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NOTIFICATION

No. H. 12018/3/91-LJE/67, the 16th December, 2004. The following Act of the Mizoram Legislative Assembly which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram Water Supplies (Control) Act, 2004
(Act No. 11 of 2004).

Received the assent of the Governor of Mizoram on the 2nd Dec./

THE MIZORAM WATER SUPPLIES (CONTROL) ACT, 2004

AN

ACT

to provide for and regulate water supply to the house, land, building or premises belonging to any persons, Government, Central or State or any organisation in the State of Mizoram and for other matters connected therewith.

Be it enacted in the Mizoram Legislative Assembly in the Fifty fifth year of the Republic of India as follows.

1. Short Title, extent and commencement :

- (1) This Act may be called The Mizoram Water Supplies (Control) Act, 2004.
- (2) It shall extend to the whole of the State of Mizoram.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions :

In this Act, unless the context otherwise requires -

- (a) “Department” means the Public Health Engineering Department of the Government;
- (b) “Government” means the State Government of Mizoram;
- (c) “Ground Floor” means the floor at the level of the ground other than the basement floor of the building;
- (d) “person” means a natural person and it shall include artificial or juristic person;
- (e) “prescribed” means prescribed under the Rules;
- (f) “Rules” means rules framed under the Act.

3. General conditions for the provision of permanent water connection and public water supply :

- (1) Subject to the feasibility or suitability for the arrangement of water-connection by the Department by laying galvanised iron pipes to any house or building or premises water connection may be provided on demand to such house, building or premises on payment of the prescribed charges of installation of such galvanised iron pipes into such a house or building as well as on regular and timely payment of the monthly bills charged by the Department for actual consumption of water at such rates or rates as may be prescribed.
- (2) Normally water connection shall be installed on the ground floor only. Only one connection shall be provided ordinarily for one house-hold or one family, but more than one connection may be provided to one building where the building is multi-storeyed one and where more than one family are living in such building.
- (3) Purposes of water-supply made by the Department shall be for human consumption such as for drinking, cooking, bathing, ablution, washing utensils etc. and as may be prescribed.

4. Provision for new water connection :

- (1) Any person, organisation or Government department having owned land or building or any person who is occupying a land or building on payment of an annual rent or by entering an agreement for a lease with the owner of such land or building for a specific term not less than two years requiring water connection may apply for water connection in the prescribed form.
- (2) Any fresh or new water connection may not be sanctioned to any land or building etc. after disconnection of previous water connection until and unless the previous dues, if any, is cleared even if the name of the previous owner or tenant or lessee of the building or land is changed or altered, or location etc. of the building or land is changed.
- (3) The approved estimate for any water connection shall remain valid for twelve months from the date of its issue unless revised sooner.
- (4) If the location or place of the proposed water connection is to be changed elsewhere after verification of the feasibility, the applicant shall submit fresh application and the Department shall verify the new location for sanction.

5. **Casual water connection :**

The Department may consider and provide casual water connection to any person who requires bulk supply of water for a short period of time not exceeding seven days owing to any occasion of wedding ceremony, death of a member of the family, or any other religious or ceremonial function in the premises, on payment of the required fees and charges as may be prescribed.

6. **Temporary water connection :**

- (1) The Department may provide temporary water connection to any house, building or premises to meet the requirement of water by the residents of such house, building or premises for the purpose of holding community, social, religious or other types of gatherings for a period more than one week but not exceeding three months at a time.
- (2) Application for such a temporary water connection and installation of such a connection in such a place or building shall be dealt as per the provisions of Section - 4 of the Act.
- (3) After conducting on the spot verification by the Department and if found technically feasible, the Executive Engineer or the Sub-Divisional Officer concerned of the Department, as the case may be as per the delegation of powers and functions or as per the standing order of the Chief Engineer, Public Health Engineering may sanction such temporary connection on such other conditions and at such rate or rates as may be prescribed.

7. **Provision of bulk water supply to the public places :**

- (1) The Department shall try to provide for water connection to any suitable public places for the common welfare of the people in any area subject to availability of fund and feasibility of such connection.
- (2) The charges for such connection shall be borne either by the Government or by the Organisation concerned as may be prescribed .
- (3) The beneficiaries shall have to pay a periodical charge for such bulk consumption of water as may be prescribed.
- (4) The Department may erect, install or outlet public water supply points in the suitable places in the course of a natural stream or a water source of reserve including intermittent spring, canal, lake or ground water for public use or human consumption in the surrounding villages or town. No person, organisation, or any other Government department shall be entitled to make any objection if Public Health Engineering Department decides to make such erection, installation or outlets from such a place or places as the case may be, save and except the private-water bodies, if any.

8. Water Tariff :

The periodical or monthly water tariff in respect of the consumption of water and the charges for casual, bulk or material used for the supply of water to any house, building or premises and the lumpsum charges for water supply together with the charges of the materials used for it shall be as may be prescribed.

9. Payment of periodical charges in connection with the consumption of water by way of casual, temporary connection and permanent connection :

- (1) Payment of the periodical or monthly charges in connection with the consumption of water by way of casual, temporary and permanent connection shall be made by such consumers at such places as may be prescribed.
- (2) The mode of payment of all such charges for the consumption of water supplied through all types of connection shall be as prescribed.
- (3) Any sum due for payment by a consumer on account of consumption of water supplied by the Department, which remains unpaid for a period of one year or more shall be recovered as a public demand under the Mizoram Public Demands Recovery Act, 2001 from such a consumer or his heir or next of kin as the case may be.

10. Water Meter :

- (1) In order to measure actual amount of water supplied to any person by way of a permanent, temporary or casual connection as the case may be, the Department shall affix such water meter to the pipes of every individual connection and in such manner as may be prescribed.

11. Restriction on use of water :

- (1) No water shall be used by any person for any purpose other than the purpose for which water connection has been applied for by any such person.
- (2) No consumer shall sell or let out any water supplied by the Department to any person or household or establishment for any purpose or in the same manner as has been done by the Department to such consumer.
- (3) Every person having water connection in his or her house, building or premises shall keep all pipes, taps, valves or any other fittings used by the department for the supply of water to such house, building or premises in proper order and safe from any damage or destruction by any agency.
- (4) Every person having water connection to his or her house building or premises shall immediately report to the Department all such defects or damage as may occur in respect of any pipes, taps, valves or any other fittings for the supply of water as soon as it is detected or notice, and shall not make any attempt to repair the same on their own without express permission or consent of the Department or of its delegated authority as may be prescribed.

12. Repair of the pipes, taps and any other fittings for the supply of water :

- (1) On receipt of a report of defect in or damage caused to any pipes, taps, valves or any other fittings, the Department shall take steps for immediate repair or replacement of the same as may be prescribed.
- (2) The Department may authorise an affected parties to repair such damage or rectify such defect, except in respect of the water meter, at his or her own expense to the satisfaction of the Department, but no such repair carried out by the individual consumer at his or her own expense shall be reimbursed to the Department nor the consumer shall have any right to claim for any such reimbursement.

13. Prohibition of misuse and causing damage to pipes, valves and hydrants :

- (1) No person shall misuse or cause damage to any pipes, valves, hydrants, reservoirs, tank or tamper any water meter, supply- line or store.
- (2) No person shall draw off, divert or pump out water from any reservoir, tank, main pipes, pipe ends or hydrants belonging to the Department or keep open the valves except at the time of supply of water by the department from the main water reservoir, zonal tank, supply tanks, distributing taps etc.

14. Disconnection of water supply system and temporary suspension of water supply for certain reason :

- (1) . The Department may disconnect the water -supply system or suspend temporarily the water supply for the following reasons where -
 - (a) a consumer does not pay a periodical, or lumpsum monthly water consumption bill as the case may be for a period of three months or more; or has failed to pay any water charges to the Department for more than three months despite issuance of such bill or bills to him or her;
 - (b) a building or house to which water connection has been made remains unoccupied for such period as may be prescribed;
 - (c) a consumer has, on inquiry, been found to have resorted to tamper with or cause damage to his water -meter or to any pipe, tap, valve or any other fittings used for supplying water;
 - (d) any pipe, valve, installations or fittings connected with the supply of water is or are out of order to such an extent as to cause such wastage of water that immediate stoppage is found necessary;
 - (e) after receipt of written notice from the Executive Engineer or Sub-Divisional Officer concerned requiring him to refrain from so doing, a consumer still continues to use the water or permit the same to be used in contravention of this Act and the Rules;

- (f) the owner or occupier of any land, building or premises to which water supply is made refuses to admit any officer or employee of the Department duly authorised in that behalf to enter that land, building or premises for the purposes of making inspection relating to the water supply or prevents or obstructs such officer or employee from making such inspection or restoring the water supply or such other works of the Department connected with the supply of water, as prescribed:
 - (g) the building or house or premises has been dismantled for reconstruction or has been destroyed by natural calamity;
 - (h) a consumer refuses to pay any water charges for the water supplied to other place(s) through his or her water connection, if the water connection is in his or her name;
- (2) Suspension of water supply or disconnection of water supply connection to any house, building or premises for any of the reasons mentioned in Sub-Section(1) shall be effected only after giving the person or consumer concerned an opportunity of being heard.
 - (3) The expenses as may be prescribed for disconnection of any water-supply -connection of water into the same house, building or premises, if any, shall be paid by the consumer or the person concerned.
 - (4) The water -supply -connection disconnected due to non-payment of water consumption charges for three months or more may be reconnected only after payment of reconnection fees including expenses met by the Department towards such disconnection, if any, and of all outstanding dues to the concerned Division of the Department in the manner as may be prescribed.
 - (5) Reconnection of water-supply-line other than those mentioned in clause(a) of Sub-Section(1) or resumption of suspended water-supply shall be done only after the Executive Engineer concerned is satisfied with the conduct of the consumer and in the manner as may be prescribed. -
 - (6) Executive Engineer of the concerned Division of the Department shall reconnect the disconnected water connection only after fulfillment of the condition as provided in Sub-Section(4) or Sub-Section(5), as the case may be.

15. Transfer of water connection :

- (1) Transfer of water connection from one house to another shall be permitted on payment by the concerned person, of all the expenses of the transfer of pipes and other materials.
- (2) Transfer of water connection may be taken up owing to the destruction of the house by natural calamities.

- (3) Transfer of water connection shall be taken up only after a permission for such transfer is obtained from the Executive Engineer concerned of the Division or from such other officer as may be authorised by him on his behalf if it is found technically feasible.

16. Right of reservation of certain water storage for drinking and human consumption :

- (1) The Department may exercise the right of temporary reservation of certain water-storage with the catchment area, which is found suitable for the purpose of drinking and human consumption by the people in any habitation, particularly during the lean season or natural calamities.
- (2) Without obtaining permission of the Department, no person, organisation, or any other department than the Public Health Engineering Department, shall use or utilise such reserved source of water for their individual use, so long the Department's right or reservation is exercised.
- (3) The Department shall give wide publicity of such reserved sources of water.

17. Offence and penalties :

- (1) Whoever use water received by him through individual water connection from the Department for any other purpose than the purpose for which such water connection has been applied or sell or lets out such water to any other person shall be liable to punishment with fine which may extend to one thousand rupees or with imprisonment which may extend to one month or with both.
- (2) Whoever destroys, misuses or causes damage to any pipe, valve, hydrant, reservoirs or other accessories or fittings of the Department, which are used for the supply of water to any person shall be liable to punishment with fine which may extend to five thousand rupees or with imprisonment which may extend to one year or with both.
- (3) Whoever destroys, removes or causes damage willfully to a water meter used for measurement of water supplied to any person shall be liable to punishment with fine which may extend to five thousand rupees or with imprisonment which may extend to one year or with both.
- (4) Whoever draws off, diverts or pumps out water from the -reservoir, main pipes, pipes or hydrants or keep open the valves without the permission of the Department shall be liable to punishment with fine which may extend to one thousand rupees or with imprisonment which may extend to one month or with both.
- (5) Any other act committed in contravention of any previous of this Act not specified above shall be liable to punishment with fine which may extend to five thousand rupees or with imprisonment which may extend to one year or with both.

- (6) Offence punishable under this Act shall be non-cognizable and bailable and shall be inquired, tried or otherwise disposed of in accordance with the procedure laid down in the Code of Criminal Procedure, 1973.

18. Power to make rules :

- (1) The State Government may make rules for the purpose of carrying into effect the provision of this Act.
- (2) In particular and without prejudice to the generality of the foregoing provision such rules may provide for:
- (a) the manner of collection and payment to the State Government of water tariff and charges.
 - (b) the matter relating to consumption and fixation of water tariff and charges including marginal adjustments.
 - (c) the manner and procedure of entertainment and disposal of disputes and Departmental appeals;
 - (d) manner of maintenance of records returns etc. and prescription of forms necessary thereof;
 - (e) procedure of installation and maintenance of water connection;
 - (f) 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 and removal of any difficulties in carrying out the same.

19. Power to exempt from payment of water tariff etc :

The State Government shall have power to exempt any person or organisation from payment of monthly or periodical water tariff and other charges.

20. Protection of action taken in good faith :

No suit, prosecution or other legal proceedings shall lie against any officer or staff of the Department for anything which is in good faith done or intended to be done under this Act.

21. Repeal and saving :

On and from the commencement of this Act, the Mizoram Water Tariff Act, 1991 (Act No.4 of 1991) shall stand repealed;

Provided that anything done or any action taken or purported to have been done or taken under the Act so repealed shall be deemed to have been so done or taken or purported to have been so done or taken under this Act.