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Tripura Jal Board Act, 2020

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THE TRIPURAACT NO.12 OF 2020.

THE TRIPURA JAL BOARD ACT, 2020

**PUBLISHED IN THE EXTRAORDINARY
ISSUE OF THE TRIPURA GAZETTE, AGARTALA**

Agartala, Wednesday, October 28, 2020 A. D., Kartika 6, 1942 S. E.

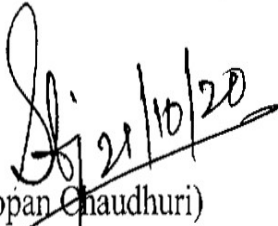
**GOVERNMENT OF TRIPURA
LAW DEPARTMENT
SECRETARIAT : AGARTALA**

No.F.8(23)-Law/Leg-I/2020

Dated, Agartala, the 21st October, 2020.

NOTIFICATION

The following Act of the Tripura Legislative Assembly received the assent of the Governor of Tripura on the 20th of October, 2020 and is hereby published for General information.


(Sopan Chaudhuri)
Deputy Secretary, Law
Government of Tripura

THE TRIPURA ACT NO. 12 OF 2020

THE TRIPURA JAL BOARD ACT , 2020

**AN
ACT**

to provide for the establishment of a board to discharge the functions of water supply and sewerage within the urban local body areas and areas prescribed by the Government of Tripura and for matters connected therewith and incidental thereto.

WHEREAS, scarcity of drinking water is presently a burning problem and most of us are not at all aware that the value of water is beyond any price and often misuse or waste this priceless gift of nature. So it is felt necessary to implement a strict law to prevent the misuse or wastage of ground or surface water.

AND WHEREAS, to streamline the water supply and sewerage collection system in the urban local areas and make it a self sustained one, it is felt necessary to constitute an independent body to run the water supply and sewerage system.

AND WHEREAS, Ministry of Housing and Urban Affairs, Govt of India and Asian Development Bank have recommended in several occasions to establish professional body like Tripura Jal board for management of drinking water supply and sewerage system from time to time.

Be it enacted by the Tripura Legislative Assembly in the Seventy First year of the Republic of India as follows:-

CHAPTER-I

PRILIMINARY

1. Short title extent and commencement.

(1) This Act maybe called the “Tripura JAL Board Act, 2020”.

(2) It extends to all urban local bodies (ULBs) of the state of Tripura and development authorities in such areas as notified by the state government from time to time.

(3) It shall come into force on such date as the state government may, by notification in the official gazette, appoint.

2. Definition

In this Act unless there is anything repugnant in the subject or context,-

- (1) "Board" means the Tripura JAL Board constituted under section 3;
- (2) "Board premises" means any premises belonging to or vested in the board or taken on lease by the board or entrusted to the board for management and use for the purposes of this Act;
- (3) "By laws" means those made by the board under section 91;
- (4) "Chairman" means of the Chairman of the Board;
- (5) "CEO" means the Chief Executive Officer, Tripura Jal Board appointed under section 17;
- (6) "Charges" includes any rates, tariff, duty cess, deposits, rentals, surcharge, development charges or any other charges levied by the Board or payable to it;
- (7) "Departmental charges" means the charges fixed by the Board for defraying its establishment and overhead costs in respect of any work;
- (8) "Development" means the carrying out of building, engineering, mining or other operations in, on, over or under the land or the making of any material change in any building or land and includes redevelopment;
- (9) "Development Agencies" means the agencies engaged for development in connection with any work of water supply or sewerage under the Board.
- (10) "Development Charges" means charges to defray the cost incurred by the Board in initially providing any service to any premises or group of premises or for augmenting such service.
- (11) "Drain" includes a sewer, a house drain, or a drain of any other description, a tunnel, a culvert, a ditch, a channel or any other device for carrying of sewage, offensive matter, polluted water, waste water, but not designed to carry rain water or sub-soil water;
- (12) "Fittings" includes any pipes, taps, cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water;
- (13) "Government" means the Government of Tripura;
- (14) "Ground water" means the water which exists below the surface of ground at any particular location;
- (15) "Industrial effluent" means effluent which is not sewage and includes environmental pollutants in the form of solid, liquid or gaseous substances present in such concentrations as may be injurious to the environment, to human beings, or other living creatures, including plants, micro- organisms or property;
- (16) "Land" includes benefits to arise out of land and things attached to the earth of permanently fastened to anything attached to the earth;
- (17) "Land Acquisition Act" means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; "Legislative Assembly" means the Legislative Assembly of Tripura.

- (18) "Legislative Assembly" means the Legislative Assembly of Tripura.
- (19) "Licensed plumber" means a plumber who has been temporarily permitted to operate as licensed plumber in any area of the Board or by any erstwhile body substituted by the Board and will include a licensed plumber who will be licensed by the Board in accordance with the regulations made in this regards;
- (20) "Local Authority" includes the Urban Local Body of Tripura or Authority as declared by the State of Tripura.
- (21) "Main" means a pipe laid by the Board for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe up to the ferrule;
- (22) "Member" means the Chairman, the Vice Chairman or any other member of the Board;
- (23) "Municipality" means municipality (including a notified area) Constituted under the Tripura Municipal Act, 1994 as extended to whole of Tripura;
- (24) "Occupier" in relation to any premises includes—
- (a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the premises in respect of which such rent is paid or is payable;
 - (b) an owner in occupation of, or otherwise using, such land or building;
 - (c) a rent free tenant of such land or building;
 - (d) a licensee in occupation; and
 - (e) any person who is liable to pay to the owner damages for the use and occupation of such land or building;
- (25) "Owner" means a person who for the time being is receiving or is entitled to receive, the rent of any land or building whether on his own account or on account of himself and other or as an agent, trustee, guardian of receiver for any other person or who should so received the rent or be entitled to receive it if the land or building or part thereof were let to a tenant;
- (26) "Premises" means any land or building or part of a building and includes.-
- (a) gardens, grounds and out houses, if any, appertaining to such building or part of a building and
 - (b) any fittings affixed to such building or part of building for the more beneficial enjoyment thereof;
- (27) "Prescribed" means prescribed by rules made under this Act;
- (28) "Regulations" means regulations made by the board under section 90;
- (29) "Rule" means a rule made by the government under this Act by notification in the Official Gazette;

- (30) "Sewage" means night-soil and other contents of water closets, latrines, privies, cess pools or drains, and waste water or other normal effluent from shafts, kitchens, bathrooms, stables, cattle sheds and other like places but excludes cow-dung;
- (31) "Sewer" means any device for carrying of sewage;
- (32) "Sewerage work" means any sewer channel, duct, collection, treatment and disposal unit, pumping station, engine, mobile collecting unit and other machinery and any adjacent land not being private property and any land, building or other thing for the collection, treatment or disposal of sewage;
- (33) 'Sink' with all its grammatical variations and cognate expression in relation to a well include any digging, drilling or boring of a new well or deepening carried to the existing well;
- (34) 'Specified' means specified by regulations framed by the Board under section 90";
- (35) "Street" means any way, road, lane, square, court, alley or passage, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way and also the roadway or footway over any bridge or causeway;
- (36) "Trunk main" means a main constructed for the purpose of conveying water from a source of supply to a reservoir or from a reservoir to another reservoir, or for the purpose of conveying water, in bulk from one part of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk;
- (37) "Telegraph authority" means the authority as defined under Section 3 (6) of the Indian Telegraph Act, 1885(13 of 1885).
- (38) "Telegraph line" means a wire or wires for the purpose of a telegraph as defined in the Indian Telegraph Act, 1885 (13 of 1885);
- (39) "ULB" means Urban Local Body i.e. Municipal Corporation or Municipal Council or Nagar Panchayet of the State of Tripura;
- (40) "Well" means a well sunk for search or extraction of ground water by person or persons except by the authorized officials of the State or Central Government for carrying out scientific investigations, explorations, development or management work for the survey and assessment of ground water for irrigation and includes open well, bore well, dug- cum-bore well, tube well, filter point, collector well and infiltration gallery.
Provided that it shall exclude the person or persons who use ground water drawn from a well by manual devices such as hand pump or rope and bucket;
- (41) "Year" means the year commencing on the 1st day of April and ending on the 31st day of March;

CHAPTER II

ESTABLISHMENT OF THE TRIPURA JAL BOARD

3. Constitution and composition of the Tripura Jal Board.-

The State Government shall, by notification in the Official Gazette, constitute for the purposes of this Act a Board by the name of the Tripura Jal Board.

4. Members of the Tripura Jal Board

- (1) Tripura Jal Board established under Section 3, shall consist of 9 (n ine) members with Chairman, Vice- chairman , a Member Secretary and the following other members, namely :
 - (a) Not more than 6 (six)ex-officio members to be appointed by the State Government from among the Secretaries and other Officers of the State Government specifically from Urban Development, Revenue, Power, Public Works Department (Drinking Water & Sanitation) [PWD(DWS)], Public Works Department (Roads & Bridges) [PWD(R&B)]and other relevant departments.
 - (b) Not more than three (3) non-official members to be nominated by the State Government from among the Mayor, Agartala Municipal Corporation, a Chairperson from the Municipal Councils for 3 years, and a Chairperson from the Nagar Panchayats for 3 years by rotation.
- (2) The Minister In-Charge of the Urban Development Department, Tripura shall be the ex-officio Chairman of the Board.
- (3) The Secretary of the Urban Development Department, Tripura shall be the ex-officio Vice Chairman of the Board.
- (4) The Chief Executive Officer of the Board shall be the ex-officio Member Secretary of the Board.

5. Disqualification for appointment as a member of the Board.

- (1) A person shall be disqualified for being nominated as and for being a member of the Board, if he. -
 - (a) Has been convicted by a criminal court at any time for an offence involving moral turpitude or heinous crimes, unless such conviction has been set aside;
 - (b) Is an un-discharged insolvent;
 - (c) Is of unsound mind and declared so by the competent court of law.

(2) If any question, dispute or doubt arises as to whether or any person is eligible for membership of the Board or has incurred any of the disqualifications specified under sub-section (1) whether before or after becoming a member, it shall be determined by the State Government whose decision shall be final and binding.

6. If a member of the Board nominated under clause (b) of sub-section (1) of Section 4-

(1) Be comes subject to any disqualification referred to in section 5; or

(2) absent himself, without permission of the Chairman from three consecutive meetings of the Board; the State Government shall declare his office to be vacant.

7. If the State Government is of the opinion that any member nominated under clause (b) of sub-section (1) of Section 4 is guilty of misconduct in the discharge of his duties, or is incompetent or has become incapable of performing his duties as such member, or that he should for any other good and sufficient reason be removed, the State Government may, after giving the member an opportunity of showing cause against his removal, remove him from office.

8. Any member nominated under clause (b) of sub-section (1) of Section 4 may resign from the membership of the Board by giving notice in writing to the State Government and on such resignation being accepted by the State Government, he shall cease to be a member of the Board.

9. In the event of a vacancy in the office of any member nominated under clause (a) or (b) of sub-section (1) of section 4, the vacancy shall be filled by the State Government in the manner laid down in the aforesaid clause (a) or clause (b), as the case may be.

10. The Board shall have its head quarter at such place as maybe notified by the State Government from time to time.

11.

(1) The Board shall meet at such times and places as the Chairman may determine and shall, subject to the provisions of sub-section (2) and (3), observe such procedure in regard to the transaction of business at its meetings as may be laid down by it in the regulations

(2) All questions at a meeting of the Board shall be decided, by a majority of the votes of the members present and voting and in case of equality of votes, the person presiding shall have a casting vote.

- (3) Five members shall form the quorum at a meeting of the Board:
 - (a) Provided that if a meeting is adjourned for want of quorum, no quorum shall be necessary at the next meeting for transacting the same business;
 - (b) Provided further that a notice of the adjourned meeting shall be sent to all the members of the Board.
 - (4) Minutes of the names of the members present and the proceedings at each meeting shall be kept in a book to be maintained for this purpose which, shall be signed at the next ensuing meeting by the person presiding at such meeting.
 - (5) A copy of the proceedings of every meeting of the Board shall be sent by the Member-Secretary of the Board to the State Government with in fifteen days after the meeting is held.
 - (6) No acts done or proceedings taken under the Act by the Board shall be invalid merely on the ground of existence of any vacancy amongst its members, or by reason of defect or irregularity in its constitution or any irregularity in procedure not affecting the merits of the case.
12. The Member-Secretary of the Board shall arrange for transaction of business of the Board, authenticate orders and decisions of the Board and discharge such other functions of the Board as may be assigned to him by the Board under its Regulations.
 13. The State Government on the request of the Board may make available to the Board such staff as may be necessary for the performance of functions conferred on the Board under this Act.
 14.
 - (1) The Board may associate with itself in such manner and for such purpose as may be prescribed any person whose assistance or advice it may require in performing any of its functions under this Act;
 - (2) Any person associated with it by the Board under sub-section (1) for any purpose shall have a right to take part in the discussion of the Board relevant to that purpose but shall not have a right to vote at a meeting.
 15. Subject to any rules in this behalf, the Board may from time to time appoint one or more committees for the purpose of securing efficient discharge of its functions.

16. Officers and other staff

The Board shall have a CEO and such other officers and employees as the Board may consider necessary for the efficient performance of its functions.

17. Appointment of CEO and other staff

The appointment of the CEO shall be made by the State government and the appointment of other officers and employees of the Board shall be made by the Board.

18. Powers and duties of the CEO and other Officers

(1) The CEO and other officers shall perform such duties as may be assigned to them by the Board.

(2) The Board may, from time to time, by order delegate, under such restriction, if any, as it may think fit to impose, any of its powers conferred on it by this Act, to the CEO and to other officers of the Board specified in the order.

19. Employment of staff of the State Government

(1) The Board shall take over and employ such staff of the State Government in the Public Work and other Departments as the state Government may make available or may place on deputation and every person so taken over and employed shall be subject to the provisions of this Act and the Regulations made there under:

Provided that during the period of such employment all matters relating to the pay, allowances, leave, retirement, pensions, provident fund and all other terms and conditions of service of the members of the said staff shall be regulated by the Tripura Service Rules or such other rules on the subject as may from time to time be made by the State Government.

(2) All permanent Government servants taken over and employed by the Board under sub-section (1) shall have a lien on their posts in the service of the State Government and the period of their service under the Board shall, on their reversion to the service of the State Government, be counted for their promotion, increments, pension and other matters relating to their service.

20. Meetings of the Boards

The Board shall meet and shall from time to time make such arrangements with respect to the day, time, notice and adjournment of its meetings as it thinks fit, subject to the following conditions, namely:-

- (1) An ordinary meeting of the Board shall generally be held at least once in every 3 (three) months;
- (2) The Chairman may, whenever he thinks fit, call a special meeting;
- (3) The quorum for every meeting shall be five: Provided that when a meeting has been adjourned to another date for want of quorum, no quorum shall be necessary in the case of the adjourned meeting;
- (4) Every meeting shall be presided over by the Chairman and, in his absence, by the Vice-Chairman and in the absence of both Chairman and Vice-Chairman by any member chosen by the members present;

(5) All questions at any meeting shall be decided by the majority of the members present and in case of equality of votes, the person presiding shall have and exercise second or casting vote;

(6) The minutes of the proceedings of each meeting shall be recorded in a book to be provided for the purpose.

21. Execution of contract

Every contract made by the Board shall be entered into in such manner and in such form as may be prescribed and be signed by the CEO or authorised official on behalf of the Board.

22. Exercise of the powers of the Board by the Chairman

Without prejudice to the provision of section 18 and all power & functions of the Board specified in sections 24 to 47 under Chapter III, the State Government may, by a notification published in the official Gazette, direct that the Chairman may exercise all or any of the powers exercisable by the Board under this Act as may be specified in the notification.

Provided that when power under this section has been exercised, the Chairman shall make a report to the Board at its next meeting indicating the circumstances under which such power has been exercised.

23. Delegation of Board's power to sign contracts

Subject to any rule which the State Government may make in this behalf, the Board may by order direct that the power to sign a contract shall be exercisable also by CEO or any other Officer specified by it in the order.

CHAPTER III
POWER AND FUNCTIONS OF THE BOARD

24. Functions of the Board.

(1) Without prejudice to any other provisions of this Act, the Board may perform the following functions:-

(a) Treat, supply and distribute water for household consumption or other purposes and install, operate and maintain sewerage system to those parts of the urban local areas and areas as may be modified by the Government of Tripura from time to time.

(b) Plan for, regulate, control and develop ground water and sewerage systems in urban local areas and also give advice in this respect to the ULBs

Provided that the Board shall not license and levy user charges for regulation, control and development of ground water or sewerage systems in any area for the time being falling within the jurisdiction of the urban local areas, except with the prior approval of the Government of Tripura;

(c) Promote measures for conservation, recycling and reuse of water.

(2) The Board may, with the prior approval of the Government entrust any of the tasks and functions referred to in this section to a local body, limited company, registered society, research institute or government undertaking, including provision for private investment in any works thereof including ownership of the facility, on such terms and conditions as may be approved by the Board.

25. Water supplied for domestic purpose not to be used for non-domestic purposes.

(1) No person shall, without written permission of the Board, use or allow use of water supplied for domestic purpose for any purposes, other than domestic purposes, except to extinguish a fire.

(2) No person shall willfully pollute water in or obtained from any well, tank, water works or other source of supply being water which is or is likely to be used for domestic purpose or for the preparation of food or drink for human consumption, so as to be prejudicial to health.

26. Supply of water for domestic purposes not to include any supplies for specified purposes

The supply of water for domestic purpose shall not be deemed to include supply thereof:

(1) For animals or for washing vehicles, where such animals or vehicles are kept for sale or hire;

(2) For any trade, manufacture or business;

(3) For fountains, swimming, or any ornamental or mechanical purposes;

(4) For any construction work of any kind.

27. Power to supply water for non-domestic purposes

The Board may, in its discretion and subject to sufficient availability of water, supply water to any person or organization including industrial establishments for non-domestic purpose or other public purposes, on such terms and conditions, including payment of such charges, as may be specified by regulations:

Provided that the Board shall allow all persons to take water for extinguishing fires only from any pipe on which a hydrant is fixed, without any payment.

28. Power to require water supply to be taken and power not to allow occupation of a new premise without arrangement for water supply.

(1) It shall not be lawful to construct or occupy any premises without adequate arrangements for water supply in accordance with such Regulations as may be made in this behalf.

(2) If it appears to the Board that any premises in the jurisdiction of ULBs are without supply of water for domestic purposes or that the existing supply of water for domestic purposes available for the persons usually occupying or employed in such premises, is inadequate or objectionable for reasons of health and sanitation, the Board may, by notice in writing, require the owner of the premises or the person primarily liable for the payment of property taxes in respect of them:

(a) To take a connection adequate for the persons occupying or employed in the premises, or to take such additional or enlarged connection or connections from the water works;

(b) To provide supply pipes and water fittings, install and work a pump and do all such works and take all such measures as may, in the opinion of the Board, be necessary for the above purposes.

(3) The Board may in the notice issued under sub-section (2) specify:

(4)

(a) The size, material and quality of the pipes and water fittings to be provided;

(b) The position of the pipes and water fittings to be provided and the means of access for the inspection thereof;

(c) The type of pump that should be installed and the hours during which it should be kept working;

(d) The period within which any or all the works specified in the notice should be carried out;

(e) Any other requirement which the Board may deem necessary.

29. Power to lay mains, sewers, pipes.

- (1) The Board may lay water mains, sewers or service pipes, of any type in any street or, with the consent of the owner and occupier of land not forming part of the street, in over or on any such land and may from time to time inspect, repair, alter or renew such main or pipe, wherever situated.

Provided that where a consent required for the purpose of this sub-section is withheld, the Board may after giving the owner or occupier a written notice of its intention to do so, lay the main pipe, in, over or on that land even without such consent.

- (2) Where the Board, in exercise of its powers under this section, lays or inspects repairs, alters or renews a water main, service pipe, sewer, it shall pay compensation to every person interested in such land for any damage or injury done to such land by reasons thereof.

- (3) The compensation payable under sub-section (2) shall be such as may be fixed by the Board in accordance with such procedure as may be prescribed and after considering any claims made by any person interested in such land.

30. Power to require water supply and sewerage to be taken and to require maintenance of service pipe.

- (1) The Board may require any person, who desires the supply of water for domestic or any other purpose, to comply with such requirements as may be specified in this behalf including the provisions of any supply pipes or any tanks, pumps or other pipes or fittings, or deposit of the cost of so doing, and the payment of any amount required by way of development charges.

- (2) After obtaining the sanction of water connection from the Board the delivery pipe shall be laid by the consumer through a licensed plumber at his own cost from the main to consumer's premises including ferrule.

- (3) It shall be the duty of the consumer to maintain, repair and replace, if required, such delivery pipe at his own cost.

- (4) The customer shall cause inspection of all service pipes post 15 (fifteen) years or more of laying, to be conducted by a licensed plumber once in every 5 (five) years, at his own cost. If the service pipes are found rusted or leaking, which is likely to result in contamination of water, the work of repair or replacement shall be executed by the consumer, at his own cost, through a licensed plumber.

- (5) It shall be the responsibility of the development agency carrying out any construction, including multi-storied construction or additions to existing construction, to ensure provision of water supply through storage tanks, either underground or overhead, and booster pumping stations and sewerage connection. The construction shall be the responsibility of the developing agency and the maintenance and operation of the arrangements shall be the responsibility of the occupant of such premises. The board shall be responsible for supplying water in the mains, feeding the service pipe and to provide and maintain sewerage connection.

The construction arrangements shall be done with the prior permission of the Board and on such terms & conditions as shall be determined by the Board.

31. Provision of fire hydrants

The board shall, on payment by the agency responsible for fire services, fix hydrants on water mains (other than trunk mains) at such places as may be convenient for supply of water for extinguishing any fire which may break out and shall maintain them.

Provided that the board shall allow water to be taken for extinguishing fires from any pipe on which a hydrant is fixed, by the agency responsible for fire services, without any payment.

32. Power of Board to provide meters

(1) The board may provide water meters to measure the consumption of water by any person using water supplied by the Board and until the contrary is proved, it shall be presumed that the quantity of water shown by the meter has been consumed.

Provided that the Board may in its discretion, permit a consumer to use his own water meter.

(2) The user charges, installation fees and rent to be paid for such use, maintenance and testing of meters shall be in accordance with Regulations framed under this Act or any other Regulations made applicable by the State Government.

33. Power to cut off or turn off water supply or Sewer Connection.

The Board may, subject to regulations made in this behalf, cut off or turn off water supply to any premises or part thereof and the expense of cutting or turning off the water supply shall be paid by the occupier of the premises.

34. Prohibition of wastage or misuse of water or installation of booster pumps.

(1) No person shall willfully or negligently cause or suffer any water fittings to be so constructed or so adopted, or to remain out of order in such a manner, that the water supplied to him by the board is, or is likely to be wasted, misused or unduly consumed or contaminated, or that foul air or any impure matter is or is likely to be returned to any pipe belonging to, or connecting with a pipe belonging to the Board.

(2) The Board may without prejudice to its right to proceed against such person under any other provision of law, require any person infringing the provisions of sub-section (1), to carry out any necessary repairs or alterations and, if he fails to do so within forty eight hours, may carry out the work and recover the cost incurred in so doing, from such person.

(3) No person shall install a booster pump or any other appliance without the permission of the Board on any water main or service pipe or shall pump water supplied by the Board otherwise than in accordance with such conditions as may be specified by Regulations made in this behalf.

35. Power to enter premises to detect wastage or misuse of water and to restrict use of water from polluted source of supply.

(1) Any officer, authorized in writing by the Board may, between sunrise and

sunset, enter any premises using water supplied by the Board in order to check if there is any misuse of water and no person shall refuse entry to such officer or obstruct him.

(2) If the Board is of the opinion that the water of any well, tank, or other source of supply, being water which is likely to be used for domestic purpose or for the preparation of food for human consumption, is or is likely to be, so polluted as to be prejudicial to health, the Board may, after giving the owner or occupier of the premises a reasonable opportunity of being heard, by order, direct that the source of supply be permanently or temporarily cut off or impose restrictions upon the use of such water.

(3) No person shall construct any latrine or cesspool within ten meters of any well, tank, water pipe or in any position where such well, tank or pipe is likely to be injured or the water therein polluted.

(4) No person shall sink any well, tube well or hand pump except in accordance with such conditions as may be laid down by Regulations in this behalf having regard especially to the proximity of any sewer or storm water drain or of any polluted water and the Board may further require, in accordance with the regulations made in this behalf, that its permission should be obtained.

36. Power to require every premise to have separate water connection and service pipe.

(1) Unless otherwise permitted by the Board, every premises supplied with water shall have a separate water connection.

(2) If, in respect of any premises already supplied with water but not having a separate service pipe, the Board gives notice to the owner of the premises requiring him to provide such a pipe, the owner shall, within three months, lay the said pipe and the Board shall, as soon as may be after the owner has done so, give the connection to the said pipe from its own supply line.

(3) If an owner on whom a notice has been served under sub-section (2) fails to comply, the Board may itself execute the said work and recover the cost incurred.

37. Power of the Board to delegate its power to an officer of the Board.

The Board may, by order direct, that any power conferred or duty imposed on it under this Act shall in such circumstances and under such conditions, if any, as may be specified in the order, be exercised and performed also by any officer of the Board, as specified in the order.

38. Power to restrict or prohibit use of water.

When ULBs or any part thereof is visited or threatened by an out-break of disease and the Board considers it necessary to do so, the Board may: -

- (1) By issuing public notice, restrict in any manner or prohibit for any period, as may be specified in the notice, the sale of water for human consumption as specified in the notice;
- (2) Without notice and at any time inspect and disinfect any well, tank, public hydrant or other place from which water is or is likely to be taken for the purpose of drinking.

39. Power to control use of water from wells, tanks, public hydrants etc.

If the Board is of the opinion that water in any well, tank or other place, if used for drinking is likely to endanger or cause spread of any diseases, the Board may:-

- (1) Require the owner or person having control of such well, tank, hydrant or place to take such steps as the Board may consider necessary to prevent the public from having access to or use of such water;
- (2) Take such other steps as the board may consider expedient to prevent the out-break of such diseases.

40. Power of owner of premises to place pipes through land belonging to other persons.

(1) If it appears to the Board that the most convenient means of supplying water to any premises is by means of a pipe over, under, along or across the immovable property of another person, the board may, by order in writing, authorize the owner of such premises to place or carry such pipe over, under, along or across such property.

Provided that before making any such order, the Board shall, in accordance with such Regulations as may be made in this behalf, give to the owner of the property affected a reasonable opportunity of being heard.

Provided further that the owner of the premises shall not acquire any right other than a right of reasonable access in the property affected where any such pipe or drain is placed.

(2) After an order under sub-section (1) has been made, the owner of the premises may, after giving reasonable notice of his intention to do so, enter upon the affected property referred to, in order to carry out the work of placing the pipe or drain or for the purpose of repairing it.

(3) The owner of the premises shall cause as little damage as possible to the said property, fill in, reinstate and make good at his own cost any ground broken up or removed by him and shall complete the work with the least possible delay and shall pay a reasonable compensation to the owner of the property or such other persons affected.

(4) If on the application of the owner of the property affected, it appears to be necessary in the opinion of the Board to do so, in order to allow for the construction or safe enjoyment of any building, the Board may by notice in writing require the owner of the premises to relocate or divert any pipe or drain laid under the provisions of this section at the cost of the owner of such premise, which shall be fixed by the Board.

(5) In case of dispute between the owner of the premises and the owner of the property affected, respectively referred to in this section, or between the owner of the premises and any other person, they may refer the matter to the Board whose decision, after giving due opportunity of being heard to the parties, shall be final.

41. Power to execute works

When, under the provisions of this Act, any person is required or is liable to execute any work, the Board may cause such work to be executed after giving such person an opportunity of executing it, within such period as the Board may fix for the purpose, and the

board shall recover the cost incurred in the execution of such work, from the said person, in accordance with such Regulations as may be made in this regard.

42. Disposal of Sewage

Specifying of place for the emptying of drains and disposal of sewage

- (1) The Board may cause any or all its drain to empty into, and all sewage to be disposed of at such place or places as it considers suitable, subject to the provision of the Environment (Protection) Act, 1986.

Provided that no sewage shall be discharged into any water course until it has been so treated as not to affect prejudicially the purity and quality of the water into which it is discharged.

- (2) Notwithstanding anything contained in sub-section (1) the Board may permit disposal of sewerage for the time being in such place or places and in such manner as existed at the time of commencement of this Act.
- (3) No place which has not been used for any of the purposes specified in sub-section (1) before the commencement of this Act shall be used therefore without the approval of the Board

43. Rights of user of property for aqueducts, mains, etc.

- (1) The Board may place and maintain aqueducts, conduits and mains or pipes of drains over, under, along or across any immovable property without acquiring the same, and may at any time for the purpose of examining, repairing, altering or removing any such facility, enter on any property over, under, along or across which such facility has been placed;

Provided that the Board shall not acquire any right other than right of user in the property where such conveniences have been placed.

Provided further that the Board shall pay a reasonable compensation to the owner of the property affected.

- (2) The powers conferred by sub-section (1) shall not be exercisable in respect of any property vested in the Union or under the control or management of the state government or railway administration or vested in any local authority except with the specific permission of the said body in accordance with any bye-laws made in this behalf;

Provided that the Board may, without such permission repair, renew or amend any existing works if it is urgently required to maintain interrupted supply of water, drainage or disposal of sewage or if delay would be dangerous to health, human life or property.

- (3) In exercise of the power conferred by this section, the board shall cause as little damage and inconvenience as possible and shall compensate for any damage or inconvenience so caused, as determined by the Board.

44. Work to be done by licensed plumber

- (1) No person other than a licensed plumber shall execute any work connected with water supply and sanitation described in this Act and no person shall permit any such work to

be executed except by a licensed plumber;

Provided that if, in the opinion of the Board, the work is of a trivial nature, it may grant permission for the execution of such work by a person other than a licensed plumber.

- (2) The Board may make Regulations for the guidance of licensed plumbers and a copy of all such regulations shall be provided to every licensed plumber.
- (3) The Board may make Regulations for:-
 - (a) The exercise of adequate control on all licensed plumbers;
 - (b) The inspection of all works carried out by licensed plumbers; and
 - (c) The hearing and disposal of complaints made by the owners or occupiers of premises with regards to the quality of work done, material used, delay in execution of work, or the charges made, by a licensed plumber.
- (4) If any licensed plumber contravenes any of the provisions of this section or of any Regulations or executes carelessly or negligently any work or makes use of bad material, appliances or fittings, the board may suspend or cancel his license, whether he is prosecuted or not, after allowing him an opportunity to represent himself.
- (5) Every person who employs a licensed plumber to execute any work, shall when so required, furnish to the Board the name of such plumber.

When any work is executed except in accordance with the provisions of sub-section (1), such work shall be liable to be dismantled at the discretion of the Board without prejudice to the right of the Board to prosecute under this Act the person at whose instance such work has been executed.

45. Powers and duties of the board to undertake water supply schemes.

(1) Subject to provision of this Act, the Board may, from time to time, incur expenditure and undertake works for the framing and execution of water supply schemes including relevant maintenance, construction and development works. These may include own works of the Board and works to be entrusted by the Government Department, Autonomous Bodies, Semi Autonomous Bodies and other organizations of similar nature.

(2) The State Government may, on such terms and conditions as it may think fit to impose, entrust to the Board the framing and execution of any water supply schemes and relevant works under section (1) and the Board shall thereupon undertake the framing and execution of such schemes.

46. Power to acquire

(1) Where any land is needed for the purpose of any scheme of the Board or for performing any other duties or functions of the Board, the Board may enter into an agreement with any person for the acquisition by purchase, lease or exchange of his rights and interests in such land, either wholly or in part, on payment of an amount proportionate to the loss or deprivation caused to the enjoyment of the land.

(2) The Board may also take steps for the compulsory acquisition of any land or any interest therein required for the execution of any scheme of the Board or for performing any other duties or functions of the Board and such acquisition land or any interest therein shall be deemed to be acquisition for a public purpose within the meaning of the Land Acquisition Act.

7 General Powers of the Board

- (1) The Board shall, subject to the provisions of this Act, have power to do such things which may be necessary or expedient for performing the functions under this Act.
- (2) Notwithstanding anything contained in any law for the time being in force, and without prejudice to the generality of the forgoing provision, such power shall include the power-
 - (i) To take over all the existing responsibilities, powers, controls, facilities, services and administration within the urban area to which this Act applies, from the local bodies having jurisdiction over such areas relating to water supply and sewerage and to manage them so as to provide the people of those areas wholesome water and efficient sewerage.
 - (ii) To extend, expand and develop the existing facilities and to provide, maintain and operate facilities for supply of water and for providing sewerage services in urban areas.

CHAPTER IV

REGULATION, CONTROL AND DEVELOPMENT OF GROUND WATER

48. Power to notify area for regulation and control of ground water

(1) If the Board is of the opinion that it is necessary or expedient in the public interest to control and regulate the extraction or the use of ground water in any form in any area, it shall by notification in the official gazette, declare any such area to be a notified area for the purposes of this chapter with effect from such date as may be specified therein:

Provided that the date so specified in the notification shall not be earlier than thirty days from the date of publication of the said notification.

(2) Every such notification shall, in addition to its publication in the official gazette, be published in at least one daily regional language newspaper having widest circulation.

49. Permission for use of ground water in ULBs

(1) Any user of groundwater desiring to sink a well in a notified area as declared by the Board for any purpose shall apply to the Board for grant of a permit for this purpose, and shall not proceed with any activity connected with such sinking unless a permit has been granted by the Board.

Provided that the person will not have to obtain a permit if the well is proposed to be fitted with hand operated manual pump or water is proposed to be withdrawn by manual devices.

(2) Every application under sub-section (1) shall be made in such form, shall contain such particulars and in such manner as may be specified.

(3) On receipt of an application under sub-section (1), if the Board is satisfied that it will not be against public interest to do so, it may grant, subject to such conditions and restrictions as may be specified, a permit authorizing the extraction and use of water.

Provided that no person shall be refused a permit unless he has been given an opportunity of being heard.

(4) The decision regarding the grant or refusal of the permit shall be intimated by the Board to the applicant within a period of 30 (thirty) days from the receipt of the application.

(5) In granting or refusing a permit under sub-section (3), the Board shall have regard to:

- (a) the purpose or purposes for which water is to be used;
- (b) the existence of other competitive users;
- (c) the availability of water;
- (d) quality of ground water with reference to use;
- (e) spacing of groundwater structures keeping in consideration the purpose for which water is to be used;
- (f) long term ground water level behavior;
- (g) any other factor relevant therewith.

(6) The permit shall be in such form as may be specified.

50. Registration of existing Users in ULBs

(1) Every existing user of groundwater in a notified area shall, within a period of thirty days from the date of notification of notified area under section 48 will apply to the Board for the grant of a certificate of registration recognizing its existing use in such form and in such manner as may be specified:

Provided that the Board may entertain any such application after the expiry of the said period of thirty days, if it is satisfied that the user was prevented by sufficient cause from filing of application in time.

(2) The details to be furnished in any application under sub-section (1) shall include the following, namely:-

- (a) the description of the source of water, such as, type of well, its exact location;
- (b) the lifting device used;
- (c) the quantity of groundwater and hours of operation per day;
- (d) the purpose or purposes for which groundwater is being extracted;
- (e) in case of irrigation well, the location and extent of area irrigated.

(3) On receipt of an application under sub-section (1), if the Board is satisfied that it shall not be against the public interest to do so, it may grant, subject to such conditions and restrictions as may be laid down, a certificate of registration authorizing the continued use of the water.

Provided that no person shall be refused a certificate of registration unless he has been given an opportunity of being heard.

(4) The decision regarding the grant or refusal of the certificate of registration shall be intimated by the Board within a period of thirty days from the date of receipt of the application.

(5) In granting or refusing a permit under sub-section (3), the Board shall have regard to:-

- (1) The purpose or purposes for which water is to be used;
- (2) The existence of other competitive users;
- (3) The availability of water;
- (4) Quality of ground water with reference to use;
- (5) Spacing of groundwater structures keeping in consideration the purpose for which water is to be used;
- (6) Long term ground water level behavior;
- (7) Any other factor relevant therewith.

(6) The certificate of registration shall be in such form as may be specified.

(7) Pending the communication of the decision under sub-section(4) every existing user of groundwater in the notified area shall be entitled to the continued use of the groundwater in the same manner and to the same quantity as he was entitled prior to the date of his application.

(8) If a registered well becomes defunct, the user of groundwater shall immediately bring this fact to the notice of the Board.

51. Power to alter, amend or vary terms of permit

At any time after a permit or certificate of registration, as the case maybe, has been granted, the Board may for technical reason alter, amend or vary the terms of the permit or certificate of registration.

Provided the user of ground water has been given an opportunity of being heard;

Provided further that before taking such action, the Board shall ensure that the standing crop(s) are not damaged.

52. Cancellation of permit or certificate of registration

If the Board is satisfied either on a reference made to it in this behalf or otherwise that:-

(1) the permit or certificate of registration granted, under sub- section (3) of section 49, or sub-section (3) of section 50, as the case may be, is not based on facts;

(2) (b)the holder of the permit or certificate of registration has without reasonable cause failed to comply with the conditions subject to which the permit or certificate of registration has been granted or has contravened any of the provisions of this chapter or regulations made hereunder; or

(3) a situation has arisen which warrants limiting of the use or extraction of groundwater.

Then, without prejudice to any other penalty to which the holder of the permit or of the certificate of registration may be liable under this chapter, the Board may after giving the holder of the permit, or certificate of registration, an opportunity to show cause, cancel the permit or the certificate of registration, as the case may be.

53. Power of Board in respect of regulation and control of ground water.

(1) The Board or any person authorized by it in writing in this behalf shall have power to-

(a) enter on any property (private or Government owned) with the right to investigate and make any measurements concerning the land or the water located on the surface or underground;

(b) inspect the well which has been or is being sunk and the soil and any other material or water extracted from such well;

(c) require by order in writing the persons sinking a well to keep and preserve in the specified manner specimens of soils or any material excavated there from for such period not exceeding 3 (three) months from the date of completion or abandonment of the work as may be specified by the Board;

require by order in writing the persons sinking a well to keep and preserve in the specified manner specimens of soils or any material excavated there from for such period not exceeding 3 (three) months from the date of completion or abandonment of the work as may be specified by the Board;

(d) inspect and take copies of the relevant record or documents and 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, the types of strata encountered in the sinking of the well and quality of the water struck, as may be required for carrying out the purposes of its chapter;

(e) require the user of groundwater to install water measuring device or any water supplies when necessary to properly administer the water or where there is reason to believe that the user does not comply with the provisions contained in this chapter or any other sufficient reason, for defending the public interest.

Provided that where the user of groundwater does not comply with the requisition issued to him within a period of thirty days, the Board itself may install such water measuring device and recover the cost from the defaulting user of groundwater;

(f) seize any equipment or device utilized for illegal sinking and destroy the work executed fully or partly;

(g) require any user of groundwater to close down any water supply or destroy any hydraulic work found to be illegal according to the provisions of this chapter and the regulations framed hereunder:

Provided that where the user of groundwater does not comply with the requisition issued to him within a period of thirty days, the Board itself may carry out the necessary work and recover the cost from the illegal user of groundwater;

(h) enter and search with such assistance, if any, as it considers necessary, any place in which it has reason to believe that offence under this Chapter has been or is being committed and order in writing the person who has been or is committing the offence not to extract or use the groundwater for a specified period not exceeding thirty days;

(2) The power conferred by this section includes the power to break open the door of any premise where sinking extraction and use of groundwater may be going on:

Provided that the power to break open the door shall be exercised only after the owner or any other person in occupation of the premises, if he is present therein, refuse to open the door on being called to do so.

(3) Where the Board is of the opinion that water supply or hydraulic work ordered to be closed down under clause (h) of sub-section (1) needs to be closed down forthwith and user of it does not comply with such direction, it may direct such water supply or hydraulic work to be sealed in the manner specified by Regulations.

(4) The provisions of the Code of Criminal Procedure, 1973 shall so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issue under section 93 of the said Code.

(5) Where the Board seizes any mechanical equipment or device under clause (h) of sub-section (1), it shall, as soon as may be, inform a magistrate and take his orders as to the custody thereof.

54. Service of orders, etc

(1) Every order under clause (d) of sub-section (1) of section 53 shall be served:

(a) by handing over or tendering the order of notice or by sending it by post to the user for whom it is intended, or

(b) if such user cannot be found, by affixing the order of notice on some conspicuous part of his last known abode or place of business or by giving or tendering the order of notice to some adult member or servant of his family or by causing it to be affixed on some conspicuous part of the land or building in which the well is being sunk.

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

55. Levy of user charges for use of ground water

(1) The Board may, for the purpose of this Chapter levy user charges for the use of ground water in a notified area at such rates as may be specified by Regulations.

(2) All money received or collected under sub-section (1) shall be credited to the fund of Tripura Jal Board.

CHAPTER V

TRANSFER OF ASSETS, LIABILITIES AND SERVICES RELATING TO WATER SUPPLY AND SEWERAGE SYSTEMS TO THE BOARD

56. Transfer of assets liabilities and services

(1) The State Government may, for public purposes by notification in the official Gazette, declared in respect of any Urban area that as from a date to be specified therein-

- (a) All the existing water supply and sewerage services, sewage works including 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 and other works, materials, stores, and things appertaining thereto, belonging to or vested in any local body and/or under execution and/or maintenance by the PWD(DWS), Tripura. For and on behalf of the local body concerned.
- (b) So much of the sub-soil appertaining to the said water mains and sewers as may be necessary for the purpose of enlarging, deepening or otherwise repairing or maintaining any such water mains or sewers or any water pipes and other appliances and fittings connected with such water supply and sewerage services and sewage works; and
- (c) All rights, liabilities and obligations relating to the things mention in clause (i) and (ii) including the right to recover areas of water tax and sewerage tax and of any cost of any fees relating to water supply and sewerage services, and also including liabilities arising from any loans advanced by the State government to any local body for the things aforesaid other than loans diverted to or utilized for other purposes, shall vest in and stand transferred to the Board and be subject to its control;
- (d) Funds, if any, under the control of PWD(DWS), Tripura, immediately before such date , shall vest in the Board;
- (e) All officer and employees of the PWD(DWS), Tripura, and all employees of the DWS wing of Agartala Municipal Corporation who are engaged mainly in connection with water supply shall become employee of the Board with such designation and discharging such functions as the Board may determine and they shall hold office for the same tenure, and at the same remuneration and on the same terms and conditions, as they would have held if the Board had not been established and shall continue to do so until such tenure and remuneration and terms and conditions are duly altered by the Board:

Provided that the tenure, remuneration and terms and conditions of service of any such officer or employees shall not be altered to his disadvantage without the previous approval of the Government;

Provided further that any services rendered by any other officer or employees before the establishment of the Board shall be deemed to be the services rendered under the Board.

Provided also that the board may employ any such officer or other employee in the discharge of such functions under this Act as the Board may think proper and every such officer or other employee shall discharge those functions accordingly;

Provided also further that every employee whose services are transferred under this provision and who is in lawful occupation of any residential accommodation allotted to him by virtue of his employment, shall subject to such conditions as may be fixed by the Board, be entitled to continue such occupation.

(2) Where any doubt or dispute arises as to whether any property, interest or asset has vested in the Board under sub-section (1) or any rights, liabilities or obligations have become the rights, liabilities or obligations of the Board under this section, such doubt or dispute shall be referred to the State Government whose decision shall be final and binding upon the Board and the Local Body, as the case may be.

57. Conditions for taking over of services of employees

When the board takes over any assets or liabilities or property of any organization under sub-section (2) of section 56, it may also take over the services of any employee of such organization, and if it does so, the provision of section 56 shall apply to such employee.

58. Ban on compensation claim due to transfer of service to the Board.

Notwithstanding anything contained in the industrial disputes Act, 1947 or any other law for the time being in force, the transfer of the services of any person to the board under this Act shall not entitle such person to any compensation under any law and no such claims shall be entertained by any court, tribunal or other authority.

59. All notifications, orders, byelaws etc. issued prior to formation of the Board to continue in force

Any notification, order, scheme, by-law form or notice made or issued and any license or permission granted by any authority, in so far as it relates to water supply shall continue in force and shall be deemed to have been made, issued or granted under the provisions of this act, unless it is superseded by any notification, scheme, order, regulation, form or notice made or issued or any license or permission granted under this Act.

CHAPTAR-VI

FINANCE, ACCOUNTS AND AUDIT.

60. Submission of budget to the Board.

(1) The Chairman shall, at a special meeting to be held within the fifteenth day of February month in each year, lay before the Board, a budget for the following year.

(2) Every such budget shall be prepared in such form as may be prescribed and shall make provision for-

(a) The water supply and sewerage schemes including operation and maintenance and other relevant works which the Board proposes to execute whether in part or in whole during the following year.

(b) The due fulfillment of all the liabilities of the Board, and

(c) The efficient administration of this Act, and shall contain a statement showing the estimated receipts and expenditure on capital and revenue accounts for the next year, and such other particular as may be prescribed.

61. Board's sanction to budget.

The Board shall consider the budget laid before it and sanction it with or without modifications, and shall forward a copy of it to the State Government.

62. Supplementary Budget

The Chairman may, at any time during the year for which a budget has been approved by the State Government, lay before the Board a supplementary budget and the provisions of sections 60 and 61 shall apply to such supplementary budget.

63. Publication and execution of water supply and sewerage schemes

After the budget is approved by the State Government, the Board shall publish in the official gazette, schemes in respect of which provision is made in the budget, in such manner as may be prescribed and proceed to execute such schemes.

64. Power to exempt scheme from the provisions of this Act.

The State Government may, by general or special order published in the official gazette, exempt any water supply or sewerage schemes undertaken by the Board, from all or any provision of this Act, subject to such conditions, if any, as it may impose or direct that any such provision shall apply to such schemes with such modifications as may be specified in the order.

65. Tripura Jal Board's fund

(1) The board shall have a fund to be called the Tripura Jal Board Fund

(2) The Board may accept grants, subventions, loans, donations and gifts from the Central or the State Government or a local authority or an individual or body, whether incorporated or not, for all or any of the purposes of this Act.

(3) After its constitution, the State Government shall, every year make a grant to the Board of the amount required to meet its annual administrative expenses.

(4) All moneys received by or on behalf of the Board, all proceeds of sale of land or any other property, all rents, betterment charges and all interest, profits and other moneys secured by the Board shall be deposited in the fund of the Board.

(5) Except as otherwise directed by the State Government, all moneys and receipts specified in the foregoing provisions and forming part of the fund of the Board shall be deposited in the Reserve Bank of India, any branch of the State Bank of India, any Nationalized Bank, the Garmin Bank or invested in such securities as may be approved by the State Government.

(6) The bank account, any cash or security of the Board shall be operated or handled by such officers as may be authorized by the Board.

66. Application of the fund

All property, fund and all other assets vested in the Board shall be held and applied by it, subject to the provisions and for the purposes of this Act.

67. Subventions and loans to the Board

(1) The State Government may from time to time make subventions to the Board for the purposes of this Act on such terms and conditions as the State Government may determine.

(2) The State Government may from time to time advance loans to the Board on such terms and conditions not inconsistent with the provisions of this Act.

68. Power of Board to borrow

(1) The Board 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 may be prescribed in this behalf, borrow any sum required for the purposes of this Act.

(2) The Rules made by the State Government for the purposes of this section may empower the Board to borrow by issue of debentures and to make arrangement with bankers.

(3) All debentures issued by the Board shall be in such form as the Board, with the sanction of the State Government, may from time to time determine.

(4) Every debenture shall be signed by the Chairman and one other member of the Board.

(5) Loans borrowed and debentures issued under this section may be guaranteed by the State Government as to the repayment of principal and the payment of interest at such rate as may be fixed by the State Government.

69. Debts incurred from the State Government, Banks.etc., to have priority.

Notwithstanding anything contained in any other law for the time being in force, every debt arising out of any loan obtained by the Board from the State Government, banks and other financial institutions for carrying out the purposes of this Act –

(1) shall have priority over all other debts, whether secured or unsecured, incurred by the Board, and

(2) shall be a preferential debt within the meaning of section 530 of the Companies Act, 1956, and such debts shall rank equally amongst themselves and be paid in full out of the assets of the Board unless such assets are insufficient to meet them, in which case they shall abate in equal proportions.

70. Accounts and audit

(1) The Board shall cause to maintain proper books of accounts and such other books as the Rules may require and shall prepare in accordance with the Rules an annual statement of accounts.

(2) The Board shall cause its accounts to be audited annually by an auditor to be appointed by the Board. The auditors appointed shall have the right to demand the production of books, accounts, vouchers, documents and other papers, and to inspect any of the offices of the Board.

(3) As soon as the accounts of the Board have been audited, the Board may send a copy thereof together with a copy of the report of the auditor thereon to the State Government for appraisal.

(4) The Board shall comply with such directions as the State Government may, after perusal of the report of the auditor, think fit to issue.

71. Charges for services rendered.

(1) The board shall for the purpose of the services rendered by it under the Act levy fees, charges, including development charges, rentals and collect deposits and may recover interest on amount payable to it, at such rates as may be specified by Regulations.

(2) The fees, charges, rentals and deposits referred to in sub – section (1) shall be so fixed as overall to ensure the recovery of all costs of operation, maintenance, repayment of debt and a return of not less than three percent on the fixed assets.

Provided that development charges in respect of any building or part thereof or of any group or cluster of buildings shall not be less than the actual expenditure incurred.

72. Investment of the Tripura Jal Board Fund

All moneys payable to the credit of the Board fund shall be kept or invested in such manner as the Board may direct in accordance with Regulations made in this behalf.

73.Utilization of Tripura Jal Board Fund

Money credited from time to time to the Boards fund shall, subject to the provisions of section 72, be utilized for performing the duties of the Board as laid down in this Act.

74.Payment out of Tripura Jal Board fund

(1) No payment of any sum from the Board's fund shall, subject to the provisions of section 73, be utilized for any other purpose except for performing the duties of the Board as laid down in the Act.

Provided that this section shall not apply to payments made in the following cases namely. -

- (a) Refund to any person of moneys rightfully due to him;
- (b) Sums payable in any of the following circumstances.–
 - (i) Under orders of the state government or the central government, on failure of the Board to take any action as required by such orders;
 - (ii) Under any other enactment by the Board;
 - (iii) Under decree or orders of a civil or criminal court;
 - (iv) Under a compromise of any claim, suit or other legal proceedings;
 - (v) On account of costs incurred in taking immediate action to avert the outbreak of disease or any danger to human life or to the property of the Board.

(2) Wherever any sum is expended under the proviso to sub- section (1), the officer empowered to incur such expenditure, shall forthwith communicate the transaction to the Board.

75.Setting apart reserve funds for specific purposes

The Board may from time to time, set apart such amounts as it thinks fit, as a reserve fund for the purpose of expanding existing facilities or services or for creating new facilities or services or for meeting any liability.

Provided that the sum set apart annually in respect of each or collectively of all such reserve funds shall not exceed such limits as may, from time to time, be fixed on this behalf by the Government.

76. Entrusting of works to any company

The Board may, in accordance with the terms of any general or special directions given to it by the state government, and subject to such terms as may be approved by the Board, entrust to any company the construction or operation of any water works, sewerage works, billing and revenue collection.

77. Power to write off irrecoverable amounts

The Board may write off any amount or sum whatsoever due or payable to it, if in its opinion such amount or sum is irrecoverable.

78. Time and manner of payment of charges

Save as otherwise provided in this Act, any charge levied under this Act shall be payable on such dates and in such manner as may be determined by Regulations made in this behalf.

79. Notice of demand and fee

(1) If any charge has become due, and a bill therefore has been duly presented by the Board, and such charges have not been paid to the Board within fifteen days of presentation, the board may issue a notice of demand, issued in the form set forth in the third schedule, to the person liable to pay such charges.

(2) A notice of demand under sub-section (1) may also include a fee for such amount, not exceeding fifty rupees as may be determined by Regulations made in this behalf, which shall be payable along with the charge due under sub – section (1) and interest thereupon.

(3) A certificate of posting addressed to the appropriate person at his last known place of business or residence shall be sufficient proof of presentation to and service on such person of any bill or notice of demand under this section.

CHAPTER VII
CONTROL

80. Production of records.

The Government may at any time require the Board—

- a. To produce any record, correspondence or other document in the possession of the Board;
- b. To furnish any report, return, plan, estimate, statement of accounts or statistics relating to the functions of the Board.

81. Inspection and examination of works, records etc. by Government

The Government may depute any person in the service of the government to inspect or examine any office, service or work undertaken by the Board or property belonging to the Board and to report thereon and the Board and all its officers shall be bound to provide access to such person, at all reasonable times, to the premises and properties of the Board as well as of all records, accounts and other documents, the inspection of which such person may consider necessary to enable him to discharge his duties.

82. Board to comply with directions of Government.

The government may at any time issue directions in relation to the management of the Board and the Board shall comply with such directions:

Provided that the government shall obtain and consider the opinion of Board before issuing any such directions:

Provided further that the Government shall make due provision for any financial liability of the Board arising directly in consequence, of any such directions;

Provided also that all directions issued to the Board by the Government shall be reported to the Legislative Assembly of Tripura at the end of each year.

CHAPTER VIII

MISCELLANEOUS

83. Report to State Government

(1) The Board shall, before such date, in such form and at such interval as may be prescribed, submit to the State Government report on such matters as may be prescribed and the State Government shall cause such report to be published in the official gazette.

(2) The report shall be laid on the Table of the Tripura Legislative Assembly as soon as may be after it is received by the State Government.

84. Other statements and returns

The Board shall also submit to the State Government such statistics, returns, particulars, statements, documents or papers in regard to any proposed or existing scheme or relating to any matter or proceedings connected with the working of the Board at such time and in such form and manner as may be prescribed, or as the State Government may from time to time direct.

85. Power of entry

The Chairman or any person either generally or specially authorized by the Chairman in this behalf may, with or without assistance of workmen, enter into or upon any land, in order –

- (1) To make any inspection, survey, measurement, valuation or inquiry;
- (2) To take levels;
- (3) To dig or bore into the sub-soil;
- (4) To set boundaries and intended lines of work;
- (5) To do any other things;

When it is necessary to do so for any of the purposes of this Act or any Rules made or scheme sanctioned there under:

Provided that -

- (a) no such entry shall be made between sunset and sunrise ;
- (b) no dwelling house and no public buildings which is used as a dwelling place, shall be so entered unless with the consent of the occupier thereof, and without giving the said occupier at least twenty four hour previous written notice of the intention to make such entry ;

(c) Sufficient notice shall in every instance be given to enable the female inmates of any apartment to remove themselves to some part or the premises where their privacy will not be disturbed;

(d) Due regard shall always be had so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

86. Notice of suit against the Board

No person shall commence any suit against the Board or against any officer or employee of the Board or any person acting under the orders of the Board, for anything done or purporting to have been done in pursuance of this Act, without giving to the Board, officer or employee or person two months' advance notice, in writing, of the intended suit, of the cause thereof, nor after six months from the date of the act complained of.

87. Valuation of assets and liabilities of the Board

The Board shall at the end of every five years have a valuation of its assets and liabilities made by a valuer appointed with the approval of the government.

88. Power to make Rules

(1). The State Government may, by notification in the Official Gazette and subject to the condition of 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 all or any of the following purposes, namely-

- (a) the allowances, remuneration and conditions of service of the members appointed under section 4;
- (b) the manner and form in which contracts shall be entered into under section 21, budget prepared under section 60 and other particulars to be contained therein;
- (c) the manner of publication of the schemes of Jal Board included in the budget under section 63;
- (d) the terms and conditions on which assets of the State Government may be transferred to the Board under section 56;
- (e) the conditions subject to which the Board may borrow any sum under section 68;
- (f) the manner of preparation, maintenance and publication of accounts under section 70;
- (g) the date before which, the form in which, the interval at which and the matters on which reports shall be submitted under section 83;
- (h) the time at which and the form and manner in which statistics, returns, particulars, statements, documents and papers shall be submitted under section 84;
- (i) the manner in which the Board shall be superseded and reconstituted under section 97;

(k) any other matter which is to be or may be prescribed under this Act.

(3) Every Rule made under this section shall be laid, as soon as maybe after it is made, before the Legislative assembly of Tripura, while it is in session for a total period of fourteen 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 Rule should not be made, the Rule 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 that Rule.

(4) The State Government may by notification in the official gazette rescind or modify any Rule made under this section and thereupon, the Rule shall cease to have effect or be modified accordingly.

89. Power to make Regulations

(1) The Board may from time to time, with the previous sanction of the State Government, make Regulations consistent with this Act and with any rules made under this Act.

(2) Such regulations may provide for –

- (a) the management and use of buildings constructed and any schemes under Jal Board;
- (3) the principles to be followed in allotment of tenements and premises;
- (c) Regulating its procedure and the disposal of its business;
- (d) the conditions of service of the employees of the Board other than those taken over and employed under subsection 1) of Section 19.

(3) If it appears to the State Government that it is necessary or desirable for carrying out the purposes of this Act to make any Regulation in respect of matters specified in sub-section (2) or to amend any Regulation made under that sub-section, it may call upon the Board to make such Regulation or amendment within such time as it may specify. If the Board fails to make such Regulation or amendment within the time specified, the State Government may itself make such Regulation or amendment and the Regulation or the amendment so made shall be deemed to have been made by the Board under sub-section (1).

(4) Every Regulation made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly of Tripura, while it is in session for a total period of fourteen 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 Regulation or the House agrees that the Regulation should not be made, the Regulation 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 or anything previously done under that Regulation.

90. Power to make Bylaws.

(1) The Board may, with the previous sanction of the State Government, make by-laws, not inconsistent with this Act and Rules made under this Act, which may be necessary or expedient for the purpose of carrying out its duties and functions under this Act.

(2) All bylaws made under this section shall be published in the official gazette.

91. Penalty for obstructing, etc.

If any person .-

(1) obstructs or molests any person with whom the Board has entered into a contract, in the performance or execution of his duty or of anything which he is empowered or required to do under this Act, or

(2) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized under this Act, he shall on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

92. Authority for prosecution

Unless otherwise expressly provided, no Court shall take cognizance of any offence punishable under this Act except on the complaint of, or upon information received from, the Board or some person authorized by the Board by general or special order in this behalf.

93. Members, officers and employees of the Board to act as public servants

All members, officers and employees of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

94. Protection of action taken under this Act

No suit, prosecution or other legal proceedings shall lie against any person for anything which is done or purported to be done in good faith under this Act.

95. Power of State Government to give direction to Board

The State Government may give the Board such directions as in its opinion are necessary or expedient for carrying out the purposes of this Act. It shall be the duty of the Board to comply with such directions.

96. Power to order inquiries

(1) The State Government with a view to satisfying itself that the powers and duties of the Board are being exercised and performed properly, may, at any time, appoint any person or persons to make inquiries into all or any of the activities of the Board in such manner as may be prescribed and to report to the State Government the result of such inquiries.

(2) The Board shall give to the person or persons so appointed all facilities for the proper conduct of the inquiries and shall produce before the person or persons any document, account or information in the possession of the Board, which such person or persons demand for the purposes of the inquiries.

97. Default in performance of duty

(1) If the State government is satisfied that the Board has made default in performing any duty imposed on it by or under this Act, it may fix period for the performance of the duty.

(2) If in the opinion of the State Government the Board fails or neglects to perform such duty within the period so fixed for its performance, it shall be lawful for the State Government; to supersede and reconstitute the Board in the manner as may be prescribed.

(3) After the supersession of the Board and until it is reconstituted the powers, duties and functions of the Board under this Act. Shall be carried on by the State Government or by such officer or officers as the State Government may appoint for this purpose.

98. Dissolution of the Board

(1) The State Government may, by notification in the Official Gazette, declare that, with effect from such date as may be specified in the Notification, the Board shall be dissolved. Government may appoint administrator if require during the period when the Board is dissolved.

(2) With effect from the date specified in the notification under sub-Section (1) -

(a) All properties, funds and dues which are vested in the Board be realizable by the State Government;

(b) All liabilities enforceable against the Board shall be enforceable against the State Government to the extent of the properties, funds and dues vested in and realized by the State Government.

(3) Nothing in this section shall affect the liability of the State Government in respect of loans or debentures guaranteed under sub-section (5) of section 68.

99. Acquisition of immovable property.

The Government having powers of acquisition under the Land Acquisition, Rehabilitation and Resettlement Act, 2013 or any other law for the time being in force may, at the request of the Board procure the acquisition of any immovable property.

100. Contracts by the Board

The Board shall be competent to enter into and perform any contract necessary for the discharge of its functions under this Act.

101. Developments not to be made without permission.

(1) No person shall make any construction without obtaining permission from the Board to the effect that sufficient arrangement will be made for drainage, sewerage and supply of wholesome water, and every such development shall be made subject to and in accordance with any conditions laid down with such permission.

(2) The Board shall be under no obligation to provide water supply in respect of any premises constructed without the permission referred to under sub-section (1) or in contravention of any condition laid down in such permission or in contravention of any other provision of this Act, or of any other law.

Provided that the Board may with the prior approval of the government make arrangements for such services at the full cost of the beneficiaries thereof with such development charges as may be fixed under Regulations made in this behalf and subject to such conditions as may be laid down by the Board.

102. Joint and several liability of owners and occupiers of offenses in relation to water supply

The owner, the occupiers and any person liable for payment of charge in respect of any services provided by the Board shall be jointly and severally liable for any offense under this Act committed in relation to such premises.

103. Licenses neither saleable nor transferable

A license issued under this Act shall not be saleable or otherwise transferable.

104. Prohibition of certain acts.

No person shall. -

- (1) Willfully obstruct any member of the Board or any person acting under the authority of the Board in the performance of his duties;
- (2) Willfully or negligently break, injure or temper in any manner with any installation, pipe, fitting or apparatus belonging to the Board;
- (3) Do any act likely to foul or pollute the water in any water works.

105. Buildings, railways and private streets not to be erected or constructed over water works without permission.

No construction or development works over supply pipe installations shall be done without permission.

(1) No construction or development of any kind including building, walls fences, roads or poles or electric transmission lines shall be made above water supply pipe or any installation constructed or maintained or vested in the Board, except with the written permission of the Board and subject to such conditions as may be fixed by the Board.

Provided that a railway administration may take up the works mentioned here above, in accordance with the provisions of section 11 and section 12 of the Railways Act, 1989 (24 of 1989), subject to the condition that the railway administration shall do so with the consent of the Government.

(2) The board may remove or otherwise deal with any construction or development made in contravention of the provisions of sub-section (1) in such manner as it thinks fit having regard to the maintenance of its services and any cost including departmental charges incurred by the board in this regard shall be recoverable from the person who made the development or construction.

Provided that in case of construction or development made by the Bharat Sanchar Nigam Limited/ Telegraph/ Tripura State Electricity Corporation Limited or other such authorities, the Board may remove or otherwise deal with it in such manner as it thinks fit and recover the cost including departmental charges incurred by the Board in this regard after giving the said authorities an opportunity of executing it within such reasonable period as the Board may fix for the purpose.

106. Penalty in case of default of payment of charges

(1) If a person liable for payment of any charges does not, within thirty days of the service of the notice of demand on him under section 71, pay the sum due, he shall be deemed to be in default.

(2) A person in default shall in addition to the charges due, including interest and demand fee, be liable to pay such penalty as may be determined by the Board, extending to such sum not exceeding 20% of the amount of the charge and the same penalty shall be recoverable along with other arrears.

107. Liability of occupier to pay for any default by the owner

The officer issuing any notice or order to any person in respect of property for which such person is the owner, may require the occupier of the property to pay to him, instead of the owner, any rent payable to the board;

Provided that if the occupier refuses to disclose the correct amount of the rent

payable by him or the name and address of the person to whom it is payable, the authority or officer may recover from the occupier the whole amount recoverable under this section as an arrear of charge under this Act.

108. Obstruction of services provided by the Board

No person shall obstruct, prevent, divert or stop the supply of water to any premises or any portion thereof to which such service has been provided by the Board whether on grounds of any dispute regarding ownership or occupancy of such premises or for any other reason.

109. General Power of compensation

The Board may subject to any Regulations which may be made in this behalf, approve compensation to any person who sustains damage or injury in the course of or in consequence of any work done by the Board or in relation to any service provided by the Board.

110. Compensation to be paid by offenders for damage caused by them

- (1) Any person who has been convicted of any offence against this Act, shall, notwithstanding any punishment to which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to the property of the Board resulting from the said offence as the Board may consider reasonable.
- (2) In the event of a dispute regarding the amount of the compensation payable under sub-section (1) such amount shall, on application made to it, be determined by the court before which the said person was convicted of the said offence and on non-payment of the amount of compensations determined, the same shall be recovered under a warrant from the said court as if it were a fine imposed by it on the person liable therefore.

111. Recovery of dues

(1) If a person liable to pay any dues to the Board does not, within thirty days from the service of the notice of demand pay the amount due, such sum together with all costs and the penalty under Sections 104 shall be recoverable under a warrant, issued in the form set forth in the first schedule, by distress and sale of the movable property, or the attachment and sale of the immovable property. The matter will be referred by the Board to the concerned District Magistrate & Collector for necessary action.

(2) Every warrant issued under this section shall be signed by a member of the Board or any officer duly authorized by the Board.

112. Distress

(1) It shall be lawful for any officer or other employee of the Board, to whom a warrant is issued under section 113, is addressed, to distrain, wherever, it may be found in any place in Tripura, any moveable property belonging to the person therein named as defaulter, subject to the following conditions, exceptions and exemptions, namely.-

(a) The following property shall not be distrained: -

(i) The necessary wearing apparel and bedding of the defaulter, his wife and children and their cooking and eating utensils;

(ii) Tools of artisans;

(iii) Books of account; or

(iv) When the defaulter is an agriculturist, his implements of husbandry, seed, grain and such cattle as may be necessary to enable the defaulter to earn his livelihood.

(b) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the Board, should not have been distrained, it shall forthwith be released.

(2) The person charged with the execution of a warrant of distress shall forthwith make an inventory of the property which he seizes under such warrant, and shall, at the same time, give a written notice in the form set forth in the second schedule, to the person in possession thereof at the time of seizure that the said property will be sold as there in mentioned.

113. Disposal of distrained property and attachment and sale of immovable property

(1) When the property seized is subject to rapid decay or when the expense of keeping it in custody is, when added to the amount to be recovered, likely to exceed its value, the Board shall give notice to the person in whose possession the property was at the time of seizure, that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is paid forthwith.

(2) If the warrant is not in the meantime suspended by the Board or discharged, the property seized shall, after the expiry of the period named in the notice served under sub-section (2) of section 110 be sold by public auction.

(3) When a warrant is issued for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and prohibiting all persons from taking any benefit from such transfer or charge, and declaring that such property would not be sold unless the amount due with all costs of recovery is paid into the Board's office within fifteen days from the date of the attachment.

(4) Any transfer of or charge on the property attached or any interest made without written permission of the Board shall be void as against all claims of the Board enforceable under the attachment.

(5) The surplus of the sale-proceeds, if any, shall, immediately after the sale of

the property, be credited to the water fund, and notice of such credit shall be given at the same time to the person whose property has been sold or his legal representative and if the same is claimed by written application to the Board within one year from the date of the notice, a refund thereof shall be made to such person or representative.

(6) Any surplus not claimed within one year as aforesaid shall be the property of the Board.

(7) For every distraint and attachment made in accordance with the foregoing provisions, a fee of such amount not exceeding two and a half percent of the amount of the tax due as shall in each case be fixed by the board, shall be charged, and the said fee shall be included in the costs of recovery.

114. Recovery from a person about to leave Tripura

(1) If the Board has reasons to believe that any person from whom any sum is due or is about to become due is about to move from Tripura, he may direct the immediate payment by such person, of the sum due or about to become due, and cause a notice of demand for the same to be served on such person.

(2) If, on the service of such notice, such person does to forthwith pay the sum so due or about to become due, the amount shall be leviable by distress or attachment and sale in the manner hereinbefore provided, and the levy by distress or attachment and sale may be issued and executed without any delay.

115. Offences and Penalties

Save as otherwise provided in this Act whoever. -

(1) Contravenes any provision of any of the sub sections or sections of this Act mentioned in the column 1 of the table in the fourth schedule; or

(2) Fails to comply with any order or direction lawfully given to him or requisition lawfully made upon him under any of the said section, sub-sections, clauses, provisions or other provisions, shall be punishable,

(a) With fine which may extend to the amount, specified in that behalf in column 3 of the said table or with both; and

(b) In the case of a continuing contravention or failure, with an additional fine which may extend to the amount specified in column 4 of the table for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

116. Prosecutions

No court shall proceed to the trial of any offence except on the complaint of or upon information received from the Chief Executive Officer or any other officer authorized by the Board by a general or special order in this behalf.

117. Compounding of offences

(1) The Board may, either before or after institution of the proceedings, compound any offence under this Act:

Provided that no offence shall be compounded unless the offender has paid all dues including penalties payable by him and compensation as the Board may consider necessary, having regard to the facts and circumstances of the case, and indemnifies the Board against any damage for which the board may be liable on account of his action.

(2) When an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

118. Arrest of offender

(1) Any police officer may arrest any person who commits in his view any offence against this Act or against any rule or regulation made there under if: -

(a) The name and address of such person are unknown to him and;

(b) Such person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained.

119. Protection of action taken in good faith.

No suit prosecution or other proceeding shall be instituted or shall be entertained in any court against any member of the Board or of the consultative council, or against any other officer or employee of the Board or against any person acting under the order or direction of any such person for anything which is in good faith done or intended to be done in pursuance of this Act or any Rule, Regulation or other instrument made there under.

120. Notice to be given to suits.

No suit shall be instituted against the Board until the expiry of two months after notice in writing has been left at the Board's office and unless such notice states explicitly the cause of action, the nature of the relief sought, amount of compensation claimed and the name and place of residence of the intending plaintiff, and unless the plaint contains a statement that such notice has been so left or delivered.

121 . Power to set up testing laboratory for quality control of drinking water.

The Board shall have power to set up testing laboratory for quality control of drinking water according to Bureau of Indian Standard (BIS) for urban local body areas.

122. Removal of difficulties

(1) If any difficulty arises in giving effect to any provision of this Act, the Government may, on the recommendations of the board, by a general or a special order published in the official gazette, make such provisions not inconsistent with the provisions of this Act or the rules or regulations made there under, as may be necessary or expedient for the purpose of removing the said difficulty.

Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before the Tripura legislative Assembly.

123. Repeal and savings:

(i) The Tripura Jal board Ordinance, 2020 (The Tripura Ordinance No. 9 of 2020) is hereby repealed.

(ii) Notwithstanding such repeal, anything done or any action taken or any order made or any notification issued under the Ordinance so repealed, shall be deemed to have been done or taken or made or issued under the corresponding provisions of this Act.

The First Schedule

(See Section 111)

Form of Warrant

(Here insert the name of the officer charged with the execution of the warrant)

Whereas A.B. of-----has not paid, and has not shown satisfactory cause for the non-payment of, the sum of----- due on account of (here describe the liability) for the period of ----- commencing on the-----day of -----20-----which sum is leviable under:

And whereas thirty days have elapsed since the service on him of notice of demand for the same;

This is to direct you ----- to distrain/ attach the movable/ immovable property (described below) of the said A.B. of a value.

Approximately equal to the said sum of -----subject to the provisions of the Tripura Jal Board Act, 20 ----- and the bylaws made there under and forthwith to certify to me, together with this warrant, all particulars of the property seized/ attached by you there under.

Description of immoveable property

Chief Executive Officer,

Tripura Jal board

The Second Schedule

See Section 112(2)

Form of inventory of property distained and notice of sale

To

Shri/ Shrimati Residing at

Please take notice that I have this day seized the property specified in the inventory annexed hereto for the value of-----due for the liability (here describe the liability)mentioned in the margin for the period commencing on the-----day of -----20 -----, and ending with the day of-----20 -----, together with Rs. ----- due for service of notice of demand, and that unless within ten days from the date of the service of this notice you pay to the Chief Executive Officer the said amount, together with the costs of recovery, the said property will be sold by public auction.

Dated this -----day of ----- 20-----.

Tripura Jal Board

(Here state particulars of property seized)

(Signature of Officer) Executing the warrant

The Third Schedule

{See Section 80}

Notice of Demand

To

Shri/ Shrimati Residing at

Please take notice that the Chief Executive Officer/ Board demands from -----
----- the sum of----- due from on account of-----
----- (here describe the property, occupation,
circumstance or thing in respect of which the sum is payable under) leviable under-----
----- for the period-----
----- of -----
commencing on the----- day of 20 -----, and ending on the-----
----- day off -----20-----, and that if, within
thirty days from the service of this notice, the said sum is not paid to the Chief Executive
Officer/ Board at-----
----- or sufficient cause for non-payment is not shown to the satisfaction of the Chief
Executive Officer / Board, a warrant of distress or attachment will be issued for the recovery
of the same with costs.

Dated this -----day of ----- 20 --.

Chief Executive Officer

Tripura Jal Board

The Fourth Schedule

{See Section 115}

Penalties

SI No	Section sub-section, clause of proviso	SUBJECT	Fine or imprisonment which may be imposed (in Rs.)	Daily fine which may be imposed (in Rs.)
1	Section 25 Sub-section (1)	Use for non-domestic purpose of water supplied for domestic purpose	1000	100
2	Section 28 Sub-section (1)	Prohibition to occupy new premises without arrangement for water supply	2000	100
3	Section 28 Sub-section (2)	Non-compliance with requisition to take water supply	1000	100
4	Section 34 Sub-section (1)	Waste or misuse of water	2000	100
5	Section 34 Sub-section (1)	Laying of water pipe etc. in a position where the same may be injured or water therein polluted	2000	100
6	Section 34 Sub-Section (3)	Non-removal of private on – line Booster	Confiscation +2000 for repetition	Confiscation
7	Section 35 Sub-section (1)	Denying permission to enter the premises to inspect water sewer line	1000	200
8	Section 35 Sub-section (3)	Construction of latrines/ septic tanks in a position where pipes may be injured or water therein polluted	2000	100
9	Section 39	Failure to comply with requisition to render wells, public hydrants etc. safe	1000	100
10	Section 42	Non-compliance with requisition for keeping sewage water drains distinct	1000	100
11	Section 44 Sub-Section (1)	Execution of work by a person other than a licensed plumber	2000	-
12	Section 44 Sub-Section (3)(C)	Licensed plumbers not to demand more than the charges prescribed	1000	-

13	Section 44 Sub-section (4)	Licensed plumbers not to contravene bye-laws or execute work carelessly or negligently etc.	1000	-
14	Section 44 Sub-section (5)	Failure to furnish when required, name of licensed plumber employed	1000	-
15	Section 101 Sub-section (1)	Failure to give notice of intention to erect a building	5000	100
16	Section 85 & Section 91.	Preventing the Board or any person authorized in this behalf from exercising his powers of entry etc.	1000	-
Section 106 Sub-Section (b) & (c)		(1) Un-authorized tempering with water mains	(a) 500 (Domestic use) (b) 1000 (Non-domestic use) (c) 2000 (Industrial use) (d) 5000 (Ice Factories)	200 200 200 200
		(2) For making unauthorized sewer connection	(a) 200 (Domestic) (b) 1000 (Non-domestic) (c) 5000 (Industrial)	- 200 500
		(3) For unauthorized connection with sewer drain	1000	-
Section 105 Sub-Section (1)	Non-removal of unauthorized encroachments over Board's water line/ sewer line/ drainage works	2000	100	
Section 108	Obstruction of services provided by Board	1000	100	

(SOPAN CHAUDHURI)
Deputy Secretary, Law
Government of Tripura.

Printed by
The Manager, Tripura Government Press,
Agartala.
