THE WEST BENGAL GROUND WATER RESOURCES
(MANAGEMENT, CONTROL AND REGULATION) ACT, 2005

West Bengal Act XVIII of 2005, [Assent of the Governor was first published in the
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An Act to manage, control and regulate indiscriminate extraction of ground water in
West Bengal and to provide for matters connected therewith or incidental thereto.

WHEREAS it is expedient to manage, control and regulate indiscriminate extraction or
use of ground water;

AND WHEREAS it is further expedient to provide against the widespread contamination
of ground water with arsenic, fluoride, chloride, iron, other heavy metals or
metalloids, organic and inorganic pesticides, fungicides, and rodenticides;

It is hereby enacted in the Fifty-sixth Year of the Republic of India, by the Legislature
of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Ground Water Resources
(Management, Control and Regulation) Act, 2005.
(2) It extends to the whole of the State of West Bengal.
(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, —
(a) "Corporation Level Authority" means the Kolkata Municipal Corporation
Level Ground Water Resources Development Authority established under
sub-section (1) of section 5;
(b) "District Level Authority" means the District Level Ground Water Resources
Development Authority established under sub-section (1) of section 4;
(c) "ground water" means the water which exists below the surface of the ground
at any particular location;
(d) "notification" means a notification published in the Official Gazette;
(e) "prescribed" means prescribed by rules made under this Act;
(f) "sink", with all its grammatical variations and cognate expressions, includes,
in relation to a well, any digging, drilling or boring of a well or deepening of
an existing well.
    Explanatory. — "Drilling" includes re-drilling or re-sinking;
(g) "State Government" means the Government of West Bengal;
(h) "State Level Authority" means the West Bengal State Level Ground Water
Resources Development Authority established under subsection (1) of
section 3;
(i) "user" means —
    (i) an individual, or
    (ii) an institution, organization or establishment, whether or not owned,
maintained and managed by the State Government or the Central Government, or

(iii) a company, including a Government company, as defined in the
1 of 1956. Companies Act, 1956, or

(iv) an industry, major, medium or minor, owning or using, on personal or community basis, ground water resources for domestic, agriculture, or industrial purpose or for any other purpose;

(j) "well" means a well sunk for the search of extraction of ground water by any user, and includes an open well, dug well, bore well, dug-cum-bore well, tube-well, filter point, collector well or infiltration gallery, but does not include a well sunk by the Central Government or the State Government for carrying out any scientific investigation or exploration work for the survey and assessment of ground water resources.

3. (1) The State Government shall, by notification, establish, with effect from State level such date as may be specified in the notification, an authority at the State level to authority be known as the West Bengal State Level Ground Water Resources Development Authority.

(2) The State Level Authority shall consist of the following members: —

(i) Director, State Water Investigation Directorate, Water Investigation and Development Department, Government of West Bengal, Chairman,

(ii) an officer not below the rank of Chief Engineer, Water Investigation and Development Department, Government of West Bengal, Member,

(iii) an officer not below the rank of Chief Engineer, Irrigation and Waterways Department, Government of West Bengal, Member,

(iv) an officer not below the rank of Joint Secretary, Department of Panchayats and Rural Development, Government of West Bengal, Member,

(v) an officer not below the rank of Joint Secretary, Department of Agriculture, Government of West Bengal, Member,

(vi) an officer not below the rank of Chief Engineer, Public Health Engineering Department, Government of West Bengal, Member,

(vii) an officer not below the rank of Joint Secretary, Department of Science and Technology, Government of West Bengal, Member,

(viii) an officer not below the rank of Joint Secretary, Department of Environment, Government of West Bengal, Member,

(ix) an officer not below the rank of Joint Secretary, Forests Department, Government of West Bengal, Member,

(x) one representative of the Central Water Commission, Member,

(xi) Director, All-India Institute of Hygiene and Public Health, Member,

(xii) Regional Director, Central Ground Water Board, Eastern Region, Member,
(xiii) one representative of the Director-General, Member,
Geological Survey of India, Eastern Region,
(xiv) an officer not below the rank of Joint Secretary, Member,
Department of Municipal Affairs,
Government of West Bengal,
(xv) one eminent hydro-geologist from any institution or Member,
organisation working in connected field at national
level, to be appointed by the State Government,
(xvi) one expert from the National Remote Sensing Member,
Authority, to be appointed by the State Government,
(xvii) two Chairman of any of the two District Level Member,
Authorities to be appointed by the State
government by rotation for a term of one year,
(xviii) Superintendent Geologist, State Water Investigation Member-
Directorate, Government of West Bengal, Secretary.

(3) The State Level Authority shall have the power to invite any eminent person and
technical expert in its meetings for deliberation if it feels necessary so to do in the
public interest.

(4) The term of office and the other conditions of service of the Chairman, the
Member-Secretary, and other members of the State Level Authority shall be such as
may be prescribed.

(5) The State Water Investigation Directorate under the Water Investigation and
Development Department of the State Government shall act as the functional organ of
the State Level Authority in the discharge of its functions under this Act.

(6) The office of the Superintendent Geologist of the State Water Investigation
Directorate shall be the secretariat of the State Level Authority and shall act as the
nodal office.

4. (1) The State Government may, for the purpose of enabling the State Level
Authority to perform its functions and exercise its powers under this Act efficiently,
by notification, establish, with effect from such date as may be specified in the
notification, for every District other than Kolkata, an authority at the district level to
be known as the District Level Ground Water Resources Development Authority
bearing the name of the district.

(2) The District Level Authority shall have jurisdiction over every area within the
jurisdiction of a Municipality, or a Block, or a Notified Area Authority, established or
constituted under any law for the time being in force, within the jurisdiction of the
concerned district.

(3) A District Level Authority shall consist of the following members:—

   (i) District Magistrate of the district, Chairman,
   (ii) Karmadhakshya, Krishi-Sech-O-Samabaya Sthayee Member,
        Samity of the Zilla Parishad of the district,
   (iii) Karmadhakshya, Janasasthya-O-Paribesh Sthayee Member,
        Samity of the Zilla Parishad of the district,
   (iv) Executive Engineer of the district under the Water Member,
        Resources Development Directorate,
        Government of West Bengal,
   (v) Executive Engineer of the district under the Public Member,
       Health Engineering Directorate,
       Government of West Bengal,
(vi) Executive Engineer of the district under the Irrigation and Waterways Directorate, Government of West Bengal, Member,

(vii) Principal Agricultural Officer of the district, Member,

(viii) Chief Medical Officer of Health of the district, Member,

(ix) Divisional Forest Officer of the district, Member,

(x) one representative of the West Bengal State Pollution Control Board, Member,

(xi) two representatives of the Department of Municipal Affairs, Government of West Bengal, Members,

(xii) any other officer of the State Government as the State Government may think fit, Member,

(xiii) Geologist of the State Water Investigation Directorate, Member-

Government of West Bengal, having jurisdiction: Secretary.

Provided that where there is no Geologist having his office in the district, the Geologist of the State Water Investigation Directorate, Government of West Bengal, shall act as a member of that district as the State Government may, by notification, appoint.

(4) The total number of members of the District Level Authority shall be limited to twenty.

(5) The office of the Member-Secretary shall be the secretariat of the District Level Authority and shall act as the nodal office.

5. (1) The State Government may, for the purpose of enabling the State Level Authority to perform its functions and exercise its powers under this Act efficiently, by notification, establish, with effect from such date as may be specified in the notification, an authority for the area Kolkata Municipal Corporation as specified in Schedule I to the Kolkata Municipal Corporation Act, 1980, to be known as the Corporation Level Ground Water Resources Development Authority.

(2) The Corporation Level Authority shall have jurisdiction over the area of the Kolkata Municipal Corporation as specified in Schedule I to the Kolkata Municipal Corporation Act, 1980.

(3) The Corporation Level Authority shall consist of the following members:—

(i) the Municipal Commissioner of the Corporation. Chairman,

(ii) the Chief Executive Officer, Kolkata Metropolitan Development Authority, Member,

(iii) two elected representatives of the Kolkata Municipal Corporation, to be nominated by the Mayor, Kolkata Municipal Corporation, Members,

(iv) one expert from the Central Ground Water Board as may be nominated by the Regional Director, Central Ground Water Board, Member,

(v) two experts in the field of conservation, protection, or development of ground water resources as the State Government may, by notification, appoint, Members,

(vi) two eminent persons of the locality as the State Government may, by notification, appoint, Members,

(vii) one representative of the Public Health Engineering Member,
Directorate, Government of West Bengal,

(viii) one representative of the West Bengal State Pollution Control Board,

(ix) Superintendent Geologist, State Water Investigation Director, Government of West Bengal, Secretary

(4) The office of the Superintendent Geologist, State Water Investigation Directorate, Government of West Bengal, shall be the secretariat of the Corporation Level Authority and shall act as the nodal office.

6. (1) The State Level Authority shall be under the administrative control of the Water Investigation and Development Department, Government of West Bengal and shall be the apex body of all the District Level Authorities and the Corporation Level Authority.

(2) The State Level Authority shall—
   (a) take into consideration every aspect to manage the ground water resources in West Bengal including issuing of certificate of registration or permit in accordance with the provision of the Act;
   (b) initiate a policy to conserve the ground water resources by way of recharging, replenishing, recycling or reusing, in a co-ordinated manner;
   (c) create mass awareness and encourage interaction between modern technologies and age-old practices of ground water conservation and management by harnessing traditional knowledge in sustainable water management and dovetailing such traditional knowledge with modern technologies;
   (d) organise people’s participation and involvement in planning and actual management of ground water resources;
   (e) keep under constant review area-specific ground water levels and publishing the revised data periodically for wide circulation for mass awareness and for devising and implementing plans and programmes of use such water;
   (f) continuously analyse, study and review the physical, chemical, bacteriological, and virological qualities of ground water and devise and implement pragmatic strategies;
   (g) promote and implement modern and traditional water harvesting technologies to ensure minimum extraction of ground water;
   (h) maintain separate registers for issuing permit or certificate of registration granted by it in the manner as may be prescribed.

7. (1) On and from the date of coming into force of the Act, no user shall sink any well for extracting or using ground water without obtaining a permit issued by the State Level Authority or the District Level Authority or the Corporation Level Authority, as the case may be, as stated in sub-section (3), sub-section (4) or sub-section (5), in such Form as may be prescribed:

Provided that where any user extracting or using ground water for irrigation or domestic purposes, sinks—
   (a) any tube-well or hand-pump; or
   (b) any well from which such extraction or use is made without the help of any mechanical or electrical devices, such user may sink tube-well or hand-pump or well, as the case may be, without obtaining a permit of the concerned authority as provided in this section:

Provided further that where the State Government is of the opinion that the sinking of
any well or category of wells for extracting or using ground water is necessary for the public interest, the State Government may, by notification, exempt such well or category of wells from the purview of this section.

(2) Any user desiring to sink a well for any purpose other than the purposes as stated in the first proviso to sub-section (1) shall make an application in such Form and on payment of such fees, as may be prescribed, to the State Level Authority or the District Level Authority or the Corporation Level Authority, as the case may be, for obtaining a permit as stated in sub-section (1).

(3) (a) The District Level Authority shall, on receipt of any application as stated in sub-section (2) within its jurisdiction, scrutinize the application in terms of the assessment of the ground water balance, quality and quantity of ground water available in the locality made by the State Water Investigation Directorate and consider whether a permit may be issued to the applicant for sinking such well.

(b) The District Level Authority shall have power to issue a permit for sinking a well for extraction or use of ground water at the rate not exceeding 50 cubic metre per hour from each well under intimation to the State Level Authority.

(c) The application for sinking a well for the purpose of extracting or using ground water exceeding 50 cubic metre per hour, shall be forwarded to the State Level Authority within a period of one month of receipt of such application along with the observations and suggestions after assessing the prevailing ground water condition in or around the locality, quality and quantity of ground water available with reference to its proposed use, long-term ground water behaviour in the locality, probable projections of recharge of ground water in near future with the probable drawal of the existing sources, rainfall projection or any other matter as it considers necessary.

(4) (a) The Corporation Level Authority shall, on receipt of the application as stated in sub-section (2) within its jurisdiction, scrutinize the application in terms of assessment of ground water balance, quality and quantity of ground water available in the locality made by the State Water Investigation Directorate and consider whether a permit may be issued to the applicant for sinking such well.

(b) The Corporation Level Authority shall have power to issue a permit for sinking a well for extraction or use of ground water at the rate not exceeding 100 cubic metre per hour from each well under intimation to the State Level Authority.

(c) The application for sinking a well for the purpose of extracting or using ground water exceeding 100 cubic metre per hour, shall be forwarded to the State Level Authority within a period of one month of receipt of such application along with the observations and suggestions after assessing the prevailing ground water condition in or around the locality, quality and quantity of ground water available with reference to its proposed use, long-term ground water behaviour in the locality, probable projections of recharge of ground water in near future with the probable drawal of the existing sources, rainfall projection or any other matter as it considers necessary.

(5) (a) On receipt of an application forwarded by the District Level Authority or the Corporation Level Authority, as the case may be, for issuing a permit of sinking a well for the purpose of extracting or using ground water exceeding 50 cubic metre per hour or 100 cubic metre per hour, as the case may be, the State Level Authority may, if it is satisfied that it is necessary so to do in the
public interest, grant a permit, subject to such conditions or restrictions as
may be specified therein:
Provided that the State Level Authority may, for reasons to be recorded in writing,
refuse to grant any such permit after giving the applicant an opportunity of being
heard by itself, or by authorising the District Level Authority or the Corporation
Level Authority, as the case may be, to give the applicant an opportunity of being
heard and convey its recommendations to the State Level Authority, for the purpose
of disposal of such application.
(b) Any decision regarding grant or refusal of permit by the State Level
Authority shall be intimated to the applicant within a period of four months
from the date of receipt of the application by the District Level Authority or
the Corporation Level Authority, as the case may be. If such an application is
not disposed of within a period of four months as aforesaid, it shall be
deemed to have been granted by the State Level Authority.

8. (1) Any user who has sunk a well for extracting or using ground water in an area
before the date of coming into force of the Act shall make an application, within such
period, in such Form and in such manner, as may be prescribed, to the District Level
Authority of such area or the Corporation Level Authority of such area, as the case
may be, for obtaining a certificate of registration authorising such user the extraction
or use of ground water:
Provided that where any user has sunk—
(a) any tube-well or hand-pump; or
(b) any well from which such extraction or use is made without the help of any
mechanical or electrical devices, for extracting or using ground water before
the date of coming into force of the Act for irrigation or domestic purposes,
such user may continue to use such tube-well or hand-pump or well, as the
case may be, without obtaining a certificate of registration from the
concerned authority as provided in this section:
Provided further that where the State Government is of the opinion that the extracting
or using of ground water from any well or category of wells is necessary for the
public interest, the State Government may, by notification, exempt such well or
category of wells from the purview of this section.
(2) (a) The District Level Authority shall, on receipt of any application as stated in
sub-section (1) within its jurisdiction, scrutinize the application in terms of
the assessment of the ground water balance, quality and quantity of ground
water available in the locality made by the State Water Investigation
Directorate and consider whether a certificate of registration may be issued to
the applicant for authorising such user the extraction or use of ground water.
(b) The District Level Authority shall have power to issue a certificate of
registration for extraction or use of ground water at the rate not exceeding 50
cubic metre per hour from each well under intimation to the State Level
Authority.
(c) The application for the purpose of issuing of certificate of registration with a
view to authorising the applicant extracting or using ground water exceeding
50 cubic metre per hour shall be forwarded to the State Level Authority
within a period of one month of receipt of such application alongwith the
observations and suggestions after assessing the prevailing ground water
condition in or around the locality, quality and quantity of ground water
available with reference to its proposed use, long-term ground water

Extracting or
using ground
water before
date of coming
into force of
Act.
behaviour in the locality, probable projections of recharge of ground water in near future with the probable drawal of the existing sources, rainfall projection or any other matter as it considers necessary.

(3) (a) The Corporation Level Authority shall, on receipt of the application as stated in sub-section (1) within its jurisdiction, scrutinize the application in terms of assessment of ground water balance, quality and quantity of ground water available in the locality made by the State Water Investigation Directorate and consider whether a certificate of registration may be issued to the applicant for authorising such user the extraction or use of ground water.

(b) The Corporation Level Authority shall have power to issue a certificate of registration for extraction or use of ground water at the rate not exceeding 100 cubic metre per hour from each well under intimation to the State Level Authority.

(c) The application for the purpose of issuing of certificate of registration with a view to authorising the applicant for sinking a well for the purpose of extracting or using ground water exceeding 100 cubic metre per hour, shall be forwarded to the State Level Authority within a period of one month of receipt of such application alongwith the observations and suggestions after assessing the prevailing ground water condition in or around the locality, quality and quantity of ground water available with reference to its proposed use, long-term ground water behaviour in the locality, probable projections of recharge of ground water in near future with the probable drawal of the existing sources, rainfall projection or any other matter as it considers necessary.

(4) (a) On receipt of an application forwarded by the District Level Authority or the Corporation Level Authority, as the case may be, for issuing of a certificate of registration for the purpose of authorising the applicant extracting or using ground water exceeding 50 cubic metre per hour or 100 cubic metre per hour, as the case may be, the State Level Authority may, if it is satisfied that it is necessary so to do in the public interest, grant a certificate of registration, subject to such conditions or restrictions as may be specified therein:

Provided that the State Level Authority may, for reasons to be recorded in writing, refuse to grant any such certificate of registration after giving the applicant an opportunity of being heard by itself, or by authorising the District Level Authority or the Corporation Level Authority, as the case may be, to give the applicant an opportunity of being heard and convey its recommendations to the State Level Authority, for the purpose of disposal of such application.

(b) Any decision regarding grant or refusal of certificate of registration by the State Level Authority shall be intimated to the applicant within a period of four months from the date of receipt of the application by the District Level Authority or the Corporation Level Authority, as the case may be.

9. The District or Corporation Level Authority shall, in such manner as may be prescribed,-

(a) prepare district profile on ground water resources in the district or corporation, as the case may be, in every five years;

(b) issue permit or certificate of registration under clause (b) of subsection (3) of section 7 and sub-section (2) of section 8, respectively or under clause (b) of sub-section (4) of section 7 and under subsection (2) of section 8, respectively;
(c) keep a regular vigil on the quality and quantity of water available from the
ground water resources in the district or the corporation, as the case may be,
and promptly bring to the notice of the State Level Authority any sudden
deterioration in ground water resources or contamination of ground water
resources with poisonous metals or chemicals or otherwise;
(d) ensure that the provisions of this Act or the rules made, orders or directions
issued, thereunder have been complied with in respect to the existing or new
ground water resources in the district or the corporation, as the case may be;
(e) help to prepare a plan for conservation, maintenance and utilization of
ground water within the district or the corporation, as the case may be, and
send such plan to the State Level Authority for enforcement during the next
five years;
(f) bring to the notice of the State Level Authority, if any unexpected
deterioration or contamination of ground water resources is reported within
the said plan period and after necessary investigation into the causes, take
step to rectify the situation under the guidance and supervision of the State
Level Authority;
(g) maintain separate registers for issuing permit or certificate of registration
granted by the District Level Authority under clause (b) of subsection (3) of
section 7 or under sub-section (2) of section 8, as the case may be, and the
Corporation Level Authority under clause (b) of sub-section (4) of section 7
or under sub-section (2) of section 8, as the case may be.

10. The State Level Authority may, by order in writing, authorize a District Level
Authority or the Corporation Level Authority or any institution or organization or any
person-
(a) to enter at any reasonable time any land or building in order to investigate,
take samples of water and make any measurement of ground water structure
located within such land or building, as the case may be;
(b) to inspect any well which is being sunk or has been sunk and the soils and
other materials excavated therefrom;
(c) to take specimens of such soils and other materials or water extracted from
such wells;
(d) to require any person sinking a well to keep and preserve in the prescribed
manner specimens of soils or any material excavated therefrom for such
period, not exceeding three months from the date of completion or
abandonment of the work, as may be specified by the State Level Authority;
(e) to inspect, and to take over, the relevant records or documents, and to ask
any question necessary for obtaining any information (including diameter or
depth of the well which is being, or has been, sunk, the level at which the
water is, or was, struck and subsequently restored or rested, static water level,
seasonal variation of water level, types of strata encountered in the sinking
of the well and quality of the water), required for carrying out the purposes
of this Act;
(f) to require any user to install a water-measuring device on any water-supply
installation to properly administer ground water, where there is reason to
believe that the user does not comply with the provisions of this Act, or for
any other sufficient reason in the public interest:

Provided that where the user does not comply with any such requirement within a
period of thirty days from the date of the order as aforesaid, the State Level Authority
may itself install such water-measuring device and recover the cost from such user in such manner as may be prescribed;

(g) to seize any mechanical equipment utilised for illegal sinking and to destroy or dismantle the work executed fully or partly;

(h) to require any user, who does not comply with the provisions of this Act or the rules made thereunder, to destroy or damage any hydraulic work done, in contravention of the provisions of this Act or the rules made thereunder:

Provided that where the user does not comply with such requirement within a period of sixty days from the date of the order as aforesaid, the State Level Authority may itself carry out the necessary work and recover the cost from such user;

(i) to enter and search any place at all reasonable times with such assistance, if any, as it may consider necessary, if it has reason to believe that an extraction or use of ground water has been, or is being, made in contravention of the provisions of this Act or the rules made thereunder;

(j) to direct the user who has been or is committing an offence under the Act, to stop committing such offence;

(k) to inspect any place or object, to interrogate any person, and to cause necessary investigation, for detecting ground water;

(l) to take such other steps as may be necessary for carrying out the purposes of this Act or the rules made thereunder.

11. (1) Every order under clause (d), or clause (f), or clause (h), of section 10 shall be served—

   (a) by giving or tendering the order, or by sending it by registered post, to the user for whom it is intended, or

   (b) if such user cannot be found, by affixing the order on some conspicuous part of his last known place of residence or place of business, or by giving or tendering the order to some adult male member or servant of his family, or by causing it to be affixed on some conspicuous part of the land or the building in which the well is being sunk or the water-measuring device is required to be installed or the water-supply system is required to be closed down or the hydraulic work is required to be destroyed, as the case may be.

(2) Where the person on whom an order is to be served is a minor, service of such order upon his guardian in the manner provided in sub-section (1) shall be deemed to be service upon the minor.

12. The State Level Authority may, by general or special order in writing, direct that all or any of the powers or duties which may be exercised or discharged by it shall, in such circumstances or conditions, if any, as may be specified in the order, be exercised or discharged by the District Level Authority or the Corporation Level Authority, as the case may be.

13. The members and the officers and other employees of the State Level Authority, the District Level Authority and the Corporation Level Authority and the person authorized by the State Level Authority shall, while acting, or purporting to act, in pursuance of any provision of this Act or the rules made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.
14. No prosecution, suit or other legal proceeding shall lie, or shall be instituted, against the State Level Authority, the District Level Authority, or the Corporation Level Authority or any member or officer or other employee of, or any person authorized by, the State Level Authority for anything done or intended to be done in good faith under this Act or the rules made thereunder.

15. No prosecution for any offence under this Act shall be instituted except with the written consent of the State Level Authority.

16. If any person, in the matter of sinking, or construction, or use, of any well,—

(a) contravenes, or fails to comply with, any of the provisions of this Act or the rules made thereunder, or

(b) obstructs the State Level Authority, or the District Level Authority or the Corporation Level Authority, or any person authorized by the State Level Authority, he shall be punishable,—

   (i) for the first offence, with fine which may extend to five thousand rupees; and

   (ii) for the second or subsequent offence, with fine which may extend to ten thousand rupees.

17. Any offence under this Act may, before or after the institution of any proceeding, be compounded by the State Level Authority in such manner as may be prescribed.

18. (1) Where an offence under this Act has been committed by a company, every person who, at the time when the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

   Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

   (2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

   Explanation.—For the purposes of this section,—

   (a) "company" means any body corporate and includes a firm or other association of individuals; and

   (b) "director", in relation to a firm, means a partner in the firm.

19. (1) Any user, aggrieved by any action taken, or any decision made, by the State Level Authority or the District Level Authority or the Corporation Level Authority or any other person authorized by the State Level Authority under this Act, may, within a period of sixty days from the date on which such action was taken or such decision was communicated to him, and on payment of such fee as may be prescribed, prefer an appeal to such authority as may be prescribed (hereinafter referred to as the appellate authority):
Provided that the appellate authority may entertain an appeal after the expiry of the said period of sixty days, if it is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

20. (1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for any matter, which may be or is required to be prescribed.

(3) All rules made under this section shall be laid, as soon as may be after it is made, before the State Legislature, while it is in session, for a total period of fifteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rules or the State Legislature agrees that such rules should not be made, the rules shall thereafter have effect 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 those rules.

21. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any judgement, decree or order of any court, tribunal or other authority, or in any instrument having effect by virtue of any law other than this Act.

22. If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with the provisions of the Act or the rules made thereunder, as the State Government may consider necessary for removing such difficulty.

By order of the Governor,

MD. HESAMUDDIN,

Secy.-in-charge to the Govt. of West Bengal,

Law Department.