

*The Calcutta Metropolitan Water and Sanitation Authority Act,
1966.*

[West Ben. Act

*(Chapter II.—Establishment and Constitution of the Authority.—
Sections 3, 4.)*

- (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.

West Ben.
Act XXXIII
of 1951.

CHAPTER II

Establishment and Constitution of the Authority.

Establish-
ment of the
Authority.

3. (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.

Constitution
of the
Authority.

- 4.** (1) The Authority shall consist of—
- (i) a Board of Directors, and

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

Board of
Directors.

- (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 person 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 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 or other municipal corporations and municipalities or members of the *Zilla Parishads*, specified in Schedule II.

(2) (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.

West Ben.
Ord. XVI of
1972.

Clause (a) was substituted for original clause by s. 2 of the Calcutta Metropolitan Water and Sanitation Authority (Amendment) Act, 1973 (West Ben. Act XIII of 1973).

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Section 6.)*

(b) The terms of office of 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 Parishad* 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 share-holder, 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 constituted 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.

Resignation,
casual
vacancies and
temporary
absence.

6. (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

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Section 7.)*

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. (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 '[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.

General
Council.

(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:

¹Words within the square brackets were substituted for the words "of whom seven shall be elected by the members of the West Bengal Legislative Assembly" by s. 3 of the Calcutta Metropolitan Water and Sanitation Authority (Amendment) Act, 1973 (West Ben. Act XIII of 1973).

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(Chapter III.—Functions and Powers.—Section 8.)

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, Ben. Act XV shall represent such municipality, and in the case of supersession of a ^{of 1932,} 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.

Ben. Act XV
of 1932.

CHAPTER III

Functions and Powers.

Functions and powers of the Authority.

Functions of
the
Authority.

8. The functions of the Authority shall be the following, namely:—
- (1) the promotion and operation of schemes for—
 - (a) supply of water,
 - (b) sewerage,
 - (c) drainage,
 - (d) sewage treatment and disposal, and
 - (e) collection and disposal of night-soil in areas yet to be sewerred;
 - (2) matters connected with and incidental to the functions mentioned in clause (1);
 - (3) such other functions as may be entrusted to the Authority by the State Government by notification.