

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

[West Ben. Act

*(Chapter IX.—Prosecution and penalty.—Sections 71, 72.—  
Chapter X.—Miscellaneous.—Section 73.)*

- (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 work 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 and from 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.

Ben. Act V  
of 1911.  
West Ben.  
Act XIV  
of  
1956.

CHAPTER IX

**Prosecution and Penalty.**

- Prosecution      **71.** No court shall take cognisance of any offence under this Act or any rule or regulation made there under except on the complaint of an officer of the Authority authorised by it in this behalf.
- Penalty.          **72.** Whoever contravenes the provisions of this Act or of any rule or regulation made there under 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 X

**Miscellaneous.**

- Powers of  
Entry.          **73.** 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 there under:

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

Powers of  
Inspection  
and  
examination.

- (a) inspect and examine any house-drain, ventilation shaft or pipe, cess-pool, house-gully, privy, urinal, or bathing or washing place existing in, or any pipe, tap fitting or meter for supply of water to, any premises; and
- (b) if necessary "for the purpose of such inspection and examination, cause the ground or any portion of any house-drain or other work exterior to a building or any portion of a building to be opened, 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, re-instated and made good by—

- (a) the owner of the premises at his own cost, where the works or things mentioned in clause (a) of sub-section (1) are found on inspection and examination to be not in good order or condition or constructed in contravention of any of the provisions of this Act or any regulation made there under, 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 the 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.

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*(Chapter X.—Miscellaneous.—Sections 75-77.)*

Powers to  
Disinfect  
tank, pool or  
well.

75. (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 appears 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.

Municipal  
authorities  
not to  
sanction  
building  
plan unless  
plan relating  
to water  
supply, etc.,  
is in  
conformity  
with  
regulations.

76. 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.

Power to  
Authority  
and General  
Manager to  
enforce  
requisition  
or order.

77. (1) When any requisition or order is made under any of the provisions of this Act or any regulation made there under 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 there under, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed and shall be recoverable as arrear of water-charge.

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

**78.** (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.

Compensation.

(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) shall, subject to appeal as hereinafter provided, be final.

**79.** (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.

Appeal.

(2) No person shall be appointed under sub-section (1) as an authority to hear appeals unless he it 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.** 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.

Validation.

**81.** 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 there under.

Act to override other laws, etc.

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*(Chapter X.—Miscellaneous.—Sections 82-87.)*

Authority to  
be a local  
authority.

**82.** The fund of the Authority shall be deemed to be 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.

Ben. Act I of  
1899.

Members,  
Directors,  
officers and  
employees  
of the  
Authority to  
Be public  
Servants.

**83.** 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 there under, to be public servants within the meaning of section 21 or the Indian Penal Code.

XLV of  
1860.

Prohibition  
of  
obstruction.

**84.** (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 there under.

Local  
Authorities to  
assist.

**85.** (1) All local authority 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.

Prohibition  
of removal  
of mark.

**86.** 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.

Indemnity

**87.** 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 there under.

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*(Chapter X.—Miscellaneous.—Sections 88-90.)*

West Ben. Act XXXIII of 1951. Ben. Act III of 1923. Ben. Act XV of 1932. West Ben. Act XVIII of 1955. West Ben. Act XVII of 1965.	<b>88.</b> (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 disposal of garbage in any area, the provisions of the Calcutta Municipal Act, 1951, of the Calcutta Municipal Act, 1923 as in force in the Municipality of Howrah, or the Bengal Municipal Act, 1932, 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.	Repeal and amendment.
West Ben. Act XIV of 1956.	(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.	
Ben. Act V of 1911.	(3) The Calcutta Improvement Act, 1911, and the Howrah Improvement Act, 1956, shall stand amended to the extent and to the manner specified in Schedule III.	
	<b>89.</b> 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.	Directions by the State Government.
	<b>90.</b> (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 continuance 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 re-election as Director.	Control of State Government.

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(Chapter X.—Miscellaneous.—Sections 90A, 90B.)

(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.

Power of  
State  
Government  
to supersede  
the  
Authority.

<sup>1</sup>**90A.** (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.

Conse-  
quences of  
superses-  
sion.

<sup>1</sup>**90B.** (1) When an order of supersession 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 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<sup>2</sup> (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 there under, 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;

West Ben.  
Act XI of  
1972.

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<sup>1</sup>Sections 90A and 90B were inserted by Para C to the Schedule to the Calcutta Metropolitan Development Authority Act, 1972 (West Ben. Act XI of 1972), as amended by s. 6 of the Calcutta Metropolitan Development Authority (Amendment) Act, 1974 (West Ben. Act XXI of 1974).

<sup>2</sup>This Act has so far been repealed by s. 142 of the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979).

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(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.

**91.** 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 expedient for the purpose of removing such difficulty.

Provision for removal of difficulty.

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

Power to make rules.

(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;

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- (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.

Power to  
make  
regulations.

**93.** (1) The Authority may make regulations not inconsistent with this Act or the rules made there under, 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-section (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 (2) of section 33;
- (i) the manner of determining consumption of water under sub-sections (2) and (3) of section 37;
- (j) the amount of charge for meters under the proviso to sub-section (4) of section 37;