

THE KARNATAKA URBAN WATER SUPPLY AND DRAINAGE BOARD ACT, 1973

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STATEMENTS OF OBJECTS AND REASONS.

I

Act 25 of 1974.- To undertake the investigation, preparation and execution of schemes for the regulation and development of drinking water and drainage facilities in the urban areas, it is considered necessary to have a statutory board at the State level which will help in bringing about co-ordination in the activities relating to the implementation of such schemes.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary) Part-IV-2A, dated 26-2-1973, No. 180, at page 37.)

II

Amending Act 7 of 1976.- The Karnataka Urban Water Supply and Drainage Board Bill, 1973 was assented to by the President of India and has been published as Karnataka Act 25 of 1974.

While giving assent to the said Bill, the Government of India have suggested certain amendments, one of which relates to the amendment of section 9 of the Act.

Sub-section (1) of section 9 empowers the Board to appoint a Secretary, a Chief Engineer, an Accounts Officer and such other officer and Servants as it considers necessary for efficient performance of its functions. The proviso stipulates that the Board shall not without the previous approval of the Government, sanction the creation of, or appoint any person to any post, the maximum monthly salary of which exceeds on thousand and six hundred rupees.

The Government of India have suggested that the appointment of the Secretary, Chief Engineer and the Accounts Officer of the Board should be made with the approval of the Government.

Since the three posts being key posts in the Board, it is considered that there should be a limit of Government control over appointment of these posts.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), dated 31-1-1976, Part IV-2A, No. 626, page 3.)

III

Amending Act 20 of 1977.- Section 29(4) of the Karnataka Urban Water Supply and Drainage Board Act, 1973 provides, all moneys and receipts forming part of the fund of the Karnataka Urban Water Supply and Drainage Board have either to be deposited into the Public Accounts of the Government or in the Reserve Bank of India or State Bank of India or any corresponding new Bank as defined in the Banking Companies (Acquisition and Transfer of undertakings) Act, 1970. Schedule Banks are not included in the list. Since many Schedule Banks have come forward to offer banking services to the Board, it is proposed to amend section 29 (4) of the Karnataka Urban Water supply and Drainage Board Act so as to include Scheduled Banks also within its purview.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), dated 3-2-1977, Part IV-2A, L.A. No. 16743, Page 2.)

IV

Amending Act 45 of 1981.- The Water Supply and Drainage System in Urban areas of the State are at present maintained by the concerned local bodies. The standard of maintenance of water supply by the urban local bodies has been on the whole, extremely poor. The local bodies, as a rule do not have qualified technical staff for operation and maintenance of the machinery and sophisticated equipment erected for the Water Supply/Drainage Systems, for prompt rectification of defects in water supply or proper supervision over the storage and distribution arrangements. Further, most of the local bodies have failed to levy adequate water rates to cover the cost of maintenance and consequently do not have sufficient funds to keep the water supply/drainage systems in good shape.

In view of these difficulties, it is considered necessary to entrust in a phased manner, the water supply and drainage schemes in urban areas to the Karnataka Water Supply and Drainage Board, which has the technical know how and capacity to maintain the schemes efficiently.

Under the provisions of the Karnataka Urban Water Supply and Drainage Board Act, the Board executed water supply and drainage schemes on behalf of local authorities and also such schemes as may be entrusted to it by Government. The Act does not empower the Board to maintain Water Supply Drainage Schemes or to collect water rates in respect of the water supplied. Amendments to the Act are therefore necessary to entrust these functions to the Board and to provide for take over of Water Supply and Drainage Schemes by the Board.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), dated 25-3-1981, Part IV-2A, No. 194, Page 31.)

V

Amending Act 19 of 1993.- It is considered necessary to amend the Karnataka Urban Water Supply and Drainage Board Act, 1973 to make the Director of Municipal Administration as one of the directors of the Karnataka Urban Water Supply and Drainage Board. Opportunity is also taken to make consequential amendments due to bifurcation of the Department of Health and Municipal Administration into Housing and Urban Development Department and Health and Family Welfare Department.

Hence the Bill.

(Obtained from Vide L.A. Bill 10 of 1993, File LAW 64 LGN 91.)

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1[KARNATAKA]1 ACT No. 25 OF 1974

(First published in the Karnataka Gazette Extraordinary on the Twenty-first day of August, 1974)

**THE 1[KARNATAKA]1 URBAN WATER SUPPLY AND DRAINAGE BOARD
ACT, 1973.**

(Received the assent of the President on the Fifteenth day of August, 1974)

(As Amended by Acts 7 of 1976, 20 of 1977, 45 of 1981 and 19 of 1993.)

An Act to provide for the establishment of a Water Supply and Drainage Board and the regulation and development of drinking water and drainage facilities in the urban areas of the State of 1[Karnataka]1.

WHEREAS it is expedient to provide for the establishment of a Water Supply and Drainage Board and the regulation and development of drinking water and drainage facilities in the urban areas of the State of 1[Karnataka]1 and for matters connected therewith ;

BE it enacted by the 1[Karnataka]1 State Legislature in the Twenty-fourth Year of the Republic of India as follows:-

1. Adopted by the Karnataka adoption of laws order 1973 w.e.f. 1.11.1973.

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.- (1) This Act may be called the 1[Karnataka]1 Urban Water Supply and Drainage Board Act, 1973.

(2) It extends to the whole of the State of 1[Karnataka]1 other than the City of Bangalore.

1. Adopted by the Karnataka adoption of laws order 1973 w.e.f. 1.11.1973.

(3) It shall come into force on such 1[date]1 as the State Government may, by notification, appoint and different dates may be appointed for different areas.

1. Act came into force on 15.10.1974.

1[2. Definitions.- In this Act, unless the context otherwise requires,-

1. Sub section 1 to 34 substituted by Act 45 of 1981 w.e.f. 1.10.1981.

(1) "Board" means the 1[Karnataka]1 Urban Water Supply and Drainage Board constituted under section 4;

1. Adopted by the Karnataka adoption of laws order 1973 w.e.f. 1.11.1973.

(2) "building" means a house, out-house, stable, latrine, urinal, shed, hut or any other structure, whether of masonry, bricks, wood, mud, metal or other material, but does not include any portable shelter;

(3) "bye-laws" means bye-laws made by the Board under this Act;

(4) "Chairman" means the Chairman of the Board;

(5) "committee" means any committee appointed under section 14;

(6) "communication pipe" means,-

(a) where the premises supplied with water abuts the street in which the main is laid, and the service pipe enters that premises otherwise than through the

outer wall of a building on the street and has a stopcock placed in that premises and as near to the boundary of the street as is reasonably practicable, so much of the service pipe as lies between the main and that stopcock;

(b) in any other case, so much of the service pipe as lies between the main and the boundary of the street in which the main is laid, and includes the ferrule at the junction of the service pipe with the main, and also,-

(i) where the communication pipe ends at a stopcock, that stopcock; and

(ii) any stopcock fitted on the communication pipe between the end thereof and the main;

(7) "director" means a director of the Board and includes the Chairman and the Managing Director;

(8) "drain" includes sewer, tunnel, a culvert, a ditch, a channel and any other device for carrying off sewage, offensive matter, polluted water, waste water, rain water or sub-soil water;

(9) "drainage" means the device for carrying off sewage, offensive matter, polluted water, waste water, rain water, or sub-soil water;

(10) "Executive Engineer" means the officer appointed by the Board to be the Executive Engineer and includes any officer placed in additional charge of the duties of the Executive Engineer;

(11) "Government" means the State Government;

(12) "land" includes benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by law over any street;

(13) "licenced plumber" means a person licenced under the provisions of this Act as a plumber;

(14) "local area" means an area within the jurisdiction of a local authority;

(15) "local authority" means a municipal corporation, a municipal council, a sanitary board or a notified area committee constituted or continued under any law for the time being in force;

(16) "main" means a pipe laid 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;

(17) "occupier" 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 land or building in respect of which such rent is paid or is payable;

(b) an owner in occupation of, or otherwise using his land or building;

(c) a rent free tenant of any land or building;

(d) a licensee in occupation of any land or building; and

(e) any person who is liable to pay the owner damages for the use and occupation of any land or building;

(18) “owner” includes 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 an account of himself and others or as an agent, trustee, guardian or receiver for any other person or who should so receive the rent or be entitled to receive it if the land or building or part thereof were let to a tenant;

(19) “premises” means any land or building or part of a building and includes,-

(a) the garden, ground and out-house, if any, appertaining to a building or part of a building; and

(b) any fittings affixed to a building or part of a building for the more beneficial enjoyment thereof;

(20) “regulation” means a regulation made under this Act;

(21) “scheme” means any scheme relating to drinking water and drainage and such matters incidental thereto and includes a draft scheme prepared for the above purpose;

(22) “service pipe” means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main, or would be so subject but for the closing of some tap;

(23) “sewage” means night soil and contents of latrines, urinals, cesspools or drains, and polluted water from sinks, bathrooms, stables, cattle sheds and other like places and includes trade effluents and discharges from manufactories of all kinds;

(24) “sewer” means a closed conduit for carrying off sewage, offensive matter, polluted water, waste water or sub-soil water;

(25) “shed” means a slight or temporary structure for shade or shelter;

(26) “street” includes any way, road, lane, square, court, alley, gully, 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 cause-way;

(27) “supply pipe” means so much of any service pipe as is not a communication pipe;

(28) “trade effluent” means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, and in relation to any trade premises, means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at such premises, but does not include domestic sewage;

(29) “trade premises” means any premises used or intended to be used for carrying on any trade or industry;

(30) “trade refuse” means the refuse of any trade or industry;

(31) “trunk main” means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or 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;

(32) “water course” includes any river, stream or channel whether natural or artificial;

(33) “water fittings” includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water;

(34) “water works” includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water trucks, sluices, mains, culverts, pipes, hydrants, stand pipes and conduits and all lands, buildings, machinery, bridges and things used for or intended for the purposes of supplying water.]¹

CHAPTER II

CONSTITUTION OF THE BOARD

3. Creation and incorporation of the Board.- The duty of carrying out the provisions of this Act shall, subject to the restrictions, conditions and limitations therein contained be vested in a Board to be called the ¹[Karnataka]¹ Urban Water Supply and Drainage Board and such Board shall be a body corporate and have perpetual succession and a common seal and shall by the said name sue and be sued.

¹ Substituted by Act 7 of 1976 w.e.f. 4.3.1976.

4. Constitution of the Board.- (1) The Board shall consist of,-

(a) a Chairman ;

(b) a Managing Director;

(c) ¹[four directors of whom one shall be the Director of Municipal Administration and three others]¹ to represent respectively the Government Secretariat Department dealing in, -

¹ Substituted by Act 19 of 1993 w.e.f. 18.5.1993.

(i) Finance;

¹[(ii) Housing and Urban Development;]¹

¹ Substituted by Act 19 of 1993 w.e.f. 18.5.1993.

(iii) Public Works;

(d) four directors to represent the local authorities, one from each revenue division;

(e) eight other directors of whom four shall be persons possessing wide experience in the field of public health engineering with reference to water supply or drainage or disposal of industrial wastes, who are not employed by the Government or a local authority or a corporation owned or controlled by the Government.

(2) The Chairman and the Managing Director shall possess the prescribed qualifications. They and the other directors shall be appointed by the Government.

5. Appointment of Chairman, the Managing Director and Directors to be notified.- The appointment of the Chairman, the Managing Director and the official and non-official directors shall be notified in the official Gazette.

6. Term of office and conditions of service of the directors.- (1) All directors including the Chairman and the Managing Director shall hold office during the pleasure of the Government.

(2) Any director may, by writing addressed to the Government, resign his office and such resignation takes effect when accepted by Government.

(3) The conditions of service of the directors shall be such as may be prescribed.

(4) Any vacancy in the office of the directors may be filled by Government by appointing a person possessing the appropriate qualification specified in section 4.

7. Disqualifications for appointment as director of the Board.- (1) A person shall be disqualified for being appointed as, and for being, a director of the Board, if he,-

(a) has been sentenced for any offence involving moral turpitude, such sentence not having been reversed;

(b) is an undischarged insolvent;

(c) is of unsound mind;

(d) is an officer or servant of the Board;

(e) has directly or indirectly, by himself or by any partner, employer or employee, any share or interest in any contract or employment with, by or on behalf of, the Board;

(f) is a director or a secretary, manager or other officer of any incorporated company which has any share or interest in any contract or employment with, by or on behalf of the Board.

(2) A person shall not be disqualified under clause (e) or clause (f) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of those clauses, by reasons only of his or the incorporated company of which he is a director, secretary, manager, or other officer, having a share or interest in,-

(i) any sale, purchase, lease or exchange of immovable property or any agreement for the same;

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the Board is inserted;

(iv) the occasional sale to the Board, if the sum paid as consideration does not exceed two thousand rupees in any one year, of any article in which he or the incorporated company regularly trades.

(3) A person shall not also be disqualified under clause (e) or clause (f) of sub-section (1) or be deemed to have any share or interest in any incorporated company which has any share or interest in any contract or employment with, by, or on behalf of the Board, by reason only of his being a share holder of such company:

Provided that such person discloses to the Government the nature and extent of the shares held by him.

Explanation.- For the purposes of clause (d) of sub-section (1) the Chairman or the Managing Director or any director shall not be deemed to be an officer or servant of the Board.

8. Removal of the Chairman and other non-official directors.- (1) If at any time it appears to the Government that the Chairman has shown himself to be unsuitable for his office, or has been guilty of any misconduct or neglect which renders his removal expedient, it shall by notification remove him from office after giving him a reasonable opportunity of showing cause.

(2) The Government may, by notification, remove any non-official director from office after giving him a reasonable opportunity of showing cause,-

(a) if he has, without the permission of the Board, been absent from the meetings of the Board for a period of three consecutive months reckoned from the date of the commencement of his term of office, or of the last meeting which he attended, as the case may be, or within the said period, less than three meetings have been held, been absent from three consecutive meetings held after the said date ;

(b) if he, being a legal practitioner, acts or appears on behalf of any person other than the Board in any civil, criminal or other legal proceedings in which the Board is interested, either as a party or otherwise; or

(c) if he, in the opinion of the Government, is unsuitable or has become incapable of acting as a director or has so abused his position as a director as to render his continuance as such director detrimental to public interest.

(3) A non-official director removed under any of the provisions of clauses (a) and (b) of sub-section (2) shall unless otherwise directed by the Government be disqualified for appointment as a director for a period of three years from the date of his removal.

(4) A non-official director removed under clause (c) of sub-section (2) shall not be eligible for reappointment until he is declared by an order of the Government to be no longer ineligible.

CHAPTER III

OFFICERS AND MEMBERS OF THE STAFF OF THE BOARD

9. Appointment of Secretary, Chief Engineer, Accounts Officer and other officers and servants of the Board.- (1) The Board may appoint a Secretary, a Chief Engineer, an Accounts Officer and such other officers and servants as it considers necessary for the efficient performance of its functions:

¹[Provided that the appointment of the Secretary, Chief Engineer and the Accounts Officer shall be made with the previous approval of the Government.]¹

¹ Substituted by Act 7 of 1976 w.e.f. 4.3.1976.

Provided further that in case of emergency,-

(a) the Managing Director may appoint, temporarily, for a period not exceeding three months such officers or servants as may, in his opinion, be required for the purpose of this Act, and the employment of whom for any particular work had not been prohibited by any resolution of the Board; and

(b) every appointment made under clause (a) shall be reported by the Managing Director to the Board at the next meeting.

10. Maintaining schedule of establishment.- (1) The Board shall prepare and maintain a schedule of establishment showing the number, designated and grades of the officers and servants (other than the employees who are paid by the day or whose pay is charged to temporary work), whom it considers necessary and proper to employ for the purpose of this Act, and also the amount and the nature of the salary, fees and allowances to be paid to each such officer or servant.

(2) The schedule referred to in sub-section (1) shall be revised every year before the first May of that year and shall contain the particulars mentioned in that sub-section of

the officers and servants of the Board employed on the 31st March immediately preceding.

11. Control by the Managing Director.- Subject to such regulations as may be framed by the Board, the Managing Director shall [be the Chief Executive Officer of the Board and shall]¹ exercise supervision and control over the acts and proceedings of all the officers and servants of the Board.

¹. Inserted by Act 45 of 1981 w.e.f. 1.10.1981.

CHAPTER IV

CONDUCT AND BUSINESS OF THE BOARD

12. Meeting of the Board.- (1) The Board shall meet at such times and places and shall, subject to the provisions of sub-sections (2) and (3) observe such rules of procedure in regard to transaction of business at its meetings including the quorum at meetings as may be prescribed by regulations:

Provided that the Board shall meet at least once in three months.

(2) The Chairman or in his absence, the Managing Director shall preside at a meeting of the Board.

(3) All questions at any meetings of the Board shall be decided by a majority of the votes of the directors present and voting and in the case of an equality of votes, the Chairman, or in his absence the Managing Director presiding, shall have and exercise a second or casting vote.

13. Temporary association of persons with Board for particular purposes.- (1) The Board may associate with itself in such manner and for such purposes as may be determined by regulations, any person whose assistance or advice it may desire in performing any of its functions under this Act:

Provided that the number of persons so associated shall not be more than four.

(2) The Board may invite any person to offer his views on any subject discussed at any meeting of the Board.

(3) A person associated with the Board under sub-section (1) or invited for a discussion under sub-section (2) for any purpose shall have the right to take part in the discussions of the Board relevant to that purpose, but shall not have the right to vote at a meeting of the Board.

14. Appointment and functions of committees.- (1) The Board may from time to time, appoint committees consisting of such number of persons as it may think fit for the purpose of discharging such duties or performing such functions and on such terms and conditions as may be prescribed by regulations.

(2) The Chairman, or such other person as he may nominate in this behalf shall be the president of the committee and the committee shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed by regulations.

(3) All proceedings of the committee shall be subject to confirmation by the Board.

15. Acts of Board not to be invalidated by informality or vacancy.-No act done or proceedings taken under this Act by the Board or any committee shall be invalidated merely on the ground,-

- (a) of any vacancy or defect in the constitution of the Board or the committee; or
- (b) of any defect or irregularity in the appointment of a person acting as a director thereof; or
- (c) of any defect or irregularity in such act or proceeding not affecting the merits of the case.

CHAPTER V

POWERS AND FUNCTIONS OF THE BOARD

16. Functions of the Board.- (1) The Board shall be charged with the functions of providing financial assistance by way of loans and advances to the local authority in the State for assisting in providing for the following amenities, namely:-

- (i) water supply and drainage for urban areas; and
- (ii) other activities which are entrusted to the Board from time to time by the Government.

17. Other functions of the Board.- ¹[(1)] The Board shall perform all or any of the following functions, namely:-

¹ Re-numbered by Act 45 of 1981 w.e.f. 1.10.1981.

- (a) at the instance of the Government or a local authority ²[or *suo motu*]²,-
 - (i) investigating the nature and type of schemes that can be implemented in the area of any local authority for the provision of drinking water and drainage facilities;
 - (ii) planning and preparing of schemes including schemes covering areas falling within the jurisdiction of more than one local authority for the purpose of providing the supply of drinking water or drainage facilities;
 - (iii) executing such schemes under a phased programme for the provision of drinking water and drainage facilities within the areas of local authorities to which such schemes relate ;
 - ¹[(iv) operation and maintenance of drinking water supply and drainage undertakings either wholly or in part and subject to such terms and conditions as the Government may specify;
 - (v) levy and collection of water rates, fees, rentals and other charges in respect of such undertakings as the State Government may specify.]¹

¹ Inserted by Act 45 of 1981 w.e.f. 1.10.1981.

- (b) providing technical assistance or giving advice to local authorities in the execution and maintenance of urban water supply and drainage works;
- (c) establishing and maintaining schemes incidental to urban water supply and drainage such as testing of water, designing of plant for purification of water, conducting research relating to urban water supply and maintaining farm schemes;
- (d) any other matter which is supplemental, incidental or consequential to any of the above functions; and

(e) such other functions as may be prescribed.

1[(2) No scheme estimated to cost more than ten lakhs of rupees shall be carried out by the Board except with the previous approval of the State Government.]1

1. Inserted by Act 45 of 1981 w.e.f. 1.10.1981.

18. General powers of the Board.- The Board shall for the purpose of carrying out its functions under this Act. have the following powers, namely:-

(i) to acquire and hold such movable and immovable property as it deems necessary and to lease, sell or otherwise transfer any such property subject to such conditions as may be prescribed;

(ii) to acquire under the Land Acquisition Act, 1894 (Central Act I of 1894) any land or any interest therein required by the Board for implementing any schemes;

(iii) to incur expenditure and undertake any work in any area in the State for the preparation and execution of such schemes as it may consider necessary for the purpose of carrying out the provisions of this Act, or as the case may be, the functions entrusted to it by the Government ;

(iv) to enter into any contract; and

(v) to do all things necessary for the purpose of carrying out the provisions of this Act.

CHAPTER VI

INVESTIGATION, PREPARATION AND ¹[EXECUTION, MAINTENANCE ETC. OF SCHEMES]1 BY THE BOARD

1. Substituted by Act 45 of 1981 w.e.f. 1.10.1981.

19. Cost of investigation of schemes.-The cost of investigation of any scheme undertaken by the Board either at the instance of the Government or a local authority shall be borne by the local authority concerned. In case where the investigation is undertaken for more than one local authority, the cost of such investigation shall be borne by the local authorities concerned in such proportion as may be determined by the Board.

20. Preparation of draft schemes by the Board.-(1) As soon as the investigation undertaken by the Board is completed, the Board shall prepare in regard to the expenditure that is likely to be incurred an estimate of the schemes and also a sketch showing the salient features relating to the scheme and forward the same along with the report of the investigation to the local authority or authorities concerned.

(2) On receipt of the documents referred to in sub-section (1), the local authority concerned shall, within such time, as may be prescribed examine the report of the investigation of the scheme proposed to be implemented in its area with reference to the cost to be incurred for the scheme and with reference to its financial capacity to meet the cost of the scheme. If the local authority decides to get the scheme implemented, it shall pass a resolution within such time as may be prescribed authorising the Board to execute the scheme. The resolution so passed by the local authority shall specify clearly that the local authority shall meet the cost of execution of the scheme and its maintenance and also indicate the manner in which and the ways and means by which the cost of the scheme is proposed to be borne by such local authority.

(3) On receipt of the resolution and other particulars referred to in sub-section (2), the Board shall examine in general, the feasibility of implementation of the scheme in all its aspects and in particular the financial capacity of the local authority concerned. If on such examination the Board is satisfied about the feasibility of implementation of the scheme then the Board shall forward the draft scheme to the Government for their approval.

(4) Notwithstanding anything contained in any law for the time being in force, any resolution passed by any local authority under this section shall be final and any such resolution shall not be cancelled or rescinded or altered by such local authority except with the previous approval of the Government.

21. Approval of the scheme by the Government.-As soon as may be, after the submission of the draft scheme under sub-section (3) of section 20, the Government shall within such time as may be prescribed, either approve the said draft scheme or approve it with such modification, as it may consider necessary or return the said draft scheme to the Board to modify the draft scheme or to prepare a fresh draft scheme in accordance with such directions as the Government may issue in this behalf and resubmit it to the Government for approval.

22. Publication of approval of the draft scheme in the official Gazette.- (1) The Government shall by notification publish its approval to the draft scheme.

(2) A notification published under sub-section (1) shall be conclusive evidence that the scheme has been duly made and approved. The scheme shall thereupon become final and shall be hereinafter called the "approved scheme".

23. Execution of approved scheme by the Board.-As soon as the notification under section 22 is published in the official Gazette, the Board shall execute the approved scheme in the areas of the local authority or authorities concerned.

24. Recovery of the cost of the scheme.- (1) The cost relating to the preparation and execution of any scheme by the Board including all incidental expenses connected therewith incurred by the Board shall be borne by the local authorities concerned on whose behalf such scheme was prepared and executed by the Board. In cases where the scheme was prepared and executed for more than one local authority, the cost of such scheme shall be borne by the local authorities concerned in such proportion as may be determined by the Board.

(2) The cost relating to the investigation, preparation and execution of any scheme by the Board including all incidental expenses connected therewith incurred by the Board shall be recoverable by the Board from the local authority concerned in such manner and in such number of installments and at such time or times as may be prescribed.

(3) In the event of any failure on the part of any local authority to pay the cost of the scheme to the Board, the Government shall pay to the Board, such cost or so much thereof as is remaining due and shall recover the same from the local authority concerned in such manner and in such number of instalments and at such time or times as may be prescribed.

(4) The Board may include in the cost of investigation, preparation and execution of any scheme or any other work undertaken by it, the supervision and centage charges at such rates as may be prescribed.

25. Power of Government to direct the Board to prepare and execute any scheme.- Notwithstanding anything contained in this Act or in any other law for the time being in force, if in the opinion of the Government, it is expedient in the public interest to investigate, prepare and execute any scheme in any area of a local authority, or where any local authority wilfully refuses or fails to pass any resolution for the execution of any scheme by the Board under sub-section (2) of section 20 and such refusal or failure in the opinion of the Government is without sufficient reasons, then, it may, by general or special order direct the Board to investigate, prepare and execute any scheme in any area of a local authority. The provisions of sections 19 to 22 (both inclusive) shall, so far as may be, apply to the preparation and execution of the scheme by the Board under this section. The cost relating to the investigation, preparation and execution of the scheme by the Board under this section shall be paid by the Government to the Board and the same shall be recovered by the Government from the local authority concerned in such manner and in such number of installments and at such time or times as may be prescribed.

26. Power of the Board to agree or refuse to prepare and execute the scheme.-
(1) In the case of schemes proposed by a local authority, the Board may agree to prepare and execute the scheme if it is satisfied that such scheme is necessary and feasible. The Board may refuse to prepare and execute such scheme if it is satisfied that such scheme is either unnecessary or not feasible or that it is otherwise un-executable.

(2) Any local authority deeming itself aggrieved by the refusal of the Board under sub-section (1), may, within two months from the date of receipt of the order of such refusal, appeal to the Government who may pass such orders thereon as it thinks fit and it shall be the duty of the Board or local authority to give effect to such orders accordingly.

27. Local authority to provide adequate facilities to the Board.-It shall be the duty of the local authority concerned to which any scheme relates, to provide necessary assistance to the Board for the proper execution of any approved scheme within the territorial limits of such local authority.

28. Power of local authority to undertake schemes.-No local authority shall without the approval of the Board investigate, prepare or execute any scheme :

Provided that no such approval shall be given by the Board if the cost of the scheme to be undertaken by the local authority exceeds or is likely to exceed fifty thousand rupees.

28A. Operation and maintenance etc. of the schemes by the Board.-(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, if in the opinion of the Government it is expedient in public interest so to do, it may, by order, direct the Board to investigate, prepare, and execute any scheme in any local area and, subject to such terms and conditions as it may specify, to operate and maintain all works connected with such scheme. The cost relating to such scheme shall

be borne by the Board and it shall operate and maintain all works connected with such scheme and collect necessary water rates, rentals, fees and other charges relating thereto.

1. Sections 28A to 28H inserted by Act 45 of 1981 w.e.f. 1.10.1981.

(2) Subject to the terms and conditions specified by the Government under sub-section (1),-

- (a) all the public reservoirs, tanks, cisterns, fountains, wells, pumps, pipes, taps, conduits and other works including the head works, reservoirs, the rising mains, bridges, buildings, machinery, works, materials and other things connected with the water supply and drainage to such local area and all lands (not being private property) adjacent and appertaining to the same; and
- (b) all sewers and all sewerage disposal works constructed in connection with drainage system in such local area,

shall vest in the Board and be subject to its control.

(3) The Government may, subject to such conditions as may be specified, by order, transfer to the Board the water supply or drainage undertaking of any local authority and on such transfer, such undertaking along with all works and lands connected with such undertaking shall vest in the Board.

(4) (a) No person shall, except with the permission duly obtained from the Board or the Executive Engineer,-

(i) enter on any land vested in the Board along which a conduit or pipe or sewer runs or on any premises connected with water supply or drainage;

(ii) construct any building, well or other structure or street over any main or sewer belonging to the Board.

(b) If any building, well or other structure be so erected or any street be so constructed, the Executive Engineer may cause the same to be removed or otherwise dealt with as the Executive Engineer deems fit and the expenses incurred therefor shall be collected from the person contravening the provisions of sub-clause (ii) of clause (a).

28B. Water supply for domestic and other purposes.- (1) (a) The Executive Engineer may, on application by the owner or occupier of any building, arrange, in accordance with such regulations as may be prescribed, to supply water thereto for domestic consumption and use.

(b) The supply of water for domestic purposes under this Act, shall not be deemed to include any supply,-

- (i) for any trade, manufacture or business;
- (ii) for gardens or for purposes of irrigation;
- (iii) for construction purposes;
- (iv) for fountains, swimming baths, public baths or tanks or for any ornamental or mechanical purposes;
- (v) for animals, where they are kept for sale or hire or for the sale of their produce or any preparation therefrom;

(vi) for the consumption and use by the inmates of hotels, boarding houses and residential clubs;

(vii) for the consumption and use by the persons resorting to theaters and cinemas;

(viii) for constructing or for watering streets ; or

(ix) for washing vehicles where they are kept for sale or hire.

(c) No person shall, without the written permission of the Board, use or allow to be used water supplied for domestic purposes for any other purpose.

(2) The Board, may supply water for any purpose other than a domestic purpose on such terms and conditions and in such manner as may be prescribed by regulations.

(3) The Board may supply water to the Government or any local authority on such terms as to the charges and as to the period and the conditions of supply as may be prescribed by regulations.

28C. Power to lay mains, etc.- (1) Notwithstanding anything contained in any law for the time being in force, the Board may, whether within or without the limits of any local area, lay such mains or service pipes or other water fittings, and sewers as it may deem necessary,-

(a) in any street or any land vested in the Government, or any local authority or any other authority owned or controlled by the Government;

(b) with the consent of the owner and occupier on any land not forming part of a street and may, from time to time, inspect, repair, alter or renew or may, at any time, remove any main or sewer so laid whether by virtue of this section or otherwise :

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

(2) Where the Board, in exercise of the powers under this section, lays a main or sewer in, over or on any land not forming part of a street or land referred to in clause (a) of sub-section (1) or inspect, repairs, alters, renews or removes a main or sewer so laid in, over or on any such land, it shall pay compensation to every person interested in that land for any damage done to that land by reason of the inspection, laying, repair, alteration, renewal or removal of the main or sewer.

(3) (a) If it appears to the Board that the only or the most convenient means of water supply to or sewerage of any premises is by laying any pipe or sewer over, under, along or across the immovable property of another person, the Board may, by order in writing, authorise the owner of the premises to lay or carry such pipes or sewers over, under, along or across such immovable property :

Provided that before making any such order, the Board shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be prescribed by regulations made in this behalf as to why the order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such pipe or sewer is laid.

(b) Upon the making of an order under clause (a), the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of laying a pipe or sewer, over, under, along or across such immovable property or for the purpose of repairing the same.

(c) In laying a pipe or sewer under this sub-section as little damage as possible shall be done to the immovable property and the owner of the premises shall,-

(i) cause the pipe or sewer to be laid with the least practicable delay;

(ii) fill in, reinstate and make good at his own cost and with the least practicable delay, any land opened, broken up or removed for the purpose of laying such pipe or sewer;

(iii) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the laying of such pipe or sewer.

(d) If the owner of the immovable property over, under, along or across which a pipe or sewer has been laid under this sub-section whilst such immovable property was not built upon desires to erect any building on such property, the Board shall, by notice in writing, require the owner of the premises to close, remove or divert the pipe or sewer in such manner as shall be approved by it and to fill in, reinstate and make good the immovable property as if the pipe or sewer had not been placed or carried over, under, along or across the same :

Provided that no such requisition shall be made unless in the opinion of the Board it is necessary or expedient for the construction of the proposed building or the safe enjoyment thereof that the pipe or sewer should be closed, removed or diverted.

28D. Power to provide meters, etc.- (1) The Board may provide a water meter and attach the same to the service pipe in the premises connected with Board water works.

(2) The cost of meters, the expenses of their installation, and the rent payable for use of meters, shall be such as may be prescribed by regulations, and shall be paid by the owner of the premises.

(3) The use, maintenance and testing of meters shall be regulated by regulations made in this behalf.

(4) Whenever water is supplied through a meter, it shall be presumed that the quantity indicated by the meter has been consumed until the contrary is proved.

28E. Power to enter premises and to cut off water supply, etc.- (1) The Executive Engineer or any officer authorised by the Board may, between sunrise and sunset enter any premises supplied with water by the Board in order to examine if there be any waste or misuse of such water and the Executive Engineer or such officer shall not be refused admittance to the premises nor shall be obstructed by any person in making his examination.

(2) The Board may test any water fitting used in connection with water supplied by the Board.

(3) The Board may cut off the supply of water from any premises,-

- (a) if the premises is unoccupied;
- (b) if the owner or occupier neglects to comply with any lawful order or requisition regarding water supply issued by the Board within the period specified therein;
- (c) if any charges or any other sum due for water or for the cost of making a connection or the hire of a meter, or the cost of carrying out any work or test connected with the water supply which is chargeable to any person by or under this Act is not paid within fifteen days after a bill for such charges or sums has been presented or served;
- (d) if after receipt of a notice from the Board requiring him to refrain from so doing, the owner or occupier continues to use the water or to permit it to be used in contravention of the provisions of this Act or any rule or regulation made thereunder;
- (e) if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying water;
- (f) if the owner or occupier refuses to admit any person authorised by the Board in this behalf into the premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connection with the water supply or prevents the Executive Engineer or any person authorised by the Board doing such work from placing or removing such apparatus or making such examination or inquiry;
- (g) if any pipes, taps, works or fitting connected with the water supply are found on examination by the Board or any person authorised by it to be out of repair to such an extent as to cause waste or contamination of water;
- (h) if the owner or occupier causes pipes, taps, works or fittings connected with the Board water supply to be placed, removed, repaired or otherwise interfered with in contravention of the provisions of this Act or of the rules or regulations made thereunder:

Provided that Board shall not cut off the supply of water unless notice of not less than three days has been given to the owner or occupier of the premises.

(4) (a) The owner and the occupier of the premises shall be jointly and severally liable for the payment of all the sums referred to in clause (c) of sub-section (3).

(b) The sums referred to in clause (a) shall be charge on the premises.

(5) The expenses of cutting off of the supply shall be payable by the owner and the occupier of the premises jointly and severally.

(6) In a case under clause (c) of sub-section (3) as soon as any money for non-payment of which water has been cut off together with the expenses of cutting off of the supply has been paid by the owner or the occupier, the Board shall cause water to be supplied as before on payment of the cost of re-connecting the premises with the water works.

(7) Action taken under this section against any person shall be without prejudice to any penalties to which he may otherwise be liable.

28F. Work to be done by licenced plumber.- (1) No person other than a licenced plumber shall execute any work 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 Executive Engineer, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(2) Every person who employs a licensed plumber to execute any work shall, when so required, furnish to the Executive Engineer the name of such plumber.

(3) 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.

(4) The Board may make regulations for the guidance of licensed plumbers and a copy of all such regulations shall be attached to every licence granted to a plumber by the Board.

(5) The Board may, from time to time, prescribe the charges to be paid to licensed plumbers for any work done by them under or for any of the purposes of this Act.

(6) No licensed plumber shall, for any work referred to in sub-section (5), demand or receive more than the charges prescribed therefor under that sub-section.

(7) The Board shall make regulations providing for,-

- (a) the exercise of adequate control on all licensed plumbers;
- (b) the inspection of all works carried out by them;
- (c) the hearing and disposal of complaints made by the owners or occupiers of premises with regard to the quality of work done, material used, delay in execution of work, and the charges made, by a licensed plumber.

(8) No licensed plumber shall contravene any of the regulations made under this section or execute carelessly or negligently any work under this Act or make use of bad materials, appliances or fittings.

(9) If any licensed plumber contravenes sub-section (8), his licence may be suspended or cancelled whether he is prosecuted under this Act or not.

28G. Prohibition of certain acts.- (1) No person shall,-

(a) wilfully obstruct any person acting under the authority of the Board in setting out the lines of any works or pull up or remove any pillar, post or stake fixed in the ground for the purposes of setting out the lines of such work, or deface or destroy any work made for the same purposes; or

(b) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, meter or other work or apparatus belonging to the Board; or

(c) unlawfully obstruct the flow of, or flush, draw off, divert, or take water from any water works belonging to the Board or any water course by which any such water is supplied; or

(d) unlawfully obstruct the flow of, or flush, draw off, divert or take sewage from any sewage work belonging to the Board; or

(e) obstruct any officer or other employee of the Board in the discharge of his duties under this Act or refuse or wilfully neglect to furnish him with the means

necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any water work or sewage work ; or

(f) bathe in, at or upon any water work or wash or throw or cause to enter therein any animal, or throw any rubbish, dirt or filth into any water work or wash or clean therein any cloth, wool or leather or the skin of any animal, or cause water of any sink or drain or any steam engine or boiler or any polluted water to run or be brought into any water work, or do any other act whereby the water in any water work is fouled or is likely to be fouled.

(2) Nothing in clause (b) of sub-section (1) shall apply to a consumer closing the stopcock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

28H. Drainage of premises etc.- (1) (a) Subject to such conditions as may be prescribed by regulations made in this behalf, the owner or occupier of any premises having a private drain, or the owner of any private drain within a local area may apply to the Board to have his drain made to communicate with the Board sewers and thereby to discharge foul water and surface water from that premises or that private drain:

Provided that nothing in this sub-section shall entitle any person to discharge directly or indirectly into any Board sewer,-

(i) any trade effluent from any trade premises except in accordance with the regulations made in this behalf; or

(ii) any liquid or other matter the discharge of which into Board sewers is prohibited by or under this Act or any other law.

(b) Any person desirous of availing himself of the provisions of clause (a) shall give to the Board notice of his proposal, and at any time within one month after receipt thereof, the Board may, by notice to him, refuse to permit the communication to be made, if it appears to it that the mode of construction or condition of the drain is such that the making of the communication would be prejudicial to the sewerage system and for the purpose of examining the mode of construction and condition of the drain it may, if necessary, require it to be laid open for inspection.

(c) The Board may, if it thinks fit, construct such part of the work necessary for connecting a private drain with a Board sewer as is in or under a public street and in such a case, the expenses incurred by the Board shall be paid by the owner or occupier of the premises, or, as the case may be, the owner of the private drain and shall be recoverable from the owner or occupier as an arrear of charges payable under this Act.

(2) (a) Where any premises are, in the opinion of the Board, without sufficient means of effectual drainage and a Board sewer or some place approved by the Board for the discharge of filth and other polluted and obnoxious matter is situated at a distance not exceeding thirty five meters from any part of the said premises, it may, by written notice, require the owner of the said premises,-

(i) to make a drain emptying into such Board sewer or place;

(ii) to construct a closed cesspool or soakage pit and fitting as may appear to the Board to be necessary for the purpose of gathering and receiving the filth and other

polluted and obnoxious matter from and conveying the same off the said premises and effectually flushing such drain and every fixture connected therewith;

(iii) to remove any existing drain or other appliance or thing used or intended to be used for drainage which is injurious to health;

(iv) to provide a closed drain in substitution of an open drain or to provide such other appliance or thing either newly or in substitution of any existing appliance or thing or to provide both a closed drain and such other appliance or thing in substitution of the existing open drain and other appliance or thing, which is or is likely to be injurious to health;

(v) to provide and set up all such appliances and fittings as may appear to the Board to be necessary for the purpose of gathering and receiving the waste water from floors and galleries of buildings when they are washed, and conveying the same through spouts by down-take pipes so as to prevent such waste water from discharging directly on streets or inside any lower portion of the premises;

(vi) to carry out any work to improve or remodel an existing drain which is inadequate, insufficient or faulty.

(b) Where, in any case not provided for in clause (a), any premises are, in the opinion of the Board, without sufficient means of effectual drainage, it may, by written notice, require the owner of the premises,-

(i) to construct a drain upto a point to be prescribed in such notice but not at a distance of more than thirty five meters from any part of the premises; or

(ii) to construct a closed cesspool or soakage pit and drain or drains emptying into such cesspool or soakage pit.

(c) Any requisition for the construction of any drain under clause (b) may contain any of the details specified in clause (a).

(3) (a) In areas in which Board sewers are provided it shall not be lawful to erect or to re-erect any premises or to occupy any such premises unless,-

(i) a drain be constructed of such size, materials and descriptions, at such level and with such fall as shall appear to the Board to be necessary for the effectual drainage of such premises;

(ii) there have been provided and set up on such premises such appliances and fittings as may appear to the Board to be necessary for the purposes of gathering or receiving the filth and other polluted matters and obnoxious matters from and conveying the same off the said premises and effectually flushing the drain of the said premises and every fixture connected therewith.

(b) The drain so constructed shall empty into a Board sewer.

(c) The provisions of this sub-section shall be applicable to premises any part of which is situated within a distance of thirty five meters from a Board sewer.

(4) Where a drain connecting any premises with a Board sewer is sufficient for the effectual drainage of such premises and is otherwise unobjectionable, but, is not, in the opinion of the Board, adapted to the general system of sewerage in the local area it may by written notice addressed to the owner of the premises, direct,-

(a) that such drain be closed, discontinued or destroyed and that any work necessary for that purpose be done; or

(b) that such drain shall, from such date as may be specified in the notice in this behalf, be used for the drainage of filth and polluted water only or of rain water and unpolluted sub-soil water only:

Provided that,-

(i) no drain may be closed, discontinued or destroyed by the Board under clause (a) except on condition of its providing another drain equally effectual of the drainage of the premises and communicating with any Board sewer which it thinks fit; and

(ii) the expenses of the construction of any drain so provided by the Board and of any work done under clause (a) shall be borne by the Board.]¹

CHAPTER VII

FINANCE, ACCOUNTS AND AUDIT

29. Board's fund.- (1) The Board shall have its own fund.

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

(3) All moneys received by or on behalf of the Board by virtue of this Act, all proceeds of land or any other kind of property sold by the Board, all charges, all interests, profits and other moneys accruing to the Board shall constitute the fund of the Board.

(4) All moneys and receipts specified in the foregoing provisions and forming part of the fund of the Board shall be deposited into the public accounts of the Government under such detailed head of accounts as may be prescribed or in,-

(a) the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 (Central Act 12 of 1934); or

(b) the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955); or

¹[(bb) any Scheduled Bank ; or]¹

¹ Inserted by Act 20 of 1977 w.e.f. 29.7.1977.

(c) any corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 (Central Act 5 of 1970).

and the said account shall be operated upon by such officers of the Board as may be authorised by the Board and in such manner as may be prescribed:

Provided that the Board may invest any sums not required for immediate use in such securities or debentures as may be approved by the Government.

30. Subventions, loans and grants to the Board.- The Government may, from time to time, make subventions and grants or advance loans to the Board or any local authority for the purposes of this Act on such terms and conditions as the Government may in each case determine.

31. Power of the Board to borrow and lend.- (1) Subject to the provisions of this Act and the rules made thereunder and subject to such conditions as may be specified by the Government by a general or a special order issued in this behalf and with its previous approval, the Board may, from time to time, borrow money required for the purposes of this Act by any one or more of the following methods, namely:-

(a) raising loans from any bank or other financing institutions or the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (Central Act 31 of 1956); or

(b) raising loans from any corporation, owned or controlled by the Central Government or a State Government; or

(c) raising loans from the public by issue of bonds or debentures or stocks or otherwise in the form and manner approved by the Government.

(2) Subject to the provisions of this Act and to such conditions and limitations as may be prescribed, the Board may out of its funds grant loans and advances on such terms and conditions as it may determine, to any local authority for the provision, regulation or development of any scheme relating to water supply and drainage.

[31A. Board's power to levy rates etc.- The Board may, in respect of any water supply or sewerage undertaking vesting in it, levy rates, fees, rentals and other charges and may vary such rates, fees, rentals and other charges from time to time in order to provide sufficient revenue,-

(a) to cover operating expenses, taxes and interest payments and to provide for adequate maintenance and depreciation;

(b) to meet repayment of loans and other borrowings;

(c) to finance normal year to year improvements; and

(d) to provide for such other purposes beneficial to the promotion of water supply and sewerage.]¹

¹. Inserted by Act 45 of 1981 w.e.f. 1.10.1981.

32. Guarantee by Government of loans.-The Government may guarantee in such manner as it thinks fit, the payment of the principal and interest of any loan proposed to be raised by the Board or any loan proposed to be given by the Board to any local authority in regard to the investigation, preparation or execution of schemes made under this Act :

Provided that Government shall, so long as any such guarantees are in force, lay before both Houses of the Legislature in every year during the budget session, a statement of the guarantees if any given during the current year and an up-to-date account of the total sums, if any, which have been paid out of the Consolidated Fund of the State by reason of any such guarantees or paid into the said Fund towards repayment of any moneys so paid out.

33. Form, signature, exchange, transfer and effect of debentures.- (1) Whenever money is borrowed by the Board on debentures, the debentures shall be in such form as the Board may with the previous sanction of the Government specify.

(2) All debentures shall be signed by the Managing Director or Secretary or by any one of the official directors of the Board.

(3) The holder of any debenture in any form specified under sub-section (1) may obtain in exchange therefor a debenture in any other form specified in the manner provided in sub-section (1) and upon such terms as the Board may determine.

(4) Every debenture issued by the Board shall be transferable by endorsement, unless some other mode of transfer is specified therein.

(5) All coupons attached to debentures issued by the Board shall bear the signature of the Managing Director and such signature may be engraved, lithographed or impressed by any mechanical process.

34. Estimates of income and expenditure of the Board to be laid annually and considered by the Board.-(1) The Chairman shall, at a special meeting to be held in the month of February in each year, lay before the Board an estimate of the income and expenditure of the Board for the next ensuing year.

(2) Every such estimates shall make provision for the due fulfillment of all the liabilities of the Board and for the efficient administration of this Act.

(3) Every such estimate shall differentiate capital and revenue funds, and shall be prepared in such form and shall contain such details, as the Board may, from time to time, specify.

(4) Every such estimate shall be compiled and a copy thereof sent, by post or otherwise, to each Director atleast ten clear days before the date of the meeting at which the estimate is to be laid before the Board.

(5) A revised estimate, if any, including all the expenditure not covered in the original budget estimate shall be laid before the Board at a special meeting to be held in the month of December, in each year.

(6) The Board shall consider every estimate so laid before it and shall sanction the same, either without modifications or with such modifications as it may think fit.

35. Approval of Government to estimates.-(1) Every such estimate, as sanctioned by the Board, shall be submitted to the Government who may at any time within three months after receipt of the same,-

(a) approve the estimate, or

(b) disallow the estimate or any portion thereof, and return the estimate to the Board for amendment.

(2) If any estimate is so returned to the Board, it shall forthwith proceed to amend it and shall resubmit the estimate as amended to the Government who may then approve it.

36. Supplementary estimate.-(1) The Board may at any time, during the year for which any estimate has been sanctioned, cause a supplementary estimate to be prepared and laid before it at a special meeting.

(2) The provisions of sub-sections (3), (4) and (6) of section 34 and section 35 shall apply to every supplementary estimate.

37. Repayment of loans by the Board.- Loan taken by the Board shall be repaid by the Board within the period agreed upon by the Board by such of the following methods as may be approved by the Government, namely:-

- (a) from a sinking fund established under section 38 in respect of the loan;
- (b) by paying in equal yearly or half-yearly instalments of principal or of principal and interest, throughout the said period ;
- (c) from money borrowed for the purposes;
- (d) partly from the sinking fund established under section 38 in respect of the loan, and partly from money borrowed for the purpose; or
- (e) from any other source, with the prior permission of the Government.

38. Establishment and maintenance of sinking and other funds.-The Board may constitute a sinking fund, a depreciation reserve fund and a development fund in such manner and in such form as may be prescribed by regulations. Such funds shall be invested in such manner as may be determined by the Board with the approval of the Government.

39. Annual reports, statistics and returns.- (1) The Board shall, as soon as may be, after the end of each year, prepare and submit to the Government before such date and in such form as may be prescribed a report giving an account of its activities during the previous year and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Board in the next year; and the Government shall cause every such report to be laid before the State Legislature as soon as may be after it is received by the Government.

(2) The Board shall furnish to the Government at such times and in such form and manner as may be prescribed or as the Government may direct, such statistics and returns and such particulars in regard to any proposed or existing scheme as the Government may from time to time require.

40. Accounts and audit.- (1) The accounts of the Board shall be maintained in such manner and in such form as may be prescribed by regulations. The Board shall prepare an annual statement of accounts in such form as may be prescribed.

(2) The accounts of the Board shall be audited once in a year by such auditor as the Government may appoint in this behalf.

(3) The auditor appointed under sub-section (2) shall in connection with such audit, have such rights, privileges and authority as may be prescribed and in particular, the right to demand the production of books, accounts connected vouchers and other documents and to inspect any of the offices of the Board.

(4) The Secretary shall cause the report of the auditor to be printed and forward a printed copy thereof to each Director and shall place such report before the Board for submit a report thereon to the Government.

(5) The Board shall remedy forthwith any defects or irregularities that may be pointed out by the auditor and submit a report thereon to the Government.

41. Remuneration of auditor.- The Board shall pay to the said auditor such remuneration as the Government may direct.

42. Accounts and audit report to be forwarded to the Government and placed before the State Legislature.- (1) The accounts of the Board, as certified by the auditor, together with the audit report thereon shall be forwarded annually to the

Government and the Government may issue such instructions to the Board in respect thereof as it deems fit and the Board shall comply with such instructions.

(2) The Government shall,-

(a) cause the accounts of the Board together with the audit report thereon forwarded to it under sub-section (1) to be laid annually before the State Legislature ; and

(b) cause the accounts of the Board to be published in the prescribed manner and make available copies thereof for sale at a reasonable price.

43. Powers to write off irrecoverable amounts.-The Board may with the previous sanction of the Government write off any amount whatsoever due to it, whether under a contract or otherwise or any sum payable in connection therewith.

CHAPTER VIII

PENALTIES AND PROCEDURE

44. No disqualification in certain cases.-No person shall be disqualified for being chosen as, or for being a member of the Karnataka Legislative Assembly or of the Karnataka Legislative Council by reason only of the fact that he is a Chairman or a director of the Board.

44A. Joint and several liability of owners and occupiers for offence in relation to water supply.-If any offence relating to water supply is committed under this Act on any premises connected with the Board water works, the owner, the person primarily liable for the payment of the charges for water, and the occupier of the said premises shall be jointly and severally liable for such offence.]¹

¹. Inserted by Act 45 of 1981 w.e.f. 1.10.1981.

45. Penalty for obstructing contractor or removing mark.- If any person,-

(a) obstructs or molests any person with whom the Board has entered into a contract in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue of or in consequence, of this Act or any rule or regulation made thereunder, or

(b) remove any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Act or any rule or regulation made or scheme sanctioned thereunder, he shall be punishable with fine which may extend to two hundred rupees.

46. Penalty for breach of the provisions of the Act.- Whoever contravenes any provisions of this Act or of any rule or regulation or scheme made or scheme sanctioned thereunder, ¹[or fails to comply with any order or direction lawfully given to him or any requisition lawfully made upon him under any of the said provisions]¹ shall, if no other penalty is provided for such contravention, be punishable,-

¹. Inserted by Act 45 of 1981 w.e.f. 1.10.1981.

(a) with fine which may extend to one hundred rupees; and

(b) in the case of a continuing contravention, with fine which may extend to fifty rupees for each day after the first during which the contravention continues.

47. Prosecution and trial of offences.- (1) No court shall take cognizance of any offence punishable under this Act or any rule or regulation or scheme made thereunder unless complaint of such offence is made by the Board or any officer authorised by it in this behalf within six months next after the commission thereof.

(2) No court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act.

48. Arrest of offenders.- (1) Any police officer not below the rank of a head constable, may arrest any person who commits in his presence, any offence against this Act or any rule or regulation or scheme made thereunder, if the name or address of such person be unknown to him and if such person on demand declines to give his name or address, or gives a name or 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 or for any longer time than is necessary for bringing him before a magistrate and in no case shall such detention exceed twenty four hours from the time of arrest without the orders of a Magistrate.

49. Offences by companies.- (1) If the person committing an offence under this Act is a company, every person, who at the time the offence was committed was incharge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly :

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

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

Explanation.- For the purposes of this section,-

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

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

CHAPTER IX

MISCELLANEOUS

50. Emergency powers of Managing Director.- The Managing Director may, in cases of emergency, direct the execution of any work or the doing of any act which requires the sanction of the Board if the immediate execution or the doing of which is, in his opinion, necessary for the service or safety of the public and may also direct that the expenses of executing the work or of doing the act shall be paid from the funds of the Board :

Provided that,-

(a) he shall not act under this section in contravention of any direction of the Board or the Government prohibiting the execution of any particular work or the doing of any particular act ;

(b) he shall report the action taken by him under this section and the reasons thereof to the Board at its next meeting and shall also submit a copy of his report to the Government and the Board or the Government, as the case may be, may issue such directions as it or they may deem fit on such report.

51. Powers of Managing Director as to institution, composition etc., of legal proceedings and obtaining legal advice.- The Managing Director may, subject to the control of the Board,-

(a) institute, defend or withdraw from legal proceedings, instituted under this Act or any rules or regulations made thereunder ;

(b) compound any offence against this Act or any rules or regulations made thereunder which, under any law for the time being in force or the rule prescribed by the Government, may lawfully be compounded ;

(c) admit, compromise or withdraw any claim made under this Act or any rules or regulations or schemes made thereunder; and

(d) obtain such legal advice and assistance as he may, from time to time, think it necessary or expedient to obtain, or as may be desired by the Board to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vested in or imposed upon the Board or any officer or servant of the Board.

52. Delegation of powers.- (1) The Government may, by notification authorise any authority or officer to exercise any of the powers vested in it by this Act except the power to make rules under section 68 and may in like manner withdraw such authority.

(2) The Board may, by general or special order in writing delegate to the Chairman or Managing Director or any other director of the Board or the Secretary or any other officer of the Board such of its powers and functions under this Act except the power to acquire land under section 18 and to make regulations under section 69 as it may deem necessary and it may in like manner withdraw such authority.

(3) The exercise of any power delegated under sub-section (1) or sub-section (2) shall be subject to such restrictions and conditions as may be specified in the notification or order and also to control and revision by the Government or by such officer as may be empowered by the Government in this behalf or as the case may be, by the Board or such officer as may be empowered by the Board in this behalf.

(4) The Government or the Board, as the case may be, shall also have the power to control and revise the acts or proceedings of any officer so empowered.

53. Power of the Government to issue orders and directions to the Board or local authorities.- The Government may issue to the Board or to the local authority concerned such orders and directions as in its opinion are necessary or expedient for carrying out the purpose of this Act and the Board or such local authority as the case may be, shall give effect to all such orders and directions.

54. Duties of Police Officers.- (1) It shall be the duty of every Police Officer,-

(a) to co-operate with the Board for carrying into effect and enforcing the provisions of this Act or any rule or regulation or scheme made thereunder;

(b) to communicate without delay to the proper officer or servant of the Board any information which such police officer receives, of a design to commit, or of the commission of, any offence against this Act or any rule or regulation or scheme made thereunder ; and

(c) to assist the Board or any officer or servant of the Board reasonably demanding the aid of such police officer for the lawful exercise of any power vesting in the Board or any such officer or servant under this Act or any rule or regulation or scheme made thereunder.

(2) Any police officer who omits or refuses to perform any duty imposed on him by this Act, shall be deemed to have committed the offence under section 65 (b) of the ¹[Karnataka] Police Act, 1963 ¹[Karnataka] Act 4 of 1964).

1. Substituted by Act 7 of 1976 w.e.f. 4.3.1976.

55. Adjudication of disputes between the Board and local authorities.- (1) When a dispute exists between the Board and one or more than one other local authority or among local authorities in regard to any matter arising under the provisions of this Act, and the Government after considering the representations, if any made by the local authority or authorities is of the opinion that the parties are unable to settle it amicably among themselves, it may take cognizance of the dispute and decide it themselves.

(2) The decision of the Government thereon shall be binding on the Board and the local authorities concerned and shall not be liable to be questioned in any court of law.

¹[55A. Non-liability of Board when supply reduced or not made in certain cases.- The Board shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water in the case of unusual drought, other unavoidable cause or accident, or the necessity for relaying or repairing pipes.

1. Section 55A and 55B inserted by Act 45 of 1981 w.e.f. 1.10.1981.

55B. Right of user of conduits, lines etc.- (1) The Board may place or lay and maintain conduits and lines of mains or pipes and sewers over, under, along or across any immovable property whether within or without the local area without acquiring the same, and may at any time for the purpose of examining, repairing, altering or removing any conduits or lines of mains or pipes or sewers enter on any property over, under, along or across which the conduits or lines of mains or pipes have been placed :

Provided that the Board shall not acquire any right other than a right of user in the property over, under, along or across which any conduit or line of mains or pipes or sewer is placed or laid.

(2) In the exercise of the powers conferred upon it by this section, the Board shall cause as little damage and inconvenience as may be possible, and shall make full compensation for any damage or inconvenience caused by it.]¹

56. Effect of other laws.- (1) The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force, regulating any of the matters dealt with in this Act :

Provided that nothing in this Act shall be deemed to prevent the local authority from discharging its duties in regard to the making, altering, repairing or renewing any water course or other work in respect of any area within the jurisdiction of that local authority under any law for the time being in force.

(2) Save as otherwise provided in this Act the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom, usage or contract or decree or order of a court or other authority.

57. Notice of suit against Board.- No suit shall be instituted against the Board, or any director, or any officer or servant of the Board, or any person acting under the direction of the Board, or of the Chairman or Managing Director or of any officer or servant of the Board, in respect of any act done or intended to be done under this Act or any rule or regulation or scheme made thereunder until the expiration of sixty days next after written notice has been delivered or left at the Board's office or the place of abode of such officer, servant or person, stating the cause of action, the name and place of abode of the intending plaintiff, and the relief which he claims, and the plaint must contain a statement that such notice has been so delivered or not.

58. General power of the Board to pay compensation.- In any case not otherwise expressly provided for in this Act, the Board may pay reasonable compensation to any person who sustains damage by reason of the exercise of any of the powers vested by or under this Act in the Board or the Chairman or the Managing Director or any officer or servant of the Board.

59. Compensation to be paid by offenders for damage caused by them.- (1) When any person is convicted of any offence under this Act or any rule or regulation or scheme made thereunder, the magistrate convicting such person may, on application made in this behalf by the Board or by its officer or servant authorised by it in this behalf, call upon such person forthwith to show cause as to why he should not pay compensation to the Board for the damage caused by his act or omission in respect of which he is convicted.

(2) The magistrate shall record and consider any cause which such person may show and if the magistrate, after making such inquiry as he may think fit, is satisfied that such person is liable to pay compensation, direct that compensation of such amount not exceeding one thousand rupees as he may determine, be paid by such person to the Board.

(3) The amount of compensation directed to be paid under sub-section (2), shall, if it be not paid forthwith, be recovered as if it were a fine imposed by the magistrate on such person.

60. Mode of recovery of dues.- If any amount due to the Board in accordance with the terms of contract or otherwise or any sum payable in connection therewith, has not been paid, the Board may, without prejudice to any other remedy provided by law, recover such amount or sum as arrears of land revenue.

61. Authentication of orders and other instruments of the Board.-(1) All orders and decisions of the Board shall be authenticated by the signature of the Secretary or any officer of the Board authorised in writing by the Board in this behalf.

(2) The Managing Director or any officer of the Board authorised in writing in this behalf may sign on behalf of the Board any agreement or other instrument to be executed on behalf of the Board.

62. Stamping signature of notices or bill.- Every notice or bill which is required by this Act or by any rule or regulation made thereunder to bear the signature of the Managing Director or any other director or of any officer or servant of the Board shall be deemed to be properly signed if it bears the facsimile of the signature of the Managing Director or of such other director or of such officer or servant, as the case may be, stamped thereupon.

63. Power of entry.- (1) The Managing Director or any person either generally or specially authorised by the Managing Director in this behalf may, with or without assistants or workmen, enter into or upon any land, in order,-

- (a) to make any inspection, survey, measurement, valuation or inquiry;
- (b) to take levels;
- (c) to dig or bore into the subsoil;
- (d) to set out boundaries and intended lines of work;
- (e) to mark such levels, boundaries and line by placing marks and cutting trenches;
- (f) to place and maintain pipes, drains and other installations upon, along, across or under any land; or
- (g) to do any other thing, whenever it is necessary to do so for any of the purposes of this Act or any rule or regulation made or scheme sanctioned thereunder or any scheme which the Board intends to frame thereunder :

Provided that,-

- (a) no such entry shall be made between sunset and sunrise ;
- (b) no dwelling house, and no public building or hut which is used as a dwelling place, shall be so entered, except with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours previous written notice of the intention to make such entry ;
- (c) sufficient notice shall, in every instance be given even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to women to remove themselves to some part of 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 usage of the occupants of the premises entered.

(2) Whenever the Managing Director or a person authorised under sub-section (1) enters into or upon any land in pursuance of that sub-section, he shall, at the time of such entry, pay or tender payment for all necessary damage to be done as aforesaid; and in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the Board, whose decision shall be final.

64. Protection of action taken in good faith.- (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith, done or

intended to be done in pursuance of this Act or any rule or order or scheme made thereunder.

(2) No suit or other legal proceedings shall lie against the Government, the Board or any committee thereof for any damage caused or likely to be caused by any thing which is in good faith done or intended to be done in pursuance of this Act or of any rule or order or scheme made thereunder.

65. Officers and servants of the Board to be public servants.-All officers and servants of the Board, and any person entrusted with the execution of any function under this Act, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act XLV of 1860).

66. The Board to be local authority under Central Act I of 1894 and Central Act IX of 1914.- The Board shall be deemed to be a local authority for the purposes of the Land Acquisition Act, 1894 (Central Act 1 of 1894), and the Local Authorities Loans Act, 1914 (Central Act IX of 1914).

66A. Directions by the State Government.- (1) In the discharge of its functions the Board shall be guided by such directions on questions of policy as may be given to it by the State Government :

1. Section 66A to 66H inserted by Act 45 of 1981 w.e.f. 1.10.1981.

Provided that such directions shall be given after consultation with the Board.

(2) In case of any difference of opinion as to what is a question of policy the decision thereon of the State Government shall be final.

66B. Licenses and written permissions.- (1) Whenever it is provided in this Act or any rule or regulation made thereunder that a licence or a written permission may be granted for any purpose, such licence or written permission shall be signed by the Executive Engineer, or, as the case may be, by the officer empowered to grant the same under this Act or the rules or regulations made thereunder and shall specify in addition to any other matter required to be specified under any other provision of this Act or any provision of any rule or regulation made thereunder,-

- (a) the date of the grant thereof;
- (b) the purpose and the period (if any) for which it is granted;
- (c) restrictions or conditions, if any, subject to which it is granted ;
- (d) the name and address of the person to whom it is granted; and,
- (e) the fee, if any, paid for the licence or written permission.

(2) Except as otherwise provided in this Act or any rule or regulation made thereunder, for every such licence or written permission, a fee may be charged at such rate as may from time to time be fixed by the Board and such fee shall be payable by the person to whom the licence or written permission is granted.

(3) Save as otherwise provided in this Act or any rule or regulation made thereunder any licence or written permission granted under this Act or any rule or regulation made thereunder may at any time be suspended or revoked by the Board or by the officer by whom it was granted, if it or he is satisfied that it has been secured by the grantee through misrepresentation or fraud or if any of its restrictions or conditions has been infringed or evaded by the grantee, or if the grantee has been convicted for the

contravention of any of the provisions of this Act or any rule or regulation made thereunder relating to any matter for which the licence or permission has been granted:

Provided that,-

(a) before making any order of suspension or revocation reasonable opportunity shall be afforded to the grantee of the licence or the written permission to show cause why it should not be suspended or revoked ;

(b) every such order shall contain a brief statement of the reasons for the suspension or revocation of the licence or the written permission.

(4) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the grantee shall, for all purposes of this Act or any rule made thereunder, be deemed to be without a licence or written permission until such time as the order suspending or revoking the licence or written permission is rescinded or until the licence or written permission renewed.

(5) Every grantee of any licence or written permission granted under this Act shall at all reasonable times while such licence or written permission remains in force, if so required by the Board or the authority by whom it was granted, produce such licence or written permission.

66C. Notices etc., to fix reasonable time.- Where any notice, bill, order, or requisition issued or made under this Act or any rules or regulations made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rule or the regulation made thereunder, the notice, bill, order or requisition shall specify a reasonable time for doing the same.

66D. Service of notice, etc.,- (1) Every notice, bill, summons, order, requisition or other document required or authorised by this Act or any rule or regulation, shall be deemed to be duly served,-

(a) where the person to be served is a company, if the document is addressed to the Secretary of the company at its registered office or at its principal office or place of business and is either,-

(i) sent by registered post, or

(ii) delivered at the registered office or at the principal office or place of business of the company ;

(b) where the person to be served is a partnership firm, if the document is addressed to the partnership firm at its principal place of business, identifying it by the name or style under which its business is carried on, and is either,-

(i) sent by registered post, or

(ii) delivered at the said place of business ;

(c) where the person to be served is a public body, or a corporation, society or other body, if the document is addressed to the Secretary, Treasurer or other head officer of that body, corporation or Society at its principal office and is either,-

(i) sent by registered post ; or

(ii) delivered at that office ;

(d) in any other case, if the document is addressed to the person to be served, and,-

(i) is given or tendered to him ; or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within the State of Karnataka, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building if any to which it relates, or

(iii) is sent by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier" as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served,

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1) ; or

(b) if the document so addressed or a copy thereof is delivered to some person on the land or building or where there is no person on the land or building to whom it can be delivered, if affixed to some conspicuous part of the land or building.

(3) Where a document is served on a partnership firm in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any premises the Executive Engineer or any other officer authorised or empowered to do so may by notice in writing require the occupier of the premises to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(6) Nothing in sections 61 and 62 and in this section shall apply to any summons issued under this Act by a court.

(7) A servant is not a member of the family within the meaning of this section.

66E. Service of bills for charges or notice of demand by ordinary post.- Notwithstanding anything contained in section 66D a bill for any charges or a notice of demand may be served by sending it by ordinary post with a prepaid letter under a certificate of posting addressed to the appropriate person specified in section 66D at his last known place of residence or business and in proving the service of every bill or notice so sent it shall be sufficient to prove that the letter was properly addressed and posted under a certificate of posting.

66F. Power in case of non-compliance with notice, etc.- In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act or any rule or regulation made thereunder, requiring such person to execute any work or to do any act, it shall be lawful for the authority or officer at whose instance the notice, order or requisition has been issued, whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefor, after giving notice in writing to such person, to take such action or such steps

as may be necessary for the completion of the act or the work required to be done or executed by such person and all the expenses incurred on such account shall be payable to the Board on demand and if not paid within ten days after such demand, shall be recoverable, as an arrear of charges payable under this Act.

66G. Composition of offences.- (1) The Board or any officer of the Board authorised by it by general or special order in this behalf, may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act:

Provided that no offence shall be compounded which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Board unless and until the same has been complied with so far as such compliance is possible.

(2) Where 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.

66H. Validity of notices and other documents.-No notice, order, requisition, licence, permission in writing or any other document issued under this Act or any rule or regulation shall be invalid merely by reason of defect of form.]¹

67. Revision.- (1) The Government may ¹[either *suo motu* or on an application by an aggrieved person]¹ call for the records of any proceedings of the Board or any officer subordinate to the Board for the purpose of satisfying itself as to the legality or propriety of any order or proceedings and may pass such order with respect thereto as it thinks fit.

¹. Inserted by Act 45 of 1981 w.e.f. 1.10.1981.

(2) The Board may ¹[either *suo motu* or on an application by an aggrieved person]¹ call for the records of any proceedings of any officer subordinate to it for the purpose of satisfying itself as to the legality or propriety of any order or proceeding and may pass such order with respect thereto as it thinks fit.

¹. Inserted by Act 45 of 1981 w.e.f. 1.10.1981.

(3) No order under sub-section (1) or sub-section (2) shall be made to the prejudice of any person unless he has had a reasonable opportunity of being heard.

CHAPTER X

RULES AND REGULATIONS

68. Power to make rules.- (1) The Government may after previous publication make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for,-

- (a) all matters expressly required or allowed by this Act to be prescribed ;
- (b) the qualifications for appointment of, and the grant of leave of absence to, the Chairman and the Managing Director of the Board ;
- (c) the conditions of service of the Chairman, the Managing Director and the non-official directors including the payment of any honorarium or sitting fees for attending the meetings of the Board and any other allowances and the manner of filling casual vacancies in the office of the non-official directors of the Board;

- (d) the functions of the Board ;
- (e) the conditions of the acquisition and transfer of any property by the Board;
- (f) the time-limit within which the resolutions of the local authority, for the preparation and execution of schemes by the Board will have to be passed and communicated to the Board;
- (g) the time-limit within which the approval of the Government to the draft schemes prepared and forwarded by the Board, will have to be given;
- (h) the manner in which and the number of instalments and the time or times at which, the cost of the schemes shall be recovered ;
- (i) the manner of operation of funds by the Board ;
- (j) the mutual relationship of the Board and other local authorities in any matter in which they are jointly interested;
- (k) the borrowing and lending of money by the Board ;
- (l) the conditions and limitations for the grant of loans and advances by the Board to the local authorities;
- (m) the rights, privileges and authority of auditors appointed under this Act;
- (n) the form in which the reports of the Board will have to be prepared by the Board and the form and manner and the time limit for the submission of statistics and returns by the Board to the Government;
- (o) the manner in which the accounts of the Board will have to be published.

(3) All rules made under this Act shall be published in the official Gazette, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this section shall be laid as soon as may be, after it is made before each House of the State Legislature, while it is in session for a total period of thirty 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 successive session aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date on which the modification or annulment is notified by the Government in the official Gazette, 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 such rule.

69. Power to make regulations.- (1) The Board may, by notification, make regulations not inconsistent with this Act and the rules made thereunder for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for,-

- (a) all matters expressly required or allowed by this Act to be prescribed by regulations;

(b) the terms and the conditions of appointment and service and the scales of pay of officers and servants of the Board including the payment of travelling and daily allowances in respect of journeys undertaken by such officers and servants of the Board;

(c) the supervision and control over the acts and proceedings of the officers and servants of the Board and the maintenance of discipline and conduct among the officers and servants of the Board ;

(d) the procedure in regard to the transaction of business at the meetings of the Board including the quorum;

(e) the purposes for which and the manner in which temporary association of persons may be made;

(f) the duties, the functions, the terms and conditions of service of the members of the Committees;

(g) the duties, the functions and the powers of the Chairman, the Managing Director, the Secretary and the Chief Engineer of the Board ;

(h) the manner and the form in which a sinking fund, a depreciation reserve fund and the development fund has to be constituted;

¹[(hh)]¹ the manner and the form relating to the maintenance of the Accounts of the Board;

1. Relettered by Act 45 of 1981 w.e.f. 1.10.1981.

¹[(i)] the connection of water supply pipes for conveying to any premises supply of water from Board Water Works;

1. Clause (i) to (z) Inserted by Act 45 of 1981 w.e.f. 1.10.1981.

(j) the making and renewing connection with Board Water Works;

(k) the power of the Board,-

(i) to stop the supply of water, whether for domestic purpose or not, or for gratuitous use;

(ii) to prohibit the sale and use of water for the purpose of business;

(iii) to alter the position of connections;

(iv) to take charge of private connections;

(v) to provide water by hydrants;

(l) the prohibition of,-

(i) fraudulent and unauthorised use of water ;

(ii) tampering with meters ; and

(iii) throwing or emptying into Board sewers certain matters;

(m) the licensing of plumbers and fitters; and for the compulsory employment of licensed plumbers and fitters;

(n) the size, material, quality, description and position of the pipes and fittings to be used for the purpose of any connection with or any communication from any Board Water Works and the stamping of pipes and fittings and the fees for such stamping;

(o) the size, material, quality and description of pipes, cisterns, and fittings which are found on an examination under the provisions of the Act to be so defective that they cannot be effectively repaired ;

(p) the provision and maintenance of meters when water is supplied by measurement and the maintenance of pipes; cisterns and other water works;

(q) the regulation or prohibition of,-

(1) the discharge or deposit of offensive or obstructive matter, polluted water or other polluted and obnoxious matter into sewers;

(2) the construction, alteration, maintenance, preservation, cleaning and repairs of sewers, ventilation shafts, pipes, latrines, urinals, cesspools and other sewerage works;

(r) the cleaning of sewers, the prohibition of erection of buildings over sewers without the permission of the Board, the connection of private drains with Board sewers, the location and construction of cesspools, the covering and ventilation of cesspools;

(s) the period or periods, of the day during which trade effluents may be discharged from any trade premises into Board sewers;

(t) the exclusion from trade effluents of all condensing matter;

(u) the elimination from trade effluent, before it enters a Board sewer, of any constituent which, in the opinion of the Board would, either along or in combination with an matter with which it is likely to come into contact while passing through Board sewers, injure or obstruct these sewers or make specially difficult or expensive the treatment or disposal of the sewage from those sewers;

(v) the maximum quantity of trade effluent which may, without any consent or permission, be discharged from any trade premises into Board sewers on any one day and the highest rate at which trade effluent may without such consent or permission, be discharged from any trade premises into Board sewers;

(w) the regulation of the temperature of trade effluent at the time of its discharge into Board sewers and the securing of the neutrality of trade effluent (that is to say that it is neither acidic nor alkaline) at the time of such discharge;

(x) the provision and maintenance of such inspection chamber or manhole as will enable a person readily to take at any time samples of what is passing into Board sewers from trade premises;

(y) the provision and maintenance of such meters as may be required to measure the volume of any trade effluent being discharged from any trade premises into Board sewers and the testing of such meters;

(z) the charges to be paid to the Board by occupiers of trade premises for the reception of trade effluents into Board sewers and disposal thereof.]¹

(3) No regulation or its cancellation or modification shall have effect until the same shall have been approved by the Government.

(4) The Government may, by notification, rescind any regulation made under this section and thereupon, the regulation shall cease to have effect.

¹[(5) In making any regulation under this section the Board may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees and in

case of continuing breach with an additional fine which may extend to ten rupees for every day during which the breach continues after the receipt of a notice from the Board to discontinue such breach.}]

1. Inserted by Act 45 of 1981 w.e.f. 1.10.1981.

70. Provision as to employees of the local authorities employed in connection with water supply and sewerage undertakings.- (1) With effect from the date on which any water supply or sewerage undertaking of any local authority vests in the Board, every officer or other employee of the concerned local authority employed in connection with the water supply undertaking or the sewerage undertaking, as the case may be, shall stand transferred to and become an officer or other employee of the Board with such designation as the State Government may determine and shall hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if he had continued to be an officer or employee of the local authority and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Board:

1. Section 70 and 71 Inserted by Act 45 of 1981 w.e.f. 1.10.1981.

Provided that any service rendered by such officer or employee under the local authority before such transfer shall be deemed to be service rendered under the Board.

71. Continuation of appointments, notification, rules, bye-laws etc.- (1) With effect from the date of vesting of the water supply or sewerage undertaking of any local authority in the Board.-

(a) any appointment, notification, order, tax, rates, rentals, fees and other charges, scheme, rule, bye-law, form or notice made or issued, and any licence or permission granted under the Karnataka Municipalities Act 1964 or any other law, in so far as it relates to the water supply or sewerage undertakings, shall continue in force and be deemed to have been made, issued or granted under the provisions of this Act until it is superseded or modified by any appointment, notification, tax, rates, rentals, fees and other charges, order, scheme, rule, bye-law, form, notice, licence or permission, made, issued, imposed or granted under this Act;

(b) all obligation and liabilities incurred, all contracts entered into, all matters and things engaged to be done by, with, or for the local authority in so far as it related to the operation and maintenance of such of the water supply or drainage undertakings as may be notified by the Government shall be deemed to have been incurred, entered into or engaged to be done by, with, or for the Board;

(c) all property, moveable and immovable and all interests of whatsoever nature and kind therein vested in the local authority in so far as they relate to the operation and maintenance of such of the water supply or drainage undertaking as may be notified by the Government shall, with all rights of whatsoever description, used, enjoyed or possessed by the local authority in respect of the water supply or drainage undertaking, vest in the Board;

(d) all arrears of rates, (including water cess to be levied by the local authority in the form of tax assessed on building and lands) fees, rents and other sums due to the local authority in connection with the water supply or drainage undertaking shall be deemed to be due to the Board and shall be recoverable by it under this Act;

(e) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the local authority so far as they relate to the water supply or sewerage undertaking may be continued or be instituted by or against the Board.]¹

* * * *

The Karnataka Urban Water Supply and Drainage Board Act, 1973(25 of 1974) has been amended by the following Acts namely:-

Amendments (Chronological)

Sl. No.	No. and year of the Act	Sections Amended	Remarks
1	25 of 1974	-	This Act came into force w.e.f 15.10.1974 By Notification No. HMA 165 MNM 74 dt.9/10.10.74
2	7 of 1976	Preamble, 1(1),1(2),2(1),3,9(1),54(2)	w.e.f 04.03.1976
3	20 of 1977	29(4)	w.e.f 29.7.1977
4	45 of 1981	2,11,17(1),17(2), Chapter -VI Heading 28A to 28H, 31A, 44A, 46,55A,55B,66A to 66H,67(1), 67(2),69(2),69(5),70,71	w.e.f 01.10.1981 By Notification No. HUD 89 MNS 79 dt. 1.10.1981
5	19 of 1993	4(1)	w.e.f 18.05.1993

Amendment (Section-wise)

Sections	Act No. and year	Remarks
Preamble	7 of 1976	w.e.f. 4.3.1976
1	7 of 1976	w.e.f. 4.3.1976
2	a) 45 of 1981 b) 7 of 1976	w.e.f. 1.10.1981 w.e.f. 4.3.1976
3	7 of 1976	w.e.f. 4.3.1976
4	19 of 1993	w.e.f. 18.5.1993
9	7 of 1976	w.e.f. 4.3.1976
11	45 of 1981	w.e.f. .1.10.1981
17	45 of 1981	w.e.f. .1.10.1981
Chapter-VI Heading	45 of 1981	w.e.f. 1.10.1981
28A	45 of 1981	w.e.f. 1.10.1981

28B	45 of 1981	w.e.f. 1.10.1981
28C	45 of 1981	w.e.f. 1.10.1981
28H	45 of 1981	w.e.f. 1.10.1981
29	20 of 1977	w.e.f. 29.7.1977
31A	45 of 1981	w.e.f. 1.10.1981
44A	45 of 1981	w.e.f. 1.10.1981
46	45 of 1981	w.e.f. 1.10.1981
54	7 of 1976	w.e.f. 4.3.1976
55A	45 of 1981	w.e.f. 1.10.1981
55B	45 of 1981	w.e.f. 1.10.1981
66A	45 of 1981	w.e.f. 1.10.1981
66B	45 of 1981	w.e.f. 1.10.1981
66C	45 of 1981	w.e.f. 1.10.1981
66D	45 of 1981	w.e.f. 1.10.1981
66E	45 of 1981	w.e.f. 1.10.1981
66F	45 of 1981	w.e.f. 1.10.1981
66G	45 of 1981	w.e.f. 1.10.1981
66H	45 of 1981	w.e.f. 1.10.1981
67	45 of 1981	w.e.f. 1.10.1981
69	45 of 1981	w.e.f. 1.10.1981
70	45 of 1981	w.e.f. 1.10.1981
71	45 of 1981	w.e.f. 1.10.1981

NOTIFICATIONS

I

Bangalore, dated 9-10th October 1974 [No. HMA 165 MNM 74]

S.O. 1758.- In exercise of the powers conferred by sub-section (3) of section 1 of the Karnataka Urban Water Supply and Drainage Board Act, 1973 (Karnataka Act No. 25 of 1974), the Government of Karnataka hereby appoint the fifteenth day of October, Nineteen seventy four as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Karnataka,

(C. N. NARASIMHAIAH)

Under Secretary to Government,

Health and Municipal Administration Department.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2C (ii) dated 10-10-1974, as No. 3262.)

II

Bangalore, dated 1st October 1981 [No. HUD 89 MNS 79]

In exercise of the powers conferred by sub-section (2) of section 1 of the Karnataka Urban Water Supply and Drainage Board (Amendment) Act, 1981 (Karnataka Act No. 45 of 1981), the Government of Karnataka hereby appoints the First day of October 1981 as the date on which the said Act shall come into force.

GOVERNOR OF KARNATAKA

By Order and in the name of the Governor of Karnataka,

(R.S. SUJATHA)

Deputy Secretary to Government,
Housing & Urban Dev. Dept. (Housing).

(Published in the Karnataka Gazette (Extraordinary) Part IV-2C (ii), dated 1-10-1984, as No. 736.)

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