

Manipur Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1190 Imphal, Thursday, February 4, 1993 (Magha 15, 1914)

GOVERNMENT OF MANIPUR
SECRETARIAT: LAW & LEGISLATIVE AFFAIRS
DEPARTMENT

NOTIFICATION

Imphal, the 4th February, 1993

No. 2/33/92-Leg/L.- The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on 3-2-1993 is hereby published in the Manipur Gazette.

L. IBOMCHA SINGH,
Secretary to the Government of Manipur.

THE MANIPUR WATER SUPPLY ACT, 1992 (Manipur Act No. 1 of 1993)

AN
ACT

to provide for the regulation of water supply in the State.

BE it enacted by the Legislature of Manipur in the Forty-third Year of the Republic of India as follows:—

1. Short title, extent and commencement:— (a) This Act may be called the Manipur Water Supply Act, 1992.

(b) It shall extend to whole of the State of Manipur.

(c) It shall come into force on such date and in such areas as the Government may, from time to time, notify.

2. Definition:— In this Act, unless the context otherwise requires,—

- (a) "appellate authority" means any officer as the Government may, by notification in the official Gazette, appoint for the purposes of this Act;
- (b) "local area" means a Municipality, a notified area or a town area constituted under any law for the time being in force and includes such other area as the Government may, from time to time, declare by notification in the official Gazette;
- (c) "local authority" means a municipal board, a notified area committee or a town area committee constituted under any law for the time being in force and includes such other authority as the Government may, from time to time, declare by notification in the official Gazette;
- (d) "owner" includes—
 - (i) every person who is entitled for the time being to receive any rent in respect of the land or building ;
 - (ii) a manager on behalf of such person ;
 - (iii) any agent for any such person ;
 - (iv) an occupier ;
- (e) "premises" means any land or building or part of a building and includes the garden, ground and outhouse if any appertaining to a building or part of a building ;
- (f) "prescribed" means prescribed by the rules framed under this Act ;
- (g) "prescribed authority" means the Executive Engineer of the Public Health Engineering Department or such other officer as the Government may, by notification in the official Gazette, appoint ;
- (h) "water works" means a lake, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, main pipe, culvert, engine, hydrant, conduit and machinery, land building or any device for supplying or used for supplying water or for protecting sources of water supply and includes such other streams, springs and wells as the Government may, by notification in the official Gazette, specify.

3. Provisions of water:— (a) The Government may provide any area with a supply of wholesome water for public, commercial and domestic purposes.

(b) For the purpose of such water supply the Government may cause to be constructed or maintained such water works as may be necessary and may erect stand pipes or cause to be erected by the local authority sufficient and convenient stand pipes, wells or pumps for the use of inhabitants of the local area.

4. Supply of water other than domestic purposes:— (a) The prescribed authority may, subject to such conditions as may be prescribed, supply water for any purpose other than a domestic purpose on receiving an application in the prescribed form specifying the purpose for which such supply is required and the quantity likely to be consumed in connection therewith; and execution of a deed by the applicant in the prescribed manner:

Provided that the prescribed authority may withdraw such supply at any time, if considered necessary to do so, in order to maintain a sufficient supply of water for domestic purposes:

Provided further that for the purposes of watering lawns and gardens, supply of water shall be made on meter basis or in such other manner as may be prescribed.

(b) No person shall, without the written permission of the prescribed authority, use water supplied under this section for any purpose other than that for which its use is sanctioned.

5. **Supply of water to consumers:**— The prescribed authority may, on application by the owner of any premises in the prescribed manner and on execution of a deed in the prescribed form, arrange for supplying water from the distribution pipe to him for domestic purposes or for other purposes in such quantities as it may be deemed reasonable, and may at any time limit the quantity of water to be supplied whenever considered necessary.

Explanation:— A supply of water for domestic purposes shall not be deemed to include, a supply,—

- (a) for animals kept for commercial purposes, or for washing vehicles where such vehicles are kept for sale or hire or where such vehicles are repaired, serviced or overhauled such as workshops;
- (b) for any trade, manufacture or business;
- (c) for fountain, swimming pools or for any ornamental or mechanical purpose;
- (d) for purposes of watering a lawn or garden;
- (e) for construction of building or for filling private ponds or tanks except storage reservoir constructed for domestic use as approved by the prescribed authority.

6. **Disposal of application:**— The prescribed authority shall dispose off an application for supply of water within such period as may be prescribed.

7. **Expenses of connection:**— When the request of the applicant for grant of water supply is accepted by the prescribed authority under sections 4 and 5, such applicant shall at his own cost, provide all communication and service pipes and fittings and cause to be carried out all work of laying and jointing such communication and service pipes and fittings in the premises for which such connection is sanctioned.

8. **Validity of permission:**— An order permitting water supply under this Act shall be valid for a period of six months from the date of its issue and if the person to whom such permission is granted fails to get his premises fitted with pipes and necessary connections within the said period, the permission shall be deemed to be inoperative.

9. **Notice:**— If, at any time, supply of water is proposed to be stopped for more than forty eight hours in any local area, the prescribed authority may inform the general public through mass media or public notice.

10. **Power to lay or carry pipes:**— The Government may lay or carry any pipe, for the purpose of arranging or maintaining supply of water, through, across, under or over any public land, road street and may, at all times do all acts and things which may be necessary or expedient for repairing or maintaining such pipes in an effective state for the purpose for which the same may be used:

Provided that such execution of works shall be carried out with least inconvenience to the public and within a reasonable time:

Provided further that reasonable compensation as approved by the prescribed authority shall be paid to such owner for any damage sustained by him and directly occasioned in carrying out such operations:

Provided also that the prescribed authority shall cause not less than fifteen days' notice in writing to be given to the owner, before commencing any operation under this section, except in cases, where urgent action is considered necessary, the prescribed authority may, by order dispense with such notice.

11. Charges for water supply:—The Government may, from time to time by notification in the official Gazette, fix the flat rate or rates of charges on metered basis or on the basis of number of points installed or the dimension of water pipe connected or otherwise, payable by the consumers for supply of water under this Act:

Provided that the rate of charges for supply of water other than domestic purposes shall not be less than double the rates charged for domestic uses.

12. Meters:— (a) The prescribed authority may install meter for the purpose of measuring and recording the quantity of water consumed in any premises or by any person at the cost of the consumer who will deposit the amount as fixed by the Government, to the Public Health Engineering Department.

(b) The prescribed authority may fix a meter at a convenient point within the premises of the consumer.

13. Repairs:— All meters, connections, pipes and other works incidental to the supply of water to any building or land shall be supplied, repaired, extended and altered as may be necessary at the expense of the consumer but shall be under the control of the prescribed authority.

14. Separation of premises for water supply:— In any case in which a service line from the main line or distribution pipe supplies water to two or more premises, the prescribed authority may, by written notice require the owners of such premises to lay separate service pipes for the separate premises and the expenses thereof shall be borne by such owner in such proportion as may be determined by the prescribed authority.

15. Connection from conveying main:— No person shall, at any time make or cause to be made any connection from conveying main.

16. Indemnity:— The Government shall not be liable to any damage or penalty for discontinuing the supply of water or failure to supply water to any local area if the cause of such failure is beyond the control of the Government.

17. Maintenance of supply of water:— The prescribed authority may, from time to time regulate the supply of water under this Act.

18. Structure over water works:— No structure shall be erected over or under any water-works without the written permission of the prescribed authority.

19. Prohibition of activities:— No person shall—

(a) remove, alter, injure, damage or in any way interfere with the demarcated water works;

(b) carry on within the area aforesaid any operation of manufacture, trade or agriculture or do any act whereby the water of any such water works may be rendered less wholesome;

(c) do any other act which the Government may, notify in the official Gazette.

20. **Meter reading:**— The prescribed authority may authorise any person to take reading of meters installed in any premises to which water is supplied under this Act.

21. **Obligation of the owner to give notice of waste of water:**— The owner of every premises in which water is supplied for a specific use under this Act and water so supplied is misused within his knowledge shall be bound to give notice of the same to the prescribed authority.

22. **Power to enter premises:**— (a) Any person authorised in this behalf by the prescribed authority may enter into any premises for the purpose of inspecting any water installation.

(b) If such person is, at any time, refused admittance into such premises for the aforesaid purpose or is prevented from making such examination, the prescribed authority may, after giving notice of not less than twenty four hours, cut off the supply of water to that premises;

Provided that if any such place is an apartment in the actual occupancy of a woman who, according to custom does not appear in public, such officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing, and may then enter the apartment.

23. **Disconnection of water supply:**— (a) Notwithstanding anything contained in this Act, the prescribed authority may cut off the connection of any premises to which water is supplied under this Act or may turn off such supply on any of the following grounds:—

- (i) if, after the receipt of a written notice from the prescribed authority requiring him to refrain from so doing, the owner of the premises continues to use the water or to permit the same to be used in contravention of this Act or any rule made thereunder;
- (ii) if any pipe, tap, work or fitting connected with the supply of water to the premises be found, on inspection by an authorised person, damaged or to be out of the repair to such an extent as to cause so serious a waste or contamination of water that in the opinion of the prescribed authority immediate prevention is necessary; or
- (iii) if there is any water-pipe situated within the premises to which no tap or other efficient means of turning the water off is attached; or
- (iv) if, by reason of a leakage in the pipe, or fitting, damage is caused to the public street and immediate prevention is necessary; or
- (v) if the owner of the premises refuses or neglects to pay a bill of water charges within fifteen days from the date of the receipt of the bill; or
- (vi) if the premises are unoccupied; or
- (vii) if direct pumping of water from the water pipe is done by a consumer.

(b) When the supply has been cut off or turned off under clause (v) of sub-section (a), the prescribed authority shall restore the supply on payment of all sums for non-payment of which the supply was cut off or turned off plus reconnection fee as may be fixed by the Government from time to time.

(c) No action taken under this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

24. Injuring meter or fittings:— No person shall injure or suffer to be injured any meter or fitting.

25. Fraud in respect of meters:— No person shall—

(a) alter the meter index, or prevent any meter from recording the actual quantity of water supplied; or

(b) abstract or use of water before it has been recorded by the meter.

26. Appeals:— (a) Subject to the provisions of sub-section (b), an appeal shall lie from every order of the prescribed authority under this Act to the appellate authority.

(b) Every such appeal shall be preferred within ninety days from the date of order.

(c) On receipt of any such appeal, the appellate authority shall, after giving the appellant a reasonable opportunity of being heard and after making such enquiry as it deems proper, dispose off the appeal.

27. Penalties:— A person who contravenes any of the provisions of this act and rules framed there under shall be punished with simple imprisonment of one month with may extend to six months, or with fine of rupees five hundred which may extend to rupees three thousand, or with both.

28. Repeated offence :— Whoever, having been convicted of an offence punishable under this Act, is again guilty of an offence under this Act shall be subject for every such subsequent offence to imprisonment which may extend to one years, with or without fine.

29. Sanction of Prosecution:— No prosecution shall be instituted under this Act without the permission in writing of the prescribed authority.

30. Delegation:— The Government may, by notification in the official Gazette, direct that any power exercisable by it under this Act or rule made thereunder shall, in relation to such matters and subject to such conditions as may be specified in the directions, be exercisable also by such officer or authority subordinate to the Government as may be specified in the notification.

31. Protection of action taken under this Act:— No suit prosecution or other proceeding shall lie against any person for anything done or intended to be done under this Act in good faith.

32. Power to make rules:— (a) The Government may make rules for carrying into effect the provisions of this Act.

(b) In particular and without prejudice to generality of the foregoing power such rules may provide for:—

- (i) regulating the size and nature of pipes, taps and other fittings whether within or outside any premises;
- (ii) the prevention of injury or contamination to sources and means of water supply and appliances for the distribution of water;
- (iii) the manner in which connections with water works, pipes may be constructed, altered or maintained;
- (iv) the use, maintenance and inspection of meters and all meters in connection with the use of water and turning on and off and preventing waste of water;
- (v) the area of a lawn or garden ;
- (vi) any other matter which is to be or may be prescribed.

(c) Every rule made under this Act shall be laid as soon as may be after it is made, before the Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rules shall thereafter have effect on only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

33. Repeal and Savings:— (1) The Manipur Water Supply Act, 1973 (Manipur Act No. 6 of 1973) shall stand repealed on the day this Act comes into force.

(2) On and from the date on which the provisions of this Act are brought into force in the State of Manipur, anything done and any step taken (including order, scheme, rule, form or notice) any action taken under the repealed Act shall, in so far as it is not inconsistent with the provisions of this Act, continue to be in force unless until it is superseded by anything done or any action taken in accordance with law.