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Uttar Pradesh Water Supply and Sewerage Act, 1975

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UTTAR PRADESH WATER SUPPLY AND SEWERAGE ACT, 1975

(Excerpts - water supply and sanitation provisions)

14. Functions of the Jal Nigam.-The functions of the Nigam shall be the following, namely;

- (i) the preparation, execution, promotion and financing the schemes for the supply of water and for sewerage and sewage disposal;
- (ii) to render all necessary services in regard to water supply and sewerage to the State Government and local bodies, on request to private institutions or individuals;
- (iii) to prepare State plans for water supply, sewerage and drainage on the directions of the State Government;
- (iv) to review and advise on the tariff, taxes and charges of water supply in the areas of Jal Sansthans and local bodies which have entered into an agreement with the Nigam under Section 46;
- (v) to assess the requirement for materials and arrange for their procurement and utilisation;
- (vi) to establish State standards for water supply and sewerage services;
- (vii) to perform all functions, not stated herein which were being performed by the Local Self-Government Engineering Department before the commencement of this Act;
- (viii) to review annually the technical, financial, economic and other aspects of water supply and sewerage system of every Jal Sansthan or local bodies which have entered into an agreement with the Nigam under Section 46;
- (ix) to establish and maintain a facility to review and appraise the technical financial, economic and other pertinent aspect of every water supply and sewerage scheme in the State;
- (x) to operate, run and maintain any waterworks and sewerage system, if and when directed by the State Government, on such terms and conditions and for such period as may be specified by the State Government;
- (xi) to assess the requirements for manpower and training in relation to water supply and sewerage services in the State;
- (xii) to carry out applied research for efficient discharge of the functions of the Nigam or a Jal Sansthan;
- (xiii) any other functions entrusted to the Nigam by or under this Act; and
- (xiv) such other functions as may be entrusted to the Nigam by the State Government by notification in the Gazette.

15. Powers of the Jal Nigam.-(1) The Nigam shall, subject to the provisions of this Act have power to do anything which may be necessary or expedient for carrying out its functions under this Act.

(2) Without prejudice to the generality of the foregoing provision, such power shall include the power-

- (i) to inspect all water supply and sewerage facilities in the State by whomsoever they are operated;

- (ii) to obtain such periodic or specific information from any local body and operating agency as it may deem necessary;
- (iii) to provide training for its own personnel as well as employees of the local bodies;
- (iv) to prepare and carry out schemes for water supply and sewerage;
- (v) to lay down the schedule of fees for all services rendered by the Nigam to the State Government, local bodies, institutions or individuals;
- (vi) to enter into contract or agreement with any person, firm or institution, as the Nigam may deem necessary, for performing its functions under this Act;
- (vii) to adopt its own budget annually;
- (viii) to approve tariffs for water supply and sewerage services applicable to respective local areas comprised within the jurisdiction of Jal Sansthan and such local bodies as have entered into an agreement with the Nigam under Section 46;
- (ix) to borrow money, issue debentures to obtain subventions and grants and manage its own funds;
- (x) to disburse loans to local bodies for their water supply and sewerage schemes;
- (xi) to incur expenditure and to grant loans and advances to such persons or authorities as the Nigam may deem necessary for performing the functions under this Act.

24. Functions of a Jal Sansthan.-The functions of a Jal Sansthan shall be as follows:

- (i) to plan, promote and execute schemes of and operate an efficient system of water supply;
- (ii) where feasible, to plan, promote and execute schemes of, and operate, sewerage, sewage treatment and disposal and treatment of trade effluents;
- (iii) to manage all its affairs so as to provide the people of the area within its jurisdiction with wholesome water and where feasible, efficient sewerage service;
- (iv) to take such other measures, as may be necessary, to ensure water supply in times of any emergency;
- (v) such other functions as may be entrusted to it by the State Government by notification in the Gazette.

25. Powers of a Jal Sansthan.-(1) Every Jal Sansthan shall, subject to the provision of this Act, have power to do anything which may be necessary or expedient for carrying out its functions under this Act.

(2) Without prejudice to the generality of the foregoing provision such powers shall include the power-

- (i) to exercise all powers and perform all the functions relating to water supply, sewerage and sewage disposal of the area which lies within its jurisdiction;
- (ii) to acquire, possess and hold lands and other property and to carry any water or sewerage works through, across, over or under any highway, road, street or place and, after reasonable notice, in writing to the owner or occupier, into, through, over or under any building or land.
- (iii) to abstract water from any natural source and dispose of waste water;

- (iv) to enter into contract or agreement with any person or body as the Jal Sansthan may deem necessary;
- (v) to adopt its own budget annually;
- (vi) to introduce or amend tariff for water supply and sewerage services, subject to approval of the Nigam and collect all taxes and charges for these services as may be prescribed;

[Provided that not decision to introduce or amend such tariff shall be taken except by a special resolution in that behalf brought after giving such notice as may be prescribed, and passed by the majority of two-thirds of the members of the Jal Sansthan;]

- (vii) to incur expenditure and manage its own funds;
- (viii) to obtain loans, advances, subventions and grants from the Nigam.

CHAPTER VII
WATER SUPPLY

65. Definition of supply of water for domestic purposes.—The supply of water for domestic purposes under this Act means supply for any purpose except the following, namely:

- (a) for any trade, manufacture or business;
- (b) for gardens or for purposes of irrigation;
- (c) for building purposes including construction of streets;
- (d) for fountains, swimming baths, public baths or tanks or for any ornamental or mechanical purpose;
- (e) for animals, where they are kept for sale or hire or for the sale of their produce;
- (f) for the consumption and use at a restaurant or by inmates of hotel, boarding house or residential club;
- (g) for the consumption and use by the persons resorting to theatres and cinemas;
- (h) for watering streets; or
- (i) for washing vehicles where they are kept for sale or hire.

66. Supply of water by Jal sansthan.—(1) A Jal Sansthan shall, on an application made in that behalf by the owner or occupier of any premises, grant supply of water for domestic purposes for-

- (a) any premises situated within a distance of thirty metres from an existing main; or
- (b) where the applicant undertakes to bear the cost any extension which may be necessary beyond a distance of thirty metres for connecting the premises with the nearest existing main, any premises situated beyond such distance.

Explanation.—The Jal Sansthan shall bear the cost of extension only in respect of so much distance, not exceeding thirty metres, as is sufficient to connect the nearest existing main with the outer limit of the premises.

(2) Notwithstanding that the cost of any extension has been borne under clause (b) of sub-section (1) by the person to whom water is supplied, the property therein shall vest in the Jal Sansthan.

(3) The Jal Sansthan may on an application made in that behalf, grant supply of water for any purposes other than domestic purposes.

(4) The supply of water for domestic or other purposes shall be subject to such terms and conditions as may be provided by bye-laws.

(5) Notwithstanding anything in the bye-laws referred to in sub-section (4) the Jal Sansthan may supply water to the Government or any local authority or other statutory corporation or to any educational institution on such terms as to payment and as to the period and the conditions of supply as may be agreed upon.

67. Water supply for domestic purposes not to be used for non-domestic purposes.—No person shall, except in such circumstances or subject to such conditions as may be provided by bye-laws use or allow to be used water supplied for domestic purposes, for any other purpose.

68. Provision of fire hydrants.—(1) The Jal Sansthan may, at the request and expense of the owner or occupier of any factory (as defined in the Factories Act,

1948) or any shop or commercial establishment (as defined in the Uttar Pradesh Dookan Aur Vanijya Adhishtan Adhiniyam, 1962) provide and maintain fire hydrants together with all incidental work, for the supply of water in case of fire in such factory, shop or commercial establishment and in any such case charge from such owner or occupier the cost of water supplied in connection therewith.

(2) The Jal Sansthan shall provide and maintain fire hydrants together with all incidental works for the supply of water in case of fire, at all such other places as it may consider necessary, and supply water in connection therewith.

69. Power to provide water meters.—(1) The Jal Sansthan may provide a water meter and attach the same to the service pipe in premises connected with waterworks of the Jal Sansthan.

(2) The expenses of installation and the rent to be payable for the use of a meter shall be paid by the consumer.

(3) The provision of meters or the transfer of connection thereof and their use, maintenance and testing and the expense of installation and their rents and the furnishing of security, if any, in connection therewith shall be regulated by bye-laws made in that behalf.

70. Licensed plumbers.—(1) No person other than a plumber licensed by the Jal Sansthan (hereinafter referred to as a licensed plumber) shall execute any work in respect of a water connection not being a work of a trivial nature and no person shall permit any such work to be executed by a person other than a licensed plumber.

(2) When any work is executed in contravention of the provisions of sub-section (1), such work shall be liable to be dismantled at the discretion of the Jal Sansthan.

71. Prohibition of wastage of water.—(1) No owner or occupier of any premises to which water is supplied by the Jal Sansthan shall cause or suffer any water to be wasted, or cause or suffer the service pipe or any tap or other fitting or work connected therewith to remain out of repair so as to cause wastage of water.

(2) Whenever the Jal Sansthan has reason to believe that as a result of defect in a service pipe or tap or other fitting or work connected therewith water is being wasted, the Jal Sansthan may by written notice require the consumer to repair and make good the defect within such time as may be specified.

(3) If such repair is not carried out within the time specified the Jal Sansthan may, without prejudice to any action against the consumer under any other provision of this Act, cause such repair to be made, and the cost of such repairs shall be realised from the consumer.

72. Power to cut off water supply.—The Jal Sansthan may cut off the water supply from any premises—

- (a) if any tax, fee, rental, cost of water or any charge or other sum due under this Act, is not paid within a period of fifteen days after service of a bill for the same; or
- (b) if after the receipt of a written notice from the Jal Sansthan requiring him to refrain from so doing, the consumer continues to use the water or to permit the same to be used in contravention of the provisions of this Act or any rule or regulations or bye-laws made thereunder;
- (c) if the consumer damages or causes to be damaged the water meter or any connection pipe or ferrule; or

- (d) if the consumer refuses to admit any officer or servant of a Jal Sansthan duly authorised in this behalf into the premises which he proposes to enter for the purpose of executing any work or placing or removing any apparatus or of making any examination or enquiry in connection with the water supply or prevents any such officer or servant from executing any work or placing or removing any apparatus or making such examination or enquiry; or
- (e) if the service pipe or any tap or other fitting or work connected therewith is found on examination by an officer or servant of the Jal Sansthan duly authorised in this behalf to be out of repair to such an extent as to cause wastage or contamination of water and immediate prevention thereof is necessary; or
- (f) if the consumer causes or allows to be caused the service pipe on any tap or other fitting or work connected therewith to be placed removed, repaired or otherwise interfered with, in contravention of the provisions of this Act or of the rules or regulation or bye-laws made thereunder; or
- (g) if by reason of leakage in the service pipe or any tap or other fitting or work, damage is caused to a public street and immediate prevention thereof is necessary;
- (h) if the consumer does not allow the Jal Sansthan to install meter on his water connection or refuses to deposit security for the supply of meter.]

(2) No action taken under or in pursuance of this section shall relieve a person from any penalty or liability which he may otherwise have incurred.

(3) The Jal Sansthan may reconnect the supply of water disconnected under subsection (1) on payment of such charges and on such terms and conditions as may be provided by bye-laws.

73. Prohibition of certain acts.—(1) No person shall—

- (a) wilfully obstruct any person acting under the authority of the Nigam or a Jal Sansthan in setting out the lines of any work or pull up or remove any pillar, post or stay fixed in the ground for the purpose of setting out the lines of such works, or deface or destroy any works made for the said purpose; or
- (b) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, valve, pipe, meter or other work or apparatus belonging to the Nigam or a Jal Sansthan; or
- (c) unlawfully obstruct the flow of or flush, draw off, or divert, or take water from any waterworks belonging to the Nigam or a Jal Sansthan or any water course by which any such water is supplied; or
- (d) obstruct any officer or other employee of the Nigam or a Jal Sansthan in the discharge of his duties under this Chapter or refuse or wilfully neglect to furnish him with means necessary for the making of any entry, inspection, examination or enquiry thereunder in relation to any water-works; or
- (e) bathe in, at or upon any waterworks, or wash or throw or cause to enter therein any animal or throw any rubbish, dirt or filth into any waterworks, or clean therein any cloth, wool or leather or the skin of any animal, or cause water of any sink, or drain or any steam engine or boiler or any other polluted water to turn or be brought into any waterworks, or do any other act whereby the water in any waterworks, is fouled or likely to be fouled.

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

Chapter VIII

SEWERAGE

74. Right of owner or occupier to obtain sewer connection.—The owner or occupier of any premises shall be entitled to empty sewage of the premises into a sewer of a Jal Sansthan provided that, before doing so, he,—

(a) obtains written permission of the Jal Sansthan and pays connection fee in accordance with the bye-laws; and

(b) complies with such other conditions as may be provided by bye-laws.

75. Power to require owner to have sewer connection.—Where any premises are, in the opinion of a Jal Sansthan, without sufficient means of effectual disposal of sewage and the sewer of the Jal Sansthan is situated at a distance of fifty metres from any part of the premises, the Jal Sansthan may, by written notice, require the owner of the said premises to have sewer connection as provided by bye-laws.

76. Prohibition of connection with sewer.—No person shall without the permission of the Jal Sansthan make or cause to be made any connection or communication with any sewer of the Jal Sansthan.

77. Prohibition of construction of building over sewer.—(1) No person shall without the permission of the Jal Sansthan construct any private street, building or other structure on any sewer of the Jal Sansthan.

(2) The provisions of Sections 327 and 333 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, shall mutatis mutandis apply in relation to any construction in contravention of sub-section (1) with the substitution of references to the Mukhya Nagar Adhikari by references to such officer of the Jal Sansthan as it may, by general or special order, specify in that behalf.

78. Power to affix shaft etc., for ventilation of sewer cesspool.—A Jal Sansthan may, for the purposes of ventilating any sewer or cesspool, whether vested in the Jal Sansthan or not, erect upon any premises or affix to the outside of any building, or to any tree any shaft or pipes as may appear to it to be necessary.

79. Power to examine and test sewer etc., believed to be defective.—(1) Where it appears to the Jal Sansthan that there are reasonable grounds for believing that a private sewer or cesspool is in such condition as to be prejudicial to health or to be a nuisance or that a private sewer communicating directly or indirectly with a sewer of the Jal Sansthan is so defective as to admit sub-soil water or grit or other material it may examine its condition and for that purpose may apply any test, not being a test by water under pressure, and if it deems it necessary, open the ground.

(2) (a) If on examination the sewer or cesspool is found to be in proper condition, the Jal Sansthan shall as soon as possible, reinstate any ground which has been opened by it and determine any pay compensation for the damage caused by it.

(b) If on the other hand, the sewer or cesspool so examined is found to be defective, the Jal Sansthan may forthwith stop its functioning or disconnect it from the sewer of the Jal Sansthan, or require the owner or occupier to take remedial action as directed and within a time specified, by the Jal Sansthan and in any such event the Jal Sansthan may recover the cost incurred by it from the owner or occupier, as the case may be.

(3) In case of dispute as to the sufficiency of the amount so determined, the Jal Sansthan shall refer the dispute to the Nigam whose decision thereon shall be final.

80. Prohibition of certain acts.—(1) No person shall—

- (a) wilfully obstruct any person acting under the authority of the Jal Nigam or a Jal Sansthan under this Chapter in setting out the lines of any works or pull up or remove any pillar, post or stay fixed in the ground for the purpose of setting out the lines of such work or deface or destroy any works made for the said purpose; or
- (b) wilfully or negligently break, injure, turn on, open, close, shut-off or otherwise interfere with any lock, valve, pipe or other works or apparatus belonging to the Nigam or a Jal Sansthan and pertaining to its functions under this Chapter; or
- (c) unlawfully obstruct the flow of, or flush, draw off or divert or take sewage from any work belonging to the Nigam or a Jal Sansthan; or
- (d) obstruct any officer or other employee of the Nigam or Jal Sansthan in discharge of his duties under this Chapter or refuse or wilfully neglect to furnish him with means necessary for the making of any entry, inspection or enquiry thereunder in relation to any sewage works.

81. Power of entry, survey etc.—(1) Any officer of the Nigam or a Jal Sansthan authorised by it in that behalf may, with or without assistants, or workmen, enter into or upon any premises in order—

- (a) to make any inspection, survey, measurement, valuation or inquiry;
- (b) to take level;
- (c) to dig or bore into the sub-soil;
- (d) to set out boundaries and intended lines of work;
- (e) to mark such levels, boundaries and lines by placing marks and cuttings trenches; or
- (f) to do any other thing necessary for the purposes of this Act or any rule or regulation or bye-law:

Provided that—

- (i) no such entry into a building shall be made between sunset and sunrise;
- (ii) no dwelling house or place shall be so entered, except with the consent of the occupier thereof, without giving the occupier at least twenty-four hours notice of the intention to make such entry;
- (iii) reasonable opportunity and facility shall be allowed to the women occupying any part of a dwelling house to withdraw; and
- (iv) due regard shall, so far as feasible, be had to the social and religious usages of the occupants of the premises, entered into.

(2) Whenever any officer of the Nigam or a Jal Sansthan authorised under sub-section (1) enters into or upon any premises in pursuance of that sub-section he shall, at the time of such entry pay or tender payment for the damage, if any, to be caused by any act as aforesaid and in case of dispute as to the sufficiency of the amount of compensation, such dispute shall in the case of Nigam be referred to the Chairman of the Nigam and in the case of a Jal Sansthan be referred to the Chairman of the Jal Sansthan.

(3) When any person is entitled to enter into or upon any premises in exercise of the powers under sub-section (1) he may also enter in similar manner into or upon any adjoining premises for any work authorised by or under this Act or for the purpose of depositing therein, any soil, grindstone or other materials or for obtaining access to such work or for any other purposes connected with the execution of the same.

(4) It shall be lawful for any officer authorised in this behalf by the Nigam or a Jal Sansthan to make any entry into any place to open or cause to be opened any door, gate or other barrier—

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent or being present refuses to open such door, gate or barrier.

(5) The officer so authorised shall, in exercise of any power conferred by sub-section (4) do as little damage as may be possible and compensation for such damage shall be payable by the Nigam or a Jal Sansthan, as the case may be, to the owner or occupier of such premises or to both, and in case of any dispute as to the sufficiency of the amount of compensation, the dispute shall in the case of the Nigam be referred to the Chairman of the Nigam and in the case of a Jal Sansthan be referred to the Chairman of the Jal Sansthan.

82. Power to disinfect tanks, pools and wells.—(1) Any officer authorised by the Nigam or a Jal Sansthan in that behalf may have any tank, pool, or well, cleaned or disinfected after notices to the owner or occupier, if any, when it appears that such cleaning or disinfection will prevent or check the spread of any dangerous disease.

(2) The cost of cleaning or disinfection referred to in sub-section (1) shall be recoverable from the owner or occupier of such tank, pool or well.