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GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, March 11, 2020

No. 2/11/2020-Leg/L: The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on March 7, 2020 is hereby published in the Official Gazette.

THE MANIPUR SEWERAGE ACT, 2020

(MANIPUR ACT NO. 8 OF 2020)

AN

ACT

to provide for management of sewerage system in the State and for matters connected and incidental thereto.

BE it enacted by the Legislature of Manipur in the Seventy-first Year of the Republic of India as follows:

1. (1) This Act may be called the Manipur Sewerage Act, 2020.

**Short title,
extent and
commencement.**

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

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

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

Definitions.

(a) "consumer" means an individual, firm, company, society, Corporation or an association, who/which has obtained piped water connection from the Public Health Engineering Department (PHED), or has his own arrangements for potable and non-potable water for domestic, commercial or industrial purposes resulting in generation of

sewage or waste water and includes all those who generate sewage or waste water even without having any such arrangement for potable or non-potable water;

- (b) “dispute” means the dispute or difference arising out of any order, decision or documents issued or taken under this Act or the rules framed thereunder;
- (d) “Government” means the State Government of Manipur;
- (e) “management” means administration, control, designing, planning, execution, implementation, operation and maintenance of sewerage system and sanitation services;
- (f) “notification” means a notification published in the Official Gazette of the Government;
- (g) “nuisance” means anything injurious or obnoxious to the community or to any individual and includes sewage or waste water or filth accumulation which in the opinion of the Executive Engineer of the Public Health Engineering Department (PHED)/ Health Officer or any other authority authorized in this behalf, breed or likely to breed mosquitoes or otherwise injurious to health or property unless treated or disposed of effectively to prevent such accumulation;
- (h) “Official Gazette” means the Official Gazette of the Government;
- (i) “prescribed” means prescribed by rules made under this Act;
- (j) “public sewer” means a pipe or underground conduit or such other device meant to carry untreated sewage and contaminated or polluted water generated from the existing building or construction site, existing in or under the adjoining street, lane or any kind of road or pathway and forming component of the sewerage system controlled by Public Health Engineering Department (PHED);
- (k) “PHED” means Public Health Engineering Department of the Government of Manipur;

- (l) “sanitation services” means developing, operating and maintaining the facilities like pour flush water seal latrines, public toilets for educational institutions, community health centers, contaminated or polluted water treatment and safe disposal systems and other such facilities resulting out of programs in public health and sanitation sector implemented by Public Health Engineering Department (PHED) for the State or any other authority authorized in this behalf;
- (m) “sewage” means night-soil and other contents of water closets, latrines, urinals, cess-pools, drains and polluted water from sinks, bathrooms, stables, cattle-sheds, discharges of filth, trade effluents, industrial effluents of specified standards from any kind of building as well as from public conveyances, markets, public places, religious places and educational institutions;
- (n) “sewerage system” means the system developed and constructed for facilitating collection, conveyance, pumping if so warranted, of sewage and includes facilities of the treatment of sewage as per the standards specified by the Central Public Health and Environmental Engineering Organisation (CPHEEO), Government of India and safe disposal of treated effluents and non-harmful sludge on land, water bodies or non-potable use, all under control of the Public Health Engineering Department (PHED);
- (o) “State” means the State of Manipur;
- (p) “Technical Committee” means a committee appointed by the Government consisting of prescribed officers entrusted with the functions as prescribed for the purposes of the Act; and
- (q) “Urban Local Body” means a Municipal Corporation, Municipal Council or a Nagar Panchayat duly constituted under the Manipur Municipalities Act, 1994 and its amendments, thereof.

**Management
of sewerage
system.**

3. (1) On and from the date of coming into force of this Act, sewerage systems and sanitations services for the consumers in the State shall be managed and controlled by Public Health Engineering Department (PHED), whenever and wherever such facilities are operational and developed by the Public Health Engineering Department (PHED) in accordance with the provisions of this Act and rules framed thereunder.

(2) Except as otherwise provided by the rules made in this behalf, any consumer intending to avail the facility of sewerage system or use of sanitation services managed by the Public Health Engineering Department (PHED), shall make an application in writing to the prescribed authority for grant of authorization or permission in such form along with such documents and fees as may be prescribed.

(3) On receipt of application under sub-section (2), the prescribed authority may subject to provisions of this Act, make such enquiry as it deems fit and if it is satisfied that the consumer is possessing necessary infrastructure to avail the facilities in accordance with the rules,-

- (i) grant the permission unconditionally; or
- (ii) grant the permission subject to such general or special conditions as it may impose; or
- (iii) refuse the permission for reasons to be recorded in writing, after giving a reasonable opportunity of being heard to the applicant.

(4) Every application for grant of permission shall be disposed of by the prescribed authority within a period of 90 days from the date of receipt of the application.

(5) The prescribed authority may cancel or suspend the permission, as the case may be, for reasons to be recorded in writing if the consumer has failed to comply with any of the provision of this Act or rules or condition of permission granted thereof:

Provided that no permission shall be cancelled or suspended without giving a reasonable opportunity to the consumer of being heard.

4. Unless or otherwise specified under this Act, it shall be mandatory for an owner or occupier of any premises to avail himself of the facilities of sewerage services provided under this Act.

Connection to the sewerage system to be mandatory.

5. Wherever, in the opinion of the Government reasonable grounds exists in doing so, the Government may, by notification and subject to such conditions and restrictions as may be specified, exempt any category of consumers from all or any of the provisions of this Act or the rules made thereunder, either throughout the State or for any specified period or occasion, with the advice of the Technical Committee.

Exemptions.

6. The Government may authorize Public Health Engineering Department (PHED) or any Urban Local body or any other authority to take over/handover, subject to prior approval of the Departments/ authority concerned, the sewerage and sanitation facilities developed by Public Health Engineering Department(PHED), Municipal Councils, Corporation, Panchayats, autonomous bodies, industrial estates, Government undertakings, private developers or charitable institutions etc., construction and overall development of sewerage system and sanitation services in the States and its management.

Taking over sewerage systems and sanitation facilities developed by other.

7. (1) The Government shall nominate Public Health Engineering Department (PHED) or any such agency as deemed fit for redressal of disputes relating to sewerage.

Dispute redressal.

(2) No order shall be passed by the authority notified under sub-section (1) above without giving a reasonable opportunity of being heard to the aggrieved parties.

8. (1) Any person aggrieved by an order passed under section 7 may file an appeal in the prescribed manner to the State Government.

Appeal.

(2) The State Government shall pass such orders after giving a reasonable opportunity of being heard to the parties to the appeal.

(3) The order passed under sub-section (2) shall be final and binding on the parties.

Offences and Penalties.

9. Any Person, who has-

- (a) made a connection to sewerage system without any approval of Public Health Engineering Department (PHED);
- (b) allowed discharge of the characteristics of sewage or polluted water other than those specified by the Government by rules, by any means whatsoever, into the sewerage system managed by the Public Health Engineering Department (PHED);
- (c) caused disruption to sewerage system or sanitation service giving rise to nuisance or likely to cause nuisance; and
- (d) committed nuisance or abetted commission of nuisance

shall be deemed to have committed an offence under this Act and be punished with simple imprisonment of one month which may be extended to six months or fine which may extend up to rupees fifty thousand along with the actual cost of restoration of sewerage system or sanitation service, as the case may be, as determined by the Technical Committee, or with both.

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 year, with or without fine.

Act to have effect in addition to other Acts.

10. The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force.

Protection of action taken in good faith.

11. No suit, prosecution or other legal proceedings shall lie against the Government, or any prescribed authority, or any other officer or servant in the employment of Government for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

12. (1) The Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:-

- (a) the categories of consumers who could avail different types of services under this Act;
- (b) fees, tariffs, service connection charges and any other applicable charges, penalty and fines for non-payment thereof for different categories of consumers;
- (c) Form of application to be made under sub-section (2) of section 3, form of affidavits, undertaking, no objection certificates or other documents, if any, to be accompanied with application, form of agreement to be made with Public Health Engineering Department (PHED) for use of sewerage system or to avail sanitation services under this Act;
- (d) the methods for payment of bills including billing cycles and period for payment and grace period, if any, recovery of arrears, grant of concessions for any charges or effecting the payments in particular manner;
- (e) procedure to be followed for redressal of disputes;
- (f) technical parameters for building sewerage system and characteristics of sewage or polluted water that can enter the sewerage system;
- (g) composition of technical Committee and allocation of specified functions to it for the purposes of this Act;
- (h) manner of making an appeal against the order passed by Public Health Engineering Department (PHED), as specified in section 8;
- (i) restricting the entry of sewage, trade effluent, polluted water and other such liquid or solid waste in public sewer;

(j) any other matter which is required to be provided by rules by the Government.

(3) Every rule made by the Government under this section shall be laid as soon as may be after it is made, before the State Legislature.

**Power to
remove
difficulties.**

13. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the House of the State Legislative.

NUNGSHTOMBIATHOKPAM,
Secretary (Law),
Government of Manipur