

The Rajasthan Water Supply and Sewerage Corporation Act, 1979

RAJASTHAN

India

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Act 15 of 1979

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The Rajasthan Water Supply and Sewerage Corporation Act, 1979 Act No. 15 of 1979 [Published in the Rajasthan Gazette, Part IV-A, Extraordinary, dated 12th December, 1979.] [Received the assent of the President on the 10th day of December, 1979.] An Act to provide for the establishment of a Water Supply and Sewerage Corporation for rapid development and proper regulation of water supply and sewerage services, and for performance of other environmental engineering services in the State of Rajasthan. Be it enacted by the Rajasthan State Legislature in the Thirtieth Year of the Republic of India as follows:-

Chapter I

1. Short title, extent and commencement.

(1) This Act may be called the Rajasthan Water Supply and Sewerage Corporation Act, 1979. (2) It extends to the whole of the State of Rajasthan excluding the cantonment areas. (3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint, and different dates may be appointed for different provisions of this Act; and a reference in any provision to the date of commencement of this Act shall be construed as reference to the date of commencement of that provision.

2. Definitions.

- In this Act, unless the context otherwise requires:- (i) "bye-laws" means bye-laws made under this Act; (ii) "Corporation" means the Rajasthan Water Supply and Sewerage Corporation established under section 3; (iii) "cess-pool" includes a settlement tank or other tank to receive or dispose off foul matter from any premises; (iv) "Chairman" means the Chairman of the

Corporation;(v)"communication pipe" means any pipe or system of pipes, alongwith all fittings thereto, by means of which water is supplied to any premises from the main, and includes a connection pipe, service pipe, meter or other fittings;(vi)"connection pipe" means any water pipe from a ferrule to stop-cock connecting the main of the local body of the Corporation, as the case may be with the service pipe;(vii)"consumer" means any person getting the benefit of any water supply or sewerage service from the local body or the Corporation, as the case may be;(viii)"Director" means a Director of the Corporation, and includes the Chairman and the Managing Director;(ix)"domestic sewage" means waste water from the residential premises, boarding and lodging houses, hostels, hotels, public places, offices and all such establishments as are not a part of any trade or industry, and arising out of personal and normal human activities such as drinking, bathing, ablution, washing and cooking;(x)"drain" means a sewer, tunnel, pipe, ditch, gutter or channel or any cistern, flush-tank, septic tank or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water or sub-soil water, and includes any culvert, ventilation shafts or pipe or other appliances or fittings connected with such drain, and any ejectors compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;(xi)"ferrule" means a ferrule connecting the connection pipe with the main;(xii)"local area" means the area falling within the jurisdiction of a local body;(xiii)"local body" means a Municipal board, committee, corporation or council, a district board, Zila Parishad, a Panchayat Samiti, Panchayat or other authority legally entitled to, or entrusted by the Government, with the control or management of a municipal or local fund and shall also include an Urban Improvement Trust;(xiv)"Public Health Engineering Department" mean the Department functioning for the maintenance and execution of water supply and sewerage schemes of the Government of Rajasthan;(xv)"main" means a pipe laid by the local body or the Corporation as the case may be, for the purpose of giving general supply of water as distinct from supply to individual consumers, and. includes any apparatus used in connection with such a pipe;(xvi)"Managing Director" means the Managing Director of the Corporation;(xvii)"non-official Director" means a Director; not being an Ex-officio Director;(xviii)"occupier" in relation to any premises, means the following:-(a)any person for the time being paying or liable to pay rent or any portion thereof to the owner in respect of those premises;(b)an owner who is in occupation of those premises;(c)a tenant of those premises who is exempt from payment of rent;(d)a licensee who is in occupation of these premises; and(e)any person, who is liable to pay damages to the owner in respect of use and occupation of those premises;(xix)"owner" in relation to any premises, means the person who receives the rent of the said premises or who would be entitled to receive the rent thereof if the premises were let, and includes:-(a)an agent or trustee who receives such rent on account of the owner;(b)an agent or trustee who receives the rent of, or is entrusted with the management of, any premises devoted to religious or charitable purposes;(c)a receiver or manager appointed by any Court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of the said premises; and(d)a mortgage-in-possession;(xx)"polluted water" means water containing objectionable or harmful material rendering it unfit for its intended use;(xxi)"premises" means any land or building or any part of land or building;(xxii)"prescribed" means prescribed by rules;(xxiii)"prescribed authority" means any authority appointed by the State Government, by notification in the Official Gazette, to perform all or any of the functions of the prescribed authority;(xxiv)"private street", "public street" and "street" in relation to any local area, shall have the meanings assigned to them in the law relating to the local body having jurisdiction over that

local area;(xxv)"regulations" means regulations made under this Act;(xxvi)"rules" means rules made under this Act;(xxvii)"service pipe" means any pipe other than the connection pipe beyond the stop-cock by means of which water is supplied to any premises;(xxviii)"sewage" means night-soil and other contents of water closets, latrines, privies, urinals, cesspools or drains, and polluted water from sinks, bath rooms, stables and other like places, and includes trade effluents;(xxix)"sewer" means a closed conduit for carrying sewage offensive matter, polluted water, waste water or sub-soil water;(xxx)"sewerage" means a system of collection of waste water from a community from its houses, institutions, industry and public places, the pumping, treatment and disposal of such waste water, its effluent, sludge, gas and other products;(xxxi)"stop-cock" means a stop-cock fitted at the end of the connection pipe away from the main for the purpose of switching off and regulating the water supply to any premises;(xxxii)"trade effluent" means any liquid either with or without particles of matters in suspension therein, which is wholly or in part produced or discharged in the course of any trade or industry, including agriculture and horticulture but it does not include domestic sewage;(xxxiii)"waste water" means the spent water of a community and it includes the combination of liquid and water carrying wastes from residences, commercial buildings, industrial plants and institutions together with ground water, surface water and storm water;(xxxiv)"water-connection" includes-(a)any tank, cistern, hydrant, stand-pipe, meter or tap, situated on any private property and connected with a main or other pipe belonging to the local body or the Corporation, as the case may be;(b)the water pipe connecting such a tank, cistern, hydrant, stand-pipe, meter or tap, with such main or pipe;(xxxv)"water supply" means a system of providing water to a community for meeting its requirement for drinking and other domestic uses, industry, recreation and various public uses;(xxxvi)"water works" includes water channel (including stream, lake, spring, river or canal, well, other underground water source, pump, galleries, reservoir, cistern (tank), duct whether covered or open, treatment units, sluice, supply main, culvert, engine, water truck, hydrants, stand-pipe, conduit and machinery, land, building or other things for supplying or used for supplying water or for protecting sources of water supply or for treatment of water.

Chapter II

Establishment, Conduct of Business, Duties and Powers of the Corporation

3. Establishment of the Corporation.

(1)As soon as may be after the commencement of this Act, the State Government shall, by notification in the Official Gazette, with effect from a date to be specified therein, establish for the purposes of this Act a Corporation to be called "The Rajasthan Water Supply and Sewerage Corporation".(2)The Corporation shall be a body corporate, having perpetual succession and a common seal, with powers, subject to the provisions of this Act, to acquire, hold or dispose off property, both movable and immovable and to contract, and may sue or be sued by its corporate name as aforesaid.

4. Constitution of the Corporation.

(1)The Corporation shall consist of the following, namely:-(a)Chairman, to be appointed by the State Government;(b)Managing Director, possessing such qualifications as may be prescribed, to be appointed by the State Government;(c)Financial Director, who shall be a qualified economist, to be appointed by the State Government;(d)Secretary to the Government of Rajasthan in Public Health Engineering Department, Ex-officio Director;(e)Secretary to the Government of Rajasthan Finance Department, Ex-officio Director;(f)Special Secretary to the Government of Rajasthan in Planning Department, Ex-officio Director;(g)Chief Engineer of the Corporation, Ex-officio Director;(h)Three non-official Directors, at least one of whom shall be member of Scheduled Castes/Scheduled Tribes, to be appointed by the State Government;(i)Two members of the Rajasthan Legislative Assembly to be appointed as non-official Directors by the State Government on the recommendations of the Speaker of Legislative Assembly.(2)The names of the persons appointed as non-official Directors shall be published in the Official Gazette.

5. Disqualification for being Chairman, Managing Director or a non-official Director.

- A person shall be disqualified for being appointed or continuing as Chairman, Managing Director or a non-official Director, if he-(a)has been convicted of an offence involving moral turpitude;(b)is an undischarged insolvent;(c)is of unsound mind and stands so declared by a competent Court;(d)holds, except as provided in section 6, any office or profit under the Corporation;(e)has, directly or indirectly by himself or by any partner, employer or employee, any share or interest, whether pecuniary or of any other nature, in any contract or employment with, by or on behalf, of the Corporation; or(f)is a director, secretary, manager or other officer of any company, which has any share or interest in any contract or employment with, by or on behalf of, the Corporation:Provided that, a person shall not be disqualified under clause (e) or clause (f) by reason only of his or the company of which he is a director. Secretary manager or other officer having a share or interest in-(i)any sale, purchase, lease or exchange of immovable property or any agreement for the same;(ii)any agreement for loan of money or any security for payment of money only;(iii)any newspaper in which any advertisement relating to the affairs of the Corporation is published;(iv)the occasional sale to the Corporation, upto a value not exceeding ten thousand rupees in any one year, of any article in which he or the company regularly trades.

6. Term of office, salary and allowances of Directors.

(1)The Chairman, unless appointed ex-officio shall hold office for three years. The State Government may, if it thinks fit in public interest so to do, by notification in the official Gazette, terminate the appointment of the Chairman earlier without entitling him to any right to compensation whatsoever.(2)The Managing Director and Financial Director shall hold office for such period as the State Government may, by order, specify.(3)A person appointed as Director under clause (h) of sub-section (1) of section 4 shall hold office for three years:Provided that his term may be determined earlier by the State Government, by notification in the Official Gazette.(4)A person

appointed as Director under clause (i) of sub-section (1) of section 4 shall hold office for three years: Provided that he shall cease to be a Director on his ceasing to be a member of the Rajasthan Legislative Assembly. (5) A Director shall be eligible for re-appointment. (6) Any Director may at any time resign his office by writing under his hand, addressed to the State Government, and on such resignation being accepted, he shall be deemed to have vacated his office. (7) If any Director is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation office, the State Government may appoint another person to officiate for him and to carry out his functions under the Act. (8) The Chairman, the Managing Director and Financial Director shall be paid from the Corporation Fund such salary and allowances as may be fixed by the State Government. (9) The other Directors of the Corporation shall be paid such allowances as may be fixed by the State Government.

7. Removal of the Chairman and other non-official Directors.

(1) If at any time, it appears to the State Government that the Chairman has shown himself to be unsuitable for his office, or has been guilty of any misconduct or neglect which renders his removal expedient, or has incurred any of the disqualifications mentioned in section 5, it may, by notification in the Official Gazette, remove him from office after giving him reasonable opportunity of showing cause. (2) The State Government may, by notification in the Official Gazette, remove any non-official Director from office after giving him reasonable opportunity of showing cause—(a) if the Director, other than the Chairman, Managing Director or an Ex-officio Director, absents himself, without permission of the Chairman, from the three consecutive meetings of the Corporation; (b) if he has incurred any of the disqualifications mentioned in section 5; (c) if he in the opinion of the Government is unsuitable or has become unfit for acting as a Director or has so abused his position as a Director as to render his continuance as such Director detrimental to public interest.

8. Officers and servants of the Corporation and their recruitment and conditions of service.

(1) The Corporation may appoint such officers and servants as it considers necessary for the efficient performance of its duties and discharge of its functions against the post sanctioned by the State Government. The recruitment and the conditions of service of the officers and servants of the Corporation shall be determined by regulations. (2) The Corporation may, with the previous approval of the appropriate Government, appoint a servant of the Central Government or the State Government as an employee of the Corporation on such terms and conditions as it thinks fit. (3) Subject to the superintendence of the Corporation, the Managing Director shall be the Chief Executive Officer of the Corporation. He shall supervise and control all the officers and servants including any officer of Government appointed on deputation to the Corporation.

9. Authentication of orders, etc. of the Corporation.

- All proceedings of the Corporation shall be authenticated under the signatures of the Chairman or of any Director authorised in this behalf by the Chairman and all other orders and instruments of

the Corporation shall be authenticated under the signatures of the Managing Director or of any other officer of the Corporation as may be authorised in this behalf by regulations.

10. Assistance of Government Officers, etc.

- The Corporation may invite any officer of Government or local body or other person to attend its meeting for the purpose of assisting or advising it on any matter. The person so invited may take part in the proceedings of the Corporation, but shall have no right to vote.

11. Delegation of Powers.

- Subject to the provisions of this Act the Corporation may, by general or special order, or by rules to be prescribed, delegate, either unconditionally or subject to such conditions, including the condition of review by itself, as may be specified in the order, to any committee appointed by it or to the Chairman or the Managing Director or any other officer of the Corporation such of its powers, duties and functions under this Act as it deems fit, not being its powers, duties and functions under sections 34, 62 and 67.

12. Disqualification for participation in proceedings of the Corporation or of Committee on account of interest.

(1) Any Director of the Corporation or a member of a committee appointed by the Corporation, who-(a) has any share or interest of the nature described in clause (e) or clause (f) of section 5 in respect of any matter, or (b) has acted professionally, in relation to any matter on behalf of any person having therein any such share or interest as aforesaid, shall notwithstanding anything contained in the proviso to section 5, vote or take part in any proceedings (including any discussion on any resolution or question) of the Corporation or Committee, thereof relating to such matter. (2) If any Director of the Corporation or any member of a committee appointed by the Corporation has directly or indirectly any interest in any area in which it is proposed to acquire land for any of the purposes of this Act, he shall not take part in any meeting of the Corporation or committee thereof in which any matter relating to such land is considered. (3) Nothing in sub-section (1) or (2) shall prevent any Director of the Corporation or any member of a committee thereof from voting on, or taking part in the discussion of, any resolution or question relating to any subject other than a subject referred to in these sub-sections.

13. Acts not to be invalidated by vacancy, irregularity etc.

- No act done or proceedings taken under this Act by the Corporation or a committee appointed by the Corporation shall be invalidated merely on the ground of-(a) any vacancy of a Director or a member, or any defect in the Constitution or reconstitution of the Corporation or a committee thereof; or (b) any defect or irregularity in the appointment of a person as a Director of the Corporation or as a member of a committee thereof; or (c) any defect or irregularity in such act of proceedings, not affecting the substance.

14. Duties and functions of the Corporation.

- The duties and functions of the Corporation shall be as follows, namely:-(a)to prepare, execute, promote and finance scheme for supply of water and for sewerage and sewage disposal;(b)to render all necessary services in regard to water supply and sewerage to the State Government and local bodies, and on request, to private institutions or individuals also;(c)to prepare draft State Plans, for water supply, sewerage and drainage on the direction of the State Government;(d)to review and advise on the tariff taxes fees, and charges of water supply and sewerage systems, in the areas of the Corporation and the local bodies which have entered into an agreement with the Corporation;(e)to assess the requirement of materials and arrange for their procurement and utilisation;(f)to establish State standards for water supply and sewerage services;(g)to review annually the technical, financial, economic and other aspects of water supply and sewerage system of every scheme of the Corporation or the local bodies which have entered into an agreement with the Corporation;(h)to establish and maintain a facility to review and apprise the technical, financial, economic and other pertinent aspects of every water supply and sewerage scheme in the State;(i)to operate, run and maintain any water works and sewerage system, if and when so directed by the State Government, on such terms and conditions and for such period as may be specified by the State Government;(j)to assess the requirements of manpower and training in relation to water supply and sewerage services in the State;(k)to carry out applied research for efficient discharge of the duties and functions of the Corporation;(l)to perform such of the duties and functions which are being performed by the Public Health Engineering Department of the State as may be specified, from time to time, by the State Government;(m)to perform and discharge such other duties and functions as are allotted to the Corporation under other provisions of this Act; or(n)to perform such other environmental engineering functions as may be specified by the State Government, by notification in the Official Gazette.

15. Powers of the Corporation.

(1)The Corporation shall, subject to the other provisions of this Act, have power to do anything which may be necessary or expedient for performing its duties and discharging its functions under this Act.(2)Without prejudice to the generality of the foregoing provisions such powers shall include the power-(a)to inspect the water supply and sewerage facilities in the State by whomsoever they are operated;(b)to obtain such periodic or specific information from any local body and operating agency, as the Corporation may deem necessary;(c)to provide training for its own personnel as well as for employees of the local bodies;(d)to prepare and carry out schemes for water supply and sewerage;(e)to lay down with the prior approval of the State Government the schedule of fees and other charges for all kinds of services rendered by the Corporation to the State Government, local bodies, institutions, or individuals;(f)to enter into contract or agreement with any person or persons as the Corporation may deem necessary, for performing its duties and discharging its functions under the Act;(g)to adopt its own budget annually;(h)to approve with the prior approval of the State Government tariffs for water supply and sewerage services applicable to respective local areas comprised within the jurisdiction of the Corporation and such local bodies as have entered into an agreement with the Corporation;(i)to manage all its affairs so as to provide the people of the area within its jurisdiction with wholesome water and, where feasible, efficient sewerage service;(j)to

take such other measures as may be necessary to ensure water supply in times of any emergency;(k)to acquire, possess and hold land and other property and to carry any water or sewerage works through, across, over, on under any highway, road, street, or place and, after reasonable notice in writing to the owner or occupier, into, through, over or under any building or land;(l)to extract water from any natural source and dispose of waste water;(m)to raise, borrow or secure money on such terms and conditions as may be expedient, and in particular by way of loans and advances, deposits and issue of debentures and obtain subventions or mortgages from public institutions like the Life Insurance Corporation of India, Banks and any International Organisations or from the State and Central Government, for drinking water and sewerage schemes or any other schemes relating to environmental engineering services or for improvement of sanitation;(n)to receive grants from the State Government, the Central Government and the local bodies for water supply and sewerage or any other sanitation improvement schemes;(o)to repay installment of loans and pay interest on the principal thereof to the lenders as per mutually agreed terms and conditions;(p)to advance loans to the local bodies or Government for their water supply and sewerage schemes on such terms and conditions as may be specified by the Corporation;(q)to recover from the local bodies or Government, principal and interest thereon in respect of loans advanced to them by the Corporation;(r)to incur such expenditure as the Corporation may deem necessary for performing its duties and functions under this Act;(s)to exercise such other powers as are conferred on the Corporation under other provisions of this Act.

16. Powers of the Corporation to give directions and to call for returns, reports, etc.

(1)Notwithstanding anything contained in any other law for the time being in force, the Corporation may give such directions to any local body, with regard to the implementation of any water supply or sewerage scheme financed by it under clause (a) of section 14, as it thinks fit, and such body shall be bound to comply with such directions.(2)In case any local body is aggrieved by any such direction or experiences any difficulty in complying with the same, it shall refer the matter to the State Government whose decision thereon shall be final.(3)The Corporation shall have power to call for any return, statement of account, report, statistics or other information from any local body or other body or individual, which is required by it for the exercise of its powers and performance and discharge of its duties and functions under this Act, and such body or individuals shall be bound to furnish such information.

17. Supervision and Cent age charges.

- The Corporation may include in the cost of any scheme or work, the execution or further execution whereof is undertaken under clause (a) of section 14, supervision and centage charges at such rate; not exceeding such limit as may be prescribed, as it may determine under clause (e) of sub-section (2) of section 15.

Chapter III

Vesting of Property, assets, liabilities and Obligations and Transfer of Employees

18. Vesting and transfer of property of the Corporation.

(1) From such different dates as may be specified, from time to time, by the State Government (hereinafter in this section referred to as "the appointed date"):- (a) the properties and assets (including water works, buildings, laboratories, stores, vehicles, furniture and other furnishing) which immediately before the appointed date were vested in the State Government for the purpose of the Public Health Engineering Department, Rajasthan shall vest in, and stand transferred to the Corporation, and (b) the rights, liabilities and obligations of the State Government, whether arising out of any contract or otherwise, pertaining to the said service, shall be the rights, liabilities and obligations of the Corporation. (2) Such properties, assets, rights, liabilities and obligations shall be valued in such manner as the State Government may determine. (3) All suits and other legal proceedings with respect to the matters referred to above, instituted, or to be instituted or defended by or against the State Government, before the appointed date, may be continued, or instituted, or defended by or against the Corporation.

19. Decision of the State Government on the vesting of property to be final.

- Where any doubt or dispute arises as to whether any property or assets has vested in the Corporation under section 18 or any rights, liabilities or obligations have become the rights, liabilities and obligations of the Corporation under that section, such doubt or dispute shall be referred to the State Government, whose decision shall be final.

20. Vesting of existing water and sewerage services in the Corporation.

(1) Notwithstanding anything contained in any law for the time being in force, the Corporation may, at any time, with the previous approval of the State Government, take over any water supply and sewerage services for maintenance or augmentation or improvement; from any local body, and in such cases:- (a) all the existing water supply and sewerage services, sewage works and sewage farms including as the case may be, all plants, machineries, water works, pumping stations, filter beds, water mains and public sewers in, along over or under any public street, and all buildings, lands and other works, materials, stores and things appertaining thereto, belonging to or vested in that local body; (b) so much of the sub-soil appertaining to the said water mains and sewers as may be necessary for the purpose of enlarging, depending or otherwise repairing or maintaining any such water mains and sewers or any pipes and other appliances and fittings connected with such water supply and sewerage services and sewage works and sewage farms; and (c) all rights, liabilities and obligations of such local body relating to the things mentioned in clauses (a) and (b) including the right to recover arrears of water tax and sewerage tax, by whatever name called, and of any cost or fees or charges relating to water supply and sewerage services and also including liabilities arising

from any loans advanced by Government or any other person to said local body for the thinks aforesaid, other than loans diverted to or utilised for purposes other than those referred to in clauses (a) and (b); shall on such date as may be specified by the Corporation, stand transferred to and vested in the Corporation and be subject to its control. (2) Such properties, assets, rights, liabilities and obligations shall be valued in such manner as State Government may determine. (3) Where any doubt or dispute arises as to whether any property or asset has vested in the Corporation under sub-section (1) or any rights, liabilities or obligations have become the rights, liabilities or obligations of the Corporation under this section, such doubt and dispute shall be referred to the State Government whose decision shall be final and binding on the Corporation and the local body concerned. (4) For taking over any properties or assets of the local body, the Corporation shall pay to that body such amount as may be mutually agreed upon. In the absence of any such agreement, the State Government shall determine the amount to be paid to the local body on the basis of the valuation made under sub-section (2) and after taking into consideration the statutory duty of the local body to provide water supply and sewerage services, the grants received by the local body, from time to time, the outstanding loan liabilities of the local body, and such other relevant factors. The decision of the State Government shall be final and binding on both parties.

21. Corporation to assume obligations in respect of matters to which this Act applies for water works taken over from local bodies.

- In respect of water works taken over from a local body by the Corporation, all debts and obligations incurred, all contracts entered into, all matters and things engaged to be done, by, with or for any local body prior to taking over the water works by the Corporation, shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Corporation, and all suits or other legal proceedings instituted or which might, but for transfer and vesting under subsection (1) of section 20, have been instituted or defended by or against the local body, may be continued or instituted or defended by or against the Corporation.

22. Co-ordination of activities of the Corporation and other local bodies.

- If the State Government is of the opinion that it is in the public interest that the Corporation and other local bodies having jurisdiction over continuous areas should co-ordinate their activities in relation to water supply services or sewerage services or both, it may issue such directions to the Corporation and the other local bodies concerned as it may think fit, and it shall be the duty of the Corporation and the other local bodies to comply with such directions.

23. Transfer of Government Employees to the Corporation.

(1) On and after the establishment of the Corporation, the State Government may, from time to time, direct that the services of such of the existing officer and servants of the State Government in the Public Health Engineering Department, who in its opinion, are rendered surplus to its requirements shall stand terminated and their posts shall stand abolished, from such date, as may be specified by it (hereinafter in this section referred to as "the appointed date"), and shall on that date (which may

be different for different officers and servants) become the officers or servants of the Corporation.(2)Every permanent or temporary employee of the Public Health Engineering Department in respect of whom a direction is issued under sub-section (1) shall, on and from the appointed date, be a permanent or temporary employee of the Corporation, as the case may be, against a permanent or temporary post, which shall stand created in the establishment of the Corporation with effect from the appointed date.(3)Any officer or servant so transferred shall hold his office under the Corporation by the same tenure, at the same remuneration and upon the same other conditions of service and with the same rights and privileges as to pension, gratuity, provident fund and other matters as he would have held on the appointed date if this Act had not come into force. Any service rendered by him under the State Government shall be deemed to be service rendered under the Corporation. He shall continue in service under the Corporation until his employment under the Corporation is duly terminated or his remuneration or other conditions of service are duly revised or altered by the Corporation in pursuance of the law which for the time being governs his conditions of service:Provided that the conditions of service applicable immediately before the appointed date to the case of any such officer or servant shall not be varied to his disadvantage, except with the previous approval of the State Government.(4)The sums standing to the credit of the employees referred to in sub-section (1) in any person, provident fund, gratuity or other like funds constituted for them shall be transferred by the State Government to the Corporation along with any accumulated interest due till the appointed date and with the accounts relating to such fund. On and after the appointed date, the Corporation shall, to the exclusion of the State Government, be liable for payment of pension, provident fund, gratuity or other like sums as may be payable to such employees at the appropriate time in accordance with the conditions of their service.(5)Notwithstanding anything contained in the Industrial Disputes Act, 1947 (Central Act XIV of 1947), or in any other law for the time being in force, the transfer of services of any employee to the Corporation under sub-section (1) shall not entitle any such employee to any compensation under that Act or such other law and no such claim shall be entertained by any court, tribunal or authority.(6)Nothing contained in sub-section (1) shall apply to any employee who, by notice in writing given to the State Government, within two months from the appointed date or such extended time as the State Government may, by general or special order, specify, intimates, his intention of not becoming or continuing as an employee of the Corporation.(7)Notwithstanding anything contained in the foregoing sub-sections:-(a)no person employed in the Public Health Engineering Department against whom any disciplinary proceeding is pending or to whom any notice or order of termination of his services or compulsory retirement has been issued before the date of commencement of this Act shall be transferred to the Corporation, and such person may be dealt with after the said date in such manner and by such authority as the State Government may, by general or special order, specify in this behalf.(b)if the services of any employee of the State Government stand transferred under sub-section (1) to the Corporation, the Corporation shall be competent after such transfer, to take such disciplinary or other action as it thinks fit against or in respect of such employee, having regard to any act or omission or conduct or record of such employee while he was in service of the State Government.

Chapter IV

Contract, Finance, Accounts and Audit

24. Execution of Contracts, etc.

- Every contract or assurance of property on behalf of the Corporation shall be in writing and executed by such authority or officer and in such manner as may be provided by regulations.

25. Corporation Fund.

- The Corporation shall have its own fund to be called "the Corporation Fund", which shall be deemed to be a local fund and to which shall be credited all moneys received by or on behalf of the Corporation, otherwise than by way of loans.

26. Other funds of the Corporation.

(1)The Corporation shall also have another fund to be called "the loan fund", which shall also be deemed to be a local fund and to which shall be credited all moneys received by or on behalf of the Corporation, by way of loans.(2)Without prejudice to the provisions of section 25 or sub-section (1) of this section, the Corporation may, with the previous approval of the State Government, constitute such other funds as may be necessary for the efficient performance of its duties and discharge of its functions under this Act.(3)Except as otherwise directed by the State Government, all moneys and receipts specified in the foregoing provisions and forming part of the funds of the Corporation shall be deposited in the Reserve Bank of India or in any nationalised bank or other Scheduled Bank or invested in such securities as may be approved by the State Government.

27. General principles for the Corporation's finance.

- The Corporation shall not, as far as practicable, and after taking credit for any grant or subvention from the State Government under section 28, carry on its operations under this Act, at a loss.

28. Grants and subventions to the Corporation.

- The State Government may, under appropriation duly made in this behalf, from time to time, make recurring and non-recurring grants and subventions to the Corporation for the purposes of this Act on such terms and conditions as the State Government may determine.

29. Loans to the Corporation.

- The State Government may, from time to time, advance loans to the Corporation on such terms and conditions, not inconsistent with the provisions of this Act, as the State Government and the Corporation may agree upon.

30. Initial contribution of Government to the Corporation Funds.

- Under appropriation duly made in this behalf, the State Government may make an initial contribution to the Corporation Funds of rupees one crore or such lesser sum as it thinks fit.

31. Power to borrow and re-lend.

(1)The Corporation may, from time to time, with the previous sanction of the State Government and subject to the provisions of this Act and to such conditions as the State Government may, by general or special order impose, borrow any moneys required for the purposes of this Act, by making arrangements with the banks or other bodies or institutions approved by the State Government for this purpose.(2)The Corporation may advance any part of such borrowing to any local bodies or any other department of the State Government for the performance of its duties and discharge of its functions relating to water supply and sewerage services, on such terms and conditions as the Corporation may determine.

32. Depreciation Reserve.

- The Corporation shall create a depreciation reserve and make annual provision therefor in accordance with such principles as may be prescribed.

33. Government as Guarantor.

- The State Government may guarantee the re-payment of any loan and payment of interest on all or any of the loans given or transferred to the Corporation for the purposes of this Act.

34. Annual Financial Statements, Accounts and Audits.

(1)(a)In February of each year the Corporation shall submit to the State Government a statement in the prescribed form of the estimated Capital and Revenue receipts and expenditure for the ensuing year.(b)The said statements shall include a statement of the salaries of Directors officers and employees of the Corporation and of such other particulars as may be prescribed.(c)The State Government shall as soon as may be after the receipt of the said statement cause it to be laid on the table of the House of the State Legislature, and the said statement shall be open to discussion therein, but shall not be subject to vote.(d)The Corporation shall take into consideration any comments made on the said statement in the State Legislature.(e)The Corporation may at any time during the year in respect of which a statement under clause (a) has been submitted, submit to the State Government a supplementary statement, and all the provisions of this sub-section shall apply to such statements as they apply to such statement under the said clause.(2)The Corporation shall cause to be maintained such proper books of account and other books in relation to its accounts and prepare the balance-sheet in such form and manner as the regulations may require.(3)The accounts of the Corporation shall be audited by such auditor in such manner and at such times, as the State Government may, by general or special order, direct. The auditor so appointed shall have such

powers of requiring the production of documents and the furnishing of information respecting such matters, and shall have such powers in respect of dis-allowance and surcharge as may be prescribed.(4)The accounts of the Corporation as certified by the auditor together with the audit report thereon shall be forwarded annually to the State Government, who may issue such directions to the Corporation as it may deem fit, and the Corporation shall comply with such directions.(5)The State Government shall cause the accounts of the Corporation to be published in such manner as it thinks fit.

Chapter V

Taxes, fees and charges

35. Cost of water.

(1)The Corporation shall with the prior approval of the State Government and by notification in the Official Gazette, fix the cost of water to be supplied according to volume and also the minimum cost to be charged in respect of each connection.(2)The Corporation may, in lieu of charging the cost of water according to the volume, accept from any consumer a fixed sum or a flat rate for a specified period on the basis of expected consumption of water during that period.

36. The cost of disposal of waste water.

(1)The Corporation shall with the prior approval of the State Government and by notification in the Official Gazette, fix the cost of disposal of the volume of total water supplied to the consumer, as may be prescribed) and also the minimum cost to be charged in respect of such disposal.(2)The Corporation may, in lieu of charging the cost of disposal of waste water according to the basis stated in sub-section (1), accept, from any consumer, a fixed sum for a specified period on the basis of expected disposal of waste water during that period.

37. Meter Rent and fees for services.

(1)The Corporation may provide water meters and charge such rent for the meters as may be provided in the bye-laws.(2)The Corporation may charge fees for connection, disconnection, reconnection of any water supply or sewer or testing or supervision or for any other service rendered or work executed or supervised, at such rates may be provided by the bye-laws.

38. Deposits.

- The Corporation, may by bye-laws, provide for requiring any consumer or class of consumers to deposit such sums as may be specified therein, as security for prompt payment of its dues and due performance of the conditions subject to which services are rendered to them. It shall be lawful for the Corporation to recover its dues from the amount so deposited.

39. Recovery of sums due to the Corporation.

- Any sum due to the Corporation on account of cost of water, cost of disposal of waste water, meter rent fees, charges, taxes) development charges or otherwise under this Act, shall without prejudice to any other mode of recovery, be recoverable as arrears of land revenue.

40. Charges for general supply of water and sewerage services.

(1)The Corporation shall levy for supply of water and sewerage services to the public in general within a local area:-(a)where the area is covered by water supply services by the Corporation, water charges, and(b)where the area is covered by the sewerage services of the Corporation sewerage charges.(2)The charges mentioned in sub-section (1) shall be levied at such rate and on such basis as the State Government may, from time to time after considering the recommendation, of the Corporation, by notification in the Official Gazette, declare and shall be recoverable from the local body of the area.(3)Where the local body which is liable to pay the water supply and/or sewerage charges under sub-section (2) fails to do so, such charges without prejudice to the right of the Corporation to recover the same from the local body concerned shall be deducted by the State Government from any grant-in-aid to be paid by it to the local body and shall be credited to the Corporation Fund.

41. Recovery of Development charges in Urban Areas.

- The cost of investigation, preparation and execution of any scheme undertaken or to be undertaken by the Corporation in an urban area shall be recoverable at such rate, and in such manner as may be prescribed-(a)in developed area, from the owner of premises,(b)in new developing area from the agency responsible for the development.

Chapter VI

Water Supply

42. Definition of supply of water for domestic purposes.

- The supply of water for domestic purposes under this Act means supply for any purpose, except the following, namely:-(a)for any trade, manufacture or business;(b)for gardens (excluding kitchen and domestic gardens) or for purposes of irrigation;(c)for building purposes, including construction of streets;(d)for public fountains, swimming pools or tanks or for any ornamental or mechanical purposes;(e)for the consumption and use at a restaurant or by inmates of a hotel, boarding house or residential club;(f)for the consumption and use by persons resorting to theatres and cinemas;(g)for watering streets; or(h)for washing vehicles where they are kept for sale or hire.

43. Water supply for domestic purposes not to be used for non-domestic purposes.

- No person shall, except in such circumstances or subject to such conditions as may be provided by the bye-laws, use or allow to be used water supplied by the Corporation for domestic purposes for any other purpose.

44. Licensed plumbers.

(1) No person other than a plumber licensed by the Corporation shall execute any work unless it is a work of a trivial nature in respect of a water connection and no person shall permit any such work to be executed by a person other than a licensed plumber. (2) When any work is executed in contravention of the provisions of sub-section (1) such work shall be liable to be dismantled at the discretion of the Corporation.

45. Prohibition of wastage of water.

(1) No owner or occupier of any premises to which water is supplied by the Corporation shall cause or suffer any water to be wasted or cause or suffer the service pipe or any tap or other fitting or work connected therewith to remain out of repair so as to cause wastage of water. (2) Whenever the Corporation has reason to believe that as a result of defect in a service pipe or tap or other fitting or work connected therewith water is being wasted the Corporation may, by written notice require the consumer to repair and make good the defect within such time as may be specified. (3) In such repair is not carried out within the time specified, the Corporation may, without prejudice to any action against the consumer under any other provision of this Act cause such repair to be made. The cost of such repairs shall be realised from the consumer.

46. Power to cut off water supply.

(1) The Corporation may cut off the water supply (except the water supply provided for general public) from any premises—(a) if any fee, rental, cost of water or any charge or other sum due under this Act, or the rules, regulations or bye-laws made thereunder is not paid within a period of fifteen days after service of a bill for the same; or (b) if, after the receipt of a written notice from the Corporation requiring him to refrain from so doing, the consumer continues to use the water or to permit the same to be used in contravention of the provisions of this Act or any rules or regulations or bye-laws; or (c) if the consumer damages or causes to be damaged the water meter or any connection pipe or ferrule; or (d) if the consumer refuses to admit any officer or servant of the Corporation duly authorised in this behalf into the premises which he proposes to enter for the purpose of executing any work of placing or removing any apparatus or of making any examination or enquiry in connection with the water supply or prevents any such officer or servant from executing any work or placing or removing any apparatus or making such examination or inquiry; or (e) if the service pipe or any tap or other fitting or work connected therewith is found on examination by an officer or servant of the Corporation duly authorised in this behalf to be out of

repair to such extent as to cause wastage or contamination of water and immediate prevention thereof is necessary; or(f)if the consumer cause or allows to be caused the service pipe or any tap or other fitting or work connected therewith to be placed, removed, repaired or otherwise interfered with, in contravention of the provisions of this Act or of the rules or regulations or bye-laws; or(g)if, by reason of leakages in the service pipe or any tap or other fitting or work, damage is caused to a public street and immediate prevention thereof is necessary.(2)No action taken under, or in pursuance of this section shall relieve a person from any penalty or liability which he may otherwise have incurred.(3)The Corporation may re-connect the supply of water disconnected under sub-section (1) on payment of such charges and on such terms and conditions as may be provided by bye-laws.

47. Prohibition of certain other acts.

(1)No person shall-(a)wilfully obstruct any person acting under the authority of the Corporation in setting out of the lines of any work or pull up or remove any pillar post of stay fixed in the ground for the purpose of setting out the lines of such work, or deface or destroy any work made for the said purpose; or(b)wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, matter or other work or apparatus belonging to the Corporation; or(c)unlawfully obstruct the flow of or flush, draw off, or divert, or take water from any water works belonging to the Corporation any water course by which any such water is supplied; or(d)obstruct any officer or servant of the Corporation in the performance and discharge of his duties and functions under this chapter or refuse or wilfully neglect to furnish him with means necessary for the making of any entry, inspection, examination or enquiry thereunder in relation to any water works; or(e)bathe, in, at or upon any water work, or wash, throw or cause to enter therein any animal or throw any rubbish, dirt or filth into any water works, or wash or clean therein any cloth, wool or leather or the skin of any animal or cause water of any sink or drain or any steam engine or boiler or any other polluted water to turn or be brought into any water works, or do any other act whereby the water in any water works belonging to the Corporation is fouled or likely to be fouled.(2)Nothing in clause (b) of sub-section (1) shall apply to a consumer closing the stop-cock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply be affected thereby.

Chapter VII

Sewerage

48. Right of owner or occupier to obtain sewer connection.

- The owner or occupier of any premises shall be entitled to empty sewage of the premises into a sewer of the Corporation, provided that before so, he-(a)obtained written permission of the Corporation and pays connection fee and other charges in accordance with the bye-laws; and(b)complies with such other conditions as may be provided by the bye-laws.

49. Power to require owner to have sewer connection.

- Where any premises are, in the opinion of the Corporation, without sufficient means of effectual disposal of sewage and the sewer of the Corporation is situated at a distance of not more than fifty meters from any part of the premises, the Corporation may, by written notice, require the owner of the said premises to have sewer connection as provided by bye-laws. Where an owner has been required to have sewer connection and he fails to do so, he shall be liable to pay sewerage charges in accordance with section 36 of this Act.

50. Prohibition of connection with sewer without permission.

- No person shall, without the permission of the Corporation make or cause to be made any connection or communication with any sewer of the Corporation.

51. Prohibition of construction of private street or building over sewer without permission.

- No person shall, without the permission of the Corporation, construct any private street, building or other structure on any sewer of the Corporation.

52. Power to affix shaft etc. for ventilation of sewer or cesspool.

- The Corporation may, for the purpose of ventilating any sewer or cess-pool, whether vested in the Corporation or not, erect upon any premises or affix to the outside of any building, or to any tree any shaft or pipe as may appear to it to be necessary.

53. Power to examine and test sewer etc. believed to be defective.

(1)Where it appears to the Corporation that there are reasonable grounds for believing that a private sewer or cess-pool is in such condition as to be prejudicial to public health or to be a nuisance or that a private sewer communicating directly or indirectly with a sewer of the Corporation is so defective as to admit sub-soil water or grit or other materials the Corporation may examine its conditions and for that purpose may apply any test not being a test by water under pressure and if it deems it necessary, open the ground.(2)If on examination, the sewer or cess-pool is found to be in proper condition, the Corporation shall, as soon as possible, reinstate any ground which has been opened by it and determine and pay compensation for the damage caused by it.

54. Prohibition of certain other acts.

- No person shall-(a)wilfully obstruct any person acting under the authority of the Corporation under this Chapter, in setting out lines or any work or pull up or remove any pillar post or stay fixed in the grounds for the purpose of setting out lines of such works, or deface or destroy any works made for the said purpose; or(b)wilfully or negligently break, injure, turn on or open, close, shut off,

or otherwise interfere with any lock, valve, pipe, or other work or apparatus belonging to the Corporation and pertaining to its duties and functions under this Chapter; or(c)unlawfully obstruct the flow of, or flush, draw of, or divert or take sewage from any works belonging to the Corporation; or(d)obstruct any officer or servant of the Corporation in discharge of his duties under this Chapter or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or enquiry thereunder in relation to any sewage works.

55. Power of entry, survey, etc.

(1)Any officer or servant of the corporation authorised by it in that behalf, may, with or without assistants or workmen, enter into or upon any premises in order-(a)to make any inspection, survey, measurement, valuation, or enquiry;(b)to take levels;(c)to dig or bore into sub-soil;(d)to set out the boundaries and intended lines of work;(e)to make such levels, boundaries and lines by placing marks and cutting trenches; or(f)to do any other thing necessary for the purposes of this Act or any rules or regulations or bye-laws:Provided that in exercising the powers under this sub-section due regard shall be paid by the officer or servant of the Corporation concerned to the social and religious customs of the occupants of the premises.(2)When any person is entitled to enter into or upon any premises in exercise of the powers under sub-section (1) he may also enter in similar manner into or upon any adjoining premises for any work authorised by or under this Act or for the purposes of depositing therein any soil grindstone or other materials or for obtaining access to such work or for any other purpose connected with the execution of the same.(3)It shall be lawful for any authorised officer or servant to make any entry into any place to open or cause to be opened any door, gate or other barrier-(a)if he considers the opening thereof necessary for the purpose of such entry; and(b)if the owner or occupier is absent, for being present, refuses to open such door, gate or barrier.

56. Power to disinfect tanks, pools and wells.

- Any officer or servant authorised by the Corporation in that behalf may have any tank, pool or well, cleaned or disinfected after notice to the owner or occupier, if any, when it appears that such cleaning or disinfection will prevent or check the spread of any dangerous disease, the cost of cleaning or disinfection shall be recoverable by the Corporation from the owner or occupier of such tank, pool or well.

Chapter VIII

Penalties and Procedure

57. General Penalty.

- Whoever contravenes any of the provisions of this Act or of any rule or bye-laws, or fails to comply with any notice, order or requisition issued under this Act or any rule or bye-law shall, on conviction, be punished with fine which may extend to one thousand rupees and with further fine which may extend to fifty rupees for every day on which such contravention or failure continues after the first conviction.

58. Cognizance of offences.

- No court shall take cognizance of any offence under this Act, except on the complaint of the Corporation, made within six months next after the commission of the offence.

59. Offences by companies.

(1) Where an offence under this Act has been committed by a company, every person, who at the time of the offence was committed was responsible to the company for the conduct of the its business, 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 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, that the commission of the offence 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 also be deemed to be guilty of that, offence and shall be liable to be proceeded against and punished accordingly. Explanation. - For the purpose of this section:- (a) Company means any body corporate and includes firm or other association of individuals, and (b) director in relation to a firm means a partner in the firm.

60. Compounding of offences.

(1) The Managing Director or any other officer of the Corporation authorised by it by a general or special order in that behalf may either before or after the institution of proceedings for any offence punishable under this Act, accept, from any person charged with such offence, by way of compensation for the offence, a sum not exceeding two thousand rupees, as he thinks proper. (2) On payment of such sum, no further proceedings shall be taken against the said person in respect of the same offence.

Chapter IX

External Control

61. Directions to the Corporations on question of policy.

(1) In the performance of its duties and discharge of its functions, the Corporation shall be guided by such directions on questions of policy as may be given to it, from time to time, by the State Government. (2) If any question arises whether any matter is or is not a matter as respects which the State Government may issue a direction under sub-section (1), the decision of the State Government shall be final.

62. Annual report, statistics, returns and other information by the Corporation.

- The Corporation shall, as soon as may be after the end of each financial year, prepare and submit to the State Government, before such date and in such form as the State Government may direct, a report giving an account of its activities during the previous financial year, and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Corporation in the next financial year. The State Government shall cause every such report to be laid before the House of the State Legislature as soon as may be after it is received by the State Government.(2)The Corporation shall also furnish to the State Government, at such times and in such form and manner as the State Government may direct, such statistics and returns and such particulars in regard to any proposed or existing activities of the Corporation or any other matter under the control of the Corporation as the State Government may, from time to time, require.

Chapter X Miscellaneous

63. Duty of local bodies and police to assist.

(1)All local bodies shall render such help and assistance and furnish such information to the Corporation, and shall make available for the inspection and examination of (and if necessary, preparation of copies from) such record, maps, plans, and other documents as the Corporation may require to perform and discharge its duties and functions under this Act.(2)Without prejudice to the provisions of sub-section (1) every local body shall, on demand make available to the Corporation on payment of reasonable fees, certified copies or extracts from assessment lists and other relevant documents in connection with assessment of annual value of premises and levy of fees and charges.(3)Without prejudice to other provisions of this Act and notwithstanding anything contained in any other law for the time being in force under which any local body is constituted, the State Government may give to any local body is constituted, the State Government may give to any local body such directions as in its opinion may be necessary or expedient for enabling the corporation to perform its duties and discharge its functions under this Act, and thereupon it shall be the duty of the local body to comply with such directions.(4)It shall be the duty of every Police Officer-(a)to co-operate with the Corporation for carrying into effect and enforcing the provisions of this Act or any rule or regulation or scheme made thereunder;(b)to communicate without delay to the proper officer or servant of the Corporation any information which such police officer receives of a design to commit, or of the commission of, any offence against this Act or any rule or regulation of scheme made thereunder; and(c)to assist, the Corporation or any officer or servant thereof reasonably demanding the aid of such police officer for the lawful exercise of any power vesting in the Corporation or any such officer or servant under this Act or any rule or regulation or scheme made thereunder.(5)Any police officer who omits or refuses or neglects to perform any duty imposed on him by this Act shall be deemed to have committed the offence under section 29 of the Police Act, 1861 (Central Act 5 of 1861).

64. General power to pay compensation.

- In any case not otherwise expressly provided for in this Act, the Corporation may pay reasonable amount as compensation to any person who sustains damage by reason of the exercise of any power vested by or under this Act, in the Corporation.

65. Protection for acts done in good faith.

- No suit, prosecution or other legal proceedings shall lie against the Government, the Corporation or the directors or any officer or servant of the State Government or of the Corporation for anything which is in good faith done or purported or intended to be done in pursuance of this Act or any rules, regulations or bye-laws made thereunder.

Chapter XI

Rules, Regulations and Bye-laws

66. Power to make rules.

(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the House of 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 House agrees in making any modification in the rule or the House agrees that the rule should not be made, and notifies such decision in the Official Gazette, the rule shall, from the date of publication of such notification 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 or omitted to be done under that rule.

67. Regulations.

(1) The Corporation may, with the previous approval of the State Government, make regulations consistent with this Act and the rules, for the administration of its affairs. (2) Without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-(a) the summoning and holding of meetings of the Corporation and of the committees appointed by it; the time and place where such meetings are to be held, the conduct of business at such meetings and the number of persons necessary to form a quorum thereat; (b) the recruitment and the salaries and allowances and other conditions of service of employees of the Corporation; (c) the powers and duties of the employees of the Corporation; (d) the management of the property of the Corporation; (e) the execution of contracts and assurances of property on behalf of the Corporation and authentication of orders and instruments of the Corporation; (f) the limits upon which the Managing Director shall be competent to incur recurring or non-recurring

expenditure in any financial year;(g)the maintenance of accounts and the preparation of balance sheet by the Corporation;(h)the procedure for carrying out the duties and functions of the Corporation under this Act;(i)any other matter for which provision is to be, or may be made by regulations.(3)Until any regulations are made by the Corporation under sub-section (1) any regulations which may be made by it may be made by the State Government, and any regulations so made may be altered or rescinded by the Corporation in exercise of its power under sub-section (1).

68. Bye-laws.

- The Corporation, may with the previous approval of the State Government, make bye-laws consistent with this Act and the rules for carrying out the purposes of this Act in respect of any matter affecting the general public.(2)Without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the following matters, namely:-(a)the terms and conditions for supply of water for domestic or other purposes;(b)the installation of meters or the transfer of their connection, and their use, maintenance, testing, disconnection and reconnection, the fees, rent and other charges in respect thereof, including the furnishing of security by the consumer and matters connected therewith;(c)the fees, rent and other charges to be paid for connection with a sewer of the Corporation and other terms and conditions for such connections;(d)any other fees and charges to be paid to the Corporation for services to the consumer;(e)any other matter for which provision is to be, or may be made, in bye-laws.

Notifications Under Rajasthan Water Supply and Sewerage Act, 1979 (Act No. 15 of 1979) Section 1(3) [Notification No. F. 6(1) MPH/Gr. IV/79, dated 1-2-1980, Published in Rajasthan Gazette, Extraordinary, Part 4-C(II), dated 4-2-1980, page 837.] S.O. 193. - In exercise of the powers conferred by sub-section (3) of Section 1 of the Rajasthan Water Supply and Sewerage Corporation Act, 1979 (Act No. 15 of 1979) the State Government hereby appoints the 1st day of February, 1980 as the date on which all the provision of the said Act, shall come into force. [Notification No. F. 6(1) MPH/Gr. IV/79, dated 17-8-1987, Published in Rajasthan Gazette, Extraordinary, Part 4-C(II), dated 22-8-1988, page 235.] S.O. 114. - In exercise of the powers conferred by sub-section (3) of Section 1 of the Rajasthan Water Supply and Sewerage Corporation Act, 1979 (Rajasthan Act 15 of 1979), the State Government hereby appoint the date of publication of the notification in the Official Gazette to be the date of commencement of this Act for the purposes of bring into force the provisions of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 20, 24, 25, 26, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 61, 62, 65, 66, 67 and 68 of the Act. Order dated 29-4-1980, Published in Rajasthan Gazette, Extraordinary, Part 4- C(II), dated 23-5-1980, page 51. S.O. 30. - 1. With a view to ensure efficient and economical execution of water supply and sewerage projects, uniform formulation and implementation of Plan & Centrally assisted water supply & sewerage schemes, efficient and economical operation and maintenance of the schemes under the control of the Public Health Engineering Department, as also to provide for greater delegation of powers, the Governor of Rajasthan is pleased to revise the existing set up of the Public Health Engineering Department with effect from 1-5-1980, as follows:

2. The new set up will consist of three mains organs namely- (i) The Committee of Direction, (ii) The Rajasthan Water Supply and Sewerage Management Board, and, (iii) The Public Health Engineering Department.

3. The Committee of Direction and the Rajasthan Water Supply and Sewerage Management Board shall come into existence with effect from 1-5-1980.

4. Constitution and Functions of the Committee of Directors.

4.01 The Committee of Directions will consist of:- (a) The Minister of Rajasthan, incharge of P.H.E.D. or his representative; (b) The Finance Minister of Rajasthan or his representative; (c) The Planning Minister of Rajasthan or his representative. The Chairman of the Rajasthan Water Supply and Sewerage Management Board referred in para 4, will act as Secretary to the Committee. 4.02 The meeting of the Committee may be held in 6 months or at the shorter intervals whenever considered necessary. 4.03 The Committee of Direction may lay down the policy in regard to formulation and execution of water supply and sewerage schemes in Rajasthan and also indicate the financial allocation for the various sectors. The Committee may issue directions to the Board on any matter it considers necessary.

5. Constitution and Functions of the Rajasthan Water Supply and Sewerage Management Board.

5.01 The Board will consist of:-

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| Chairman-cum-Administrator, Rajasthan Water Supply and Sewerage Management Board and Secretary to Government in the Public Health Engg. Department. | He will be a Government Servant. |
| 2. Secretary to Government, Finance Department. | Ex-officio Member. |
| 3. Special Secretary to Government Planning Department. | Ex-officio Member. |
| 4. Secretary to Government Local Self Government Department. | Ex-officio Member. |
| 5. Spl. Secretary to Government Community Development Department. | Ex-officio Member. |
| 6. Technical Member. | The Senior most Chief Engineer of Public Health Engg. Department (Whole-Time). |
| 7. Finance Adviser and CAO. | Member (Whole time). |
- (The Chief Engineer, P.H.E.D. shall remain in attendance during the meetings of the Board through he will not be a member. 5.02 The Board will have a Secretary to be appointed by the Government of Rajasthan. The Secretary of the Board will also be the Dy. Secretary to Government P.H.E.D. 5.03 The Headquarters of the Board will be at Jaipur. 5.04 The Rajasthan Water Supply and

Sewerage Management Board shall on behalf of the Government, control, supervise and guide the Public Health Engineering Department. It shall be incumbent on it to implement.(i)The policy laid down by the Committee of direction from time to time or the directions issued on any specific issue;(ii)Water Supply and Sewerage Schemes forming part of World Bank Schemes; and(iii)Other water supply and sewerage schemes approved by the State Government.5.05In particular and without prejudice to the generality of the provisions in sub-para 5.05 above, the Rajasthan Water Supply and Sewerage Management Board, under the general guidance of the Committee of Direction shall carry out the duties and functions as per Annexure I.5.06Emergency powers of the Chairman. - When in an emergency an expenditure has to be incurred or a decision has to be immediately taken and the Board cannot meet, the Secretary of the Board will prepare a note bringing out the necessity for the emergent expenditure or decision and place it with full details before the Chairman in consultation with the Financial Advisor who will approve incurring of the Expenditure with such conditions as may be considered necessary by him. The Secretary to the Board will then include the proposals in the Agenda for the next meeting of the Board for confirmation of the orders of the Chairman in anticipation of the approval of Board on the recommendations of the various Committees mentioned in para 6.Orders

1. Order No. F. 11(18) MPH/Gr. IV/80. dated 3-6-1980, Published in Rajasthan Gazette, Part 1(A), dated 12-6-1980, page 28. - The Governor of Rajasthan is pleased to appoint Shri P.S. Rajvanshy Chief Engineer, Public Health Engineering Department Rajasthan as Technical Member of Rajasthan Water Supply and Sewerage Management Board, with immediate effect on the post created vide this Department order of even number dated 3-6-1980.

He will continue to hold the charge of the post of Chief Engineer Public Health Engineering Department till further orders.

2. Order No. F. 11(8) MPH/Gr. IV/80, dated 3-6-1980, Published in Rajasthan Gazette, Part 1(A), dated 12-6-1980, page 28. - The Government of Rajasthan is pleased to appoint with immediate effect Secretary Medical & Public Health Engineering Department as Ex- Officio Chairman-cum-Administrator, Rajasthan Water Supply and Sewerage Management Board set up under Government order No. F. 4(12) AS/PHE/80, dated 28th April, 1980.

6. The Board shall be assisted by the following Committee to go into the matters in detail and make recommendations to the Rajasthan Water Supply and Sewerage Management Board. The Board may delegate powers to these committees in some matters as may be decided from time to time.

1. Technical Committee.

Consisting of the following for processing technical matters such as sanctioning of estimates/schemes etc.:-

- (a) Technical Member Chairman
- (b) Chief Engineer concerned Member
- (c) F.A. & C.A.O. Member
- (d) Secretary of the Board Member Secretary.

2. Stores Purchase Committee.

This Committee will deal with the matters relating to purchase of Stores, T. & P. and control of stores. It will consist of:-

- (a) Administrator Chairman
- (b) Technical Member Member
- (c) Chief Engineer concerned Member
- (d) F.A. & C.A.O. Member
- (e) Secretary of the Board Member Secretary.

There shall be no illegality in the decisions of the Committee even if the Chairman or any other member is not present in the meeting.

3. Policy and Planning Committee.

Consisting of the following to deal with matters pertaining to the administrative approval of the works to be taken up, project monitoring and reporting and matters pertaining to the preparation of annual and five year plan:-

- (a) Administrator, RWSSMB Chairman
- (b) Technical Member Member
- (c) F.A. & C.A.O. Member
- (d) Secretary of the Board Member Secretary.

4. Finance Committee.

Consisting of the following for processing matter regarding sanctioning of tenders for works, review of financial position, examination of tariffs proposal etc.

- (a) Administrator Chairman
- (b) Financial Adviser and C.A.O. Member

- | | |
|----------------------------|-------------------|
| (c) Technical Member | Member |
| (d) Secretary of the Board | Member Secretary. |

5. Staff Committee.

Consisting of the following for examination of all proposals for creation of posts, review of strength from time to time.

- | | |
|----------------------------|-------------------|
| (a) Finance Secretary | Chairman |
| (b) Technical Member | Member |
| (c) F.A. and C.A.O. | Member |
| (d) Secretary of the Board | Member Secretary. |

Provided that the Board may constitute appointment more specialised committees for specific purposes as such and when considered necessary.

7. The State Government has further agreed to delegate powers to and authorise, under article 299(1) of the Constitution, the Chief Engineer's to enter into contract for works, supplied at the direction of the Rajasthan Water Supply and Sewerage Management Board. Such contracts shall be expressed to be made by the Governor of the State.

8. The Chairman-cum-Administrator and Technical Member, Rajasthan Water Supply and Sewerage Management Board shall be delegate powers as decided by the State Government from time to time.

9. In regard to the Rajasthan Water Supply and Sewerage Management Board itself, it has been decided to adopt a convention that all decisions of the Board except in regard to matters included in Annexure '2' will be issued accordingly in the name of the Governor. The orders will be issued by the Secretary, Rajasthan Water Supply and Sewerage Management Board, in his capacity as Dy. Secretary to the Government, Public Health Engineering Department with the endorsement of Finance Department where necessary. Arrangements will be made to ensure that the Finance Department's endorsement is available as a matter of course, without delay. The decisions of the Board shall be implemented immediately after the Board's decisions are taken.

10. In regard to matters included in Annexure '2' the recommendations of the Board will be considered by the Government both in the administrative and the Finance Department and orders will be issued by the Secretary to the Government in Public Health Engineering Department

11. There will also be a convention between the Board and the Government that monthly progress reports of the projects received by the Board from the Chief Engineers of the project will be considered by the Board and copies of such reports will be sent to Finance and Planning Departments, with such observations as the Board may like to make.

12. Agenda of the meetings of the Board and proceeding there of will be sent to members of the Committee of Direction.

13. Rules for recruitment and conditions of service of various categories of services in the Board will be the same as laid down in relevant Rules of the Rajasthan Government.

14. The Rajasthan Water Supply and Sewerage Management Board shall carry out the obligations and commitments entered into with the World Bank under the loan agreement/project agreement or as laid down in Memorandum of understanding. Any deviation therefrom shall require prior approval of the Government.

15. The Rajasthan Water Supply and Sewerage Management Board will frame its own Rules of Business (Model rules of business of the Rajasthan Water Supply and Sewerage Management Board) are given in Annexure '3'.

16. The duties and functions of the Financial Adviser and Chief Accounts Officer of the Rajasthan Water Supply and Sewerage Management Board will be as decided by the Board from time to time.

17. The Board will establish a suitable accounting system with a view to ensure pre-check of major transactions chargeable to Capital Account, Consolidation of Divisional accounts into a Single account of the Department and its rendition to Audit, and preferring claims for reimbursement of funds from the World Bank by a centralised agency. Complete commercial accounting system on accrual basis will also be maintained which will be

prescribed by the Board, in consultation with the Finance Department/Accountant General, Rajasthan so as to meet the requirements of the World Bank Loan Agreement.

18. Technical Member, Financial Adviser & Chief Accounts Officer and Secretary to the Board, will enjoy powers of Head of Department in administrative, financial and disciplinary matters, concerning their respective departments/organisations.

Annexure-1 Rules and Functions of the Board (a) To prepare, execute, promote and finance schemes for supply of water and for sewerage and sewage disposal. (b) To render necessary services in regard to water supply and Sewerage to the State Government and local bodies and on request to private institutions or individuals also. (c) To prepare draft state plans for Water Supply, Sewerage and drainage on the direction of the State Government. (d) To review and advise on tariff, tax, fees and charges of water supply and Sewerage systems in the areas of the Department, and local bodies which have entered into an agreement, with the Department. (e) To assess the requirements of materials and arrange for their procurement and utilisation. (f) To establish State standards for water supply and Sewerage services. (g) To review annually technical, financial, economical and other aspects of water supply and sewerage system of every schemes of the department for the local bodies which have entered into an agreement with the Department. (h) To establish and maintain a facility to review and appraise technical, financial, economic and other pertinent aspects of every water supply and sewerage scheme in the State. (i) To operate, run and maintain any water works and sewerage system as in the department. (j) To assess the requirements of man-power and training in relation to water supply and Sewerage Schemes in the State. (k) To carry out applied research for efficient discharge of duties and functions of the Board. (l) To perform such other environmental engineering functions as may be specified by the State Government by a notification in the official Gazette. Powers of the Board (a) To inspect water supply and sewerage facilities in the State by whomsoever operated. (b) To obtain such periodic or specific information from any Local Body and operating agency as the Board may deem necessary. (c) To provide training for its personnel, as well as for employees of Local Bodies. (d) To prepare and carry out schemes for water supply and sewerage. (e) To lay down with the prior approval of the State Government the schedule of fee and other charges for all the kinds of services rendered by the Board/Department to the State Government, Local Bodies, Institutions or individuals. (f) To enter into contract or agreement with any person or persons for performing its duties and discharging its functions. (g) To approve with the prior approval of the State Government tariff for water supply and Sewerage services applicable to respective Local areas comprised within the jurisdiction of the Board, and such local bodies as have entered into an agreement with the Board. (h) To manage all its affairs so as to provide the people of the area within its jurisdiction with whole some water and where feasible such other efficient sewerage services. (i) To take measures as may be necessary to ensure water supply in times of any emergency. (j) To acquire, possess and hold land and other property and to carry any water or sewerage works through, across over, on, under any highway, road, street, or place and, after reasonable notice in writing to the owner or occupier, into, through, over or under any building or land. (k) To extract water from any natural source and dispose waste water. (l) To receive grants from

the State Government, the Central Government, and the Local Bodies for Water Supply and Sewerage or any other sanitation, improvement scheme.(m)To advance loans to the Local Bodies or individuals for their water supply and Sewerage schemes on such terms and conditions as may be specified by the Government.(n)To recover from the persons or local bodies principal and interest in respect of loans advanced to them.(o)To incur such expenditure as may be deemed necessary for performing its duties and functions.(p)To exercise such other powers as may be conferred on the Board by the Government.(q)To recover arrears of water/sewerage charges as arrears of land revenue.(r)To provide for enabling persons for taking action against individuals and other bodies involved in breaches of water supply and sewerage lines and infringement on the property of the department. Annexure '2'

1. Creation of and appointment to all posts carrying a scale the maximum of which is higher than that of the post of Superintending Engineer.

2. Proposals involving :-

(i)Increase in the over-all cost of the project;(ii)Increase or material change in the cost or scope of major components of the sanctioned project;(iii)Excess over the budget grant for the period for the year;(iv)Any material change in the sanctioned project.

3. Proposals involving the alienation, either temporary or permanent, or of sale, grant of leave of Government property exceeding Rs. 50,000/- in value, except when such alienation, sale grant of lease of Government property is in accordance with the rules or a general scheme already approved by the Council of Ministers.

Note. - Before making or accepting proposals of alienation or sale or lease of any property exceeding the value of Rs. 10,000/- a reference will be made to all the departments which are likely to be interest in such property.

4. Matters relating to punishment of Officers, powers of whose appointment have not keep delegated to the Administrator.

5. Proposals involving any important change of policy or practice.

Annexure '3' Rules for Conduct of Business

1. Short title. - These rules may be called the Rajasthan Water Supply and Sewerage Management Board (Conduct of Business) Rules, 1980.

2. Definitions. - In these rules unless there is anything repugnant in the context:

(a)"Board" means the Rajasthan Water Supply and Sewerage Management Board.(b)"Chairman" means the Chairman of the Rajasthan Water Supply and Sewerage Management Board.(c)"Secretary" means the Secretary to the Rajasthan Water Supply and Sewerage Management Board.(d)"Department" means the Public Health Engineering Department.

3. Meetings. - (1) The Board shall ordinarily meet once in a month.

(2)The Chairman may, however, at his discretion, call meetings, of the Board at more frequent intervals to transact urgent business.

4. Notice of Meeting etc. - (1) Notice of a meeting signed by the Secretary or such other officer as the Chairman may authorise, shall ordinarily be given to every member at least 7 days before the meeting. Emergency meetings may be called at twenty-fours notice.

(2)On the basis of the notes received from the members, the Secretary shall prepare the agenda of every meeting in consultation with the Chairman. Each note shall indicate the financial implication of the proposal. The views of the financial Advisor will also be incorporated. The note shall clearly bring out the point or points on whom the Board's decision is sought.(3)The agenda and notes shall be circulated to the members at least 7 days before the meeting is held except for urgent items.

5. Minutes. - (1) The minutes of the Board will be recorded by the Secretary or by such officer as the Chairman may authorise in this behalf.

(2)The minutes of the previous meeting shall be placed before the next meeting for confirmation.(3)The Secretary shall arrange to keep in proper order in 'Minutes Book' all minutes of the Boards' meetings duly signed by the Chairman.

6. Action on the Board's decisions. - The decisions of the Board shall be implemented immediately after the Boards' decisions are taken.

7. President of the meeting. - The Chairman, when present, and in his absence one of the members, nominated by the Chairman shall preside over the meeting of the Board.

8. Committees. - The Board may refer any matter to a Committee for consideration and report and take a decision thereon after the receipt of the report. The Committee may consist of such members of the Board, and such other persons, as the Board may nominate.

9. Decisions by Circulations. - The Chairman, may, at his discretion obtain the decision on any matter by circulation. In such cases, the notes on the matters requiring the Board's decision shall be circulated by the Secretary to the members of the Board. The opinion of the majority shall be the decision of the Board.

10. Quorum. - The Board shall be considered to be in quorum if at least 3 members including Chairman or his nominee attend the meeting.