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NOTIFICATION

No. G. 25022/1/2000-PHE, the 24th June 2016. In exercise of the powers conferred by section 18 of the Mizoram Water Supplies (Control) Act, 2004 (Act No.11 of 2004) the Governor of Mizoram is pleased to make the following rules further to amend "The Mizoram Water Supply (Control) Rules 2011 (herein after referred to as the Principal Rules) as follows, namely:-

1. **Short title, Extent and commencement :**
 1. These rules shall be called " The Mizoram Water Supply (Control) (Amendment) Rules, 2016.
 2. It shall have the like extent as the Principal Rules.
 3. It shall come into force from the date of its publication in the Mizoram Gazette.

2. **Amendment of Rule 2: Rule 2 of the Principal Rules shall be substituted as follows, namely-**

Definitions:

 1. In this Rules, unless the context otherwise requires,-
 - a) 'Act' means The Mizoram Water Supplies (Control) Act, 2004(No.11 of 2004);
 - b) 'Catchment area' means the area of land draining into the source of water as notified by the Executive Engineer of the concerned Division as reserved catchment area.
 - c) 'Consumer' means any person or owner or occupier of any premises provided with water through either piped water connection, Public Water Point or Hand Pump Tube Well of the Department;
 - d) 'Commercial Consumer' means any consumer who, directly or indirectly earn profit out of the water supplied by the Department. Identification of such commercial consumer shall be at the discretion of the Department.
 - e) 'Disconnection' means stoppage of water supply due to certain reasons, if reconnected, requires payment of re-connection fee and other expenses, if any.
 - f) 'Domestic Consumer' means any consumer whose water connections are for household utility.
 - g) 'Government Consumer' means any water connections for building or establishment(s) belonging to State Government, State Government Undertakings, Government of India and Government of India Undertakings.
 - h) 'Habitation' means any place(s) where people are living permanently.
 - i) "Premises" means any land or building;
 - j) 'Reconnection' means reconnecting the disconnected water connection on payment of reconnection fee and any other charges as may be required.

- k) "Suspension" means temporary stoppage of water supply for a certain period as notified in the suspension order where payment of reconnection fee is not imposed, but may require payment of other expenses, if any.
 - l) "Supply Tank" means water tank(s) from where pipe(s) of water connection(s) or Public Water Point(s) or Hydrant(s) are connected.
 - m) 'T-Cluster' means point(s) on the water distribution pipe line(s) or end of water distribution pipe line(s) from where pipe(s) of house water connection(s) or Public Water Point(s) or hydrant(s) are connected.
 - n) "Water Source" means the source of water notified by the Executive Engineer of the concerned area as reserved water source.
 - o) 'Water Supply Scheme' means all types of Water Supply Scheme(s) such as piped water supply, all types of Spring Water Harvesting Schemes, Tube Well(s), Dug Well(s), Rain Water Harvesting Scheme(s), etc., installed for supply of drinking water to public.
 - p) 'Water Supply System' means all type of infrastructure(s) or asset(s) created for supply of drinking water to public.
2. All other words and expressions used herein and not defined shall have the meanings respectively assigned to them in the Act.
- 3. Amendment of Rule 3: Clauses (ii) to (v) of Rule 3 of the Principal Rules shall be substituted as follows, namely-**
- (ii) 1 (one) water connection is meant for 1 (one) household or 1(one) family. Sharing of 1 (one) water connection by 2(two) or more families or households is not allowed. Generally, GI pipe of size not larger than 20mm diameter shall be used for water connection and the quality inferior to Medium Class conforming to IS 1239 part-I shall not be used. For use of GI pipe size larger than 20mm diameter or any other pipe materials, specific approval of the concerned Superintending Engineer shall be obtained provided that all the technical feasibilities are established.
 - (iii) The prescribed application form for any type of water connections may be obtained from the Office of the concerned Executive Engineer or Sub-Divisional Officer during office working hours on production of Land Settlement Certificate (LSC) or Land Lease Certificate (LLC) or land pass or any other land ownership document in original duly issued by the competent authority where water connection is required. The duly filled in application form must be submitted to the concerned Sectional Officer enclosing attested photo copy of the documents produced at the time of collection of the application form. Thereafter, the Sectional Officer shall conduct spot verification for technical feasibility. After the Department determines the feasibility and decides the T-Cluster or Supply tank from where the water connection is to be given, shall accord the sanction and intimate the same to the applicant along with the estimated installation costs and Connection Fees that the applicant has to deposit to the Department.
- If the applicant wants to change the T-Cluster/Supply tank after the sanction is accorded, the applicant shall submit a fresh application with all the connected documents and the Department shall make fresh verification and if found feasible a fresh sanction shall be accorded.
- (iv) Where the Superintending Engineer and Executive Engineer are in the same station the former shall sanction the water connection. However, where the Superintending Engineer and Executive Engineer are not in the same station, the latter shall accord the sanction. Where the Executive Engineer and Sub-Divisional Officer are in the same station, the Executive Engineer shall sanction direct sale of water. However, where the Executive Engineer and Sub-Divisional Officer are not in the same station, Sub-Divisional Officer shall sanction direct sale of water.

- (v) For the purpose of quality control and maintaining uniformity, it shall be the sole purview of the Department to procure pipes and fittings and to lay the Pipes for water connection. If the consumer desires so, he may procure the pipes and fittings from outside provided that the quality conforms to the specification as laid out in Rule 3 (2). The Department shall have the right to reject the pipes or fittings procured by the consumer if it does not conform to the specification.

Normally, laying and fitting of water connection pipes shall be done only after all the installation costs and connection fees are deposited to the Department. The applicant shall be responsible for arranging right of way, clearances and No Objection Certificates through which the pipes have to be laid. Compensations, if any, for damages caused to the public or private property due to laying of water connection pipes shall also be the responsibility of the applicant. In case of direct purchase of water from the Department, the applicant is expected to arrange all necessary required pipes and fittings. If the applicant desires so, the Department may provide the same provided that the cost of materials is deposited by the applicant as per the rates approved by the Department from time to time."

4. **Amendment of Rule 4:** In Rule 4 of the Principal Rules, Sub-Rule 1 and clause (i) and (x) in Sub-Rule (2) along with sub-rule (2) itself in Rule 4 of the Principal Rules shall be substituted as follows, namely;

- 1) Sub-rule (1) shall be substituted by the following, namely:-
"The concerned Executive Engineer or Sub Divisional Officer may Disconnect or Suspend water supply as per provisions of Section 13 and 14(1) of the Act which shall be communicated by issue of written order. Whether to disconnect or to suspend the water supply shall be at the discretion of the concerned Executive Engineer. Reconnection of water connection and resumption of suspended water supply shall be as per the provision of Section 14(4), (5) and (6) of the Act."
- 2) The words and figures in Sub-rule (2) and clause (i) and (ii) shall be substituted by the following namely:-
"In addition to the reasons for disconnection or Suspension of the water supply as provided in Section 13 and 14(1) of the Act, the concerned Executive Engineer and concerned Sub-Divisional Officer may disconnect water connection or suspend water supply for the following reasons:-
(i) If a consumer or anything under his influence causes any inconvenience to the Departmental Staff on duty by way of intimidating or endangering to the extent that operation of water supply to the premises is severely disturbed.
(x) If the consumer requests the Department to disconnect or suspend the water supply at his own interest".
- 3) After sub-rule 2, a new sub-rule 3 shall be inserted as follows, namely:-
"No fresh or new water connection shall be sanctioned to any land or buildings after disconnection of the previous water connection until and unless the previous dues, if any, is cleared even if the name of owner or tenant or lessee of the building is changed or altered or location of the building is changed".

5. **Amendment of Rule 5:** Rule 5 of the Principal Rules shall be substituted as follows, namely; 'Transfer of Water Connection may be considered by the Executive Engineer concerned as per provision laid out in Section 15 of the Act on receipt of application in the prescribed form as per Annexure - 'V'. The applicant shall bear all the expenses as may be required for transfer of the water connection. However, the applicant shall not be required to pay the connection fee afresh'.

6. **Amendment of Rule 6:** Rule 6 of the Principal Rules shall be substituted as follows, namely;
 “The Department reserves the right to preserve, protect and conserve any water source(s) including Ground Water and its Catchment Area(s) for water supply to any habitation. No person(s) shall engage in any activities which may cause depletion, contamination and pollution of water in the catchments areas of the reserve source(s). No person shall use or utilize water from the reserves source(s) without prior permission of the Department. Any violation of this right shall be liable for punishment as per Section 16(5) of the Mizoram Water Supplies (Control) Act, 2004. The Executive Engineer of the concerned Division is empowered to issue the notification of the reservation of water source(s) and the catchment area(s) within his jurisdiction”
7. **Amendment of Rule 7:**
1. In Rule 7 of the Principal Rules, Sub-rule(1) to (13), (15) to (19), (22) to (25), (27) to (28) shall be substituted as follows, namely;
 - “(1) A non-refundable connection fee of Rs. 1000/- (Rupees one thousand) only shall be charged for each new pipe water connection.
 - (2) } Note : Rates of Water Charges in Sub Rule 2-6 of Rule 7 shall be as notified
 - (3) } from time to time in exercise of the power conferred by Section-18 of
 - (4) } the Mizoram Water Supplies (Control) Act, 2004 (Act No.I 1 of 2004).
 - (5) }
 - (6) }
 - (7) The rates of water and other charges mentioned under Rule 7 may be revised by the Department by issue of notification not more than once in a year.
 - (8) Deleted
 - (9) Deleted
 - (10) The cost of repairs, alteration, modification or shifting of existing water connection, if required, shall be borne by the applicant or consumer. The Department shall normally start the work only after the consumer or the owner of water connection deposits the required amount to the Department. In the event of any private or public property to be damaged in the process, the owner of water connection or applicant shall settle the matter before the Department starts the work and all the expenses required for re-installation and repair of damages shall be borne by the applicant or the owner of water connection.
 - (11) Deleted
 - (12) Deleted
 - (13) Rs 10 (Rupees Ten) per month per water meter shall be charged as rent for water meter of all sizes if the water meter is provided by the Department. Otherwise no rent shall be charged.
 - (15) Change of ownership of water connection may be considered by the Executive Engineer concerned on receipt of application in the prescribed form as per Annexure-VI. The application must be accompanied by production of Land Settlement Certificate or any other relevant document issued by the appropriate authority showing sufficient proof of transfer of ownership of property to the applicant at the satisfaction of the Department and on production of document showing that all the dues are cleared.
 - (16) Deleted
 - (17) All the required amount, as estimated for installation of water connection shall be paid by the applicant to the concerned Executive Engineer within the validity of the sanction as per Section 4 of the Act. If payment is not made within the specified period, the Executive Engineer may consider revalidation, only subject to receipt of written application and the revalidation sanction shall supersede the previous sanction. The applicant shall also bear any additional costs, if any, over the original estimates arising out of the cost

escalations. Payment shall be made through Treasury Challan as specified by the Department.

- (18) The consumer or owner of water connection shall pay monthly water bills by cash only to the payment counter specified by the Department. If a consumer requires making payment by cheque or demand draft or treasury challan, it will be the responsibility of the consumer to clear the cheque or demand draft or treasury challan with the bank.
 - (19) Such monthly water bills and other charges shall be paid as per bill or card served to the consumers by the Department and shall be paid every month within the stipulated period mentioned in the bill. If bills are not paid within the stipulated period, the same shall be carried over to the monthly bill of the succeeding month and the consumer or owner of water connection shall have to pay the bill along with the simple interest at the rate of 1% per month of the bill amount.
 - (22) Deleted
 - (23) The Department may supply water to the consumer at least once a week. If the water supplied in a month is less than 2,500 (Two thousand Five hundred) liters due to breakdown of the Water Supply System(s) or willful negligence of the Department personnel, the Department may consider a rebate of 50% of minimum water bill subject to verification by the Department on the genuineness of the quantity of water supplied. In order to get the rebate, the consumer or owner of water connection(s) shall make claim to the concerned Executive Engineer or Sub-Divisional Officer within the last date of payment as indicated in the Bill. Any claim made thereafter shall not be entertained
- If the consumer has been served a monthly water bill for water not being supplied, the concerned Executive Engineer may waive the whole bill.
- 24) If the water meter is lost, damaged or out of order, the consumer or owner of water connection shall replace such water meter by a functional water meter duly certified by the Department within a grace period of 2 (two) months otherwise the water connection is liable to be disconnected. A flat rate of Rs 300/- (Rupees Three-hundred) for Domestic and Government consumer and, Rs 800(Rupees Eight hundred) for Commercial consumer per month per water connection or average of monthly water bill of the last three months whichever is higher, shall be charged until and unless the water meter is replaced by the consumer or owner of the water connection, as the case may be. In case the average of monthly water bill of last three months, in the opinion of the Department, does not commensurate with the quantity of water supplied, any other mode of assessment, which the Department considered most appropriate, shall be applied..
 - (25) Deleted
 - (27) A minimum of Rs. 600 (Rupees Six hundred) only shall be charged to all commercial consumer up to a maximum supply of 10,000 (ten thousand) litres of water per month per water connection and in excess of supply of 10,000 (ten thousand) litres of water a minimum of Rs. 105/- (Rupees One hundred and Five) only per kilolitre of water shall be charged.
 - (28) If community water supply by Truck is resorted, a minimum charge of Rs. 3.0 (Rupees three) only per 15 litres (one tin) will be charged as service charge to the consumer."
2. After sub-rule 30 a new sub-rule 31 shall be inserted as follows, namely;
- "31) At any time if the outstanding liabilities of the consumer, on account of the monthly water bills accumulates for more than 3(three) months, the Department shall have the right to club the bill with other water bills against any other premises owned by the consumer to enable realization of dues"

8. Amendment of Rule 8: Sub-rule (1) of Rule 8 of the Principal Rules shall be substituted as follows, namely;
"Criminal proceedings can be filed by an officer of the Department not below the rank of Sub-Divisional Officer to the competent Judicial Magistrate"

9. Amendment of Rule 9: Sub-rule (1) and (2) of Rule 9 of the Principal Rules shall be substituted as follows, namely;

- 1) "If any disputes or misunderstandings arise due to the action of the Departmental staff on duty, the consumer may file a complaint in writing to the concerned Executive Engineer. On receipt of the complaint, the Executive Engineer or his representative on his behalf, shall conduct inquiry and hear the complainant and others involved in the dispute and pass necessary orders.
- 2) The consumer may file an appeal against the order made under sub-rule 1 of Rule 9 to the next higher authorities of the Department within 15 days from the date of communication to him or her of such order".

Insertion of new rules 10 to 15: After Rule 9 of the Principal Rules, new rules- 10 to 15 shall be inserted as follows, namely;

"10. Trespass on water supply premises

No person shall trespass within the premises of the Department that are directly connected with Water Works except with due permission of the Department.

11. Prohibition of constructions over water mains.

- 1) No structures, temporary or permanent, shall be erected over any water mains or pipelines without prior permission of the Department,
- 2) If any permanent or temporary structures be so constructed, the Department may cause the same to be removed or otherwise dealt with as it deems fit and the expenses thereby incurred shall be paid by the persons contravening the provisions of Rule 11(1) above

12. Power to lay mains and right of Control

- 1) The Department may lay Pipelines in such area;
 - i. street or land belonging to the Government and any local authority or corporation owned or controlled by the Government;
 - ii. over, on or under any private land with prior consent of the owner.
- 2) The Department reserves the right of access to the pipelines including the point of connections such as bunching or T-cluster and pipe appurtenances installed by the Department on any land, which shall be inspected, altered, removed, repaired and kept in proper order at any time.

13. Pipe not to be laid through insanitary places.

No water connection or other water supply pipelines shall be laid so as to pass into or through any sewer, drain, latrine, manhole, or ash pit or manure pit. Such pipe shall not be allowed to remain in contact with any foul smelling or injurious materials. In unavoidable cases, adequate protection to the pipe shall invariably be provided by carrying it through an exterior cast iron tube or in any other suitable manner approved by the Department.

14. Plantation over Water Supply Pipelines or structures

No person shall make plantation upon or nearby any water supply structures or pipelines which is liable to cause damage or difficulty to the routine operation and maintenance of water supply works.

15. Water Meters

- 1) The water meter shall, as far as possible, be installed inside the premises of the consumer, who shall be responsible for the safe custody against loss, damage or tampering with the meter. He shall be liable to pay the cost of making good such damages or new water meter as the case may be.
- 2) The meters shall generally be read between sunrise and sunset, and the readings shall be reflected in the monthly water bill which shall be final and binding. The consumer may, if he so desires, verify the meter readings.
- 3) Complaints in meter reading, if any, shall be lodged by the consumer within the last date of payment of bill as indicated in the monthly water bill. Any complaints received after this period shall not be entertained. The complaint shall be examined by the concerned Executive Engineer and make the decision which shall be final and binding. The final bill on the outcome of the complaint shall be carried over to the monthly water bill of the succeeding month and, waive of interest on late payment, if any, due to such complaints shall be at the discretion of the Executive Engineer".

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