

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

[West Ben. Act

(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 In the case of a superseded municipality the person or persons appointed by the State Government under section 554 of the Bengal Municipal Act, 1932, Ben.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.

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

XIII of 1966.]

(Chapter III.—Functions and Powers.—Section 9.)

9. (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.

Powers of
the
Authority.

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

- (i) to take over all existing municipal responsibilities, powers, 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.

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

[West Ben. Act

(Chapter III.—Functions and Powers.—Sections 10-12.)

Collection
and disposal
of garbage.

10. (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 disposal 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.

Powers to
undertake
survey.

11. 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.

Power to the
Authority to
Place and
maintain
pipes,
drains, etc.

12. 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:

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

XIII of 1966.]

(Chapter III.—Functions and Powers.—Sections 13-16.)

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. 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.

Payment for damage.

14. 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 structures thereon under the provisions of any law for the time being in force authorising such acquisition.

Power to acquire land compulsorily.

15. 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.

Transfer of land to the authority.

Functions and powers of the Board.

16. (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 herein below 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.

Functions and Powers of the Board.

(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 (1) of section 8 and such schemes as may be necessary for carrying out the functions under section 10;

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

[West Ben. Act

(Chapter III.—Functions and Powers.—Section 17.)

- (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 a 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 regulations, and
 - (e) proposals for raising loans and issuing debentures.

Functions and powers of the General Council.

Functions
and powers
of the
General
Council.

17. (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 meetings 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 to refer back as aforesaid or does not approve any matter within fifteen days from the date of its resubmission, the Board may refer the matter forthwith to the State Government whose decision thereon shall be final.