



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

Vol. XX Aizawl, Tuesday, 19.3.1991 Phalguna 28, S.E. 1912 Issue No. 52

NOTIFICATION

No.H.12018 /3/91-LJD, the 14th March, 1991. The following Act of the Mizoram Legislative Assembly which received the assent of the Governor is hereby published for general information.

The Mizoram Act No. 4 of 1991.
The Mizoram Water Tariff Act, 1991.

(Received the assent of the Governor of Mizoram on the 4th March, 1991)

AN ACT

to levy reasonable tariff on the consumption of piped water supply or so in the State of Mizoram.

Whereas it is expedient to levy water charges/connection fee in Mizoram in supersession of all earlier orders issued by the Government in this regard and to control and regulate the water supply system with a view to promoting a sense of belonging to the public and meeting a substantial part of the operational and maintenance expenses of the water supply system.

It is hereby enacted by the Legislative Assembly of Mizoram in the Forty Second Year of the Republic of India as follows :-

- Short title
extent and
commencement.
1. (1) This Act may be called the Mizoram Water Tariff Act, 1991.
 - (2) It shall extend to the whole of Mizoram.
 - (3) It shall be deemed to have come into force with effect from 11th September, 1990.

Definitions

2. In this Act, unless the context otherwise required :-
- (a) "Consumer" means an owner of the land and buildings to which piped connection for supply of water has been provided by the Department under this Act, and includes a tenant or lessee of such owner;
 - (b) "Department" means the Public Health Engineering Department;
 - (c) "Executive Engineer" means the Executive Engineer incharge of a Division in Public Health Engineering Department;
 - (d) "Government" means the Government of Mizoram;
 - (e) "Ground Floor" means the floor at the road level;
 - (f) "Semi-Urban Areas" means the areas declared as Sub-towns by the Mizoram State Revenue and Settlement Department;
 - (g) "Urban Areas" means the areas declared as urban areas by the Government in official gazette;

Consumers of Water

3. On and from the commencement of this Act, Water tariff, fees and other charges shall be levied in respect of lands and buildings of a consumer in urban or semi-urban areas;
- (a) to which water supply is provided by the Department or which are connected by means of pipes from water tanks or mains of the Department; or
 - (b) where water supply is made available by the Department through pipes, public water points or Hand Pump Tube-wells or by any other means.

Procedure of new Water connections

4. (a) Any person having own land or building within the urban and semi-urban areas where water supply facility is made available by the Department may apply to the Executive Engineer concerned in prescribed form for pipe water connection;
- (b) The application so received shall be recorded by the concerned Executive Engineer who shall submit the same to the Government or any other officers authorised in this behalf for sanction if technically found feasible;
- (c) After obtaining sanction of the Government or the authorised officer, the concerned Executive Engineer shall prepare estimate after detailed site inspection/measurement as may be necessary. The estimate so prepared will, among others, include cost of materials, wages of labour, lumpsum connection fee etc;

- (d) The estimate duly approved by the Executive Engineer shall be submitted to the applicant who will deposit the amount under the Head-Deposit-III. After the estimated amount is deposited, the concerned Executive Engineer shall cause to provide water connection as expeditiously as possible and allot a definite consumer number;
- (e) The Water Connection shall be ordinarily provided from the supply tank. In case, this is not feasible, the concerned Executive Engineer shall obtain approval of the concerned Superintending Engineer for providing water connection from other than supply tank;
- (f) A galvanised Iron Pipe of 15 millimeter diameter or 20 millimeter diameter of medium quality shall be normally used for providing water connection. In the event of any requirement of bigger size of Galvanised Iron Pipe, the concerned Executive Engineer shall obtain prior approval of concerned Superintending Engineer;
- (g) The water connection shall be provided to the ground floor or any other floors below the ground floor of any building only.

Collection of tariff, fees and charges

- 5. (a) No applicant under clause (a) of section 4 shall be given a new Water Connection unless such applicant makes payment for new connection fee and all other charges within 30 day of the receipt of the Bill from the Department;
- (b) The monthly water charges shall be payable within the stipulated time limit to be reflected in the bill which will not normally exceed 30(thirty) days from the date of issue of the Bill;
- (c) Simple interest at the rate of 18% per annum on total amount due shall be levied if not paid within the stipulated period;
- (d) The fee from consumers other than the owner of piped water connection as in clauses (b), (c) and (d) of section 6 shall be collected without preferring any bill by an officer or persons designated and authorised by the Department in writing for the purpose;
- (e) In the event of any default in the matter of payment of water charges, fees etc., the water connection shall be liable for disconnection;

- (f) Any sum due from a Consumer on account of supply of water and charged under section 6 and interest, if any, if not paid within the prescribed time and in the prescribed manner, shall be recoverable by the State Government as an arrear of land revenue from the defaulting consumer or his heirs or assigns as the case may be.

Rates of fees,
charges, etc.

6. The rate of water tariff, fees and charges levied shall be same for all purposes and paid by a Consumer as follows:

- (a) A new connection fee of Rs. 500/- (Rupees five hundred only) for each new pipe water connection;
- (b) Re. 0.025 (Two and half paise) only per Gallon per piped water connection shall be charged as tariff for supply of maximum 3000 (three thousand) Gallons per month per piped water connection for lands or buildings of the consumer subject to a minimum charge of Rs. 75.00 (Rupees seventy five) only per month;
- (c) Re. 0.07 (Seven paise) only per Gallons per piped water connection for supply of water in excess of 3000 (three thousand) Gallons but not exceeding 9000 (nine thousand) Gallons per month to the consumer;
- (d) Re 0.10 (ten paise) only per Gallon per piped water connection supply of water in excess of 9000 (nine thousand) Gallons per month to the consumer;
- (e) Rs. 5.00 (Rupees five) only per month shall be charged to each family of consumer from public point and Hand Pump Tubewells in all urban and semi-urban areas;
- (f) Re.0.07 (seven paise) only shall be charged only per Gallon if water is purchased from the Department.

Water Meters

7. The Government shall provide water meter for Water connection as far as possible irrespective of whether the consumers asked for it or not. However, the reading of meters indicating the quantity of consumption of water shall be presumed to be correct unless the contrary is proved and in case of dispute, the decision of the Department shall be final.

Restriction
on the use of
water

8. No water shall be used except for the purpose for which water supply is provided.

Prohibition
and
prevention
of wastage
of water

9. (1) No owner or occupier of any land or building to which water is supplied by the Department shall either wilfully or negligently or otherwise suffer such water to be wasted or shall suffer pipe, taps, works and fittings for the supply of water to remain without repair so as to cause wastage of water.

- (2) No person shall cause wastage of water misuse of public stand posts, pipes, drinking foundation or hydrants.
- (3) Whenever Executive Engineer has reasons to believe that as result of any defect in pipes, taps or fitting connected with water supply, the water supply to the land or building is being wasted, he may, by a written notice, require the owner or occupier of the land or building within such period, as may be notified in the notice to repair and make good the defect.
- (4) If the repairs are not effected within the time specified in the said notice, as in sub-section (3) of this section, the Executive Engineer may cause such repairs to be made in order to stop wastage of water. The cost of such repairs shall be recovered from the owner or the occupier of the land or building as an arrear of water charge.
- (5) No owner or occupier of any land or building in or on which the water is supplied by the Department under this Act is misused either wilfully or negligently for which pipes, mains or other works are out of order to such an extent as to cause wastage of water, shall, if he has knowledge thereof, be bound to give notice of the same.

Misuse and causing damage to water-works valves and hydrants

10. (1) No person shall damage or cause damage to water Reservoirs, mains, pipes or other appliances for supply of water under the management or control of the Government.
- (2) No person shall draw off or divert any water from Water Reservoir, mains, pipes or hydrants under the management and control of the Government.
- (3) No person shall tamper with any meter or valves provided by the Department.
- (4) No person shall open or keep open the valves or any water works of the Department used for supply of water to the public.
- (5) No person having opened such valve shall fail to close the same tamper with any valve or hydrant not intended for supply of water to the public.

Power of Executive Engineer to cut off or turn off supply of water to land and buildings

11. (1) Notwithstanding anything contained in this Act, the Executive Engineer may cut off the connection of any water-works of the Government to any land or building to which water is supplied from such works or may turn off such supply, for any of the following cases namely :-
 - (a) if the land or building is unoccupied ; or

- (b) if after receipt of a written notice from the Executive Engineer requiring him to refrain from so doing, the owner or occupier the land or building continues to use the water or permit the same to be used in contravention of this Act or any regulation made thereunder ; or
- (c) if the owner or occupier of any land or building to which water supply is made by the Department refuses to admit any officer or employee of the Government duly authorised in that behalf into the land or building for the purpose of making any inspection relating to water supply or prevent such officers or employees from making such inspection; ; or
- (d) if the owner or occupier of the land or building wilfully or negligently injures or causes damage the mater of any pipe or tap conveying water from any works or the Government; or
- (e) if any pipes, works or fitting connected with supply of water to the land or building is found, on examination, out of order to such an extent as to cause such wastage of water that immediate prevention is necessary: or
- (f) if by reasons of leak in the service pipe or fitting, damage is caused to a public street and immediate prevention is necessary: or
- (g) if there is any water pipe situated within the land or building to which no tap or other efficient means of turning the water off is attached;

Provided that except in the case where by reason of any of the circumstances referred to in clauses (a), (b), (c), (d), (e), (f) and (g) of this section, there is a risk of contamination of water, the Executive Engineer shall not cut off such connection or turn off such supply unless notice of not less than 24 hours is given to the owner or occupier of the land or building as the case may be.

- (2) No action taken under or in pursuance of this section shall relieve any persons from any penalties or liabilities, which he otherwise may have incurred.
- (3) The expense of cutting off the connection or turning off the water and or restoring the same as referred to in sub section (1) shall be paid by the owner or occupier of the premises.

Offences and penalties 12. If any person contravenes any order made under sections 9 and 10, he shall be guilty of an offence triable by Magistrate of the first class and on conviction, shall be liable —

- (a) in the case of an order made with reference to sub-sections (1) and (2) of section 9 and sub-sections (1), (2) and (3) of section 10, to punishment with imprisonment for a term which may extend upto six months and shall also be liable to fine not exceeding one thousand rupees;
- (b) in the case of an order made with reference to sub-sections (4) and (5) of section 10, to punishment with imprisonment for a term which may extend to 3 months and shall also be liable to fine not exceeding five hundred rupees:

Provided that none of such contraventions as mentioned above shall be deemed to be a cognizable offence as defined in the Code of Criminal Procedure, 1973:

Provided further that if the Court is of the opinion that sentence of fine only will meet the ends of justice, it may for reasons to be recorded refrain from sentence of imprisonment.

Disputes
between the
Department
and the con-
sumer.

13. (1) The Superintending Engineer or such other officer not below the rank of Executive Engineer or such other officer may be authorised by the Government in that behalf shall have the power to decide all disputes relating to the liability for the payment of tariff, fees and other charges or exemption therefrom.
- (2) Subject to the decision in appeal before such authority as may be constituted by the State Government in that behalf by a duly notified order in the Mizoram Gazette, preferred within three months from the date of the order under sub-section (1) above and such order shall be final.

Power
to make rules

14. (1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for:
- (a) the manner of collection and payment to the State Government of the water tariff, fees and charge in section 5;
- (b) the matter relating to consumption and fixation of water tariff, fees and charges including marginal adjustments whether covered specifically by section 6 or not;
- (c) the manner and procedure of entertainment and disposal of the disputes and the appeals therefrom as provided in section 13;

(d) manner of maintenance of records, returns etc. and prescription of forms necessary thereof;

(e) any other matter for which provision is, in the opinion of the State Government necessary to be made for giving effect to the provisions of this Act.

Power to exempt from payment of water tariff, fees or charges and to revision of the rates thereof

15. The State Government shall have the power to exempt any person or institution or Government body or Organisation from payment of any tariff, fees or charges for having water supply connection and consumption thereby from the Department in the cases as will deem fit, and shall have the power to revise the rates provided in section 6 from time to time by way of necessary amendment.

Power to remove difficulty

If any difficulty arises in giving effect to the provisions of this Act, the State Government shall have the power as occasion may arise, by order to do anything not inconsistent with the provisions of this Act which may appear to it necessary for the purpose of removing the difficulty.

Repeal and savings

17. (1) The Mizoram Water Tariff Ordinance 1990 is hereby repealed.
- (2) Notwithstanding such repeal anything done or any action taken under the Ordinance so repealed shall be taken into account as action taken or done under this Act.

K.N. Srivastava,
Secretary to the Govt. of Mizoram,
Law, Judicial & Parliamentary Affairs Deptt.