

Guwahati Metropolitan Drinking Water and Sewerage Board Act, 2009

ASSAM

India

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Act 10 of 2009

- Published in Assam Gazette on 19 February 2009
- Commenced on 19 February 2009
- [This is the version of this document from 19 February 2009.]
- [Note: The original publication document is not available and this content could not be verified.]

An Act to provide for provisions of continuous and uninterrupted, hygienic, piped drinking water, and to promote hygienic environment for public by removing and treating waste water and sewerage in the Guwahati Metropolitan Area. Whereas it is expedient to provide for the establishment of The Guwahati Metropolitan Drinking Water and Sewerage Board for the execution of the projects, development and maintenance of Drinking Water and Sewerage Schemes, and for constitution of Guwahati Water Regulatory Authority for consumer protection, regulation of tariff of water supply and sewerage in the Guwahati Metropolitan Area; It is hereby enacted in the Sixtieth Year of the Republic of India as follows: - [Received the assent of Governor on 19th February, 2009] Chapter-I - Preliminary CHAPTER-I Preliminary

1. Short title, extent and commencement.-

(1) This Act may be called the Guwahati Metropolitan Drinking Water and Sewerage Board Act, 2009. (2) It extends to the whole of the Guwahati Metropolitan area. (3) It shall come into force on such date as the Government may, by notification, appoint.

2. Definitions.- (1) In this Act, unless the context otherwise requires,-

(a) "Board" means the Guwahati Metropolitan Drinking Water and Sewerage Board constituted under section 3 of this Act; (b) "Board of Directors" means the Board of Directors constituted under section 3(4) of this Act; (c) "Central Ground Water Board" means the Central Ground Water Board constituted under Section 3(3) of the Environment (Protection) Act, 1986 (???); (d) "charges" includes any rates, tariff, duty, cess, deposits, rentals, surcharge, development charges or any other charges levied by the Board under this Act; (e) "Government" means the State Government of Assam in the Guwahati Development Department; (f) "Guwahati Metropolitan area" means the Area covered

under the Guwahati Metropolitan Development Authority Act, 1985 (Assam Act No. XX of 1985), as amended from time to time;(g)"internal pipe" means the pipe which is laid within the premises of the consumer to deliver water to consumption points;(h)"Licensed Plumber" means a plumber who has been temporarily permitted to operate as licensed plumber in any area of the Board or by any erstwhile body substituted by the Board and will include a licensed plumber who will be licensed by the Board in accordance with the regulations made in this regard;(i)"local authority" means Guwahati Municipal Corporation and Guwahati Metropolitan Development Authority constituted under the Guwahati Municipal Corporation Act, 1969, Guwahati Metropolitan Development Authority Act, 1985 (Assam Act No. XX of 1985) respectively and any other Authority, Board etc. constituted by the State Government (Assam Act No. 1 of 1973);(j)"mains" means a pipe laid for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe;(k)"Managing Director" means the Managing Director appointed under section 9 of this Act;(l)"Municipal Corporation" means the Guwahati Municipal Corporation established under Section 3 of the Guwahati Municipal Corporation Act, 1969 and includes any successor body or bodies thereto (Assam Act No. 1 of 1973);(m)"occupier" means,-(i)any person who for the time being is paying or is liable to pay to the owner, the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;(ii)an owner in occupation of, or otherwise using the land or building;(iii)a rent free tenant of any land or building;(iv)a licensee in occupation of any land or building;(v)any person who is liable to pay to the owner damages for the use and occupation of the land or building;(n)"owner" includes a mortgagee in possession, a person who for the time being is receiving or is entitled to receive, or has received, the rent or premium for any land whether on his account or on account of, or on behalf of, or for the benefit of, any other person or as an agent, trustee, guardian or receiver for any other person or for any religious or charitable institution or who would so receive rent or premium or be entitled to receive the rent or premium if the land were let out to a tenant; and also includes the Head of a Department or an undertaking of the Central or a State Government, the General Manager of the Railways, the Secretary or other principal officer of a local authority, statutory authority or company in respect of properties under their respective control;(o)"Regulations" means the Regulations made by the Board under this Act;(p)"Regulatory Authority" means the Guwahati Water Regulatory Authority constituted under section 20 of this Act;(q)"Rules" means the Rules made by the State Government under this Act;(r)"Service pipe" means so much of any pipe for supplying water from a main to any premises up to the meter installed in the said premises;(s)"sewer" means a closed conduit for carrying off sewage, sullage, rain water, polluted water, waste water or sub-soil water;(t)"shed" means a slight or temporary structure for shade or shelter;(u)"State" means the State of Assam;(v)"supply pipe" means so much of any service pipe as is not a communication pipe;(w)"trade premises" means any premises used or intended to be used for carrying of any trade, industry or for any commercial purposes;(x)"trade refuse" means the refuse of any trade or industry;(xa)"trunk main" means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk from the part, of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk;(xb)"Water fittings" includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water.(2)All words and expressions used in this Act and not defined, but defined in the Guwahati

Municipal Corporation Act, 1969, and the Guwahati Metropolitan Development Authority Act, 1985 (Assam Act No. XX of 1985) and other related Acts shall have the meanings respectively assigned to them in those Acts (Assam Act No. I of 1973).

Chapter II

Establishment of the Board

Metropolitan taking Water and wage Board.-(1)The Government shall, as soon as may be after the commencement of this Act by notification, constitute a Board by the name of "The Guwahati Metropolitan Drinking Water and Sewerage Board" for the proper and effective operation, implementation, maintenance, augmentation and expansion of the water supply and sewerage services in the Guwahati Metropolitan Area.(2)The Board shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this Act and the rules made there under, to acquire, hold and dispose of property, and enter into contracts, and shall by the said name sue and be sued.(3)For the purposes of this Act and the Land Acquisition Act, 1894 (Central Act 1 of 1894), the Board shall be deemed to be a local authority.(4)(a)The Board shall consist of the following members:-(i)The Minister in-charge of the Guwahati Development Department shall be the Chairman;(ii)The Mayor, Guwahati Municipal Corporation shall be the Vice Chairman;(iii)Secretary to the Government of Assam, Finance Department, shall be the Ex-officio Director;(iv)Secretary to the Government of Assam, Guwahati Development Department, shall be the Ex-officio Director;(v)Secretary to the Government of Assam, Public Health Engineering Department, shall be the Ex-officio Director;(vi)Commissioner, Guwahati Municipal Corporation, shall be the Ex-officio Director;(vii)Chief Executive Officer, Guwahati Metropolitan Development Authority, shall be the Ex-officio Director;(2)From the date of dissolution specified under sub-section (1),-(a)all the properties, funds and dues which are vested in, or realizable by, the Board shall vest in, or shall be realizable by, the Government;(b)all liabilities which are enforceable against the Board shall be enforceable against the Government;(3)From the date of dissolution specified under sub-section (1) the functions of the Board shall be discharged in such manner as the Government may specify.