

Bihar Coal Mining Area Development Authority Rules, 1988

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Rule

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Chapter I

1. Short Title.

- These rules may be called the Bihar Coal Mining Area Development Authority Rules, 1988.

2. Definition.

- In these rules unless there is anything repugnant in the subject or context,-(i)"Authority" means the Coal Mining Area Development Authority and will always mean the same in the rules unless wherever the word 'authority' has been used in the different context.(ii)"Chairman" means the Chairman of the Authority appointed under clause (a) of sub-section (3) of section 5 of the Act.(iii)"Managing Director" means the Managing Director of the Authority appointed under section 5(3)(l).(iv)"Member" means member of the authority appointed/ nominated under section 5(3) of the Act.(v)"Secretary" means the Secretary appointed by the State Government under section 7 of the Act.(vi)"Section" means a section of the Act.(vii)"Technical Member" means the technical member appointed by the State Government from time to time under section 5(3)(b) of the Act.(viii)"Chief Town Planner" means the Chief Town Planner, Bihar appointed by the State Government.(ix)"Commissioner" means the Divisional Commissioner who is or who are appointed as member(s) of the Authority under section 5(3)(d) of the Act.(x)"Chief Medical Officer" means the

Medical Officer deputed by the State Government to the Authority from the Senior Selection Grade of the Health Service taken on deputation by the State Government with the concurrence of the Authority and appointed in the Authority.(xi)"Medical Officer" means the officer or the officers appointed by the Authority or deputed by the Government with the prior concurrence of the Authority, having the minimum qualifications prescribed by the State Government for appointment to the post of Civil Assistant Surgeons.(xii)"Sanitary Inspector" means the persons having requisite qualification as laid down by the Authority appointed to such post by the Authority.(xiii)"Assessment Officer" means a person appointed by the Authority, or the Managing Director to determine the value of the holdings at such periodical intervals as considered necessary by the Authority or at such time as necessary.(xiv)"Public Analyst" shall mean an officer appointed to the post by the Authority possessing all the required qualifications prescribed under the prevention of Food Adulteration Act, 1954 (Act 37 of 1954).(xv)"Mine" means the mine as defined in section 2(j) of the Indian Mines Act, 1952.(xvi)"Colliery" shall mean the mines for purposes of extraction of Coal and shall include the premises or any other portion of the property of the Colliery whether above ground or below ground which are used for the purposes of extraction of coal from such mines.(xvii)"Building" means any structure for whatsoever purpose and whatsoever materials constructed and every part thereof whether used as human habitation or not and includes, foundation, plinth, walls including doors, windows and ventilators, food floors, roofs, including skylights, chimnies, plumbing and buildings services, fixed platform, verandah balcony, cornice or projection, part of a building services or anything affixed therefrom or any wall enclosing or intended to enclose any land or space and signs and outdoor display structures.(xviii)"Royalty" means any sum payable as a charge for unit of quantity upon the produce of a colliery and includes any fixed payment which may be merged in such charges.(xix)"Colliery Labourer" means a labourer employed in a mine or colliery or residing on colliery premises in a room intended For the habitation of labourer and includes a dependent or relatives of any such labourer or any other person living with him in such a room even though such dependent, relative or persons be not employed in a mine.(xx)"Conservancy" means removal and disposal of sewage, offensive matter and rubbish.(xxi)"Dangerous and Epidemic Diseases" includes pox, cholera, plague and other diseases which the Authority may declare by order to be such.(xxii)"Drain" means a sewage, a house drain, a drain of any other description a tunnel, a culvert, a ditch, a channel and any other device for carrying of sewage, offensive matter or subsoil water.(xxiii)"Food" means every article used for food or drink by person other than drugs and water and any article which ordinarily enters into or is used in the composition or preparation of human food and includes flavouring and colouring matters and spices condiments.(xxiv)"Holding" means land or building or both held under one title or one agreement. It may be given a distinct name and number which may be put up on a plate affixed on the holding and this may be altered from time to time.(xxv)"Nuisance" means the conduct of any trade or occupation or the keeping of any goods or merchandise which are injurious to the health or physical comforts of the community, the construction of the any building or the disposal of any substance, as is likely to occasion conflagration or explosion, any building, tent or structure or any part of any tree, any tank well or excavation adjacent to any such way or public place any dangerous animal and such other like matters, which may be hazardous or otherwise may prove injurious to the health and physical comfort of the community in the opinion of Chief Medical Officer.(xxvi)"Offensive Matter" means dirt, dung, putrid, putrefying substances and filth of any kind not included in the term sewage as defined in the rules.(xxvii)"Owner or occupier of any house

Land, property or premises" means and includes the owner or occupier one or more than one, any person or persons who is/are entitled for the time being to receive any rent, a Manager on behalf of any such person, any agent for such person and a trustee for any person provided that no such Manager, Agent or trustee shall be liable to do anything required by this act to be done by the owner nor shall be subject to any fine for omitting to do such thing unless he has sufficient funds in his hand as such Manager, Agent or trustee to do such things, occupier includes an owner in actual occupation of his own land or building.(xxviii)"Platform" means any structure which is placed on or covers or projects over any road or any open drain.(xxix)"Road" means any road, bridge, footway, lane, square, court, alley or passage which the public or any portion of the public has a right to pass along and includes on both sides, the drains or gutters and the land upto the defined boundary of any abutting property notwithstanding the projection over such lead of any platform, verandah or other superstructure.(xxx)"Rubbish" includes broken brick, mortar, broken glass, kitchen or stable refuse and refuse of any kind which is not included in the term offensive matter.(xxxi)"Sewage" means night soil and other contents of latrines, privies, urinals, cesspools and drains and includes polluted water from kitchens, sinks, bathrooms, stables, cattle-sheds and other like places.(xxxii)"Slaughter house" means any place or premises where one or more animals are slaughtered for public sale.(xxxiii)"Butcher's Shop" means any shop or stall where meat is sold or kept for public sale.(xxxiv)"Fish Shop" means any shop or stall where fish is sold or kept for public sale.(xxxv)"Water" The meaning of water will include both filtered potable water for domestic, commercial and Industrial purposes and unfiltered water for Industrial and other purposes such as road washing sewer flushing and garden watering, etc.(xxxvi)"Service Line" means the pipes and water fittings constructed from outside the member chamber to the premises of the consumer.(xxxvii)"Rising Mains" means the pipe line connecting the source of water to the reservoir or the overhead tank from which water is distributed to the consumer.(xxxviii)"Communication line" will be the pipe laid from ferrule to the meter chamber.(xxxix)"Distribution mains" means the pipe lines laid for carrying water to various areas from distributions.(xl)"Year" means a year when not otherwise specified means beginning on the first day of April.(xli)"Person Interested" includes person or persons claiming an interest in compensation to be paid on account of the question of land under these rules and the person shall be deemed to be interested in the lease affecting the land.(xlii)"Company" means a company registered under the Companies Act, 1956 and includes a society registered under the Societies Registration Act, 1960 and a Registered Society within the meaning of the Cooperative Societies from the time being in force in any stage.(xliii)"Annual Financial Statement or Budget" shall mean the statement of the estimated receipts and expenditures of the Authority of each year to be laid before the Authority.(xliv)"Contingency Fund" is a fund which will be determined by the Authority every year and which will be placed at the disposal of the Managing Director to be spent by him at times of necessity to meet such expenditures for which separate specific provisions have not been made or that inadequate provisions have been made by the Authority in the budget.(xlv)"Disbursing Officer" will mean official authorised by the Authority to operate Bank Account of the Authority at one or more places out of the funds placed in that Account.(xlvi)"Revised Estimate" will mean an estimate of the probable receipts or expenditure for a financial year framed in the course of that year with reference to the transaction already recorded and anticipations for the remainder of the year in the light of the orders already issued or contemplated or any other relevant facts.(xlvii)"Supplementary Statement of Receipts and Expenditure" will mean the statement to be laid before the Authority showing the estimated

amount of further receipts and expenditure necessary in respect of a financial year over and above the receipts and expenditure for that year.(xlviii)"Chief Accounts Officer" will mean the Head Incharge of the "Accounts Section" of the Authority.(xlix)"Emoluments" will mean pay, leave, salary or subsistence allowance and shall include any other allowance other than T.A. sanctioned by the Authority from time to time.(I)"Despatch of Coal" will mean the despatch of Coal from the pit head for any other destination, including the despatch to any Washery.(Ii)"Year of Assessment" shall mean the financial year beginning with the 1st day of April and ending with 31st day of March following onward year in relation to the output of mine shall mean the calendar year beginning with 1st day of January & ending with the 31st day of December following.(Iii)"Prescribed Authority" means the Managing Director of the Authority or any officer authorised by the Managing Director to act as such. If the Managing Director as the "Prescribed Authority" decides any matter occurring in the Act, rules and regulations, the appeal against his decision will lie before the Authority and in case it is decided by any officer other than Managing Director, the appeal will lie before the Managing Director.Words and expressions not defined under these rules shall have the same meaning as defined already in the Act.

Chapter II

Powers and Functions of the Authority-Chairman, Managing Director, Technical Member and the Secretary

3. Functions of the Authority.

- The Authority will have powers to create posts carrying salary and other allowances upto Rs. 2,000 subject however to the availability of funds. For creation of posts carrying salary and other allowances more than Rs. 2,000 prior approval of the State Government would be necessary. The Authority will make appointments on these posts after observing all formalities required. For fresh appointments on such posts salary of which exceeds Rs. 2,000 the recruitment shall be made through Bihar Public Service Commission or by deputation from the State Government.It will also be competent to inflict all types of punishment on the staff of its own establishment including stoppage of increment, reduction in rank, dismissal or removal, etc.The Authority shall have the powers to decide its policy in all matters subject to the provisions in the Act and the rules, regulations, bye-laws framed thereunder and the directives issued from time to time by the State Government.

4. Delegation of powers.

- The Authority may, however, in its discretion dellegate some of its powers to the Managing Director of the Authority upto certain limits of pay scales adjoining to such posts.

5. Powers of calling for reports.

- For the purposes of carrying out its functions as per provisions in the Act and for giving effect to the policies and decisions taken in this regard, the Chairman or Managing Director or any other officer of the Authority shall be competent to call for any report from any development Department of the Government functioning within area or from any other local body established, whether under any statute, or otherwise and may discuss such report in the Authority's meeting and may offer its comments thereon for the guidance of such department or local body.

6. Powers to constitute a Committee.

- The Authority may constitute an Executive Committee with at least (3) or more members of the Authority which shall meet as often as necessary and shall make recommendation to be placed before the Authority for decision. The Authority may also form a Committee consisting of its members for making recommendations on any specific subject as considered necessary by the Authority. All such Committees, so framed, from time to time, as and when necessary, may have the discretion to co-opt any other person from outside. Managing Director or any other member of that Committee so authorised shall be the Chairman of that Committee and the Secretary of the Authority will act as the Secretary for all such Committees.

7. Powers to sanction schemes.

- Authority will have full powers to sanction any scheme for purposes of implementing and achieving the objectives of the Authority as per provisions of the Act and rules and regulations framed thereunder. The Authority in its discretion may delegate such powers for sanctioning schemes upto certain financial limits to the Executive Committee or the Chairman or Managing Director or any other Officer of the Authority.

8. Powers and function of the Chairman.

- The Chairman may inspect any scheme being executed within the area by the Authority or any other department or local body and may tender advice for speedy and effective implementation of such scheme, which, in his opinion, may serve the interest of the people of the area. Likewise, he may also call for report regarding the execution of any such scheme which is being executed in the area and may examine the report and get it inspected by the Managing Director of the Authority or any officer deputed by him and on receipt of report from such officers or from the knowledge gained from his own inspection may guide, direct, assist, advice or co-ordinate towards more useful and speedy implementation of such scheme, which in his opinion, he considers to be more useful and purposive.

9. Power to attend meeting.

- Chairman may attend any meeting of any department of the Government and Local body and may participate in the deliberations of such meetings and may tender advise, guide, assist and coordinate development agencies with regard to development schemes undertaken by any department of the Government in the area.

10. Power to inspect.

- Chairman shall have the power to inspect and supervise the functioning of any department of the Authority or any department or institution within the area, which are connected with the development of the area and may issue and tender advise, assist, guide, direct supervision as may be considered necessary by him for the better functioning of that department or institution.

11. Administrative power.

- The Chairman will preside all the meetings of the Authority.

12. Powers and functions of the Managing Director.

- Managing Director of the Authority will be the financial and administrative head of the entire establishment of the Authority and will exercise all the functions in that capacity within the limits of the provisions of the Act, and rules, regulations, bye-laws framed thereunder. Managing Director will be competent to take decisions in all matters in the day-to-day functioning of the Authority and shall for that purpose transact business connected hereto, provided, however, the Managing Director shall not act in opposition to or in contravention of any decision taken in the meeting of the Authority. Managing Director may inspect any scheme being executed within the area by any other department or local body and may tender advice for speedy and effective implementation of such scheme, which, in his opinion may serve the interest of the people of the area. Likewise, may also call for report regarding the execution of any such scheme which is being executed in the areas and may examine the report and get it inspected by any officer deputed by him and on receipt of report from such officers or from the knowledge gained from his own inspection may, guide, direct, assist, advice or co-ordinate towards more useful and speedy implementation of such scheme, which in his opinion, he considers to be more useful and purposive.

13. Powers to attend meeting.

- Managing Director may attend any meeting of any department of the Government and local body and may participate in the deliberations of such meetings and may tender advice, guide, assist, and coordinate development agencies with regard to development schemes undertaken by any department of the Government in the area.

14. Powers to inspect.

- Managing Director shall have the power to inspect and supervise the functioning of any department or institution within the area, which are connected with the development of the area and may issue and tender advice, assist, guide, direct supervision as may be considered necessary by him for the better functioning of that department or institution.

15. Powers to record remarks.

- Managing Director shall be competent to record remarks on the performance and do an act of any State Department Officer functioning in the area and primarily connected with the development of the area after the end of each financial year and shall send it to the State Government who shall get it paste in the permanent character roll of such officer concerned. With regard to other officers not within the administrative control of the State Government and serving within the area and primarily connected with the development of the area or connected with any matter concerning the activities of the Authority, the Authority or the Managing Director shall be competent to report to their respective heads of the departments for taking any disciplinary action for any misconduct or dereliction of duty on their part.

16. Administrative Powers of the Managing Director.

- Managing Director shall be the appointing authority even in respect of the staff appointed by or with the approval of the Authority and will act as Head of the Department and Controlling Officer of all the staff of the Authority and shall in that capacity be competent to exercise all powers of the appointing authority, Head of the Department and the Controlling Officer, particularly in matters of disciplinary action, transfers, postings and deputation, Managing Director may, however, delegate any of his such powers to any other officer of the Authority for the efficient functioning of the establishment, as and when considered necessary by him.

17. Powers and functions of the Technical Member.

- Technical Member shall be Head of all the technical Sections of the Authority. He shall exercise all the powers delegated to him either by the Authority or Managing Director. He shall work directly under the Managing Director of the Authority.

18. Functions of the Secretary.

- Besides functioning as the Secretary to the Authority as provided in the Act and as may be required from time to time by the Authority or by the Managing Director, he will be the custodian of all the records of the office connected with the constitution, proceedings and other minutes of discussions held by the Authority or any committee or sub-committee formed by the Authority and shall be responsible for taking action on all such proceedings and minutes of discussions under the overall guidance of the Managing Director. Besides the above, the Managing Director may entrust from

time to time any other work which will be necessary outside his normal functioning as the Secretary to the Authority.

19. Further functions of the Secretary.

- Subject to the generality of his functions, the Secretary will be responsible for granting copies of the documents of the Authority. He will sign and authenticate all notices and documents for and on behalf of the Authority as provided in section 106 of the Act. In the absence of the Secretary or for better functioning of the Authority the Managing Director may delegate this power to any other officer of the State Government who is working in the Authority on deputation. Secretary will also assist the Managing Director in day to day functioning of the Authority.

20. Officers to exercise power under other laws.

- When it will be necessary, the Secretary or any other officer of the Authority So authorised by the Authority will function as the Certificate Officer under the Bihar and Orissa Public Demands Recovery Act, 1914, for the effective and speedy recovery of such dues which are listed as public demands under that Act and will also function as the Collector under the Land Acquisition Act, 1894 for the speedy and quick acquisition of the lands required by the Authority for the development of the area.

Chapter III

Terms and Conditions of the Office of the Member of the Authority

21. Eligibility to the post of Chairman.

- As laid down in Section 5, subsection 3(a) of the Act, the State Government shall appoint any person as the Chairman of the Authority. In the absence of the Chairman, the Managing Director of the Authority may be appointed by the State Government to function as the Chairman who will function as the Chairman in addition to his own duties.

22. Eligibility to the post of a Managing Director.

- As laid down in section 5, sub-section 3(l) of the Act, the Managing Director who shall be an officer of the Government to be appointed by the Government, will also ordinarily be a Senior Member of the Indian Administrative Service not below the rank of the Divisional Commissioner.

23. Appointment of a Secretary.

- Subject to the provisions in section 6 of the Act, Secretary of the Authority will be a member of the Indian Administrative Service or of the Senior Scale of the Bihar Administrative Service. In absence

of the Secretary on leave or otherwise, the Managing Director will be competent to authorise for the time being any other officer of the State Government working in the Authority on deputation, to work as the Secretary.

24. Terms of the office of the Chairman and other Members of the Authority.

- As per provisions in section 7, sub-section (i) of the Act, the Chairman and the other members of the authority, who are nominated by the Government, will hold office for a period of three years unless nominations are terminated earlier by the Central Government or the State Government as the case may be. Any such member will, however, be eligible for re-nomination. However, such, renominations will not be for more than once. Their nominations or re-nominations will be treated to be discontinued on the expiry of the period of 3 years in each case. The officers who are nominated as members by name under other provisions of section 5 of the Act will cease to be members of the Authority immediately such officers handover charge of the post they were holding substantively at the time of their nominations. During the intervening period, the posts of such members will remain vacant till the nomination by the Government.

25. Payment of allowance to the members.

- Members of the authority will be entitled to travelling allowances for attending meetings or for coming to perform any other work of the Authority according to the rules admissible to the Class I Officers of the State Government under the Bihar T.A. Rules in force, members nominated by the Central Government or the State Government and in case of such members who are members of Lok Sabha, Rajya Sabha, Vidhan Sabha and Vidhan Parishad will be entitled to draw, as far as possible, the allowances for such duties from the sources they normally draw their allowances.

26. Disqualification of any person to become member.

- No person who holds any interest or any office of profit under the Authority shall be entitled to be nominated as member of the Authority. Even after nomination, if any person comes to hold any office of profit under the Authority he will cease to be a member of the Authority. While holding office, if any member of the Authority is even found to have been convicted by any court of law on the charge of committing any heinous crime or otherwise declared insolvent, lunatic, he will be immediately treated as disqualified for continuing to hold office of the member of the Authority.

27. Special invitee in the Board's meeting of any person.

- Authority, by a majority vote may invite any person having expertise on any subject as special case to attend any meeting of the Authority for any specific reason, such special invitee shall have no right to vote in the meeting of the Authority but shall be entitled to tender advice and take part in the deliberation. He shall be entitled to allowances as admissible to the Class I Officers of the State Government under the Bihar Travelling Allowances Rules. The Chairman or Managing Director may invite a Government Officer or any Officer of Public Undertaking as a special case to attend the

meeting of the Authority.

Chapter IV

Preparation of Development Plan and Scheme.

28. Preparation of land use map and index map.

- After publication of a general notice in newspapers, local gazette and at the other public offices considered suitable for the information of the general public, the Authority shall proceed to conduct a survey and on the basis of that, prepare a land use map of the Coal Mining Area Development Authority or part thereof. The land use map shall consist of descriptive maps, block-wise maps and village-wise maps. For this purpose the Authority will use the latest survey maps of the district, block and villages and draw the same on suitable scales in order to depict clearly the different categories on different uses to which individual lands are placed. While conducting the survey and consequent preparation of land use map, the Authority may associate the local people and may furnish to them such information as they require from time to time to eliminate any misapprehensions in their minds and for delimiting future objections regarding any detail indicated in the map.

29. Preparation of land use register

- After the land use map has been prepared a land use register shall be prepared in the following forms:- (a) Name of the district, block, police station and village. (b) Khata no., Plot no., area and revenue thana no. of the village. (c) Name of the owner/occupant/or person claiming interest in the plot. (d) Details of the present use to which this particular plot of land is being put to, particulars of the structures standing thereon, if any and the approximate valuation. In case of Agricultural land category of the land, crops being raised therein and the nature of irrigation facilities available. (e) Any other details useful for that particular piece of land. (f) Proposed improvement or development required as per suggestions of the local people. (g) Whether any dispute exist with regard to the title of the land or building. If so brief details to be stated. (h) Remarks. Authority will have right to change the above form of the register as and when considered necessary.

30. Issue of notice to the public for the inspection of land use map.

- After the land use maps and the registers are finally ready, the Authority shall issue a public notice indicating the place, which shall generally be the office of the Authority and if considered necessary by the Managing Director, also where as well, where the members of the public may come to inspect the said maps. The notice shall clearly indicate the hours during which the same may be inspected and the Authority, subject to compliance of provisions in the rules of obtaining certified copies, may supply copies on demand.

31. Preparation and submission of development Plan for sanction thereof by the Government.

- On the basis of the land use maps and the registers, the Authority shall, thereafter in compliance with the provisions in the Act prepare a development plan and shall submit the same to the State Government for sanction. The State Government will communicate the sanction or shall return the same with directions for modification in the plan within a period of six months from the date of receipt. If the plan is returned with directions for making modifications, the Authority shall make the necessary modifications and submit the same again to the Government within a period not exceeding 60 days or within the period extended by the Government from the date of receipt of the map from the Government. The same time limit will apply in respect of sanction of the modified plan by the Government.

32. Decision on objection.

- After the approval has been received from the Government of the development plan and after the issue of public notice in the manner prescribed in the Act, the Authority shall proceed to decide the objections, after receipt of the report from the Committee formed for the purpose on the basis of such report and after such scrutiny as may be considered necessary, the Authority shall submit again the development plan with or without modifications to the State Government within a period not exceeding 60 days.

33. Final approval by the Government.

- The Government shall communicate the final approval to the development plan or may return to the Authority with further modification within a period of 60 days from the date of receipt of the plan.

34. Modification and review of Development Plan.

- The same provisions regarding the preparation, submission and sanction as that of original development plan in the foregoing rules shall apply in case of review and modification of the original plan carried out by the Authority from time to time.

35. Procedure for Claiming Compensation.

- Any person aggrieved by the order of refusal of permission shall have to file an appeal within a period of 30 days after depositing into the Account of the Authority in the bank by means of challan two per cent of the value of compensation claimed by him subject to minimum of Rs. 50. This amount is not to be refunded in any case. The person may send the notice by the Registered post within a period of 30 days of the order. He should state clearly the amount of compensation he claims with full justification. In case the assessment of compensation by the Authority on the application of such person is not acceptable to him the Authority may either accept his objection or

shall refer the matter to the Court for adjudication with a period of 60 days from the date of receipt of the refusal to accept the compensation by the person concerned.

36. Compensation in case of revocation and modification or permission

- In case the owner aggrieved by the order claims any compensation, he has to do it within a period of 30 days from the passing of the order alongwith 2 percent of the amount of compensation claimed by him subject to a minimum of Rs. 50 into the account of the Authority or into the office of the Authority and shall have to enclose a copy of the challan and the appeal in such event shall have to be decided within a period of 60 days. This amount of fees deposited will not be refunded in any case, when the owner does not accept the compensation even if any, determined by the Authority, he has to intimate the same within a period of 30 days when the matter will be referred to the court for adjudication.

37. Penalty in case of unauthorised development.

- In case where the Authority required to remove any unauthorised development, such delinquent person shall have to pay the development charge alongwith a penalty equivalent to 10 percent of such charge subject to a minimum of Rs. 10. The aggrieved person may apply to the prescribed authority against the order of removal within a period of 30 days and the appeal will have to be decided within a period of 60 days. At the time of filing appeal, fees will have to be deposited of a non-refundable sum of Rs. 50 into the account of the Authority or into cash counter of the office of the Authority. Neither the penalty nor the fees deposited for filing appeal, even in case of the appeal has been decided in favour of the appellant will be refundable. Similarly in pursuance of the provisions of section 39 sub-section (2) of the Act if any aggrieved person files any notice he shall have also to deposit the above fees of Rs. 50 and shall have to file the notice within a period of 30 days of the order and the order thereon will have to be communicated to the appellant by the prescribed authority within a period of 15 days of filing of the appeal.

38. Claim of compensation by any person aggrieved by the order of refusal to grant permission.

- Any person filing such a petition before the prescribed authority claiming compensation for complying with the notices served on him shall have to do so within a period of 30 days alongwith 2 per cent of the amount of compensation claimed as fees subject to a minimum of Rs. 50 either deposited into the bank account or into the office of the Authority. Final case decision into the matter shall have to be communicated to him within a period of 15 days from the date of the receipt of the notice. Fees deposited will not be refunded in any case to such person. In case any person preferring to serve a notice on the Government as provided in section 39, sub-section (5), he shall have to send the same within a period of 30 days addressed to the Commissioner and Secretary, Urban Development Department, Government of Bihar with a copy forwarded to the Secretary of the Authority.

39. Manner of publishing the notice as required under section 44, subsection (i) of the Act.

- The notice as required shall be published in one or more local newspapers.

40. Form for permission and the manner of enquiry.

- After publication of Scheme, any person as provided in section 48 of the Act may apply in a form given in Appendix 1 to the Authority at any time during working hours. The enquiry in the matter will be held after giving notice to such person and after taking such evidences and examination of necessary documents as considered fit and proper in the facts and circumstances of the case.

41. Time for determination of matters prescribed in section 55.

- Authority shall comply with the provisions of the section within a period of 180 days from the date of publication of the scheme. After declaration, the demarcated map should be published on the notice board of the office of the Authority and a notice to be published as well intimating the general public about the publication of the map in one or more local newspapers to enable the members of public to come and see the same. In case any public wants to take copy of the map he may do so on payment of necessary fees as given in Appendix 2 by the Authority. This publication of the map will be for a period of 30 days. In case of any revised map being published after modification, the same procedure as above will have to be followed for the re-publication of the same and taking out copies thereof.

42. Period for payment of amount as prescribed in section 77.

- As provided in sub-section (2) of section 77, the prescribed period for the payment of fees shall be 30 days from the date of service of the notice.

43. Exemption from the levy of development charge.

- Authority may decide from time to time the departments or institutions to be excepted from the payment of development charges.

44. Charges for appeals against assessment.

- Any person being dissatisfied with the order of assessment of development charge and tonnage case may file an appeal before the prescribed authority within one month from the date of order on payment of Rs. 100 in case of tonnage case and Rs. 50 in case of development charge and after having half of the impugned assessed dues are deposited, either into the account of the authority or into the office of the Authority and the challan thereof enclose with the appeal without which the appeal petition will not entertained. The decision of the prescribe authority will be final. Fees filed for the appeal will not be refunded in any case.

45. Prescribed form for submission of refund by the Municipality.

- The form prescribed for this purpose will be obtained from the office of the Authority at any time. (The form will be given in Appendix 3).

Chapter V

Provision for disposal of G GE. Rubbish and maintenance of Drains, Cesspools within the Area

46. Provision for all kinds of conservancy arrangements of outside area.

- Whenever it deems necessary for the disposal of sewage, rubbish and maintenance of public conveniences, drains, cesspools etc. as per section 8, subsection (1), clause (i) of the Act. Wherever such arrangements have not been made by any other local body or Authority and for the purpose appoint and maintain such staff and establishment as may be necessary from time to time. For this purpose, the Authority shall be authorised to levy conservancy taxes as prescribed in these rules.

47.

Subject to realisation of necessary conservancy taxes as per provisions in the rules, the Authority shall under take such measures as it considers necessary not only for the supply of whole some water to such area within the Authority as decided from time to time, but also for sanitation, drainage or conservancy, services in this regard will include provision for and regulation thereof the housing and residence. Whether permanent or temporary, the outbreak and spread of epidemic disease, proper treatment of sick, the establishment and maintenance of hospitals and entertainments of such staffs required for the cleaning of laterines and cesspools and shall carry out such other functions which may be necessary in this regard.

48. Drains.

- The Authority may construct such drains as it thinks necessary for keeping the area properly cleaned and may carry such drains through, across or under any street or place and after reasonable notice in writing to the owner or occupier, enter through or under any building or land it may from time to time, enlarge, lessen after the course of, cover or otherwise improve a public area and may discontinue or close any such Area.

49. Vesting of Existing Drains etc. in the Authority.

- For this purpose, from such date as notified by the Authority all public drain, privies, sewages and cesspools lying in the jurisdiction of the Authority shall be vested in the Authority and shall be subject to the control of the Authority and no person shall without the written consent of the Authority previously obtained make or cause to be made, or alter or cause to be altered any private

drain leading to a public drainage or sewage.

50. Control over private drains, etc.

- All private drains privies and cesspools lying within the jurisdiction of the Authority shall be subject to inspection and control by the Authority and every owner or occupier of premises in which any drain, privies or cess pool may be situated shall after two hours of the receipt of it, a notice in writing, permit the Authority to inspect it, and cause or allow the ground to be opened for the purpose of preventing or removing any nuisance arising from such privies, drain or pools. The owner or occupier of a building or land within the notified area shall be entitled to cause himself to empty into the drains of the Authority provided that the written permission of the Authority is taken and that he complies with such conditions consistent with any provisions made in this regard in the Act rules and regulations as to the mode in which and the superintendence under which communications are to be made between drains not vested in the Authority and drains which are so vested.

51. Penalty for construction without permission.

- If any person without the written consent of the Authority first obtained makes or causes to be made, or alters, or causes to be altered any drain or branch drain to be demolished, altered remade or otherwise dealt with as they think fit and the expenses thereby incurred shall be paid by the person making or altering such drain.

52. Power of Authority to cause Group or Block of Houses to be drained or improved jointly.

- If it appears to the Authority that a group or block of houses may be drained or improved more economically or advantageously in combination than separately, and a drain or other outlets, already exists within 33 meters of any part of such group or block of houses to be drained and improved, the authority may cause such drainage to be improved or to be made and expenses thereby incurred shall be recovered from the owners of such houses in such proportions as shall to the Authority seem fit.

53. Other provision for Drains.

- Drains of masonry or other impervious materials shall be provided by the owners for the drainage of courtyard and out houses and privates and this shall be at such level as to connect properly with the public drains. No drains shall pass through or under a building for residential purpose, provided that interior courtyard may be so drained. But in no case shall such a drain pass under a living room.

54. Provision for cesspools.

- No cesspool shall be constructed without the written permission of the Chief Medical Officer and shall not in any case be constructed or used where the house drains is within a distance of 50 meters from a public access or drain and can be connected thereto.

55. Power of the Chief Medical Officer to issue directions or to cause alteration to be made in case of working against directions.

- The Chief Medical Officer may require by notice the owner or occupier of any land or building within a period to be specified in the notice, to do all or any of the following acts:- (a) To close, remove, alter, repair, disinfect or put in good order, any latrines, urinals, cesspool, drains or receptacle for sewage, offensive matter or rubbish pertaining to such land or building or remove or alter any door or trap door or any such latrine or urinal which opens on exit or drain. (b) To provide such latrines, urinals, cesspools, drains, or receptacles for sewage, offensive matter or rubbish pertaining to such land or building whether in addition or not to any existing one. (c) To cause any latrine or urinals provided for the building or land to be set up by a sufficient roof and wall or fence from the view of passers by or dwellers in neighbourhood.

56. Penalty for lapses

- If any latrine, urinal, cesspool, drain, or receptacle for sewage, offensive matter or rubbish is defective or is constructed contrary to the directions of the Chief Medical Officer, or any rules or regulations or directions of the Authority, or if any person without the consent of the Chief Medical Officer, constructs, re-builds or opens any latrine, urinal, cesspool, drain or receptacle which has been ordered by him to be demolished or closed or not be constructed, the Chief Medical Officer may cause such alteration to be made in such latrine, urinals, cesspools, drains or receptacles as he thinks fit or cause the same to be demolished or removed. The expenses incurred by the Authority under the above rules shall be paid by the person by whom such latrine, urinal, drain, cesspool or receptacle was improperly constructed, rebuilt or opened and such person shall further be liable to prosecution.

57. Further restrictions for construction of latrines, etc.

- No person shall construct latrine or urinal unless such latrine or urinal is set out by a sufficient roof and wall or fence from the view of the persons passing by or residing in the neighbourhood. No person shall without the permission of the Authority- (a) construct a latrine or urinal with a door or trap door opening on any road or drain; (b) construct or keep any latrine, urinal, cesspool, house drain or receptacle for sewage or other offensive matter within 33 metres of any public tank or watercourse which the inhabitants of the locality use; (c) no male except the Authority inspecting officer for the purpose of inspection shall enter into the public latrine or urinal indented for use of females.

58. Conservancy arrangements.

- Where the Authority has provided in any area carts for the removal of offensive matter and rubbish, the occupiers of houses in such area shall deposit such offensive matter or rubbish in such receptacles as it may provide on such place as it may notify and no person shall deposit such offensive matter or rubbish in any other place. No person shall deposit in a dustbin or other receptacle for rubbish provided by the Authority or on a public road any rubbish which has accumulated in exercise of trade or business or result of the repair of the house or hut without the written permission of the Chief Medical Officer. No person being the occupier of a house in or near public road within the area of the Authority shall keep or allow to be kept, for more than 24 hours, otherwise than in some proper receptacle any dirt during ash, night-soil or filth or any noxious or offensive matter in or upon such house, or out house-yard or ground attached to such house, or shall suffer such receptacle to be in filthy or noxious state, or shall neglect to employ proper means to clear the same. Any owner or occupier of any house, land or premises from which sewages or offensive matter is not removed by such owner or occupier shall give free hand to the servant of the Authority for inspection and removal of such sewage or offensive matter between the house of sunrise and sunset.

59. Restrictions regarding the use of any other source of water supply.

- The prescribed Authority.-(a)may prohibit or reserve the use of any source of water supply for such purpose only and for such period as it may direct and no person shall use any source of water supply in contravention of such order passed by the prescribed authority no one shall contaminate or do anything likely to lead to the contamination of any source of water supply;(b)may by notice require the owner of or the persons having control over, a private water source, spring, tank, well or other place, the water of which is in use or, likely to be used for drinking or culinary purpose to clean the same from time to time of silt, refuse or decaying vegetation may also require him to protect the same from pollution in such manner as the prescribed authority may deem fit and in the case of well to repair the same.(c)may by notice require an owner or occupier on whose land and drain, latrine, urinal, cesspool- or other receptacle for sewage, offensive matter or rubbish exists within about 17 meters of spring, well, tank, reservoir or other source from which water is or may be derived for public use to remove or close the same or to put it such conditions as to prevent any pollution of the water supply within one week from the service of such notice;(d)no person shall throw, deposit or discharge any rubbish or offensive matter in any river, stream, channel, tank or well which is used by the public and as land when directed by the prescribed authority.

60. Prevention of infectious disease.

- Whenever in any house or building used for habitation, any person is known to be suffering from cholera, pox, plague or tuberculosis, a report of such illness shall be made by the persons specified below to the Chief Medical Officer or the local Sanitary Inspector of the area within 3 hours of the on-set of the disease.If the patient dies before a report as required above has been made, then a report of the death of such patient shall be made by the persons specified below to the Chief Medical Officer or the local Sanitary Inspector within 3 hours of the occurrence of the death:-(a)In a house,

by the occupier of the house, or in his default by the head of the family of the patient present in the house and in his default by any male who is or has been incharge of or in attendance on the said patient at any time during his illness.(b)In a hotel, Sarai, Dharmasala or other similar institution by the Manager or other person incharge thereof.(c)In a building owned or occupied by any educational institution including institutions for technical or industrial training, or in any hotel or mess attached any such institution by the Principal, Headmaster, Superintendent or other person incharge of the said institution.(d)In a factory or other industrial institution or in any building attached thereto and use for the accommodation of the employees of any such factory or institution by the owner, agent, Manager or other person incharge of such factory or Industry.

61. Duties of Medical Officer and any Medical Practitioner attending to such Patient.

- Any practitioner or any other Medical Officer serving under Government or Local Body or private sector, whether practicing allopathic or any other system of medical treatment, who attended in any house or other building used for human habitation any person suffering from cholera, pox, plague or tuberculosis shall within 3 hours make a report regarding this either to the Chief Medical Officer or the local Sanitary Inspector incharge of the area.

62. Duties of the Agencies.

- When any servant appointed by the Government receives information of any case or suspected case of dangerous epidemic disease he shall within 24 hours of the receipt of such information report the fact to the Authority.

63. Follow up action to be taken.

- The Chief Medical Officer may direct the isolation of any person or persons suffering or suspected to be suffering from any dangerous epidemic disease and such person shall not leave the premises or the place where he is isolated until permitted by the Chief Medical Officer to do so-(a)no person shall except with the permission of Chief Medical Officer enter the place for the isolation of any person suffering or suspected to be suffering from any dangerous epidemic disease;(b)no person shall remove any person who is or has been suffering from an epidemic disease from the place where he has been staying except to an authorised isolation hut or hospital unless he has received from the Chief Medical Officer written or verbal permission to do so;(c)the Chief Medical Officer may in order to prevent the spread of any dangerous epidemic disease issue an order to any person for the immediate inoculation vaccination, effective disinfection of any moveable property, clothing or personal effect or of any article of food and drink within his control or any excrete or vomit of infected person in his charge and such person shall comply with the directions prescribed by the Chief Medical Officer;(d)the Chief Medical Officer may order to any person who has been in contact with a person found to be suffering from pox or who is resident in the area where pox cases are occurring shall be inoculated or vaccinated within a time to be specified in the order;(e)the Chief Medical Officer may direct the isolation of any person suffering or suspected to be suffering from

any dangerous epidemic disease and such person should be either segregated in I.D., Hospital, Chandkuyan where such facilities exist or to any other place where segregation is possible, such person shall not leave the premises or the place where he is isolated until permitted by the C.M.O. to do so.

64. Disposal of corpses and carcasses.

- The Chief Medical Officer may approve or may temporary arrange for burning or burial grounds and may by written order direct either generally or specially in respect of any specified area that corpses shall not be burned or buried at place other than those approved or temporarily arranged by him for the purpose-(a)no person shall dispose of the corpse of any person who had died of Cholera, Pox or any other epidemic disease except by burning or burial at one of the burning ghats or burial grounds, approved by the C.M.O. without the permission of the Chief Medical Officer;(b)the Chief Medical Officer may prohibit any person from retaining or selling clothes taken from the bodies of person, who have died of cholera, pox or any other epidemic disease cause any such clothes to be destroyed;(c)the Chief Medical Officer may secure and arrange for the disposal of any unclaimed corpse;(d)the Chief Medical Officer may direct that no person shall be buried or cause to be buried in a grave less than two meters deep any corpse believed by him to be infected with or likely to spread cholera, pox or any other epidemic disease;(e)when in the opinion of the Chief Medical Officer, the arrangement made for the disposal of any corpse creates or likely to create a nuisance he may direct the person responsible to make adequate arrangements to his satisfaction and no person shall dispose of the corpse otherwise than in accordance with his orders. If his orders are not obeyed and immediate action seems necessary the Chief Medical Officer may secure the corpse and himself arrange for its disposal;(f)every person within whose premises any animal died shall within six hours after its death or if the death occurs at night within an hour after sunrise remove it at his own expense the carcass and bury it no less than 2 metres deep at a place situated not less than 300 metres of any habitation, water source or public area;(g)no person shall throw or deposit or cause to be thrown or deposit the carcass of any animal at any public road, drain or land or into ditch or receptacle or water.

65. Regulation of fairs, melas, markets, Bazars, Hats and manufacture and sale of articles of food and drink.

- The owner of a public place in which a fare or mela is held or the organiser of fair or mela shall give at least three weeks, notice of his intention to hold such fair or mela to the Chief Medical Officer. The owner or organiser shall comply with the following requirements to the satisfaction of the Chief Medical Officer relating to-(1)Conservancy.(2)Water supply for drinking and other purposes.(3)Any other measures, consistent with public health and welfare which may be deemed by the Chief Medical Officer to be necessary.

66. Other actions for compliance.

- The Authority may direct the owner or lessor of a Market, Bazar or Hat-(a)to engage sufficient

number of sweepers to keep such place clean and sanitary;(b)to maintain the drainage of the place in a sanitary condition;(c)to arrange for regular daily removal and disposal of refuse and manure;(d)to construct stalls for the sale of articles for food and drink as may be prescribed by the Authority by general order;(e)to make adequate arrangements for drinking water from a source approved by the Authority;(f)to arrange for an adequate number of public latrines and urinals.

67. Restriction for opening Slaughter House, Butcher's Shop and Fish Shop.

- No owner or occupier of a slaughter house or butcher's shop or fish shop shall use or occupy such slaughter house or butcher's shop or fish shop without obtaining a licence, such licence shall remain valid upto the end of the financial year in which it is issued. The grant or renewal of slaughter licence shall be subject to the following conditions:-(a)The floor of the slaughter house shall be raised above the ground level and be of cement, concrete or other imperious material sloping inwards to a central drains.(b)The wells of the slaughter house shall be covered with cement plaster at least one-fourth inch thick upto a height of at least four feet from the floor.(c)The drain from the slaughter house shall be constructed outside the building and shall end in a spot for the discharge of the washing water into an impermeable galvanized bucket. In the case of large slaughter house a sullage care shall be used in place of bucket.(d)Provision shall be made for an adequate supply of water for flushing the floor and washing the walls to the satisfaction of the Chief Medical Officer.(e)The floor and the connected portion of the wall all around shall be thoroughly washed immediately after use.(f)The salted contents of the entrails shall not be washed down the drain but shall be cleaned and removed separately by the slaughter house in covered castes or vessels and it shall be kept clean and in good order to the satisfaction of the Chief Medical Officer of the Authority.(g)No person shall remove any skin, entrails or offal from the slaughter house until they have been properly washed and cleaned.(h)The carcass of every animal shall be skinned immediately after slaughter and cleaned.(i)No person shall be admitted to the slaughter house except for the purpose of slaughtering animals intended for human consumption, skinning, cutting up and cleaning the carcasses of animals slaughtered therein.(j)No person shall sell meat within the slaughter house.(k)No person suffering from any skin disease or from any infections or contagious disease shall be permitted to enter the slaughter house.(l)No dogs or cats shall be permitted to enter into the slaughter house.(m)Animals entered for slaughter shall be kept in a well ventilated room, having brick on edge, cement pointed flooring and arrangements shall be made for the supply of good food and clean water for drinking in the shed at all times.(n)The Chief Medical Officer of the Authority and Sanitary Inspector shall be competent to inspect the slaughter house at all times and the owner or the person incharge of the slaughter house at the time, shall afford to the inspecting officer of the Authority or the [Sanitary Inspector all responsible] [Should be reasonable but Gazette notification reads responsible-Ed.] facilities for inspection of the same.(o)The owner shall take all measures and execute all such works as may be required by the Chief Medical Officer to keep the slaughter house in a proper state of repair and shall take proper steps and precautions to sweep, wash flesh or disinfect the same to the satisfaction of the Medical Officer of the Authority.

68. Restrictions regarding opening of Butcher's Shop.

(a)The floor of the shop shall be paved with either stone slabs (cement pointed) patent stone or cement plaster and foundation of lime concrete or framed brick khoa and provided with good drainage and adequate water supply for cleaning.(b)Meat shall always be kept in a fly-proof almirah which shall always be kept clean and closed except for keeping the meat in or taking it out.(c)The shop shall not be used as a slaughter house.(d)A suitable covered receptacle shall be kept inside the shop for collection of offal and filth and that such receptacle shall be emptied, cleaned and washed at least once every day.(e)No bones, offal or refuse, from the meat shall be thrown on the road and kept in any other receptacle than the one provided inside the shops.(f)The shop shall be maintained in a proper state of repair and regular steps and precaution shall be taken for the sweeping, washing and disinfection of the shop to the satisfaction of the Medical Officer of the Authority.(g)The frontage of the shop shall be screened from the public to the satisfaction of the Medical Officer of the Authority by chinks, curtains or otherwise.(h)The shop shall not be used by any person for residential purpose or for stalling animals.(i)The chopping block knives, scales and weights shall be clean at all times.(j)All measures which may be required by the Medical Officer of the Authority to keep the shop clean and in good order shall be taken by the owner as and when required to do so by written order.

69. Restrictions regarding setting up Fish Shops.

- The following steps will have to be taken for setting up fish shops within the area and only then the Chief Medical Officer will permit fishes to be sold to the consumers:-(a)The floor of the shop shall be paved with either stone slabs (cement pointed), patent stone or cement plaster on foundation of lime concrete or rammed brick khoa and provided with good drainage and adequated water supply for cleaning.(b)The shop shall be fly-proof and shall have self-closing doors and windows.(c)The shop shall be maintained in a proper state of repair and regular steps shall be taken for the sweeping, washing and disinfection of the shop to the satisfaction of the Chief Medical Officer of the Authority.(d)The shop shall not be used by any person for residential purposes.(e)The shop shall be well lighted and ventilated.(f)No dogs or cats shall be allowed inside a fish stall.

70. Manufacture and sale of Articles of Food and Drink.

- (i) Following steps will have to be taken by anybody intending to sell articles of food and drink within the area to the satisfaction of the licensing Authority:-(a)No manufacturer or seller of sweetmeat, cakes, ice-cream, bhajias and no owner or Manager of a hotel or a tea shop shall manufacture or sell such articles or shall run such hotel or tea shop without obtaining a licence from the licensing Authority. Such licence shall remain valid upto the end of the financial year in which it is issued. The grant or renewal of licence shall be subject to the following conditions.(b)The makers or sellers of sweetmeats, cakes, ice-cream, bhajias or any similar articles of food shall keep them in containers made of gauze, glass or other materials approved by the Chief Medical Officer of the Authority in order to protect them from dust and flies.(c)The makers or sellers of any article of food shall use clean pots and utensils for cooking or baking and shall not use copper utensils unless they are properly tinned.(d)The makers or sellers of any articles of food or drink shall not use any

deleterious colouring matter or noxious drugs in the manufacture thereof.(e)No person suffering from any infectious or contagious disease shall be engaged in the manufacture or sale of article of food or drink. All persons so engaged shall be clean and cleanly clothed.(f)No milk, ghee, curd, oil, similar ingredient which is not genuine shall be used in the preparation of any article of food or drink, intended for sale.(g)The maker or seller shall keep the place of manufacture for sale of articles for human consumption in a sanitary condition.(h)Liceneess shall make arrangement for adequate supply of pure-drinking water for customers to whom articles of food are served at the hotel or shop as the case may be. A licence may be revoked by the Authority at any time for contravention of any of the above conditions.(i)No owner or manufacturer of aerated or potable water for sale shall manufacture or cause to be manufactured aerated or potable water without obtaining a licence from the Authority on payment of prescribed fee, such licence shall remain valid upto the end of the financial year in which it is issued. The grant or renewal of licence shall be subject to the following conditions.(j)The water in the manufacture of aerated water or other potable drinks shall be obtained from a source approved by the licensing Authority and the other ingredients, shall also be of approved quality.(k)All water shall be boiled or filtered through a filter approved by licensing Authority.(l)All bottles used for bottling aerated water or other potable drinks shall be properly disinfected and cleaned.(m)The manufacturer shall affix a printed label on each bottle offered for sale showing his name and address or adopt other approved means to identify the bottles used by him. A licence may be revoked by the licensing authority at any time for contravention of any of the above conditions.(ii)Chief Medical Officer of the Authority shall act as the local health authority within the Coal Mining Area. He shall be licensing authority within the Authority's area.

71. Action to be taken for setting up Bakeries.

- No person, being owner or incharge of a bakery, shall make or cause to be made bread, biscuit, cake or other similar articles of food without obtaining a licence from the licensing Authority. Such licence shall remain valid upto the end of the financial year in which it is issued. The grant or renewal of a licence shall be subject to the following conditions:-(a)In the making of bread, biscuit, cake or other similar articles of food only genuine fresh ingredients or water obtained from approved sources shall be used.(b)All flour used in a bakery shall before used be thoroughly, sifted so as to ensure freedom from wastes or any impurities.(c)No alternate or deleterious matter shall be used.(d)All bake house for the manufacture or sale of bread, biscuit or cake or other similar articles of food shall be solely used for these purposes and shall conform to the following conditions:-(i)No water closet or urinal shall be within or connected with a bake house.(ii)The floor of a bake house shall be paved with stone or other impervious pavement with proper drainage and its rooms shall be provided with fly proof and windows.(iii)All the inside walls of the rooms of any bake house and all the ceilings and tops of such rooms shall be lime washed at least twice in every year.(iv)No pigs, goats or cattle shall be kept within or upon the premises of any building used or occupied as bake house.(v)Every baker shall immediately on an outbreak of any infectious or contagious disease occurring within the premises of his bake house or among the persons employed in his business give immediate notice of such outbreak to the Chief Medical Officer of the Authority.(vi)Every baker shall immediately on such outbreak destroy all bread, biscuit or cake or any ingredients used for the preparation of such articles from his bakery and shall cease tq-bell any bread, biscuit or cake in such bakery until the same has been disinfected as to be free from infection by the Chief Medical Officer

of the Authority.(e)It shall not be lawful for any baker-(a)to allow any person suffering from any dangerous or infectious disease or having recently been in contact with person so suffering to make any bread, biscuit or cake or to handle any utensil or ingredients used in the preparation of such articles or take part or assist in the conduct of the trade or business.(b)If he himself is so suffering or has recently been in contact as aforesaid, to make, any bread, biscuit or cake or to handle any utensil or ingredients used in the preparation of such article in the opinion of the Chief Medical Officer of the Authority, all danger therefrom or communication of infection or contamination has ceased.(f)All bread, biscuit or cake found unwholesome or unfit for human consumption shall be destroyed under order of the Chief Medical Officer of the Authority at the expense of the owner.A licence may be revoked by the licensing authority at any time for the contravention of any of the above conditions.(g)No person shall use for residential purpose or for keeping animals in any room or place in which sweetmeat, confectionary, bakeries or ready made food are kept for sale.(h)The Chief Medical Officer of the Authority shall seize and destroy any articles of food or drink which is unfit for human consumption or may direct any person to deliver for destruction or to retain pending further examination any such article, and no person to whom such order has been issued shall sell such article or dispose of it otherwise than in accordance with such order.(i)When the Chief Medical Officer of the Authority has found in the possession of any person, any article of food or drink which is unfit for human consumption but can be utilised for other purpose, he may issue an order permitting its sale for such other purpose and under such condition as are in his opinion adequate to prevent its being used for human consumption.

72. Restrictions regarding other insanitary properties and offensive trades.

- Whenever it appears to the Authority that any building, wall or bank or other structure or anything affixed thereto is in a ruinous condition and dangerous to person or properties, the Authority may-(a)forthwith cause a proper board or fence to be put up for the protection of any person who may be endangered or;(b)by notice require the owner or occupier of the building or the owner or occupier of the land to which such building wall, bank or other structure is affixed with seven days to demolish, secure or repair such building, wall, bank for other structure, or;(c)if it appears to the Authority that immediate action is necessary for the purpose of preventing imminent danger to any person or property, they may themselves take such immediate action and recover the cost thereof as public demand from the owner or occupier of the building or land;(d)if any building or land is in a filling or unwholesome State the Chief Medical Officer of the Authority may be notice require the owner or occupier thereof to clean or otherwise thereafter to keep the same in a clean and proper state;(e)the Chief Medical Officer of the Authority may prohibit the owner of any house from letting it for occupation if in his opinion it is unsuitable or if its drainage or latrine accommodation is defective, until its stability shall have been secured or the defects in drainage and latrine accommodation made good;(f)if any building by reason of its being unsecured and untenanted or by reason of its having fallen into ruin affords facilities for commission of a nuisance orforthe harbouring of snakes or other animals, the Chief Medical Officer of the Authority may require the owner of such building or the owner of the land to which such building is attached, to secure the same properly or to remove or level such ruins as the case may require;(g)if any land within thirty-three metres of a drain or other outlet into which land may, in the opinion of the Chief Medical Officer of the Authority, be drained is not drained to his satisfaction, the Chief Medical

Officer of the Authority may require the owner within one month to drain the said land into such drain or outlet;(h)if it appears to the Chief Medical Officer that any land is for want of drainage in a state injurious to health or offensive to the neighbourhood, the Chief Medical Officer may require the owner or occupier or both, within 15 days to drain such land;(i)whenever on any land, being private property, there exists thick vegetation or undergrowth which appears to be injurious to health or to form an impediment to efficient ventilation, the Chief Medical Officer may by notice require the owner or occupier of such land, within a period to be specified in such notice to clear away and remove such vegetation or undergrowth.

73.

The Authority may by notice require the owner or occupier of any land, within a period to be specified in the notice to trim or prune to the dimensions specified in the notice the hedges thereon bordering on any public road and to cut and trim in the manner specified in the notice any trees thereon overhanging any public road or tank, or any well used for drinking purpose, or obstructing any public road or causing or likely to cause for any public road or any property of the Authority or likely to cause damage to. Any person using any public road or building or likely to foul the water of any well or tank. The Chief Medical Officer may by notice require the owner or occupier of any land or building to cleanse, repair, cover, re-excavate, fill up or drain-off a private well, tank, reservoir, cistern, pool, depression or excavation therein, which may appear to the Chief Medical Officer of the Authority to be injurious to health or offensive to the neighbourhood; Provided that, if for purpose of effecting any drainage under this rule it is in the opinion of the Chief Medical Officer of the Authority necessary to acquire any land or rights in land, not being the property of the person who is required to drain his land or to pay compensation to any other person the Authority shall provide such land and pay such compensation. Whenever the Chief Medical Officer is satisfied from inspection or on report, of the competent person, that any existing block of huts within the Coal Mining Area by reason or the manner in which the huts are constructed or crowded together or for want of drainage and the impracticability of scavenging, is attended with the risk of disease to the inhabitants of the neighbourhood he may cause the locality to be inspected and a report made in writing on the sanitary condition of the block of huts which should be removed, the roads, drains & sewage which should be constructed and the low lands which should be filled up with a view to the removal of the said risk of disease. On receipt of the said report, the Chief Medical Officer may require the owner or occupier of the huts or at the option of the Authority the owner of the land on which such huts are built to carry out and execute within a reasonable time to be fixed by the Authority for such purpose, all or any of the works specified in the aforesaid report or any portion thereof and, if such owners or occupiers fail to comply with such requisition, the Authority themselves may execute all or any of such works and expenses shall be recovered as a public demand from the person liable to pay the same. If any of the said huts is pulled down, the Chief Medical Officer shall cause the materials of each hut to be sold separately, if such a sale is effected, the proceeds shall be paid to the owner of the hut or if owner be unknown or the title is disputed, such proceeds shall be held in deposit by the Authority until the person interested therein obtains the order of a civil court of competent jurisdiction for the payment of the same. No person shall keep any cattle like buffaloes, cows, pigs, sheep, goats, etc. adjacent to or near a road unless it is shut out therefrom by a wall or fence of sufficient height and not more than 10 pigs or more than 20 sheep or

goats shall be kept at any place without the written permission of the Chief Medical Officer. No place within the area shall be used without the special permission of the Chief Medical Officer previously obtained for any of the following trade or business, namely:- (i) Skinning or Desembowelling of animals. (ii) Storing hides, bone or skins. (iii) Boiling or storing offal, blood, bones or rags. (iv) Melting tallow. (v) Tanning or the manufacture of leather or leather goods. (vi) Oil boiling. (vii) Dyeing. (viii) Soap making. (ix) Burning bricks, tiles, pottery or lime. (x) Storing kerosene, petroleum or any inflammable oil or spirit. (xi) Trading in or storing hay straw, timber, wood, thatching grass, jute or other inflammable materials. (xii) Manufacturing of hard and soft coke. (xiii) Any manufacturing process or business from which offensive or unwholesome smell may arise or which has been declared by the State Government by notification to be dangerous or offensive. No person shall use any private place for keeping cattle either for trade or sale of its milk unless- (i) the floor of the place is at least six inches above ground level and is paved with either stone slabs or brick on edge (cement pointed) on foundation of lime concrete or rammed brick khoa and has got a wheather proof over it; (ii) the floor is provided with good drainage. (iii) the place is maintained in a proper state of repair and regular steps are taken for sweeping, washing, flushing and disinfection of the place; (iv) arrangement is made to keep the filth etc. in the pits specially dug for the purpose at a distance of not less than 100 feet from human habitation, any source of water supply and public passage: Provided that no public place shall be used for his own cattle or for trade or sale of its milk.

74. Encroachments.

- No person shall deposit any movable properties on any public road or make any excavation in any public road which includes the whole or any part of the road without the written permission of the authority or the officer authorised by the Authority, who shall have the right to impose conditions for the due provision for the passage of the public and to erect sufficient fences to protect the public from injury, danger or annoyance and to light such fences from sunset to sunrise sufficiently for the purpose.

75.

The Maternity, Superintendent of the Authority shall be incharge of Maternity, child and family welfare section of the Authority under the Chief Medical Officer of the Authority.

76. Miscellaneous powers of the Chief Medical Officer.

- Besides the above, the Chief Medical Officer shall have the following powers within the area for the prevention of epidemic diseases and such other matters connected with the public health:- (i) The Chief Medical Officer of the Authority or any Member of the inspecting staff of the Authority authorised by him may examine any person who is or is suspected to be suffering from any epidemic disease or in his opinion may be infected with or is likely to spread an epidemic disease. (ii) The Chief Medical Officer may order to prevent the spread of an epidemic disease that any market, shop or other public place shall remain closed for such time as may appear to him to be necessary and may forbid the holding of any fair, mela or other gathering to which people resort. (iii) The Chief Medical

Officer may order that no dom or sweeper or other servant of the Authority employed for the disposal of corpses or other conservancy work shall withdraw from his duties without the permission of the Chief Medical Officer unless such servant or sweeper or other servant of the Authority has given in writing not less than one month's notice of his intention so to withdraw.(iv)The Chief Medical Officer or any other servant of the Authority authorised by him in that behalf making any enquiry authorised by these rules may examine orally any person supposed to be acquainted with the facts and circumstances of a case or a suspected case of cholera, pox or any other epidemic disease.(v)When the person to be examined under paragraph, iv is a female who, by the custom of the country does not appear in public, the Enquiring Officer shall examine such female under such condition as shall admit of due respect to the said custom.(vi)Such person shall be bound to answer all questions relating to such case put to him or her by such officer other than questions the answer to which might have tendency to expose him or her to any criminal charge.(vii)No person shall damage or cause to be damaged any drain, dustbin, public latrine or property of the Authority meant for the use of the public.(viii)No person shall take or cause to be taken a cart or any other vehicle over a public drain unless a causeway has been provided by the Authority at the place for this purpose.(ix)All licences granted by the Authority under the rules shall be conspicuously displayed in shops.(x)All other licences or letter conveying permission in respect of anything shall, on demand by all officers and servants of the Authority be produced for their inspection.

77. Leprosy and its control.

- The Chief Medical Officer shall take the following steps for the prevention and detection of leprosy within the area:-(i)When a case of leprosy comes to the notice of any Medical practitioner, he shall forthwith notify the case to the Chief Medical Officer of the Authority by post or otherwise. The cost of such notification shall, if demanded be payable by the Authority.(ii)When there is a case of leprosy in any house the head of the family or other adult male occupant of the house shall forthwith notify the case to the nearest Sanitary Inspector or the Chief Medical Officer of the Authority by post or otherwise. The cost of such notification shall, if demanded be payable by the Authority.(iii)When there is a case or suspected case of leprosy in a house, the Chief Medical Officer of the Authority may enter the house for examination. No person shall obstruct him in doing so :Provided that no such entry shall be made between sunset and sunrise. No entry shall be made without the consent of the occupier thereof unless the said occupier has received at least twenty four hours previous notice of the intention to make such entry.(iv)Reasonable notice shall be given in every case to enable the inmates of any apartment apportioned to women to remove to some part of the premises where privacy may be preserved, due regard being paid, so far as may be compatible with the exigencies of the purpose of entry, to the social and religious usages of the occupants of the premises.(v)Any Medical Officer authorised by the Chief Medical Officer of the Authority in this behalf may issue a certificate declaring a case of leprosy to be infectious.(vi)When a case of leprosy has been certified to be in an infectious stage as provided in rule, the Chief Medical Officer of the Authority may by written notice issues to the head of the family or other adult male. Occupant of the house, require isolation of the case in any manner the Chief Medical Officer of the Authority may prescribe.(vii)When a case of leprosy has been certified to be in an infectious stage as provided in rule, the Chief Medical Officer may by written notice issued to the head of the family direct him to

get the patient admitted to any leprosy institution specified by the Chief Medical Officer. The expenditure of such stay, may be borne by the Authority.

78. Further action to be taken by the Chief Medical Officer for the protection of public health within the area.

(1)When in the opinion of the Chief Medical Officer-(a)any drain, well, pool, ditch, tank, pond, pit, incline or any marshy or undrained ground, subsidence or quarry hole,(b)any cistern, reservoir or water butt,(c)any waste or stagnant water, whether within private enclosures or not,(d)any pit water or waste water on the property of a mine,(e)any watercourse, or(f)any other place or receptacle where water accumulates or is stored is breeding or is likely to breed mosquitoes, the Chief Medical Officer may, by written notice require the owner or occupier of the land or building in which such breeding place is situated to cleanse, or fill up with suitable material or drain off or remove water regularly and at specified intervals from, the same or to take such action there as the Authority may deem necessary within such period as may be specified in the notice, at the expense of the owner or occupier.(2)The Chief Medical Officer may require, the owner or occupier to treat at his own expense such breeding places as are specified in rules with such larvicide, in such proportion and at such interval as the Authority may determine.(3)The Chief Medical Officer may require the owner or occupier of any building or property to provide at his own expense mosquito proof covering for wells or abandoned shafts or domestic cesspools or any other breeding places in respect to which in the opinion of the Authority such action is feasible.(4)Whenever the Chief Medical Officer is of opinion that any land may be rendered more sanitary by surface or sub-soil drainage to a suitable outfall, the Authority may require the owner or occupier of such land to provide at his own expense surface or sub-soil drainage.(5)No person shall make or permit to be made any excavation for the purpose of taking therefrom or for making bricks or tiles without having first made adequate arrangement to the satisfaction of the Chief Medical Officer for the filling up of such excavation or for draining it at the expense of such person or corporation.(6)Whenever any land appears to the Chief Medical Officer by reason of vegetation, undergrowth prejudice to be harbouring or likely to harbour mosquitoes, the Authority may require the owner or occupier of such land at his own expense to clean and remove such vegetation, undergrowth or jungle within the time specified in such notice.(7)It shall be lawful for the Chief Medical Officer to-(a)Treat any such places as are specified in rules periodically with larvicide.(b)Stock in any tank, well, reservoir or other water collection larvicidal fish.(c)Collect and remove disused receptacles in which mosquitoes may breed.(d)Cut down and remove any grass, bamboo stumps, fern or undergrowth in which mosquitoes are likely to breed or be harboured.(e)Fill with concrete or otherwise treat holes or hollows as the Authority may directed. ,(f)Drain any collection of water or marshy plot of land.(g)When in the opinion of the Chief Medical Officer any human habitation, cattle shed or other building is harbouring or is likely to harbour infrected adult mosquitoes, the Authority may, by written notice, require the owner or occupier to treat the interior of such human habitation, cattle-shed or other building with such insecticide, in such proportion at such intervals as may be specified in the notice at the expense of the owner or occupier. It shall be lawful for the Authority or its authorised agents to carry out such insecticidal measures as the Authority may determine to be necessary in respect of any such place.(h)The Chief Medical Officer or any other officer authorised by him in this behalf may enter into or on any land or building for the purpose of making any enquiry, inspection, examination or

survey or of executing any measure which may be necessary for the control and suppression to mosquito, breeding and of mosquito born disease: Provided that no entry shall be made without the consent of the occupier thereof unless the said occupier has received at least twenty-four hours previous notice of the intention to make such entry and to ensure privacy for the female occupants and regard for special and religious usages, the notice, as may appear reasonable to the Inspection Officer shall be given to the occupier of the premises.

Chapter VI

Arrangement for Supply of Water

With a view to reach the objectives as laid down in section 41, sub-section (2)(xi) of the Act, the Authority will make arrangement for the supply of water as described hereafter.

79. Application for connection.

- Application for water supply connection shall have to be made in the form obtainable from the office of the Authority on payment of charges and the same shall have to be filled in giving all the details including laying of pipes and fittings from the distribution mains. The application shall be accompanied by such other documents as required and the map drawn on a prescribed scale and to be submitted on payment of fees as determined by the Authority. Unless the Authority otherwise concedes, only one connection from the Authority's distribution mains to the service pipe will be allowed on a single application.

80. Terms and conditions of connection.

(1) Every connection will be made through a valve or stop-cock and a meter fixed together in a masonry chamber with a locked cover and with a short depth of pipe projecting from the meter chamber. The connection between the distribution mains and the service pipes with all fittings will in all cases be made by the Authority and at the cost of the consumer, but these will be the properties of the Authority and will be maintained by the Authority. Meter chamber will have to be constructed according to the specifications laid down by the Authority and at a place fixed by the Authority. It will, however, be the responsibility of the consumer to keep the meter chamber in proper order. The key of the meter chamber will remain with the Technical Member or any other Officer authorised. (2) The meter will be supplied by the Authority for which the applicant will have to deposit the security in cash as determined by the Authority. The applicant will thereafter have to pay the quarterly rental of the meter to the Authority at the prescribed rate. This security deposit will stand forfeited in case the meter chamber or the meter is found to have been tampered with or otherwise damaged in anyway or stolen. (3) Service pipe to any connection will have to be laid down by the applicant consumer according to sanctioned plan and specifications. Applicant may, however, request the Authority to lay down these pipes through their agency, but the Managing Director may accede to the request or may refuse it according to his own discretion. In case the Managing Director accedes to it, this will be executed by the Authority through their own authorised agent upon such terms and conditions laid down by the Managing Authority through their own authorised agent

upon such terms and conditions laid down by the Managing Director, depending upon merits of each case. The applicant will have to make this request at the time of filling the application for connection and shall have to bear the entire cost which he has to deposit when called upon to do so and within the period for the purpose.

81. Sanction to the connection.

- Upon the application being found in order and subject to the acceptance of the application on the foregoing terms and conditions, the Authority, shall communicate the sanction to the laying down of the communication pipes and service pipes either according to plan and specifications laid down in the application or with such modifications as considered necessary.

82. Deposit of connection fee, cost of communication pipes, security and agreement.

- Soon after the sanction as laid in the foregoing rule is received by the applicant he shall have to deposit the prescribed connection fee, cost of communication pipes and deposit the security as fixed by the Authority and execute the agreement in the form supplied by the office of the Authority, within a period of two months from the date of issue of sanction order. On his failure to do so within the period the application fees will be forfeited and the sanction to the connection will be deemed to have lapsed. On his completion of the above formalities within the period, he will be issued a work order.

83. Laying of pipes for connection.

- If the work of laying of service pipes for connection is not completed within a period of six months from the date of issue of work order the connection fees and the Security deposit will be forfeited by the Authority, unless the Managing Director, for valid reasons extends the period.

84. Inspection.

- On the successful completion of the work of laying down the pipes within the period the applicant shall file completion report and shall deposit the inspection fees. Thereafter any officer of the Authority authorised in this behalf shall hold inspection of the work and subject to the same having been found to have been executed or completed according to specifications laid down in the sanction order, he will submit a completion certificates.

85. Alterations or additions in the sanctioned pipelines.

- In course of the inspection the completed work of any connection, if it is found by the Inspection Officer that the consumer has not executed that work strictly according to the sanctioned plan specifications and has made certain alterations or additions or even if he is found to have done so after the inspection has been held or in anyway caused any damage to the pipeline the Managing

Director or any other officer authorised by him may call upon the consumer to bring the work in conformity with the specifications or to make good the damages caused, within a fixed period. If he fails to do so the Managing Director, shall have the right to forfeit all the fees and the security money deposited by him and may refuse to grant him any connection for water supply.

86. Liability to maintain the fittings and the meter by the consumer.

- No valve or stop-cock, ferrule, meter of any other fittings shall be interfered with by the consumer or any body except with the written permission of the officer authorised in this behalf. If it is found to have been tampered or otherwise interfered with in violation of this rule, the consumer shall have to bear the cost of repair or pay such penalty as determined by the Managing Director.

87. Rights of the Authority for the purpose of laying water pipes for construction of the water chamber.

- The Authority will have the following rights:-(i)To construct any meter chamber on the flanks of any road or on any public place provided it does not obstruct the use of the road or the public place.(ii)To execute any water-supply scheme or lay pipes and for this purpose to construct, maintain, repair, renew, alter, enlarge and extend reservoir main pipes and other water works upon and under the lanes on either public or private land and take level or the same and dig or break up such land and trench the same.(iii)To remove or use all earth, stone, mains, minerals, trees other things dig or get out of the land.(iv)To take, intercept and impound any water flowing upon any land.(v)To make, conduct and maintain all such cuts, channels, catch waters, tunnels, culverts, crains, sluices; water channels, gauges, filter beds, tanks, banks, wells, bridges, machinery and appliances, as may be necessary or convenient in connection with or subsidiary to any of the water works.(vi)To open and break up the soil of any road or railway within the area.(vii)To open and break up any sewer, crain or tunnel in or under such road or railway or otherwise.(viii)To do all other acts necessary for the due supply of water within the area.

88.

The Authority shall not exercise the above power in respect of any property vested in or under the control of the Central or State Government or of any local authority or Railway Administration except with the permission of concerned Government or the Authority:Provided further that the Authority may without obtaining such permission execute any works or schemes without altering its position in case of urgent necessity to maintain water supply without any interruption or delay in human life and property.

89. Precaution to be taken when breaking up road or railway.

- The Authority shall-(a)immediately cause the part opened or broken up to be fenced and guarded.(b)before sunset, cause lights sufficient for the warning passengers to be set up and maintain against or near both ends of the part broken up or opened.(c)with all reasonable speed fill

in the ground and reinstate and make good the soil opened or broken up, and carry away the rubbish occasioned by such opening and breaking up.(d)after reinstating and making good the solid block or opened up keep the same in good repair for three months and for any further period not exceeding nine months during which the subsidence continues, and(e)compensate the local Authority or (1) (Railway administration) to which the road, (2) land, (3) or Railway (4) belongs for any damage caused and not repaired.

90. Summary assessment of water consumer in case the meter is damaged.

- In case the consumer owing to any act on his part or any act of omission, or commission on his part, causes any damages to the meter, which will be fitted by the Authority to measure the quantity of water supplied to any consumer, the consumer shall make himself liable for any penalty to be determined by the Managing Director according to gravity of the charges. This penalty will be imposed notwithstanding anything contained in the foregoing rules. In case the meter is found to have been damaged as not to be registering accurately the Authority may assess the consumer for the period during which in its opinion to has been recording inaccurately not on the basis of actual reading taken but on that of the average daily consumption of the period covered by last three readings previous to the test, in case consumer is hold solely and fully liable for the damage of such average charge.If there is any reason to suspect that the meter was not working satisfactorily, the Authority either on its own initiative or on the request of the consumer may make the assessment of water charges on the above method provided, on examination, the meter is found to be actually not recording correctly the quantity of water consumed.

91. Special Testing of Water.

- Wherever water is supplied to the consumer through the meter, it shall be presumed that the quantity indicated by the meter has been consumed until the contrary is proved. If the consumer desires to have any meter tested, he may send an application to the Authority, together with the fee of Rs. 25 (Twenty five) only.On receipt of such application and fee, the Authority shall forthwith cause any such meter to be tested, after giving previous intimation to the consumer and if such water is found on being tested to be incorrect by more than four per centum, the said fee shall be returned to the consumer and the Authority shall replace the meter other than a meter supplied at the cost of the consumer which is out of repair.

92. Satisfactory execution of service pipes.

- Service pipes and fittings will not be considered to have been executed and put up in a satisfactory manner unless they are capable of withstanding without any leakage, the full pressure of water which flows through them from the mains and they should clean internally and not be liable to pollute and render less fit for human consumption any water passing through them. Without the consent of the Authority given in writing, no addition or alteration shall be made in the service pipe which has been installed according to the approved plan. Application for such alteration and addition shall have to be made to the Authority as provided in the rule for application for laying down service pipes.

93. Location of overhead tank or taps.

- No overhead tank shall be permitted to be constructed by any consumer without the consent of the Authority given in writing and such permission shall be subject to following conditions and such other condition as the Authority may consider fit to impose from time to time:- (i) All overhead tanks shall be light proof and leak proof and strongly made and, (ii) Shall be readily accessible inside for cleaning and inspection and for this purpose shall be fitted with a by pass pipe and valves so as to allow the water pass into the pipes with the tank is cut-off and shall be fitted with strong self closing ball valve of approved pattern capable of withstanding a test pressure of six kg. per square cm. All taps fitted out of doors shall be of a design approved by the Authority.

94. Lines of other water-supply.

- The lines of piping and all other fittings for supplying unfiltered for boilers or any other unauthorised purpose shall be kept entirely separate and distinct from the filtered water pipes. No self closing tap used shall exceed 12 milimeter diameter. Service pipes shall be buried to minimum depth of 1 meter and in case of road crossing, the pipe shall be placed in a casing of suitable strength and size.

95. Provision of stand pipes.

- The Authority may provide normally not more than one stand pipe in an area of a radius of 500 ft. If such stand pipes are found to have been damaged or otherwise being misused or water being wasted the Authority may forthwith remove it without any notice. No person shall use water from any public stand pipe for any purpose other than for domestic purpose.

96. Pressure of water-supply.

- Pressure of water-supply by the Authority shall as far as possible be maintained and 20 ft. at ferrule point for a minimum of 6 hrs. daily. If in anyway the supply is disrupted owing to circumstances beyond the control of the Authority, no blame will lie with the Authority.

97. Analysis of water supply.

- The Authority shall arrange for the bacteriological and chemical analysis of the water to be made four times every year. The reports of each such analysis shall be forwarded as soon as possible to the Managing Director of the Authority who shall take appropriate action on it. The Public Health Department or the Public Health Engineering Department as the case may be, shall arrange for special analysis to be made at any time on requisitions of the Managing Director of the Authority as and when he consider it necessary. Besides the above, the Managing Director of the Authority shall arrange for periodical examinations of samples of water every week in the laboratory of the Authority. In that analysis, a bacteriological analysis shall be made of water from the combined outlet channel from the filtered beds, from each service reservoir and from at least three points in

the distribution system. Similarly, the Managing Director of the Authority shall cause the chemical examination of the water to be made in the storage reservoir periodically. The clarification effected by filtration shall be ascertained by the determination of the turbidity of the water in the inlet and outlet walls of each filter bed in terms of miligrams of silica per liter of water: Provided that the test prescribed for testing the clarifications effected by filtration may, if the Authority so regards be carried out at the Head works instead of in the laboratory.

98. Action on report.

- Reports of analysis by the technical incharge in the laboratory shall be submitted to the technical member with a copy to the Chief Medical Officer and the Technical member shall proceed to take immediate action on such reports.

Chapter VII

Levy of Taxes

99. Preparation of Assessment List.

- For the imposition of conservancy tax, water tax the Authority shall prepare the valuation list. The Managing Director, the Secretary or the Assessment Officer, may, whenever so required for the preparation of valuation list, by notice require the owner or occupier of any holding newly constructed or existing from before to furnish to him the return of the rent or annual value of the holding alongwith, a description of the holdings containing such particulars as directed. In case of the new construction it would be compulsory for the owner to submit the return immediately after the construction is completed but in no case later than the occupation of the said building. In case of failure to submit the return, the Managing Director or the Assessment Officer will proceed to determine the valuation of any building on the basis of available details. The annual value of a holding shall be deemed to be the gross annual rental at which the holding may reasonably be expected to let. The value of any machinery or furniture which may be on a holding and which is not a permanent fixture of the holding, shall not be taken into consideration in estimating the annual value of such holding under this rule. In case of Government or other public buildings not let out the rental value will be assessed at the rate of 76.2 percent of the cost of construction of such building. When the return required for ascertaining annual value of holdings has been received or that other formalities have been completed in cases where no such return is filed by the owner/occupier, the assessment officer shall prepare the valuation list of holding calculated at the rates fixed by the Authority in its meeting and shall prepare an assessment list which shall contain the following particulars or any other particulars which the Authority may think proper to include-(a) The number of the holding on the register. (b) The name or names of the owner and occupiers. (c) The name of the road or Mohalla in which the holding is situated. (d) A description of the holding. (e) Sanctioned number and data of the plan. (f) The annual value of the holding. (g) The amount of annual tax assessed. (h) The amount of quarterly instalment. If a question arises whether any property is included within a holding, the decision thereof shall vest with the Managing Director.

100. Finalisation of Assessment List.

- When the assessment list has been prepared a public notice will be given in local gazette as well as in one of the newspapers indicating the place, time and period for inspection of the valuation list: Provided the Managing Director shall also in all cases in which any property is for the first time being assessed or the assessment is increased, give notice thereof to the occupier of the property as well.

101. Appeal.

- Any person who is dissatisfied with amount assessed upon him or with the valuation or assessment of any holding or who disputes his occupation of any holding or his liability to be assessed, may apply to the Managing Director to review the amount of the assessment or valuation or to exempt him from assessment or tax. Unless good cause is shown, the Managing Director will be competent not to receive such application after the expiry of one month from the date of publication of public notice inviting the member of the public to inspect the assessment list. If the Managing Director is satisfied by the good causes shown by the applicant he may receive such application after the expiry of one month but not in any case after a period of three months from the date of publication of the public notice. No objection shall be taken or entertained to any assessment or valuation in any other manner than in the rules provided.

102. Amount of tax assessed.

- The amount of tax on the annual value of the holdings shall be deemed to be the amount entered in the list, notice relating to which is published as provided in the above rules, unless the amount entered in the list, notice relating to which is published as provided in the above rules, unless the amount entered in such list is subsequently altered by the Managing Director, in which case the amount to which the assessment or rating is so altered shall be deemed to be the amount due.

103. Imposition of Conservancy Tax.

- The amount of assessment is finalised conservancy tax on holdings containing dwelling houses, latrines, urinals or cesspools and on holdings containing shop or business place where such taxes have been decided to be imposed the tax shall be levied as determined by the Authority: Provided that no latrine tax shall be leviable in any area until the Authority at a meeting has made provisions for the cleaning of private latrines, urinals and cesspools within such area nor shall the taxes be leviable for any quarter or portion of a quarter or portion of a quarter antecedent to the making of such provision. The Authority may for this purpose appoint a whole time officer as the assessment officer or that the Managing Director may authorise any other officer of the Authority to function as the assessment officer.

104. Charges for water supply.

- As provided in section 90 sub-section 3 clause (C) and sub-section 4, clauses I and II, of the Act, when the Authority decided for imposition of water rates from the consumer the same procedure as in fore going rules in the preparation of assessment list will apply for the preparation and finalisation of assessment list. Such assessment list shall be valid from the date on which the list takes effect and until the 1 st day of April next, following completion of new list.

105. Mode of payment of water taxes.

- These taxes as soon as finalised, shall have to be paid by every assessee in quarterly instalments and every such instalment shall be deemed to be due on the 1st day of the quarter in respect of which it is payable. For all sums paid on account of the tax, a receipt stating the amount and the tax on account of which he pays shall be given by the tax collector.

106. Delayed payment surcharge.

- If the quarterly tax is not fully paid within the next quarter a delayed payment surcharge will be added to the amount of the tax due at a rate determined by the Managing Director, i.e., 5 per cent of the demand or a minimum of Rs. 10 whichever is greater.

107. Action in case of default.

- If the amount payable as taxes be not paid within the next three months of the end of the quarter for which it is due, the same shall be recoverable by means of issue of distress warrants. Distress Warrants are only to be issued by the Managing Director or any other Officer authorised by the Managing Director and the dues will be recovered as public demand.

108. Mode of execution of Distress Warrant.

- Every warrant of distress and sale shall be issued by the Managing Director or any officer authorised by him and shall be in Form "A" Distress Warrant shall be executed by actual size of the movable property and officer incharge of execution of the warrant shall be responsible for due custody thereof. Such officer shall make an inventory of all properties served under the warrant, shall give at least ten days previous notice of sale and of the time and place thereof by beat of drum in the locality in which the property is situated and shall serve on the defaulter or the person whose property has been distrained, a notice in the prescribed form: Provided that if the property is of a perishable nature it may be sold at once with the consent of the defaulter or the owner thereof, or without such consent at any time after the expiry of six hours of seizure.

109. Revision of assessments.

- New valuation and assessment list shall ordinarily be prepared, in the same manner as the original list, once in every five years. Subject to any alteration and amendment made in such list and to the result of any application made for the purpose, every valuation and assessment list shall be valid from the date on which the list takes effect in the area and until the first day of April next following the completion of a new list.

110. Amendment and alteration of valuation list.

- The Managing Director may, from time to time, alter or amend the assessment list-(a)by entering there in the name of any person or any property which ought to have been entered or any property which became liable to taxation after the publication of the assessment list.(b)by substituting therein for the name of the owner or occupier of any holding the name of other person who has succeeded by transfer or otherwise to the ownership or occupation of the holding.(c)by enhancing the valuation of assessment on any holding which has been incorrectly valued or assessed by reason of fraud misrepresentation or mistake.(d)by revaluing or re-assessing any holding the value of which has been interested by additions or alterations to the buildings.(e)where the percentage at which any tax is to be levied has been altered by the Authority, by making a corresponding alteration in the amount of tax payable in each case.(f)by reducing upon the application of the owner, occupier, the valuation of any holding which has been wholly or partly demolished or destroyed or the value of which has been diminished from any cause.(g)by correcting any clerical or arithmetical error.(h)the Managing Director or any other officer authorised by him to make such alterations or amendments in the list shall give at least one month's notice to the person affected by such alteration or amendment which is proposed to be made. The person concerned will be given an opportunity of being heard. Every such alteration made shall have to be signed by the Managing Director or an officer authorised by the Managing Director in this behalf and subject to the result that will take effect from the date on which the next instalment falls due but by such alteration it shall not be deemed that a new or revised assessment list has been made.(i)in case of any dispute the decision of the Managing Director in case the alteration has been made by any other officer of the Authority or in the event the alteration has been made by the Managing Director, the decision of the Authority shall be final and conclusive and binding on the parties.

111. Transfer of title.

- Wherever the title to any holding is transferred the transferee shall within three months after the execution of the instrument of transfer, if no such instrument is executed within three months after the transfer is effected, give notice in writing of such transfer to the Managing Director. In the event of the death of the person in whom such title vests the person to whom as heir or otherwise, the title of the deceased is transferred, by descent or advice, shall within three months from the death of the deceased, give notice in writing of such transfer to the Managing Director.

112.

(a) Every notice mentioned above shall be accompanied by the receipt of fee deposited with the Authority calculated at the rate of 3 per cent of the annual valuation of the holding and the fee shall not be refunded in any case. (b) On receipt of such notice the Managing Director or the officer concerned shall proceed in the matter and after inviting objection and hearing the same, if necessary, shall pass order regarding transfer of title over the holding in question.

113. Levy of Tonnage-Cess.

- The Authority shall as per provisions in section 89 of the Act shall also levy tonnage-cess at the rates prescribed at which the same should be realised on the despatches of Coal and Coke and shall also decide the period for which the rates will be effective. Tonnage-cess or any other dues chargeable to owners of mines or persons paying any royalty, rent or fines from mines under the provision of Section 89 of the Act shall be deemed to be due on the first day of the year of assessment to which it relates.

114. Mode of Payment.

- At any time after any sum of tonnage-cess has become due and has been assessed under these rules, the Authority shall cause to be presented to the persons liable for the payment thereof a bill for the said sum which shall contain statement for the period on account of which and the rate at which the charge is to be paid. If the amount mentioned in such bill be not paid within thirty days of the presentation thereof, a notice of demand in the form contained in Appendix I, to these rules signed by the Secretary of the Authority shall be served on the person liable to pay the same. In case of default in payment in time the assessee shall be liable to pay delayed surcharge at a rate to be fixed by the Authority from time to time: Provided that subject to such provisions as prescribed in Section 103 of the Act for service of notices the demand notice issued against any assessee shall be treated to be properly served if service is made according to the said provision and cost of such notice shall be added to the demand and will be recoverable as public demand from the assessee.

115. Basis of the assessment of Tonnage-Cess.

- At the close of each calendar year each mine owner will lodge with the Authority a return of the quantity of Coal and Coke despatched from the mine during the calendar year and the royalty payable in respect of that quantity. Such return shall be submitted in the form prescribed in Appendix-5 to be supplied by the Authority on application submitted to the Authority by the 1st January in each year for previous year ending 31st December. Each mine owner will also submit by the 15th of the month following each quarter a return for the preceding quarters. The said return shall show the raising of the coal of all descriptions opening stock, colliery consumption, coal converted to coke, closing stocks and despatches.

116. Action in case of default.

- If such return be not furnished within the period prescribed in the preceding rules or within any time extended by the Managing Director, if the M.D. deems that any return made in pursuance of such notice, is untrue or incorrect, the Managing Director or any other officer authorised by him, shall proceed to ascertain and determine by such ways or means as seem expedient or proper the quantity of Coal and Coke despatched from the mine concerned and for this purpose shall have power to require the production of any register kept by any mine owner. If any such assessee has got any objection to make against the determination of the quantities of despatches of Coal and Coke made by the Managing Director or officer concerned, he may file an objection before him and his decision shall be final.

117. Notice of determination.

- As soon as the Managing Director or any other officer authorised by him has ascertained and determined under the preceding rule the quantity of Coal and Coke despatched from any mine a notice will be served upon the owner of such mine informing him of quantity so ascertained and determined.

118. Other sources.

- The District Mining Officer shall, when required by the Managing Director of the Authority shall furnish to the Authority informations-(a)in respect of, the tonnage-cess, the name of each mine from which Coal and Coke have been despatched, the names of such persons owing such mine, and the amount of Coal and Coke despatched therefrom.(b)in respect of the royalty cess, the amount of royalties on account of a mine or mines within the area and the amount of royalty payable by them.

119. Rate of Royalty.

- The cess on royalties shall be payable by each person to receiving royalty from any mine situated within the area to which the Act applies, and shall be assessed at a rate not exceeding five per centum of the assessed amount of the royalty.

120. Mode of realisation in case of default of payment of Tonnage-Cess and Royalty-Cess.

- As provided in the rules both the above charges in case of default will be leviable by issue of distress warrants and the same procedure shall have to be followed for the execution of distress warrants and of the seized properties and articles for the realisation of these charges.

121. Form of a Register or Registers of Application.

- A register of application filed before the Authority under the rules and Act will be maintained in the following forms:-(1)Date of receipt.(2)Name of applicant.(3)Address of the applicant.(4)Purpose for which filed and reference to provisions of Act or rules under which filed.(5)The amount and mode of deposit of cost thereof.(6)Date and manner of disposal.

122. Provision for Granting Copies.

- Any person will be entitled to ask for certified copies of such documents which are not privileged or confidential on payment or prescribed fee as determined by the Managing Director of the Authority. The decision of the M.D., whether a document is privileged or confidential will be final.

123. Any other matter.

- Authority will be competent to frame bye laws and issue standing orders, whenever considers necessary, to give effect to the provisions of the Act and in consistence with the provisions of Act, rules and regulations.

124. Decision of Disputes with other Authorities.

- If any dispute arises for the decision of which Act does not provide, between the Authority and any other local body, the matter shall be referred to the Government whose decision upon the matter shall be final.

125. Effect of Rules.

- No orders passed or sanction and approval given in accordance with the existing acts and rules prior to coming into the force of these rules will be invalid even though they are not according to these rules.

Chapter VIII

Miscellaneous

126. Notice to be issued.

- As per provision in sections 101 and 102 of the Act, the Authority, when intending to give effect to the same provisions shall publish a general notice at least one month prior to the commencement of the work in one or two local newspapers informing the persons affected by such scheme and invite them to visit the office of the Authority to acquaint themselves with the details of the schemes.

127. Power to raise funds.

(a)The Authority shall be competent to borrow money from any source as follows or raise funds by resorting to following methods, for purposes of discharging its functions and responsibilities required under the provisions of the Act. For purposes of borrowing money from the following sources, the Authority shall be competent by giving in security, if necessary any property of the Authority:-
 (i)Any Nationalised Bank.
 (ii)Public undertaking under the Central or State Govt.
 (iii)Local bodies.
 (iv)Central Government.
 (v)Any statutory body under the Central Govt, and State Govt.
 (b)Authority may also raise funds by resorting to any or all the following methods:-
 (i)By inviting public contribution or participation, particularly from the beneficiaries in any scheme.
 (ii)By inviting voluntary contribution in cash.
 (iii)Any other similar scheme thought expedient by the Authority for speedy implementation of any particular Development work:Provided prior sanction of the State Govt, is obtained.

128. Obtained issuing Government direction.

- Whenever any direction is issued by the Government under the provisions of section 124, specific mention will be made that such direction has been issued under the said provision.

129. Power of Authority to require the cost to be deposited in advance.

- As per provisions in sub-section 3 of Section 127 of the Act the Authority shall issue a notice directing such person to deposit the estimated cost within one month of the service of the notice failing which the Authority shall be competent to realise, by means, provided under the Act and rules.
Appendix IForm of Application Under Section 48A of the act and Rules 40To, The Secretary/ Town Planner, Coal Mining Area Development Authority, Dhanbad. Sir, I/ We intend to construct/ start construction/ alter building or boundary wall or to remove the drainage or to change its structure or to basis repair or to do excavation of earth or to remove stones or to sub-divide the land or building in the area under a scheme. I/ We forward herewith the following in quadruplicate duly signed by me/ us (Name in block letters) the licensed Architect/ Engineer/ Draftsman with group licence no who has prepared the maps and will/ will not supervise the construction of the building or boundary wall/ division of land and building:-
 (1)Key plan.
 (2)Site Plan.
 (3)Building Plan.
 (4)Front and side elevations and other necessary vertical sections alongwith staircase.
 (5)Service Plans.
 (6)Lay-out Plan.
 (7)Specification.
 (8)Complete address of the plot/building.
 (9)Evidence of right over the land-
 (i)Copy of deed.
 (ii)Copy of mutation.
 (iii)Land Rent Receipt.
 (10)Receipt for payment of fee.
 (11)Map showing the details of removal of drainage or change in its structure and basic repair.
 (12)Map showing the area of excavation of earth/removal of stones.
 I/We request that permission may be granted to me/us to construct/start construction/alter building or boundary wall or to remove the drainage or to change its structure or basis repair or to do excavation of earth or to remove stones or to divide/sub-divide the land or building in the area under scheme. I/We have read the provisions of the Bihar Coal Mining Area Development Authority Act and Rules and Regulation made thereunder and undertake to abide/ by these provisions.
 Address of the Applicant-Signature of the applicant
 Name of the applicant (in Block letters)
Appendix 2Scale of Fees for Supply of Maps Under Rule 41

Sl. No. Size of Map Fee for Map

1	2	3
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Appendix 3 Form prescribed Under Section 94 of the Coal Mining Area Development Authority Act, 1986

Amount of contribution payable to the C.M.A.D.A. at the rate of 1.5 per cent of the total collection		Name of Municipality/ Notified Area Committee Return for quarter ending...				
Amount collected during the quarter ending on....	Arrear	Current	Total	Amount paid against the payable amount	Outstanding amount(not Paid)	Remarks
1	2	3	4	5	6	7

Appendix 4 Coal Mining Area Development, Authority, Dhanbad Form No. Distress Warrant under Rule 105 of the Coal Mining Area Development Authority Rules. D.W. No.

.....To.....Whereas
 of has not paid or shown sufficient cause for the non-payment of the sum of Rs due for tax rates mentioned in the margin, although the said sum has been duly be in writing from the said and fifteen days have elapsed since service of the notice of demand, this is to require you to distrain the moveable property of the said wherever it may be found within the area of the Authority, except ploughs, plough, cattle, tools or implements of trade or agriculture, or any other moveable property subject to the same exception which may be found within the holding specified in the margin to the amount of the said sum of Rs. and the further sum of Rs. to defray the change of taking, keeping and selling such property, and, of within ten days next after such Distress the said sum of Rs. shall not be paid, to be paid, to sell the said property and having paid and deducted out of the proceeds of the sale the said sum of Rs. and the charges of taking, keeping and selling such property, to return the surplus (if any) on demand to the person whom you shall have found in possession of the said property and if no demand be made to pay the same to the Authority. If distress cannot be made of sufficient property of the said you are to certify the same to us in returning this warrant. Also if the movables distrained are of perishable nature the same will sold at once with the consent of the owner here of or without such consent at any time after the expiry of six hours of seizure. Dated, Dhanbad, the of 198 Managing Director/Authorised Officer, Coal Mining Area Development Authority, Dhanbad

Appendix 5 Coal Mining Area Development Authority, Dhanbad Return for despatches Coal and Coke Royalty Cess.

District (in which the property lies)	Post Office	Name of Mine owner	Quantity of Coal despatched during calendar year	Quantity of Coal despatched during the calenderyear
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1	2	3	4	5	6	7	8	9
Particulars of Royalty								
Name and address of Royalty Receiver	Rate per tonne on Coal and Coke	Arrears of Royalty due to	Royalty payable for the year	Royalty actually paid in	Date of Payment	Balance due at the close of the year	Remarks	
Arrear	Current							
1	2	3	4	5	6	7	8	9
I/ We declare that the statements contained in the above return are true to the best of my/ our knowledge information and belief.Mine owner.....Signature of the Authorised Agent								
OccupierInstructions for filling up the Form								

- 1. This return must be signed by the owner of authorised agent.**
- 2. "Surface rent" should not be shown as royalty. In such cases it should be explicitly stated in the return.**
- 3. In all cesses royalty payable must be shown in the return. Arrears of royalty if due, must be correctly drawn.**
- 4. Balance due in case of each and every royalty received must be separately drawn.**
- 5. If the quantities of Coal and Coke despatched were nil this fact does not excuse the non-submission of the return. In such cases the quantities must be definitely states as "Nil".**
- 6. "Coal" shall include all description of Coal "Despatches" means despatches to any place beyond property in which the mine is situated and shall include "Local Sales" and despatch to washeries.**
- 7. Rate of Royalty Payable for per tonne on Coal and Coke must be entered in the require column no. 2.**