

**85. Local authorities to assist :-**

(1) All local authorities shall render such help and assistance and furnish such information to the Authority as the Authority may require for carrying out its purposes and shall make available to the Authority for inspection and examination such records, maps, plans and other documents as may be necessary for the discharge of its functions.

(2) Every municipal corporation or municipality within the District shall, on demand, make available copies of assessment rolls and other relevant documents in connection with assessment of rates and taxes on payment of such fees as may be prescribed. Such copies shall be duly certified by an officer of the corporation or the municipality, as the case may be, authorised in this behalf.

**86. Prohibition of removal of mark :-**

No person shall remove any mark placed, or fill up any trench cut, for the purpose of marking levels and boundaries by the Authority



under the provisions of this Act.

### **87. Indemnity :-**

No suit or proceeding shall lie against any member, Director, officer or employee of the Authority for anything in good faith done or intended to be done in pursuance of this Act or any rule or regulation made thereunder

### **88. Repeal and amendment :-**

(1) With effect from the date of vesting in the Authority of any of the services of water-supply, sewerage, drainage, collection and disposal of night-soil and collection and disposals of garbage in any area, the provisions of the Calcutta Municipal Act, 1951, or the Calcutta Municipal Act, 1923 as in force in the Municipality of Howrah, or the Bengal Municipal Act, 1923, or the Chandernagore Municipal Act, 1955, or the Howrah Municipal Act, 1965, as the case may be, or any other Act for the time being in force relating to such service shall stand repealed in the area.

(2) The provisions of the Howrah Improvement Act, 1956, relating to the sewage disposal scheme for the Municipality of Howrah shall stand repealed with effect from the date of vesting in the Authority of the works relating to such scheme.

(3) The Calcutta Improvement Act, 1911, and the Howrah Improvement Act, 1956, shall stand amended to the extent and in the manner specified in Schedule III.

### **89. Directions by the State Government :-**

The State Government may, after consultation with the Authority, give to the Authority such directions of a general character relating to the performance of its functions and duties under this Act as appear to the State Government to be requisite in the public interest and the Authority shall give effect to such directions.

### **90. Control of State Government :-**

(1) The State Government may remove from the Authority any Director who in its opinion -

(a) refuses to act,

(b) has become incapable of acting,

(c) has so abused his position as a Director as to render his continu-ance in office detrimental to the interest of the public, or

(d) is otherwise unsuitable to continue as Director.

(2) The State Government may suspend any Director pending an enquiry against him.

(3) No order of removal under this section shall be made unless the Director concerned has been given an opportunity to submit his explanation to the State Government, and when such order is passed another Director shall be appointed or elected, as the case may be, under sub-section (2) of section 6 to fill up the vacancy.

(4) A Director who has been removed shall not be eligible for reappointment as Director or in any other capacity under the Authority or for reelection as Director.

(5) If the Authority fails to carry out its functions, or follow the directions issued by the State Government under this Act, the State Government shall have the power to remove all the Directors including the Chairman and in the case of such removal the Board shall be reconstituted in accordance with the provisions of section 5.

#### **90A. Power of State Government to supersede the Authority**

**:-**

<sup>1</sup>[(1) If in the opinion of the State Government it is necessary so to do with a view to better co-ordination and speedier execution of development work and maintenance thereof the State Government may, by an order published in the Official Gazette and mentioning therein the reason for the order, supersede the Authority for such period as may be specified in the order.

(2) For the removal of doubts it is hereby declared that no notice whatsoever is required to be given to the Authority for submission of any representation before making any such order of supersession under sub-section (1).

(3) The State Government may, if it considers necessary so to do, by order, extend or modify from time to time the period of supersession.]

1. Sections 90A and 90B Inserted by W. B. Act 11 of 1972 (as amended by W.B. Act 21 of 1974).

#### **90B. Consequences of supersession :-**

<sup>1</sup>[(1) When an order of super-session has been made under section 90A. then with effect from the date of the order-

(a) all Directors and members of the Authority shall vacate their offices;

(b) all properties, funds and dues which are vested in or realisable by the Authority shall vest in and be realisable by the Calcutta Metropolitan Development Authority constituted under section 3 of the Calcutta Metropolitan Development Authority Act, 1972 (hereinafter referred to as the Metropolitan Authority) :

(c) all contracts and liabilities which are enforceable by or against the Board shall be enforceable by or against the Metropolitan Authority;

(d) all the powers and duties which may, under the provisions of this or any other Act or any rule, regulation, bye-law, order or notification made thereunder, be exercised or performed by the Authority shall be exercised or performed by the Metropolitan Authority;

(e) all legal proceedings instituted by or against the Authority may be continued or enforced by or against the Metropolitan Authority;

(f) all officers and other employees of the Authority continuing in office immediately before the date of the order shall be deemed to be employed by the Metropolitan Authority on such terms and conditions not being less advantageous than what they were entitled to immediately before the said date.

(2) The State Government shall, before the expiration of the period of supersession, re-establish the Authority in accordance with the provisions of this Act.

(3) The State Government may make such incidental or consequential orders as may appear to it to be necessary for giving effect to the order made under sub-section (1) or (3) of section 90A or under sub-section (2) of this section.

1. Sections 90A and 90B Inserted by W. B. Act 11 of 1972 (as amended by W.B. Act 21 of 1974).

### **91. Provision for removal of difficulty :-**

If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may, by notification, take such steps or issue such orders not inconsistent with this Act as may appear to it to be necessary or impeding for the purpose of removing such difficulty.

### **92. Power to make rules :-**

(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 all or any of the following matters, namely:-

- (a) the manner of election of Directors by the General Council under clause (b) of sub-section (1) of section 5;
- (b) the qualifications, remuneration, other conditions of service and fees for attendance at meetings of Directors under sub-section (3) of section 5;
- (c) the duties and the functions of the Chairman under sub-section(5) of section 5;
- (d) the time for election of Directors by the General Council under clause (b) of sub-section (6) of section 5;
- (e) the officer before whom an appeal may be preferred and the manner of doing so under sub-section (1) of section 24;
- (f) the manner of determining annual value under section 35;
- (g) the manner of performing functions and the procedure to be followed in connection therewith, the manner of accounting, the time and manner of payment by, and the provision of credits or allowances to, the local authority under sub-section (2) of section 40;
- (h) the public health standards of water-supply under sub-section (1) of section 45;
- (i) the manner of determining compensation under sub-section (1) of section 78;
- (j) the manner of filing and hearing of appeals under sub-section (3) of section 79;
- (k) the fees for obtaining copies of assessment rolls, etc., under sub-section (2) of section 85;
- (l) any other matter which may be or is required to be prescribed under this Act.

### **93. Power make regulations :-**

(1) The Authority may make regulations not inconsistent with this Act or the rules make thereunder, for carrying out its functions under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

- (a) the deposit, collection, removal and disposal of garbage and regulation thereof under sub-section (2) of section 10;
- (b) the manner of giving notices under the proviso to section 11, the second proviso to section 12, section 56, sub-section (1) of

section 70 and the proviso to section 73;

(c) the number of Directors necessary to form quorum and the procedure for conduct of business by the Board under sub-section (2) of section 16;

(d) the number of members necessary to form quorum and the procedure for conduct of business by the General Council under sub-sections (2) of section 17;

(e) the functions and duties of the General Manager under sub-section (1) of section 18;

(f) the method of recruitment, the qualifications, the pay, and other terms and conditions of service of officers and employees under section 19;

(g) the rules for providing for sinking, depreciation, reserve and other funds under section 31;

(h) the manner of notifying the rates of water-charge, surcharge and tax under sub-section 33;

(i) the manner of determining consumption of water under sub-section (2) and (3) of section 37;

(j) the amount of charge for meters under the proviso to sub-section(4) of section 37;

(k) the time, place and manner of payment of taxes, fees, charges and surcharges under sub-section (1) of section 41;

(l) the form and manner of maintaining accounts under sub-section (1) of of section 42;

(m) the form for the preparation of the annual financial statement under sub-section (1) of section 43;

(n) the date by which and the form in which the budget shall be prepared under section 44;

(o) the rules for making, maintaining and regulating connections for the supply of waste and fees for connection and re-connection under section 46;

(p) the charge for the supply of water to ships leaving the Port of Calcutta under section 51;

(q) the conditions for sinking tube-wells under section 52;

(r) the procedure for obtaining and the granting of written permission and the payment of connection fee referred to in clause (a) of section 61;

(s) the terms and the amount payable for compulsory connection of house-drains under the proviso to section 63;

(t) the rules for constructions, maintenance, etc., of drains, privies and urinals under section 68;

(u) any other matter which may be or is required to be provided by

regulations under this Act:

Provided that in making regulations regarding any of the matters specified in causes (b), (c), (d), (f), (g), (I), (m), (n), (q), and (u), the previous approval of the State Government shall be obtained.

## **SCHEDULE 1**

### **SCHEDULE I**

#### **SCHEDULE I [See section 2(1) (c)]**

##### **"CALCUTTA METROPOLITAN DISTRICT"**

The "Calcutta Metropolitan District" is comprised of the area including the river Hooghly which has been described in two blocks with boundaries as follows, namely :-

##### **A. Block I**

##### **1. NORTHERN BOUNDARY**

In district Hooghly:

A line starts from the point where a straight line drawn eastward along the northern boundary of mauza Refaitpur (J.L. No. 29) meets the eastern boundary line of the Hooghly district in the river Hooghly and proceeds westward along the northern boundaries of mauza Refaitpur (J.L. No. 29) and Benipur (J.L. No. 34) within police-station Mogra.

##### **2. WESTERN BOUNDARY**

In district Hooghly:

The aforesaid line then bends southward and runs along the western boundaries of the said mauza Benipur (J.L. No. 34) and mauza Tribeni-Baikunthapur (J.L. No. 36), Amodghata (J. L. No. 40) and Alkaloid (J.L. No. 47) within police-station Mogra;

Thereafter it follows the western boundary of mauza Hosenabad (J.L. No. 148) within police-station Polba;

The same line then proceeds along the western boundaries of mauzas Dingalhat (J.L. No. 44) and Saptagram (J.L. No. 45) within police-station Mogra;

Thereafter the same line follows the western boundaries of mauzas Jhampa (J.L. No. 150), Tarabihari (J.L. No. 151), Nandipur (J.L. No. 155), Panchrakhi (J.L. No. 154), Amarpur (J.L. No. 176), Mahespur (J.L. No. 178) and Bhushnara (J.L. No. 192) within police-statio Polba;

Thereafter the same line follows the western boundaries of mauzas Khalishani (J.L. No. 1), Belkuli (J.L. No. 2), Bejra (J.L. No. 4), northern and western boundaries of mauza Garzi (J.L. No. 6) and western and southern boundaries of mauza Bighati (J.L. No. 14) within police-station Bhadreswar;

Then the said line follows the western boundary of Baidyabati Municipality;

It then follows the western boundaries of mauzas Piarapur (J.L. No. 7), Belumiki (J.L. No. 11), Madpur (J.L. No. 20), Bangihati (J.L. No. 21), Jagannathpur (J.L.No. 26), Bamunari (J.L. No. 25) and Bhadua (J.L. No. 23) within police-station Serampore;

Then the line follows the north-western boundary of mauza Chakundi (J.L. No. 94), north-western and western boundaries of mauza Dankuni (J.L. No. 93), western boundary of mauza Monoharpur (J.L. No. 98) and western and southern boundaries of mauza Mrigala (J.L. No. 102) up to the point where it meets the northern boundary-line of district Howrah within police-station Chanditala;

In district Howrah:

The same line then follows the northern and western and western boundary-line of mauza Baigachhi (J.L. No. 1), western and southern boundaries of mauza jagadispur (J.L. No. 2) and western boundary of mauza Chamrail (J.L. No. 5) within

police-station Bally;

Then it runs south-westward along the north-western and western boundaries of mauzas Tentulkuli (J.L. No. 53) and Kantlia (J.L. No. 50), northern boundary of mauza Ankurhati (J.L. No. 30) and eastern, northern and western boundaries of mauza Bipra Naopara (J.L. No. 27) within police-station Domjur;

Then it follows the western boundaries of mauzas Jangalpur (J.L. No. 28) and Argari (J.L. No. 27) within police-station Sankrail;

Then it runs along the north-eastern, northern and north-western boundaries of mauza Sankharidaha (J.L. No. 22), north-eastern, northern, western and southern boundaries of mauza Amre (J.L. No. 21) and southern boundary of mauza Sankharidaha (J.L. No. 22) within police-station Domjur;

Thereafter the line runs along the south-western boundary of mauza Alampur (J.L. No. 25), western boundary of mauza Masila (J.L. No. 24), northern boundary of mauza Chaturbhuj Kathi (J.L. No. 23), eastern, northern and western boundaries of mauza Jala Dhulagari (J.L. No. 2) and northern, western and south-western boundaries of mauza Kendua (J.L. No. 5) within police-station Sankrail;

Thereafter it follows the northern and western boundaries of mauza Paniara (J.L. No. 28), western boundaries of mauzas Satgharia (J.L. No. 27) and Belkulai (J.L. No. 31) within police-station Panchla;

It then follows the northern, western and south-western boundaries of mauza Raghudebpur (J.L. No. 99), western boundaries of mauzas Balarampota (J.L. No. 103) and Dasbhaga (J.L. No. 104), north western boundary of mauza Chengail (J.L. No. 105), north-eastern boundary of mauza Sijberia (J.L. No. 106), northern and western boundaries of mauza Jagatpur (J.L. No. 95), western boundaries of mauza Kotalghata (J.L. No. 107), Fuleswar (J.L. No. 108), Latibpur (J.L. No. 86) and Bihar Gangarampur (J.L. No. 85) within police-station Uluberia.

### 3. SOUTHERN BOUNDARY

In district Howrah:

The aforesaid line then takes a sharp end towards the east following the southern boundaries of the said mauza Bahir-Gangarampur (J.L. No. 85) and mauza Uluberia (J.L. No. 109) within police-station Uluberia;

And thereafter it proceeds further eastward in a straight line and meets the eastern boundary-line of Howrah district in the river Hooghly.

### 4. EASTERN BOUNDARY

Thereafter the same line proceeds northward following the eastern boundary-line of districts Howrah and Hooghly in the river Hooghly and meets the starting point of the northern boundary.

#### B. Block II

### 1. NORTHERN BOUNDARY

In district Nadia:

A line starts from the point where a straight line drawn westward along the northern boundary of mauza Majher Char (J.L. No. 54) meets the western boundary-line of Nadia district in the river Hooghly and proceeds eastward along the northern boundaries of mauza Majher Char (J.L. No. 54), Gustia (J.L. No. 61), Jadabbati (J.L. No. 65), Chak Manikkanada (J.L. No. 66), northern and eastern boundaries of mauza Mathurabati (J.L. No. 68), northern boundaries of mauzas Dakshin Bhabanipur (J.L. No. 69), Gopalpur (J.L. No. 75) and Kataganj (J.L. No. 74), western and northern boundaries of mauza Kulia (J.L. No. 83) and northern boundaries of mauza Raghunathpur (J.L. No. 82) and Dogachhia (J.L. No. 88) within police-station Chakdaha.

### 2. EASTERN BOUNDARY

In district Nadia :

The said line then bends southward and runs along the eastern boundaries of the said mauza Dogachhia (J.L. No. 88) and mauza Gayespur (J.L. No. 87), south-eastern boundary of mauza Kanpur (J.L. No. 86) and southern boundaries of mauzas Gokulpur (J.L. No. 73) and Satrapara (J.L. No. 72) within police-station Chakdaha;

In district 24-Paraganas:

Thereafter the same line follows the south-eastern and southern boundaries of

mauza Palladaha (J.L. No. 5); then it sharply bends southward following the eastern boundary-line of the Kanchrapara Municipality and then it runs along the northern and eastern boundaries of mauza Srotribati (J.L. No. 20), eastern and southern boundaries of mauza Chendua (J.L. No. 18), southern boundary of mauza Jetia (J.L. No. 16) and eastern boundaries of mauzas Nanna (J.L. No. 15) and Jadunathbati (J.L. No. 13) within police-station Bijpur;

Then the same line proceeds along the eastern and southern boundaries of mauza Rajendrapur (J.L. No. 10), eastern boundaries of mauzas Naihati (J.L. No. 3) and Deulpara (J.L. No. 5) within police-station Naihati;

Thereafter it follows the eastern and southern boundaries of mauza Madrail (J.L. No. 2), eastern boundary of mauza Fingapara (J.L. No. 3), eastern and south-eastern boundaries of mauza Narayanpur (J.L. No. 4), eastern boundaries of mauzas Mandalpara (J.L. No. 10) and Bidyadharpur (J.L. No. 17), southern boundary of mauza Rahuta (J.L. No. 22), eastern and southern boundaries of mauza Gurdaha (J.L. No. 21) and eastern boundary of mauza Paltapara (J.L. No. 25) within police-station jaggaddal;

Then it runs along the north-eastern boundary of mauza Babanpur (J.L. No. 1) and then proceeds eastward along the northern boundaries of mauza jafarpur (J.L. No. 9), Mohanpur (J.L. No. 8) and Telinipara (J.L. No. 10) and again bends southward along the eastern boundary of the said mauza Telinipara (J. L. No. 10) and north eastern boundary of mauza Nilganja (J.L. No. 13) within police-station Titagarh;

Thereafter the same line proceeds further eastward along the northern boundaries of mauzas Salurhat (J.L. No. 13), Rangapur (J.L. No. 12), Kokapur (J.L. No. 11), Barbaria (J.L. No. 8), Chaturia (J.L. No. 34), Napara (J.L. No. 83), Palpakuria (J.L. No. 82), Maliakur (J.L. No. 100), Murali (J.L. No. 99), Mandalganti (J.L. No. 98) and Sikdespukhuria (J.L. No. 95); then it bends southward following the eastern boundaries of mauzas Sikdespukhuria (J.L. No. 95), Bara (J.L. No. 113), Sarabaria (J.L. No. 112), Kuberpur (J.L. No. 108) and Chandigori (J.L. No. 109), eastern and south eastern boundaries of mauza Kayemba (J. L. No. 171), eastern boundary of mauza Bagband Saiberia (J.L. No. 172) and south-eastern boundary of mauza Krishnapur Madanpur (J.L. No. 181); then it sharply bends north westward following the southern and south-western boundaries of the said mauza Krishnapur Madanpur (J.L. No. 181), southern boundary of mauza Bagberia (J.L. No. 68), eastern boundary of mauza Kachua (J.L. No. 66), eastern, southern and western boundaries of mauza Singhapara (J.L. No. 65), western boundaries of mauzas Kachua (J.L. No. 66) and Maheswarapur (J.L. No. 67), southern boundary of mauza Badu (J.L. No. 71), south-eastern and southern boundaries of mauza Digberia (J.L. No. 74), and southern boundary of mauza Abdalpur (J.L. No. 53); then the line again bends southward along the south-eastern boundary of mauza Chandnagar (J.L. No. 44), eastern and south eastern boundaries of mauza Doharia (J.L. No. 45), south-eastern boundary of mauza Ganganagar (J.L. No. 49) and north eastern boundary of mauza Donnagar (J.L. No. 48) within police-station Barasat;

Then it follows the northern and eastern boundaries of mauza Ganti (J.L. No. 1), eastern, south-eastern and southern boundaries of mauza Gopalpur (J.L. No. 2), south-eastern boundaries of mauzas Atghara (J.L. No. 10) and Teghari (J.L. No. 9), eastern and southern boundaries of mauza Jyangra (J.L. No. 16), and eastern boundaries of mauzas Krishnapur (J.L. No. 17) and Mahishbathan (J.L. No. 18) within police-station Rajarhat;

Then it follows the north-eastern and eastern boundaries of mauza Dhapa Manpur (J.L. No. 1) within police-station Bhangar;

Thereafter the same line runs along the eastern and southern boundaries of mauza Dhapa (J.L. No. 2), eastern boundaries of mauzas Choubaga (J.L. No. 3), Nonadanga (J.L. No. 10), Madurdaha (J.L. No. 12), Kalikapur (J.L. No. 20), and Barakhola (J.L. No. 21), north-eastern and eastern boundaries of mauza Chak Ganiagachhi (J.L. No. 24) and eastern boundary of mauza Chak Garia (J.L. No. 26) within police-station Tollygunge;

Then it runs along the northern and eastern boundaries of mauza Dhelua (J.L. No. 43), north-eastern boundary of mauza Tentulbaria (J.L. No. 44), northern and eastern boundaries of mauza Kamrabad (J.L. No. 41), eastern boundary of mauza



Gorkhara (J.L. No. 22), eastern and southern boundaries of mauza Sonarpur (J.L. No. 39); thereafter it proceeds southward along the eastern boundary line of Rajpur Municipality, and then along the eastern boundaries of mauzas Char Harinabhi (J.L. No. 33) and Bangsidharpur (J.L. No. 34) within police-station Sonarpur;

Then it proceeds along the eastern boundary of mauza Mallikpur (J.L. No. 10), northern and western boundaries of mauza Ganespur (J.L. No. 12), and eastern boundaries of mauzas Sultanpur (J.L. No. 16), Beralia (J.L. No. 17), Kapindapur (J.L. No. 18), Baruipur (J.L. No. 31) and Beliaghata (J.L. No. 67) within police-station Baruipur.

### 3. SOUTHERN BOUNDARY

In district 24-Paraganas:

The aforesaid line then takes a turn towards the west following the southern boundaries of mauzas Beliaghata (J.L. No. 67), Sasan (J.L. No. 66), Paschim Madhabpur (J.L. No. 51) and Sanpukuria (J.L. No. 50), southern and western boundaries of mauza Nihata (J.L. No. 49), western boundary of mauza Mahdya Kalyanpur (J.L. No. 42) and south-western boundary of mauza Dhopagachhi (J.L. No. 43) within police-station Baruipur;

Then it follows the southern and western boundaries of mauza Bamangachhi (J.L. No. 86); then it runs northward following the western boundaries of mauzas Sri Krishnapur (J.L. No. 85), Baragachhia (J.L. No. 84), Baruli (J.L. No. 83) and Raghunathpur (J.L. No. 68); then it takes a turn towards the west and follows the eastern, southern and western boundaries of mauzas Hogalkuria (J.L. No. 67) and Ban Hugli (J.L. No. 65), and southern and western boundaries of mauza Danga (J.L. No. 64) within police-station Sonarpur;

Thereafter the line follows the southern boundaries of mauzas Magurkhali (J.L. No. 35), Sajanberia (J.L. No. 33), Gopalnagar (J.L. No. 32), Kalua (J.L. No. 22) and Hanspukuria (J.L. No. 20) within police-station Behala;

It then proceeds along the southern boundaries of mauzas Kalagachhia (J.L. No. 40), Sankharipota (J.L. No. 36), Naoabad (J.L. No. 35) and Khanberia (J.L. No. 32), southern and western boundaries of mauza Chandigar (J.L. No. 31), south-western boundary of mauza Sanpukuria (J.L. No. 30), and southern boundaries of mauzas Chata Kalikapur (J.L. No. 22), Sibhugli (J.L. No. 21) and Rameswarpur (J.L. No. 20) within police-station Maheshtola;

Thereafter the same line follows the southern boundaries of mauzas Betuabati Rajarampur (J.L. No. 26), Santoshpur (J.L. No. 25) and Uttar Raipur (J.L. No. 15), eastern and southern boundaries of mauzas Benjanharia Charial (J.L. No. 13), Nischintapur (J.L. No. 35) and Uttar Ramchandrapur (J.L. No. 37), southern boundaries of mauzas Raghunathpur (J.L. No. 40) and Rajarampur (J.L. No. 41), and eastern and southern boundaries of mauza Achhipur (J.L. No. 44) within police-station Budge Budge;

And then it proceeds further westward in a straight line and meets the western boundary-line of district 24-Paraganas in the river Hooghly.

### 4. WESTERN BOUNDARY

Thereafter the same line proceeds northward following the western boundary-line of district 24-Paraganas, Calcutta, districts 24-Paraganas and Nadia in the river Hooghly and meets the starting point of the northern boundary.

Explanation. - For the purpose of this Schedule "Calcutta" means the area comprised within the local limits for the time being of the ordinary original civil jurisdiction of the High Court at Calcutta.

## **SCHEDULE 2**

### **SCHEDULE II**

## **SCHEDULE II (See section 7)**

A. Ex-officio Members:

1. Chairman of the Board of Directors.
2. Secretary,  
Department of Health,  
Government of West Bengal.
3. Secretary,  
Department of Finance,  
Government of West Bengal.
4. Secretary,  
Department of Irrigation and Waterways,  
Government of West Bengal.
5. Joint Secretary,  
Department of Local Self-Government,  
Government of West Bengal.
6. Secretary,  
Development and Planning Department,  
Government of West Bengal.
7. Commissioner,  
Town and Country Planning,  
Government of West Bengal.
8. Chairman of the Commissioners for the Port of Calcutta.
9. Chairman of the Board of Trustees for the improvement of Calcutta.
10. Chairman of the Board of Trustees for the improvement of Howrah.
11. Commissioner,  
Corporation of Calcutta.
12. Director of the All-India Institute of Hygiene and Public Health, Calcutta.
13. Director,  
Geological Survey of India.
14. Chairman, West Bengal Municipal Association.
15. Chairman, Zilla Parishad, Howrah.
16. Chairman, Zilla Parishad, Hooghly.
17. Chairman, Zilla Parishad, 24-Paraganas.

B. Nominated Members:

1. Technical Experts - 2.
2. Member of Chambers of Commerce - 1.

C. Representatives of the State Legislature :

<sup>1</sup>[Members of the West Bengal Legislative Assembly -10.]

D. Representatives of Municipal Corporations and Municipalities :

1. Calcutta Corporation - 6.
2. Howrah Municipality - 2.
3. Bally Municipality -1.
4.
  - (i) Bansberia Municipality,
  - (ii) Hooghly-Chinsurah Municipality -1.
5.
  - (i) Champdani Municipality,
  - (ii) Municipal Corporation of Chandernagore -1.
6.
  - (i) Bhadreswar Municipality,
  - (ii) Baidyabati Municipality,
  - (iii) Konnagar Municipality -1.
7. Serampore Municipality -1.
8.
  - (i) Rishra Municipality,
  - (ii) Uttarpara-Kotrung Municipality -1.
9.
  - (i) Kanchrapara Municipality,
  - (ii) Halisahar Municipality,
  - (iii) Naihati Municipality -1.

10.
  - (i) Bhatpara Municipality,
  - (ii) Garulia Municipality -1.
11.
  - (i) North Barrackpore Municipality,
  - (ii) Barrackpore Municipality,
  - (iii) New Barrackpore Municipality -1.
12.
  - (i) Khardaha Municipality,
  - (ii) Panihati Municipality -1.
13.
  - (i) Titagarh Municipality,
  - (ii) Barasat Municipality,
  - (iii) Budge Budge Municipality -1.
14. Kamarhati Municipality -1.
15. Baranagore Municipality -1.
16.
  - (i) South Dum Dum Municipality,
  - (ii) Dum Dum Municipality,
  - (iii) North Dum Dum Municipality -1.
17. South Suburban Municipality - 2.
18.
  - (i) Garden Reach Municipality,
  - (ii) Rajpur Municipality,
  - (iii) Baruipur Municipality -1.

Explanation. - Municipal Corporations and Municipalities grouped together shall each be entitled to representation by rotation.

1. Words and figures substituted, by W.B. Act 13 of 1973.

### **SCHEDULE 3**

#### **SCHEDULE III**

### **SCHEDULE III** **[See section 88 (3)]**

A. Amendments in the Calcutta Improvement Act, 1911.

1. In clause (ii) of sub-section (2) of section 43, after the words "in which", the words "and to the General Manager of the Calcutta Metropolitan Water and Sanitation Authority within whose jurisdiction," shall be inserted.

2. For section 44, the following section shall be substituted, namely:-

44. "Transmission to Board of representation by Corporation, Municipality or Authority as to improvement scheme.-

The Commissioner of the Corporation, the Chairman of any Municipality and the General Manager of the Calcutta Metropolitan Water and Sanitation Authority, to whom a copy of a notice has been sent under clause (ii) of sub section (2) of section 43, shall, within a period of sixty days from the receipt of the said copy forward to the Board any representation which the Corporation, Municipality or the Authority may think fit to make with regard to the scheme."

44. Transmission to Board of representation by Corporation, Municipality or Authority.- The Commissioner of the Corporation, the Chairman of any Municipality, the General Manager of the Calcutta Metropolitan Water and Sanitation Authority or the Chief Executive Officer of the Calcutta Metropolitan Development Authority, to whom a copy of the notice has been sent under clause (ii) of sub-section (2) of section 43 shall, within a period of sixty days from the date of receipt of the said copy, forward to the Board any representation which the Corporation, the Municipality or the Authority concerned, as the case may be, may think fit to make with regard to the scheme:

Provided that any direction issued by any authority constituted under the West Bengal Town and Country (Planning and Development) Act, 1979, to the Board as to the improvement scheme shall be carried out by the Board"

B. Amendments in the Howrah Improvement Act, 1956.

1. In clause (ii) of sub-section (2) of section 45, after the words "in which", the words, "and to the General Manager of the Calcutta Metropolitan Water and Sanitation Authority within whose jurisdiction," shall be inserted.

2. For section 46, the following section shall be substituted, namely:-

46. "Transmission to Board of representation by Corporation, Municipality or Authority as to improvement scheme.- The Commissioner of the Corporation, the Chairman of any Municipality and the General Manager of the Calcutta Metropolitan Water and Sanitation Authority, to whom a copy of a notice has been sent under clause (ii) of sub section (2) of section 45, shall, within a period of sixty days from the receipt of the said copy, forward to the Board any representation which the Corporation, Municipality or the Authority may think fit to make with regard to the scheme.".