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Chennai Metropolitan Water Supply and Sewerage Act, 1978

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THE CHENNAI METROPOLITAN WATER SUPPLY AND SEWERAGE ACT, 1978.

(TAMIL NADU ACT 28 OF 1978)

(As Amended upto 30th November 1998)

(The Chennai Metropolitan Water Supply and Sewerage (Second Amendment) Act, 1997)

(For Statement of Objects and Reasons see Part IV - Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 10th January 1978, page 196; For Act see Part IV – Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 14th June 1978 pages 269-341).

(Received the assent of the President on the 8th June 1978, first published in the Tamil Nadu Government Gazette Extra-ordinary on the 14th June 1978).

THE SCHEDULE

An Act to provide for the constitution of the Chennai Metropolitan Water Supply and Sewerage Board, for exclusively attending to the growing needs of and for planned development and appropriate regulation of water supply and sewerage services in the Chennai Metropolitan Area with particular reference to the protection of public health and for all matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty-ninth Year of the Republic of India as follows :-

CHAPTER 1 PRELIMINARY

1. Short title and commencement - (I) This Act may be called the Chennai Metropolitan Water Supply and Sewerage Act, 1978 and (ii) The Chennai Metropolitan Water Supply and Sewerage (Second Amendment) Act, 1997

It shall come into force on such date as the Government may, by notification, appoint and different dates may be appointed for different areas and for different provisions of this Act.

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

- a. "authorised authority" in relation to any power to be exercised or function to be performed under any provision of this Act means any committee, director, officer or other employee of the Board to whom such power or function has been delegated under section 22
- b. "Board" means the Chennai Metropolitan Water Supply and Sewerage Board established under section 3
- c. "director" means the director of the Board and includes its Chairman and Managing Director
- d. "drain" includes a tunnel, pipe, ditch, gutter or channel or any cistern, flush-tank, septic tank, cess pool, or other device for carrying off or treating or disposing sewage, sullage, offensive matter, polluted water, waste water or sub-soil water, and also

includes any culvert, ventilator, shaft or pipe or other appliances or fittings connected with such drain, and any ejector, compressed air mains, sealed sewage mains and special machinery or apparatus for arising, collecting, expelling or removing sewage, sullage or offensive matter from any place; but does not include a rain or storm water drain or a water table constructed by the side of the road kerb or a chute leading from such water table to a side drain exclusively meant to drain away rain water on the road.

- e. "existing authority" includes -
 - i. a local authority having jurisdiction over the Chennai Metropolitan Area or part thereof; and
 - ii. the Government
- f. "local authority" means -
 - i. the Municipal Corporation of Chennai or
 - ii. a municipal council, constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) or a panchayat union council or a panchayat constituted under the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958); or
 - iii. a township committee constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) or the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) or under any other law for the time being in force; or
 - iv. the Tamil Nadu State Housing Board constituted under section 3 of the Tamil Nadu State Housing Board Act, 1961 (Tamil Nadu Act 17 of 1961) (hereinafter referred to as the Tamil Nadu State Housing Board); or
 - v. the Tamil Nadu Water Supply and Drainage Board constituted under section 4 of the Tamil Nadu Water Supply and Drainage Board Act, 1970 (Tamil Nadu Act 4 of 1971) (hereinafter referred to as the Tamil Nadu Water Supply and Drainage Board); or
 - vi. the Tamil Nadu Slum Clearance Board established under section 34 of the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971 (Tamil Nadu Act 11 of 1971) (hereinafter referred to as the Tamil Nadu Slum Clearance Board); or
 - vii. the Chennai Metropolitan Development Authority established under section 9-A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) (hereinafter referred to as the Chennai Metropolitan Development Authority)
- g. "Government" means the State Government
- h. "Chennai Metropolitan Area" means the Chennai Metropolitan Planning Area as defined in clause (23-a) of section 2 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972)
- i. "notified date" in relation to any local authority means the date notified under sub-section (1) of section 26 in respect of that local authority
- j. "occupier" includes -
 - i. any person for the time being paying or liable to pay to the owner, the rent or any portion of the rent of land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, or building or part thereof; and
 - ii. a rent-free occupant.

- k. "owner" includes -
 - i. the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver or for any religious or charitable purpose, the rents or profits of the property in connection with which the word is used.
 - ii. the person for the time being in charge of the animal in connection with which the word is used
- l. "prescribed" means prescribed by regulations made by the Board.
- m. "regulations" means regulations made under this Act
- n. "sewage" means night-soil and other contents of water closets, latrines, privies, cesspools or drains and polluted water from shafts, kitchens, bathrooms, stables, cattle-sheds and other like places, and includes trade effluent
- o. "sewer" means any device for carrying off sewage, sullage, offensive matter, polluted water, waste water, or sub-soil water and includes a drain
- p. "sewerage" means a system of sewers for collection, treatment or disposal of sewage and includes sewerage works
- q. "sewerage works" includes any sewer channel, duct, collection or treatment or disposal units, pumping station, engine, mobile collecting unit, and other machinery and any adjacent land not being private property and any land, building or other things for collection or treatment or disposal of sewage
- r. "trade effluent" includes any liquid gaseous or solid substance which is wholly or in part produced or discharged from any premises used for carrying on any trade or industry including agriculture and horticulture but does not include domestic sewage
- s. "Tribunal" means Tribunal constituted under section 70 and having jurisdiction
- t. "water supply" means a system of providing water to a community for meeting its requirement for drinking and other domestic uses, industrial, recreational and other public uses except for purposes of irrigation and generation of hydel power
- u. "water works" includes any source of water supply like stream, lake, spring, river or canal, well, reservoir, cistern and tank dug well, bore well, dug-cum-bore well, tube well, filter points and infiltration galleries, any channel, duct, whether covered or open, desalination plants, treatment units, sluice supply main, culvert, bridge, engine, water tank hydrants, stand-pipe or post, conduit and machinery and any adjacent land not being private property and any land, building or other things for supplying water or for protecting source of water supply or for treatment of water
- v. "year" means the financial year.

CHAPTER II

ESTABLISHMENT OF THE BOARD AND ITS POWERS AND FUNCTIONS

3. Establishment of the Board -

- a. With effect from such date as the Government may, by notification, appoint in this behalf, there shall be established a Board by the name Chennai Metropolitan Water Supply and Sewerage Board.
- b. The Board shall be a body corporate having perpetual succession and a common seal and shall by the said name, sue and be sued.

4. Constitution of the Board. - The Board shall consist of the following directors, namely :-

- a. The Minister in-charge of the Department dealing with the subject "water supply" who shall be the Chairman of the Board, Ex-Officio
 - aa. The Secretary to Government in charge of the department dealing with the subject "Water Supply", Ex-Officio
- b. The Secretary to Government in charge of the Finance Department, ex-officio
- c. The Member-Secretary of the Chennai Metropolitan Development. Authority established under section 9-A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), ex-officio
- d. The Commissioner. Municipal Corporation of Chennai ex-officio.
 - dd. the Managing Director, Tamil Nadu Water Supply and Drainage Board, Ex-Officio
- e. Six non-official directors nominated by the Government, of whom –
 - xxvii. one shall be a woman
 - xxviii. one shall be a person to represent the interests of the general public
 - xxix. one shall be a person who is experienced in Government or commercial accounts and is qualified as a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949 (Central Act XXXVIII of 1949), or a Cost Accountant within the meaning of the Cost and Works Accountants Act, 1959 Central Act 23 of 1959)
 - xxx. one shall be an experienced public health or water works engineer; and
 - xxxi. two shall be persons to represent major industrial or Commercial organisations in the Chennai Metropolitan Area
- b. three whole time directors appointed by the Government, namely:-
 - xxvii. a Managing Director
 - xxviii. a Finance Director
 - xxix. an Engineering Director
 the Chairman of the Board, if any, appointed under Sub-section (1) of Section 4-A
 a Technical Director nominated by the Government in consultation with the Board

(Notwithstanding anything contained in the principal Act, the non-official Technical Director of the Chennai Metropolitan Water supply and Sewerage Board appointed by the State Government under sub-clause (iv) of clause (e) of section 4 and section 13 of the principal Act on the 1st day of March 1977 shall be deemed to have been nominated by the State Government as a Technical Director under the Principal Act, as amended by Sections 2 and 3 of this Act, and anything done or any action taken by such non-official Technical Director on or after the 1st day of March 1977 and before the date of publication of this Act in the Tamil Nadu Government Gazette, shall for all purposes, be deemed to be, and to have always been validly done or taken in accordance with law as if the principal Act as amended by this Act had been in force at all material times and shall not be liable to be questioned in any court of law)

4-A. Appointment of Chairman of the Board in Special circumstances.

(1) Notwithstanding anything contained in Section-4, the Government may, if they think fit so to do in the public interest, by notification, appoint a non-official or an officer of the State Government not below the rank of a Secretary to Government as the Chairman of the Board.

5. Functions of the Board. –

1. The Board shall perform all, or any of the following functions, namely :-
 - a. promoting or securing the planned development, efficient operation, maintenance and regulation of water supply and sewerage system in the Chennai Metropolitan Area
 - b. preparing long term plans to meet the future requirements of water supply and sewerage in the Chennai Metropolitan Area, based on estimates of demand, surveys on availabilities and usage of water and other relevant matters and periodically reviewing, revising and bringing up-to-date such plans
 - c. undertaking developmental activities with a view to meet the future requirements of water supply and sewerage in the Chennai Metropolitan Area
 - d. operating and maintaining the water supply and sewerage services in the Chennai Metropolitan Area to the best advantage of the inhabitants of that area
 - e. such functions relating to water supply or sewerage as the Government may, by notification, entrust to the Board provided that such entrustment shall be with the Board's concurrence, if it does not relate to anything to be done in respect of the Chennai Metropolitan Area
 - f. any other matter which is supplemental, incidental or consequential to any of the above functions
 - g. such other functions as may be entrusted to the Board by or under any other law for the time being in force
2. In the discharge of its functions the Board shall -
 - a. have due regard to public health, safety and convenience of the public
 - b. consult and collaborate with the Chennai Metropolitan Development Authority in regard to planning and undertaking development activities connected with the water supply and sewerage systems for the Chennai Metropolitan Area and extend full assistance to and co-operate with the local authority in relation to matters connected with water supply systems or water works or sewerage works or road works or similar works
 - c. be guided by such instructions on questions of policy involving public interest as may be given to it by the Government and in case of any difference of opinion as to whether a question is or is not a question of policy involving public interest, the decision of the Government thereon shall be final
3. Subject to the provisions of this Act, the Board shall exercise all powers, perform all functions and carry out duties in respect of water supply and sewerage systems in the Chennai Metropolitan Area to the exclusion of any department of the Government or any other existing authority
4. The Board shall endeavour to be financially self-supporting, and shall for this purpose so conduct its affairs that its income is adequate to meet all its outgoings, provisions for or allocations towards future obligations and costs
5. The Board shall furnish from time to time to the Government such returns and information as the Government may require
6. Powers of the Board -
 1. The Board shall, subject to the provisions of this Act, have the power to do anything which may be necessary or expedient for the purpose of carrying out its functions and duties under this Act
 2. Without prejudice to the generality of the foregoing provision, the Board shall have power -
 - i. to take over all existing responsibilities, powers, controls, facilities, services and administration relating to water supply and sewerage in or for the Chennai Metropolitan Area

- ii. to enlarge, improve or develop existing facilities and to construct and operate new facilities for water supply and sewerage in or for the Chennai Metropolitan Area
- iii. to prepare schemes for water-supply and sewerage (including abstraction of water from any natural source and the disposal of waste and polluted water) in or for the Chennai Metropolitan Area
- iv. to regulate the construction, maintenance and repairs of wells, tanks and ponds and the drilling of tube wells, whether public or private, in the Chennai Metropolitan Area
- v. to control extraction, conservation and use of underground water in the Chennai Metropolitan Area
- vi. to prevent pollution of any water including any water sources, water course or channel utilised for the purpose of the Chennai Metropolitan Area
- vii. to prescribe the manner of treatment of trade effluents before discharge thereof and to regulate the discharge thereof into any sewer canal, river or other water channel utilised for the purpose of the Chennai Metropolitan Area
- viii. to conduct research, experiment and survey and to do all things necessary for that purpose
- ix. to enter into contracts, agreements or arrangements with any person, firm or organisation
- x. to acquire, hold and dispose of property, movable or immovable
- xi. to prepare and adopt its annual accounts and budgets
- xii. to determine, levy and collect taxes, rates, fees, charges, surcharges, rents and costs and expenses authorised under this Act.

(xii-a) to collect infrastructure development charges from the applicant, builder or developer of such multi-storeyed building or special building as may be prescribed, for the provision of adequate water supply or sewerage.

- xiii. to borrow money, issue debentures and manage its funds, including the power to mortgage, hypothecate, or pledge any of its assets
- xiv. to incur expenditure and to grant loans and advances as it may deem necessary and to recover the principal and interest thereon on such terms and conditions as it may specify
- xv. to do all things necessary for the purpose of carrying out the provisions of this Act.

Power of Board to call for information – The Board may, for the purposes of carrying out the provisions of this Act, by notice require any person to furnish such information in his possession relating to water supply and sewerage systems, and shall act as a centre for the collection and exchange of information on such matters, in order to facilitate the preparation of studies, scheme or plans and the development of policies which promote the purposes of this Act.

Board to be exempted from sales tax and treated like Government for certain other taxes -

- . The Board shall be exempted from tax under any law relating to sales tax for the time being in force, in respect of water supply and sewerage services rendered by it.

- a. Where under any law relating to municipal corporation, municipality, township, panchayat or planning or development authority, the Board and its properties and assets are subject to the levy of any tax, rate, charge, cess fee, betterment levy or development charge, the rate or amount of such levy shall be the same as that applicable to the properties belonging to the Government or any local authority.

Compulsory acquisition of land, etc. – Any land or any interest therein required by the Board for the purposes of this Act shall be deemed to be needed for a public purpose within the meaning of the Land Acquisition Act, 1894 (Central Act I of 1894).

CHAPTER III

DIRECTORS, COMMITTEES AND EMPLOYEES OF THE BOARD

10. Managing Director -

1. The Managing Director shall be a person who has special knowledge or practical experience in respect of matters relating to water supply and sewerage, or has sufficient experience in administrative matters and arrangements.
2. The appointment of the Managing Director shall be for such period not less than three years as the Government may determine and the person appointed shall be eligible for reappointment.
3. The Managing Director shall be the Chief Executive Authority of the Board and shall be in charge of the day-to-day administration of the Board and shall exercise supervision and control over the employees of the Board.
4. With the approval of the Board, the Managing Director may delegate to any officer of the Board any of his functions and powers except those delegated to him under section 22.

11. Finance and Engineering Directors -

1. The Finance Director shall be a person having practical experience in financial administration and in matters relating to finance and accounts, and the Engineering Director shall be a person qualified in engineering having experience in water supply and sewerage systems.
2. The Finance Director and the Engineering Director shall hold office until the age of superannuation applicable under, or until their services are terminated pursuant to the terms and conditions determined under section 12.

11A. Term of office and conditions of service of the Chairman – The term of office and the terms and conditions of service of the Non-official Chairman appointed under Section-4-A and the manner of filling casual vacancies in the office of the Non-official Chairman shall be such as may be prescribed.

12. Terms and conditions of service of whole time directors - The remuneration and other terms and conditions of service of the Managing Director, Finance Director and Engineering Director, shall be, such as may be determined by the Government in the case of first appointment and in the case of subsequent appointments shall be such as may be prescribed by the Board with the approval of the Government.

12A. Technical Director- The Technical Director shall be a person of proven experience and knowledge on water and sewerage service and who shall represent the Central or State Government or of a Local Authority or of a Corporation company owned or controlled by the Central or State Government and shall office for such period and subject to such terms and conditions may be prescribed by the Government.

13. Non-official directors -

1. The term of office of non-official directors shall be two years. Provided that such directors shall continue to hold office until the successors are nominated and assume office.
2. Non-official directors shall be paid such fees and allowances as may be prescribed for attending the meetings of the Board or of any of its committees and for attending to any other work of the Board.

14. Disqualifications for appointment as Non-Official Chairman or Director of the Board.

1. No person shall be eligible for being appointed as Non-Official Chairman or as wholetime Director or nominated as a non-official director if he -
 - a. has been removed or dismissed from the service of the Central or State Government or of a local authority or of a Corporation or Company owned or controlled by the Central or State Government, or
 - b. is or at any time has been adjudicated as an insolvent or has suspended payment of his debts or has compounded with his creditors; or
 - c. is of unsound mind and stands so declared by a competent court; or
 - d. has been convicted of any offence, which in the opinion of the Government involves moral turpitude; or
 - e. in the case of nomination as a non-official Chairman or nomination as a Non-Official Director, is an employee of the Board or of the Central or State Government or of a local authority or of a corporation or company owned or controlled by the Central or State Government; or
 - f. having directly or indirectly, by himself or by any partner any share or interest in any subsisting contract made with, or any work being done for the Board; or
 - g. is a Director or a Secretary, Manager or other Officer of any incorporated company which has any share or interest in any subsisting contract made with, or any work being done for, the board.
2. If the Non-Official Chairman or whole time Director or non-official director -
 - a. becomes subject to any of the disqualifications mentioned in clauses (a) to (g) of sub-section (1), or
 - b. is absent without leave of the Board for more than three consecutive meetings thereof, he shall cease to be such Chairman or director or non-official director.
3. A person shall not be disqualified under clause (f) or clause (g) of sub-section (1) or be deemed to have any share or interest in any contract within the meaning of those clauses, by reason only of his or his partner of 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 his partner of the incorporated company regularly trades.
- v. A person shall not also be disqualified under clause (f) or clause (g) of sub-section (1) or be deemed to have any share or interest in any contract with, by on behalf of, the Board, by reason only of his being a shareholder of such company:

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

15. Removal of Non-Official Chairman and Directors -

1. If at any time, it appears to the Government that a whole time Director is unsuitable for such office, or has been guilty of any misconduct or neglect which renders his removal expedient, they may, by notification, remove him from office after giving him a reasonable opportunity of showing cause.
2. The Government, may by notification, remove non-official Chairman or any Non-Official Director after giving him a reasonable opportunity of showing cause-
 - a. 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
 - b. if he, in the opinion of the Government, is unsuitable or has become incapable of acting as Chairman or Director or has been guilty of any misconduct or neglect or has so abused his position as a Director as to render his continuance as such Chairman or Director detrimental to the interests of the Board.
3. A non-official Chairman or a Non-Official Director removed under the provision of clause (a) of sub-section (2) shall, unless otherwise directed by the Government, be disqualified for appointment as the Chairman or a Director for a period of three years from the date of such removal.
4. A non-official Chairman or Non-Official Director removed under clause (b) of sub-section (2) shall not be eligible for reappointment until he is declared by an order of the Government to be no longer as ineligible.

16. Resignation and temporary absence of directors -

1. Any director may resign his office, by giving notice in writing to the Government and the Director giving such notice of the resignation shall, on notification by the Government, be deemed to have vacated his office on and from the date on which the resignation is so notified.
2. If any whole-time Director is on account of illness or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise, in circumstances not involving the vacation of his office, the Government may authorise any other whole-time director to discharge the duties of such director in addition to his own.

17. Committees -

1. There shall be established the following committees, namely-
 - a. "Public Relation Committee" consisting of the Chairman of the Board, the Managing Director, the directors referred to in clause (c), clause (d), clause (e), (I) and (ii) of section 4, and one of the two Directors referred to in clause (e) (v) if that section:
 - b. a "Tariff Committee" consisting of the Chairman of the Board, the Managing Director, the Finance Director, the Directors referred to in clause (b), clause (e), (ii) and (iii) of section 4, one of the two Directors referred to in clause (e) (v) of that section and the head of the planning branch of the Board
 - c. a "Tenders Committee" consisting of the Managing Director, the Finance Director, the Engineering Director, the Technical Director, the Executive Director and the Directors referred to in clause (b) clause (e) (ii) and (iv) of section 4
 - d. an "Employment Committee" consisting of the Managing Director, the Finance Director, the Engineering Director and the head of the personnel branch of the Board
 - e. a "Management Committee" consisting of the Managing Director, the Finance Director, the Engineering Director and the heads of planning, personnel and materials branches of the Board.
2. The Board may constitute, as many other committees consisting wholly of Directors or wholly of other persons or partly of Directors and partly of other persons for such purposes as it may deem fit.

18. Meetings of the Board and the Committee.-

1.
 - a. The Board shall meet at least once in every three months.
 - b. The Committee shall meet at such times as may be prescribed.
2. The Chairman of the Board and in his absence, the Managing Director, and in the absence of both, the person chosen by the Directors present from among themselves, shall preside at the meetings of the Board.
3. The meetings of the Public Relations Committee and the Tariff Committee shall be presided over by the Chairman of the Board and the meetings of the Tenders Committee, the Employment Committee and the Management Committee shall be presided over by the Managing Director.
4. The meetings of other Committee shall be presided over by such Director as may be specified by the Board.
5. In the absence of the director who is to preside at meetings under sub-section (3) or sub-section (4) the remaining members of the Committee concerned shall choose one among themselves to preside at the meeting concerned.
6. The Board and the Committee shall observe such rules of procedure in regard to the transaction of business at meetings as may be prescribed.
7. All issues at any meeting of the Board or any Committee shall be decided by a majority of the votes of the Directors or the members of the Committee present and voting and in the case of equality of votes, the person presiding shall have and exercise a second or casting vote.
8. If for any reason a Director referred to in clause (aa), clause (b), clause (c), or clause (d) of section 4, is unable to attend any meeting of the Board or of any Committee, the Government may, by order, in writing nominate an officer of the Government or an officer of the Chennai Metropolitan Development Authority or an officer of the

Municipal Corporation of Chennai, as the case may be, to attend such meetings and the officer so nominated shall, for purposes of this Act, be deemed to be a Director.

19. Appointment of officers and other employees.-

1. The Board may appoint such officers and other employees as it considers necessary for the efficient performance of its functions:

Provided that the Board shall not without previous approval of the Government, create any post the maximum monthly salary of which exceeds two thousand five hundred rupees, or appoint any person to any post the maximum monthly salary of which exceeds two thousand rupees.

2. Without prejudice to the provisions of sub-section (1), it shall be lawful for the Board to utilise such employees of the Government or any local authority or other institution on such terms and conditions as may be agreed upon between the Board and the Government, or local authority, or institution, as the case may be.

20. Appointment of employees of local authorities.-

1. Subject to the provisions of sub-section (2), every person, who immediately before the notified date, is an employee of local authorities and who has been serving in connection with the water supply or sewerage system maintained in respect of the Chennai Metropolitan Area shall, as from that date be transferred to the service under the Board in accordance with the provisions of this section.

Provided that nothing contained in this section shall apply to any employee of the Tamil Nadu State Housing Board or the Tamil Nadu Slum Clearance Board or an employee of any other existing authority who has, by notice, in writing intimated his intention of not becoming an employee of the Board within a period of three months from the notified date.

2.
 - a. For the purpose of sub-section (1), the number of employees to be transferred to the service of the Board shall not exceed the total number of employees of the existing authority serving as on the first day of January 1977, in connection with the water-supply or sewerage system maintained by such existing authority for the Chennai Metropolitan Area.
 - b. If the number of employees of an existing authority eligible for transfer under sub-section (1) exceeds the total number referred to in clause (a) the existing authority concerned shall determine the number of employees to be transferred so as to conform to such total number.
 - c. If there is any doubt or dispute as to whether any employee has been serving in connection with water-supply or sewerage service, as referred to in sub-section (1) or is eligible for transfer to service under the Board, or has not been properly excluded from the employees to be transferred, the matter shall be referred to the Government whose decision thereon shall be final.
3. The Board may select an employee of an existing authority to which sub-section (1) applies, for appointment to the service of the Board if such employee has been serving partly in connection with the water-supply or sewerage system maintained for the Chennai Metropolitan Area

Provided that no such appointment shall be made without the consent of the employee concerned.

4. An employee appointed to the service of the Board under sub-section (2) or sub-section (3) shall -
 - a. cease to be an employee of the existing authority concerned with effect from the date of his appointment to the service of the Board
 - b. become an employee of the Board on such remuneration and other terms and conditions of service as the Board may determine and such determination shall be final
 - c. Provided that the remuneration and other terms and conditions of service of such an employee shall not be varied by the Board to his disadvantage except with the previous approval of the Government.
5. In respect of every employee who is appointed to the service of the Board under sub-section (2) or sub-section (3) the existing authority concerned shall transfer to the Board the full amount on account of provident fund or other superannuation fund, if any, lying to his credit with such authority on the date on which such appointment takes effect and the period of service under the existing authority of each such employee shall be taken into account in determining the amount of pension or gratuity, if any, to which an employee may be entitled on the termination of his service under the Board.
6. An existing authority shall, in respect of employees appointed under sub-section (2) and sub-section (3), credit to the Board such amounts as represent the cash equivalent of any leave credited to or any length of service taken or required to be taken into account by the Board for gratuity or pension of such employees and if there is any dispute about the amounts, the matter shall be referred to the Government whose decision thereon shall be final

Provided that the payment of the amount of such cash equivalent to the Board shall be in such manner as may be agreed by Board, and shall be made in instalments or at the time when the gratuity or pension becomes due.

7. Notwithstanding anything contained in any law relating to industrial disputes or any other law, for the time being in force, no employee transferred or appointed in the service of the Board under sub-section (2) or sub-section (3) shall be entitled to any compensation under any such law by reason only of the termination of his service under the existing authority and no claim for such compensation shall be entertained by any court, tribunal or other authority.
8. No person who becomes an employee of the Board under this section shall have any right or claim against the Board in respect of his service prior to his becoming such employee except as otherwise provided in this section.

21. Common service cadre - Notwithstanding anything contained in any other provision of this Act or in any other law, for the time being in force, or in any contract or other instrument, the Board may, with the concurrence of the Tamil Nadu Water Supply and Drainage Board establish common service cadres, and service conditions for the staff employed by either Board and such staff shall be liable to be posted or transferred to the service of either Board

Provided that no employee of an existing authority appointed to the service of the Board under section 20 shall be transferred or posted to the service of the Tamil Nadu Water Supply and Drainage Board except with his consent.

22. Delegation of powers - The Board may by general or special order delegate to any Committee or to any director or to any officer or other employee of the Board, subject to such conditions and limitations, if any, as may be specified, such of its power and functions under this Act

Provided that the Board shall not delegate any of its powers and functions referred to in section 12, sub-section (2) of section 17 sub-section (2) of section 19 and section 21 and the power to make regulations under this Act.

23. Indemnity of certain, Directors and bar to proceedings -

1. Every Non-official director shall be indemnified against any losses and expenses incurred by him in or in relation to, the discharge his duties except such as are caused by his own wilful act or default.
2. No suit or other proceeding shall be instituted against any director or member of any Committee or officer or employee of the Board for anything in good faith done or intended to be done in pursuance of this Act or any regulation or other instrument made thereunder.

24. Defects not to invalidate acts -

1. No act or proceeding of the Board or of any Committee shall be questioned on the ground merely of the existence of any vacancy in or defect in the constitution or reconstitution of, the Board or the Committee, as the case may be.
2. All acts done by any person acting in good faith as a director shall, notwithstanding that he was disqualified to be a director or that there was any other defect in his appointment, be deemed to be valid.

CHAPTER IV

ESTABLISHMENT, TRANSFER AND VESTING OF WATER SUPPLY AND SEWERAGE SERVICES

25. Local authority to furnish information to Board prior to notified date - Immediately after the establishment of the Board under section 3, every Local Authority shall, furnish to the Board the following information and particulars :-

- a. the description and details of all properties to be transferred to the Board under this Act
- b. the particulars of liabilities to be transferred to the Board under the provisions of this Act
- c. the particulars relating to existing contracts and other obligations involving on the Board under the provisions of this Act
- d. the particulars of all legal proceedings covered by section 30 to which the existing authority is a party, pending on the date of establishment of the Board.

26. Vesting of water-supply and sewerage services in the Board -

1. Subject to the other provisions contained in this Act, all properties, assets and liabilities of an existing authority relating to water supply and sewerage services

exclusively for the Chennai Metropolitan Area (including all works in progress and all water works and sewerage works situated in or outside that Area and connected with the services as aforesaid) shall stand transferred to, and vest in, the Board, with effect from such date as the Government may, by notification, appoint provided that different dates may be notified -

- i. for different existing authorities
 - ii. for the vesting of different properties, assets and liabilities of the existing authorities.
2. Where any water works situate outside the Chennai Metropolitan Area is utilised partly for water supply for that Area and partly for other areas or purposes, the Board and the Government shall enter into an agreement not later than three months from the date of coming into force of this Act specifying the nature and extent of the Board's control over such works, the quality and quantity of water to be supplied for that Area and other matters connected therewith provided that in the absence of such agreement or until such time as such agreement is reached, the Government shall be responsible for the continuance and maintenance of the arrangements and works in existence on the date of coming into force of this Act.
3. The assets relating to water supply and sewerage services referred to in sub-section (1) shall be deemed to include all rights, powers, authorities and privileges, and all property, movable and immovable, including cash balances, deposits, funds and investments and all other interests and rights in or arising out of such property and all books, accounts and documents relating thereto as may be in the possession or control of a local authority immediately before the notified date; and the liabilities relating thereto shall be deemed to include all debts, liabilities and obligations pertaining to such services.
4. If the notified date in relation to the Municipal Corporation of Chennai is earlier than the notified date in relation to the Government, the Government shall until the later date and in respect of the water works situated outside but used exclusively for the Chennai Metropolitan Area, be responsible for the continuance and maintenance of the arrangements and works in existence on the former date.

27. Provision for continuance of works in progress -

1. Notwithstanding the transfer of the assets and liabilities of an existing authority to the Board under sub-section (1) of section 26, the provisions of this section shall apply to works in progress.
2. With effect from the notified date applicable to the Municipal Corporation of Chennai, the works in progress which are being executed or carried out by that Corporation (excluding such works executed or carried out by the Tamil Nadu Water Supply and Drainage Board, or for the benefit of the said Corporation) immediately prior to that date, shall be taken over by the Board which shall be responsible for the continuance and completion thereof from that date.
3. Works in progress which are being executed or carried out by the Tamil Nadu Water Supply and Drainage Board for any other existing authority immediately prior to the notified date applicable to the existing authority concerned shall be continued and completed by that Board -
 - a. on behalf of the existing authority, if the assets and liabilities of that authority had not been transferred to the Board under sub-section (1) of section 26; and
 - b. on behalf of the Board, if such assets and liabilities had been so transferred to the Board.

4. In cases to which sub-section (2) or sub-section (3) is not applicable, works in progress which are being executed or carried out by an existing authority immediately prior to the notified date applicable to that authority, the existing authority shall be responsible for the continuance and completion thereof from that date.
5. The existing authority concerned shall be responsible for the satisfactory completion of the work specified in sub-section (3) and sub-section (4) and shall be fully accountable therefor and immediately after the completion of such work hand over to the Board all properties and assets pertaining to such work.
6. Where an existing authority continues to execute any work under this section, the Board shall be entitled to exercise such powers of supervision over such work and all matters connected therewith as it may deem necessary to safeguard its interests and if the Board considers that the existing authority is carrying out such work in a manner prejudicial to the interests of the Board or at an unduly excessive cost, the Board may refer the matter to the Government for such action as may be considered necessary in the circumstances.

Explanation - For the purpose of this section and section 26, "works in progress" shall include any work pertaining to water supply or sewerage services in or for the Chennai Metropolitan Area which has actually commenced and is pending completion on the relevant date applicable under section 26, but shall not include the maintenance, alteration or repair of any work already completed or in use.

28. Duty to transfer assets, etc., to Board -

1. Where any property or assets have been transferred to and vested in Board under sub-section (1) of section 26, then -
 - a. every person, in whose possession, custody or control any such property or assets may be, shall deliver the property or assets to the Board forthwith except as otherwise provided in section 27; and
 - b. any person who on the notified date, has in his possession, custody or control any books, documents or other paper relating to the water supply and sewerage services referred to the sub-section (1) of section 26 shall be liable to account for the same books, documents and papers to the Board, and shall deliver them to the Board or to such person as the Board may direct.
2. It shall be lawful for the Board to take all necessary steps for securing possession of all properties and assets which has been transferred to and vested in it under this Act.

29. Settlement of disputes -

1. All question relating to transfer and vesting of any asset or property under sub-section (1) of section 26, including identification and valuation of assets and liabilities and any financial arrangement shall be determined.
 - a. in the case of the Government, by agreement between the Government and the Board; and
 - b. in the case of any other existing authority, by a committee consisting of a nominee of the Board and of the existing authority concerned.
2. If the decision of the committee on any question is not acceptable to the Board or the existing authority concerned, the matter shall be referred to the Government whose decision thereon shall be final.

3. The value determined under this section shall entered in the books of the Board as the value on the date of transfer.

30. Continuance of existing provisions, contracts, obligations, legal proceedings, etc. – With effect from the notified date, -

- a. any notification, order, scheme, rule, by-law, form or notice made or issued, and any licence or permission granted by any existing authority in so far as it relates to water supply or sewerage service in or for the purpose of the Chennai Metropolitan Area, shall continue in force and be deemed to have been made, issued or granted under the provisions of this Act, unless and until it is superceded by any notification, scheme, order, regulation, form or notice made or issued or any licence or permission granted under this Act
- b. all obligations and liabilities incurred, all contracts entered into, all matters and things engaged to be done by, with, or for the existing authority, before the notified date in connection with the water supply or sewerage service in or for the purpose of the Chennai Metropolitan Area, shall be deemed to have been incurred, entered into or engaged to be done by, with, or for the Board
- c. all suits, prosecutions, appeals or other legal proceedings of whatever nature instituted or which might have been instituted by or against an existing authority, in so far as they relate to the assets and liabilities transferred to the Board under section 26, may be continued or instituted by or against the Board provided that nothing contained in this clause shall apply to any such suit, prosecution, appeal or other legal proceeding in respect of the levy collection or payment of any rate, charge, cess or fee for any period prior to the notified date applicable to the existing authority concerned.

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

31. Board's fund -

1. The Board shall have its own fund and all receipts of the Board shall be credited thereto and all payments by the Board shall be made therefrom.
2. All moneys belonging to that fund may be deposited or invested -
 - i. In any scheduled bank within the meaning of the Reserve Bank of India Act, 1934 (Central Act II of 1934); or
 - ii. in any corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970); or
 - iii. in the State Bank of India as defined in the State Bank of India Act, 1955 (Central Act 23 of 1955) or its subsidiary banks as defined in the State Bank of India (Subsidiary Banks Act, 1959 (Central Act XXXVIII of 1959); or
 - iv. in such securities as may be approved by the Government.
3. The Government may, from time to time, make grants, subventions, or advance or loans to the Board for the purposes of this Act on such terms and conditions as the Government may determine.
4. The Board may accept grants, subventions, donations and gifts from the Central or State Government or a local authority, or any individual or body, whether incorporated or not, for all or any of the purposes of this Act.

5. The Board may constitute a sinking fund, depreciations reserve fund and other funds in such manner and in such form as may be prescribed. Such funds shall be invested in such manner as may be determined by the Board with the approval of the Government.

32. Power of the Board to borrow and lend -

1. Subject to the provisions of this Act and the regulations 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 by them and with their 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 manners specified below :-
 - a. raising loans from any bank or other financial 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 control by the Central or the 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 Provided that the loans or amounts borrowed under this subsection shall be utilized only for the specific purpose or purposes for which such loans or borrowings were raised or made.
2. Subject to the provisions of this Act and to such conditions and limitations as may be specified, 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 any development scheme.
3. The Government may guarantee in such manner as they think fit, the repayment of the principal and interest of any loan proposed to be raised by the Board under sub-section (1) Provided that the 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 re-payment of any money 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 approval of the Government, specify.
2. All debentures shall be signed by the Managing Director 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. Taxes leviable by the Board -

1. For the purposes of this Act, the Board shall levy on premises situated within its area -
 - a. a water tax
 - b. a sewerage tax
2. The taxes mentioned in sub-section (1) shall be levied at such rates as may be prescribed which in the case of water tax shall not be more than twenty per cent and in the case of sewerage tax shall not be more than ten per cent of the assessed annual value of the premises.
3. The Board may, with the sanction of Government, exempt any local area from the whole or portion of the water tax and sewerage tax on the ground that such area is not deriving any or the full benefit from the water supply or sewerage system, or the Board may remit a portion of such taxes not exceeding one half on the ground that the premises concerned has remained vacant.

Explanation-For the purposes of this chapter the expression "premises" shall mean any land or building.

4. Where water tax or drainage tax is comprised in the property tax or house tax levied and collected by the existing authority such existing authority shall reduce the property tax or house tax by an amount equal to the amount attributable to water tax and drainage tax.

35. Assessment of Annual value.-

1. For the purposes of section 34 the annual value of the premises shall be deemed to be the gross annual rent at which they may reasonably be expected to let from month to month or from year to year less a deduction in the case of buildings of a ten per cent of that portion of such annual rent which is attributable to the buildings alone apart from their sites and the adjacent lands occupied as an appurtenance thereto, and the said deduction shall be in lieu of all allowances for repairs or on any other account whatsoever:

Provided that-

- a. in the case of -
 - i. any Government building, or
 - ii. any building of a class not ordinarily let the gross annual rent of which cannot in the opinion of the Board be estimated,
 - iii. the annual value of the premises shall be deemed to be six per cent of the total of the estimated value of the premises after deducting for depreciation a reasonable amount which shall in no case be less than ten per cent of the total of the estimated value of the premises.
- b. machinery and furniture shall be excluded from the valuation under this section.
2. The annual value of the premises for the purposes of levy of taxes mentioned in section 34 shall be assessed by such authority as may be prescribed. The Government shall have power to make rules regarding the manner in which, the person or persons, by whom and the intervals at which the total of the estimated value of the premises and the amount to be deducted for depreciation shall be estimated or revised in any case or class of cases to which clause (a) of the proviso to sub-section (1) applies.
3. Till such time as the annual valuation of land and buildings is determined under this Act, the annual value of land and buildings for the purposes of this Act, shall be the

annual value as assessed by a Municipal Corporation, Municipality, Panchayat or other like authority.

36. Restriction on the Levy of taxes.- The taxes mentioned in section 34 shall not be levied on any land exclusively used for agricultural purposes unless water is supplied by the Board for such purposes to that land.

37. Budgets -

1. The Finance Director shall, in each year, prepare a revenue budget for the next ensuing year and the succeeding two years showing the estimated income and expenditure and place it before the Board for adoption.
2. Every such budget shall, as far as practicable make provision for the due fulfilment of all the liabilities of the Board, and for the proper implementation of this Act.
3. Every such budget shall differentiate between capital and revenue, and capital funds shall not be used for revenue purposes.
4. Whenever the Board adopts a development plan under the provisions of this Act, the Finance Director shall prepare and place before the Board a capital budget covering a period of five years from the commencement of the plan and such budget may be reviewed and revised by the Board from time to time.
5. The Finance Director shall also prepare and place before the Board annually, a cash budget for the succeeding three financial years.
6. Save as otherwise provided in this section all budgets shall be in such form, shall contain such information and shall be prepared by such dates as may be prescribed.
7. The Board shall consider every budget so laid before it and shall sanction the same, either without modification or with such modification as it may deem fit.
8. Every such budget, as sanctioned by the Board, shall be submitted to the Government who may at any time within one month after receipt of the same,-
 - a. approve the budget or
 - b. disallow the budget or any portion thereof, and return the budget to the Board for amendment, and if any budget is so returned to the Board, it shall forthwith proceed to amend it and shall resubmit the budget as amended to the Government who may then approve it.
9. The Board may at any time during the year for which any budget has been sanctioned cause a revised budget to be prepared and laid before it.

38. Balance sheet and Income and Expenditure Account.-

1. The Balance sheet, income and expenditure account and statement of sources and application of funds of the Board shall be prepared in such form and in such manner as may be prescribed.
2. The Board shall cause the books and accounts of Board to be balanced and closed in year each as on the thirty first day of March.

39. Audit -

1. The accounts of the Board shall be audited by an auditor duly qualified to act as an auditor under sub section(1) of section 226 of the Companies Act, 1956 (Central Act 1 of 1956) who shall be appointed by the Board with the approval of the Government and who shall receive such remuneration as the Board may fix

2. The auditor shall be supplied with a copy of the annual accounts of the board and it shall be his duty to examine it together with the books and vouchers relating there to and he shall have a list delivered to him of all books kept by the board and shall at all reasonable times have access to the books, accounts, vouchers and other documents of the Board.
3. The auditor may, in relation to such accounts, examine any past or present director, officer or other employee of the Board and shall be entitled to require from the Board or such Director, officer or other employees such information and explanation as he may think necessary for the performance of his duties.
4. The auditor shall make a report to the Board upon the annual accounts examined by him and in every such report he shall state whether in his opinion the accounts exhibit a true and fair view of the state of affairs of the Board and in case he had called for any information or explanation from or the Board or any past or present director, officer or other employee of the Board whether it has been given and whether it is satisfactory.
5. Without prejudice to anything contained in the preceding sub-sections, the Government may at any time appoint an auditor to examine and report upon the accounts of the Board and, any expenditure incurred by such auditor in connection with such examination and report, shall be payable by the Board.

40. Previous sanction of Government for certain schemes, plans and works -

1. Except with the previous sanction of the Government, the Board shall not adopt or execute any scheme or plan in respect of water works or sewerage works or carry out any works in connection therewith, if the cost of such schemes, plans or other works exceeds or is likely to exceed.-
 - a. One crore of rupees in the case of replacements, reconstruction, structural alterations, adaptations, conversions, improved fixtures, fittings and machinery and other works of improvement not involving extensions, enlargements or additions to existing works or works previously in use; and
 - b. seventy-five lakhs of rupees in the case of new works including extensions, enlargements and additions to existing works or works previously in use.
2. Notwithstanding anything contained in sub-section (1) the Board shall not except with the previous sanction of the Government adopt or execute any scheme or plan in respect of water works or sewerage works or carry out any work in connection therewith if the cost of such scheme, plan or other work is met or to be met with from the funds provided by the Government.
3. Notwithstanding anything contained in sub-sections (1) and (2) the Board may, without the previous sanction of the Government:-
 - a. adopt or execute each of the component in any World Bank assisted Projects, or other externally aided projects, for which the Government accorded previous sanction for the total project cost
 - b. adopt or execute any maintenance work in any scheme or plan in respect of water works or sewerage works irrespective of the cost of such maintenance work
 - c. adopt or execute any scheme or plan with the assistance of any financial institution such as Housing and Urban Development Corporation, where the fund is not routed through the Government

- d. sanction not exceeding two and half times of the Budget Estimate after deducting the value of the spill over in respect of Government assisted plan programmes under the Chennai Transmission and Distribution System.

Sub-Section-(3) of Section 40 shall come into force with effect from `1.2.99 (G.O.Ms.No.30 of MAWS Department dated 29.1.1999)

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

Provided that the Board shall, before writing off such an amount exceeding twenty-five thousand rupees, obtain the sanction of the Government.

CHAPTER VI

WATER SUPPLY AND SEWERAGE

42. Water supply system -

1. The Board shall provide or arrange for the provision of a sufficient supply of drinking water for consumption by the inhabitants of the Chennai Metropolitan Area.
2. The Board shall, as far as may be practicable, make adequate provision for securing that the water supplied for drinking purposes is at all times wholesome and fit for human consumption.
3. The Board may also provide or arrange for the provision of a sufficient supply of water for other domestic or non-domestic purposes except irrigation : Provided that the water supplied under this sub-section may differ in quality to water supplied for drinking purposes.
4. The Board may regulate the hours, quantity and pressure of water supply.
5. No person shall use water supplied by the Board except as authorised by this Act or any regulation or other instrument made thereunder.
6. The Board shall furnish to the Government at such time as the Government may determine reports on the quality of the water supplied by it or available in the Chennai Metropolitan Area.

43. Supply of water to public authorities and payment therefor -

1. The Board may supply water to the Government, Chennai Port Trust, the Municipal Corporation of Chennai or any other public or local authority on such terms as to payment and as to the period and the conditions of supply as may be agreed upon.
2. The Board may, subject to the payment by an existing authority or other public authority of such charges as the Board may determine, provide gratuitous supply of wholesome water to the public within the Chennai Metropolitan Area, and may erect public hydrants, fire hydrants or other conveniences.

44. Payments for water supplied under the Act and non-liability of the Board -

1. Except as otherwise provided in section 43, payment for water supply under this Act shall be made at such rates, which may be different -
 - i. for different areas

- ii. for different types of consumers
 - iii. for different purposes as may be prescribed.
2. 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, or other unavoidable cause or accident, replacements, extensions, or the necessity for relaying or repairing pipes.

45. Water connections for domestic consumption and use -

1. The authorised authority shall, on the application by the owner or occupier of any building or premises, arrange to supply water thereto for domestic consumption and use if -
 - a. the building or premises is within thirty metres of a main of the Board from which water can be supplied; and
 - b. the cost of all works necessary for that purpose shall be borne by the applicant: Provided that the authorised authority may arrange for supply even if the building or premises is beyond thirty metres as aforesaid if the applicant agrees to bear all costs and expenses and if the supply is otherwise practicable.
2. Whenever it appears to the authorised authority that any building assessed to an annual value of not less than three hundred rupees is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than thirty metres distant from any part of such building, the authorised authority may by notice require the owner to obtain such supply and to execute all such works as may be necessary for that purpose at the cost of the owner.
3. It shall not be lawful for the owner of any dwelling house assessed at an annual value of not less than three hundred rupees, to occupy it or cause or permit it to be occupied until he has obtained a certificate from the authorised authority that there is provision within or within a reasonable distance of the house for supply of wholesome water for domestic consumption and use of the inmates of the house.
4. Where on any land there are two or more superstructure, the annual value of each of which is less than three hundred rupees and the owner of the land is not the owner of all the superstructure the authorised authority may, if it appears to it that the superstructures are without a proper supply of water for domestic consumption and use and that a supply can be furnished from a main not more than thirty metres distant from any part of any such superstructure, by notice, require the owner of the land to obtain such supply.
5. In any other case, where any premises are without supply of water for domestic consumption and use, the authorised authority may arrange for such supply on the application of the owner and at the owner's cost or he may by written notice require the owner to obtain such supply from the Board's main, and may for that purpose provide at the owner's cost such pipes, hydrants, standpipes or posts and other fittings.
6. The Board may, subject to such conditions as it may impose, supply water for any purpose other than irrigation or domestic consumption or use, on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

Explanation - -For the purpose of this chapter -

- a. supply of water for domestic consumption and use shall be deemed to include a supply-
 - i. for flushing latrines or house-sewers.
 - ii. for all baths other than swimming baths or public baths
 - iii. for the consumption and use of inmates of hotels, boarding houses and residential clubs and for baths used by such inmates, or
 - iv. for the consumption or use of persons resorting to theatres and cinemas; and
- b. supply of water for non-domestic consumption and use shall be deemed to include a supply -
 - i. for any trade, manufacture or business.
 - ii. for garden
 - iii. for building purposes.
 - iv. for fountains, swimming baths, public baths or tanks or for any ornamental or mechanical purpose,
 - v. for animals, when they are kept for sale or hire, or
 - vi. for washing vehicles where they are kept for sale or hire.

46. Control over house and other connections.-

1. All house connections, whether within or without the premises to which they belong, with the Board's water supply mains shall be under the control of the Board, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which they belong, or for the use of which they were constructed :

Provided that the expenses of such alteration, repair or maintenance outside the premises shall be borne by the Board.

2. All connections to the mains of the Board for water supply to premises, street hydrants including fire hydrants and place of public resort and all pipes, taps and other fittings used for such supply shall be made, maintained and regulated in such manner and at such charges or fees for connection or reconnection as may be prescribed.

47. Calculation of charges for water supply -

1. For calculating the amount payable by the owner for consumption of water supplied by the Board, the Board may determine the quantity consumed on the basis of reading recorded by a meter installed in the premises.
2. Where so required by the Board, meters shall be installed by the owner of the premises concerned at his cost and for this purpose, the Board shall arrange to supply the meters:

Provided that where meter has already been installed prior to the commencement of this Act, the Board may discontinue the recovery of rent or charge therefor, and recover the value of the meter from the owner.

3. The readings of the meter indicating the quantity of consumption of water shall be presumed to be correct unless the contrary is proved.
4. Where meters are not provided to any premises, or the meters have become faulty or are not in working condition, the charges until the meters can be provided or until the

meters are repaired or set right for consumption or use of water shall be such as may be prescribed.

5. If the owner of any premises having independent and private source of water supply is allowed by the Board to take sewerage service, he shall be liable to pay for such service, such amount and on such basis as may be prescribed.

48. Prevention of wastage of water -

1. No owner or occupier of any premises to which water is supplied by the Board shall negligently or otherwise suffer such water to be wasted or shall suffer pipes, taps, works and fittings for the supply of water to remain out of repair so as to cause wastage of water.
2. No person shall cause wastage of water provided by the Board by the misuse of public stand-posts or pipes, drinking fountains or hydrants.
3. Whenever the authorised authority has reason to believe that as a result of defects in pipes, taps, or fittings connected with the water supply to any premises, water is being wasted, it may, by written notice, require the owner of the premises, within such period as may be specified in the notice to repair and make good the defects.
4. If such repairs are not effected within the time specified in the said notice, the authorised authority may cause such repairs to be made in order to stop wastage. The cost of such repairs shall be recovered from the owner of the premises as if it were an arrear of tax, rate or charge provided under this Act.

49. Power to cut off water supply -

1. Notwithstanding anything contained in this Act, the authorised authority may cut off the connection between any water works of the Board and any premises to which water is supplied from such works or may turn off such supply in any of the following cases, namely :-
 - a. if the premises are unoccupied
 - b. if after receipt of written notice from the authorised authority requiring him to refrain from so doing, the owner or occupier of the premises continues to use water or to permit the same to be used in contravention of this Act or any other law or any regulation or other instrument made thereunder
 - c. if the owner or occupier refuses to admit any authorised authority into the premises for the purposes of making any inspection relating to water supply or sewerage service, or prevents such authority from making such inspection
 - d. if the owner or occupier of the premises fails to fix or prevents the fixing of a meter as required by or under the provisions of this Act, or wilfully or negligently injures or damages the meter or otherwise interferes with any pipe or tap or main or other work conveying water from any works of the Board
 - e. if any pipes, taps, works or fittings connected with the supply of water to the premises be found on examination to be out of repair to such an extent as to cause such wastage of water that immediate prevention is necessary
 - f. if by reason of a leakage in the service pipe or fittings, damage is caused to a public street and immediate prevention is necessary
 - g. if there is any water-pipe situated within the premises to which no tap or other efficient means of turning off the water is attached

- h. if house sewers are maintained without conforming to the provisions of this Act, or such sewers are not constructed or maintained, when required under this Act
- i. if the owner or occupier fails to pay within due time any money due to the Board under this Act, or any regulation or other instruments made thereunder
- j. if there is any default in complying with any requisition made under this Act, or of any provision of this Act or any instrument made thereunder is contravened.

Provided that, except in the case, where by reason of any of the circumstances referred to in clauses (d) to (g), there is risk of contamination of water, the authorised authority shall not cut off such connection or turn off such supply unless notice of not less than twenty-four hours has been given to the owner or the occupier of the premises as the case may be.

- 2. No action taken under or in pursuance of this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.
- 3. The expense of cutting off the connection or turning off the water-supply and of restoring the same determined by the authorised authority in any case referred to in sub-section (1) shall be paid by the owner or occupier of the premises :

Provided that no charge for such expense shall be made in the case mentioned in clause (a) of the said sub-section.

- 4. In cases where water supply has been cut off pursuant to clause (I) of sub-section (1), the authorised authority shall restore the water supply as before as soon as all money due, together with the expenses referred to in sub-section (3), have been paid by the owner or occupier.
- 5. Where the authorised authority has cut off or has issued any notice to cut off water supply to any premises under this section no court or other authority shall issue any order or direction in the nature of injunction, stay or otherwise except after giving a reasonable opportunity to the Board of being heard.

50. Control over wells, etc.-

- 1. No person shall construct, reconstruct, drill, repair or alter any well, pond, tank, cistern intended for drinking purposes without the permission of the authorised authority and the maintenance thereof shall be regulated in such manner as the Board may determine, including the dimensions of the well, pond or tank or a cistern, the manner of enclosing it, and the means which shall be used to prevent pollution of the water.
- 2. Without prejudice to the provisions of sub-section (1), the provisions of sections 234, 235, 236, 242, 243, 244 and 245 of the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) shall, so far as may be, apply to wells in the
Chennai Metropolitan Area:

Provided that references in those sections to the Commissioner shall be construed as references to the authorised authority.

51. Control over use, etc., of underground water in certain cases.-

1. Save as otherwise provided in section 50, the Board may in the public interest and with the previous sanction of the Government, regulate, control and charge for existing or future extraction, conservation and use of underground water in any form for purposes other than irrigation, in the Chennai Metropolitan Area.
2. Any person desiring to sink a well or a tube well or to continue existing use of underground water in the Chennai Metropolitan Area for any purpose other than irrigation shall apply to the Board for the grant of a licence for the purpose and shall not proceed with any activity connected with such sinking or continue such existing use unless a licence has been granted by the Board.
3. Every application under sub-section (2) shall be made in such form and in such manner and shall contain such particulars as may be prescribed.
4. On receipt of an application under sub-section (1) if the Board is satisfied that it shall be in the public interest so to do, it may grant, subject to the payment of such fees as may be prescribed and subject to such conditions and restrictions as may be specified, a licence authorising the abstraction and use of the ground water:

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

5. In granting or refusing a licence under sub-section (2), the Board shall have regard to-
 - a. the purpose or purposes for which ground water is to be used
 - b. the existence of other competitive users
 - c. the availability of ground water
 - d. the effect on other sources of water supply
 - e. the compatibility with existing water supply system
 - f. availability of factors controlling or preventing pollution.
6. The licence shall be in such form as may be prescribed.

52. Power to order cleansing of insanitary private watercourse, spring, tank, well, etc., used for drinking.-

1. The authorised authority may by notice require the owner or person having control over, any private water-course, spring, tank, well or other place the water of which is used for drinking purposes to keep the same in good repair, to cleanse it in such manner as the authorised authority may direct and to protect it from pollution caused by surface drainage or other matter in such manner as may be provided in the notice.
2. If the water of any private tank, well, or other place which is used for drinking is proved to the satisfaction of the authorised authority to be unfit for that purpose, the authorised authority may by notice require the owner or person having control thereof to-
 - a. refrain from using or permitting the use of such water for drinking, or
 - b. close or fill up such place or enclose it with substantial wall or fence.
3. In default of compliance with a notice under sub-section (1) or sub-section (2), the authorised authority shall carry out the work or any other thing to be done thereunder and recover the cost from the owner or the person having control and the amount thereto shall be recoverable as if it were an arrear of tax, under this Act.

53. Prohibition of building over water mains.-

1. Without the permission of the authorised authority, no building, wall or other structures shall be newly erected and no street shall be constructed over any Board's water main.
2. If any building, wall or other structure be so erected or any street be so constructed the authorised authority may, with the approval of the Board, cause the same to be removed or otherwise dealt with as it shall appear fit and the expenses thereby incurred shall be paid by the person contravening the provisions of sub-section(1).
3. Nothing in this section shall apply to the Central Government.

54. Prevention of pollution, etc.-It shall not be lawful for any person to.-

- a. bathe in any tank, reservoir, conduit, fountain, well or other place set apart by the Board, or by the owner thereof, for drinking puposes
- b. wash or cause any animal or thing to be washed in any such place
- c. throw, put or cause to enter into the water in any such place, any animal or thing whereby the water may be fouled or polluted
- d. cause or allow to drain into or upon any such place or cause or suffer anything to be brought there into or do anything whereby the water may be fouled or polluted; or
- e. do, or cause to be done, anything which fails to comply with such requirement as may be prescribed for the purpose of preventing any pollution in the vicinity of any source of water supply used for purposes of drinking, bathing or washing clothes.

Sewerage.

55. Sewerage system.-

1. As far as practicable, the Board shall construct and maintain sewers and provide a safe and sufficient system of sewers in or for the Chennai Metropolitan Area, for the purpose of effectual discharge of sewerage of the said Area.
2. The power of the Board under sub-section (1) shall include the power to-
 - a. enlarge, arch-over or otherwise improve any of its sewers; or
 - b. discontinue, close or destroy any of its sewers which has in its opinion become useless or unnecessary; or
 - c. construct any new sewer in the place of an existing sewer in any land wherein any of its sewers has already been lawfully constructed or repair or alter any sewer so constructed.

56. Sewer connections.-

1. The authorised authority shall, on the application of the owner of occupier of any premises or the owner of a private street, arrange for the applicant's house-sewer or other sewer in the private street to empty into a sewer of the Board if-
 - a. there is a sewer of the Board within thirty metres of the nearest point from such premises or property
 - b. the owner or occupier agrees to bear all cost and expenses of the work and materials necessary for that purpose
 - c. the owner or occupier complies with such conditions and requirements as may be prescribed.
2. If there is a public sewer or other place set apart by the Board for the discharge of the sewage within a distance not exceeding thirty metres of the nearest point on any

premises, or if within such distance, a Board's sewer or other place for the discharge of sewage is about to be provided or is in the process of construction, the authorised authority may-

- a. by notice direct the owner of the said premises to construct a sewer leading therefrom to such sewer or place and to execute all such works as may be necessary at such owner's expense, or
- b. cause to be constructed a sewer leading from the said premises to such Board's sewer or place and cause to be executed all such works as may be necessary:

Provided that-

- i. not less than fifteen days before constructing any sewer or executing any work under clause (b), the authorised authority shall give notice to the owner of the nature of the intended work and the estimated expenses recoverable from the owner
 - ii. the expenses incurred by the authorised authority in constructing any sewer or executing any work under clause (b) shall be recoverable from the owner in such instalments as the Board may deem fit and recoverable in the same manner as tax under this Act.
3. If any premises is in the opinion of the authorised authority without sufficient means of effectual sewerage, but no part thereof is situated within thirty metres of a Board's sewer or other place set apart by the Board for the discharge of sewage, the authorised authority may, by notice, direct the owner of the said premises to construct a closed cess-pool (or other sewage, disposal plant) of such material, dimensions and description in such position and at such level as the authorised authority thinks necessary and to construct a sewer or sewers emptying into such cess-pool and to execute all such works as may be necessary.
 4. It shall not be lawful for the owner of any building to occupy it or cause or permit it to be occupied until he has obtained a certificate from the authorised authority that the said building is provided with such means of sewerage as appear to the authorised authority to be sufficient.

57. Power to provide sewers in combination.-

1. When the authorised authority is of opinion that any group or block of premises any part of which is situated within thirty metres of a Board's sewer already existing (or about to be provided or in the process of construction) may be provided with sewer more economically or advantageously in combination than separately, the authorised authority may, with the approval of the Board cause such group or block of premises to be so provided by such method as appears to the authorised authority to be best suited therefor and the expenses incurred by the authorised authority in so doing shall be paid by the owners in such proportions as the Board may deem fit and shall be recoverable in the same manner as tax, under this Act.
2. Not less than fifteen days before any work under this section is commenced, the authorised authority shall give written notice to the owners of-
 - a. the nature of the intended work
 - b. the estimated expenses thereof
 - c. the proportion of such expenses payable by each owner.
3. The owners for the time being of the several premises, constituting a group or block provided with sewers under sub-section (1) shall be the joint owners of every sewer constructed, or fixed, or continued for the special use and benefit only of such

premises and shall, in the proportion in which it is determined that they are to contribute to the expenses incurred by the authorised authority under sub-section (1) be responsible for the expense of maintaining every such sewer in good repair and efficient condition.

58. Power to close or limit the use of existing private sewers-

1. Where a sewer connecting any premises with a Board's sewer or other place set apart by the Board for the discharge of sewage is sufficient and is otherwise unobjectionable, but is not, in the opinion of the authorised authority adopted to the general sewerage system of the area, or of the part of the area in which such sewer is situated, the authorised authority with the approval of the Board, may-
 - a. subject to the provisions of sub-section (2) close, discontinue or destroy the said sewer and do any work necessary for that purpose; or
 - b. direct that such sewer shall, be used for sewage only, or for water unpolluted with sewage only, and may construct at the cost of the Board an entirely distinct drain either for water unpolluted with sewage or for sewage.
2. No sewer may be close, discontinued or destroyed by the authorised authority under clauses (a) and (b) of sub-section (1) except on condition of his providing another sewer as effectual for the premises and communicating with a Board's sewer or other place aforesaid and the expense of the construction of any sewer so provided by the authorised authority and of any work done shall be paid by the Board.

59. Control over house-sewers, privies and cess-pools.-

1. All house sewers whether within or without the premises to which they belong, and all septic tanks, cess-pools within the test Chennai Metropolitan Area shall be under the control of the Board, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which the same belong or for the use of which they were constructed.
2. Where the owner or occupier has failed to pay any tax, rate or charge for sewerage or to pay any sums due under sub-section (5) of section 47, or under section 56 or 57, the authorised authority may, after giving written notice of fifteen days to such owner or occupier, disconnect any sewer so as not to permit such sewer to empty into the Board's sewer.

60. Closure, removal, etc., of works in certain case.-

1. If any house-sewer, ventilation shaft or pipe, cess-pool, house-gully, privy, urinal or bathing or washing place in any premises is found on examination and inspection by the authorised authority to be not in good order or condition, or constructed in contravention of any of the provisions of this Act or any regulation or instrument made thereunder, the authorised authority may by written notice require the owner of the premises-
 - a. to close or remove the same or any encroachment there-upon; or
 - b. to renew, repair, cover, recover, trap, ventilate, pave and pitch, flush or cleanse or take such other action as it may think necessary in this regard.
2. In any such case, the authorised authority may, forthwith and without notice,-
 - a. close or demolish any house-sewer by which sewage, offensive matter or polluted water is carried through, from, into, or upon any premises in

contravention of any of the provisions of this Act or any regulation or instrument made thereunder; or

- b. clear, cleanse, or open out any house-sewer which is choked, blocked or in any way obstructed.

And all expenses incurred in so doing shall be paid by the owner or the occupier of the premises.

61. Sewers, etc., to conform to regulations.-

1. Sewers, septic tanks, cess-pools, privies and urinals and all appurtenances thereof shall be constructed, maintained, repaired, altered and regulated in accordance with such requirements as to sewerage as may be prescribed.
2. No owner or occupier shall allow the water of any sink, drain or latrine or drainage from any stable, or place, or any other filth to run down on, or to or be put upon, any street, or into any sewer in or along side of any street except in such a manner as shall prevent any avoidable nuisance from any such filth soaking into the walls or ground at the side of the said sewer.

General

62. Obligations of owner and occupier.-

1. When under the provisions of this Act, the owner of any premises may be required to carry out any work, the occupier of the said premises may be required, instead, to carry out such work and the occupier shall be bound to comply with the requirement: Provided that except in the case of a special agreement to be contrary, such occupier may deduct the amount of the expenses reasonably incurred or paid by him in carrying out such work from the rent or any other amount payable by him to the owner or may recover the same from the owner by moving the court of competent jurisdiction.
2. The owner and occupier of the premises shall be jointly and severally liable for payment of all the sums referred to in sections 44, 45, 46, 47, 48, 49, 56 and 57.

63. Board's power to carry pipes, sewers, etc., and to maintain works.- The Board or the authorised authority may carry any pipe, main, sewer or channel of any kind to establish or maintain any system of water supply or sewerage, through, across, under, over or up the side of any land or building, and may place and maintain contrivances to support pipes, mains, sewers and channels, and may do all acts necessary or expedient for repairing or maintaining any such pipe, main, sewer or channel or contrivances in an effective manner for the purpose for which it is intended to be used or for removing the same: Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person: Provided further that the Board shall pay compensation to any person who sustains damage by the exercise of such power.

64. Work beyond the Chennai Metropolitan Area.-The Board may, in the execution and for the purposes of any works beyond the limits of the Chennai Metropolitan Area, exercise all the power which it may exercise within that area throughout the line of territory through which conduits, channels, pipes, works and the like run or are situated, and over any lake,

reservoir or other source from which a supply of water for the use of that area is derived, and over all lands at a distance not exceeding one kilometre beyond the high water-level of any such lake or reservoir, and over any lands used for sewage farms, sewage disposal tanks, filters and other works connected with the sewerage of that area.

65. Vesting of materials in pipes, sewers, etc., and Board's power to dispose off same.-All things or materials in, or caused to be carried into or by, the Board's mains, pipes, or sewers, as the case may be, shall be the property of the Board and it shall be lawful for the Board to treat or reclaim such things or materials and to put to use or dispose off, the same, as so treated or reclaimed or otherwise, in such manner as it may deem fit.

66. Power to carry out works, remove encroachments, sell unclaimed materials, etc.-

1. It shall be lawful for the Board-
 - i. to carry out any work required to be carried out under this Act or any regulation or other instrument made thereunder, which the owner or occupier or other person responsible therefor has failed to carry out and recover the cost and expenses therefor from the owner or occupier
 - ii. to remove any material, construction, obstruction or encroachment which is deposited or made in contravention of any provision of this Act or any regulation or other instrument made thereunder
 - iii. to clear materials, trees, shrubs, plants and other things which have been taken down or cut pursuant to any provision of this Act or any regulation or other instrument made thereunder
 - iv. to treat any unauthorised encroachment on Board's land as encroachment on Government land and have, such encroachment removed, and any person causing the encroachment evicted under the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905) and the provisions of the said Act shall apply to encroachment in Board's land as they apply to encroachment in Government land.
2. The authorised authority may sell any material or other thing removed, taken down or cut as aforesaid, and after first applying the proceeds in or towards payment of the expenses incurred, pay the surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale, provided that, if no such demand is made, such surplus shall be forfeited to the Board.

67. Power to enter upon land, etc., and to place and maintain mains, etc.-

1. For the purposes referred to in sub-section (2), it shall be lawful for the authorised authority with or without assistants and workmen,-
 - a. to enter into or upon any land or building, or to take level of any land or to obtain access to or to execute any work
 - b. to enter any land for depositing thereon any soil, gravel stone or other materials connected with any work authorised by or under this Act
 - c. to enter into upon any immovable property and to place and maintain mains, pipes, sewers and other installations upon, along, across or under any such property
 - d. to enter into any place and to open or cause to be opened any door, gate or other barrier if such opening is considered necessary by the authorised

authority, or if the consent of the owner or occupier is refused or if the owner of occupier is absent

- e. to dig or bore into the sub-soil
 - f. to take levels and make boundaries, by placing marks and cutting trenches
 - g. to cut down and clear away any part of any standing crop, fence or plant
 - h. to issue orders for temporarily closing to traffic any street in order to carry out any repair or work connected with water supply or sewerage.
2. The purposes relevant for any action under sub-section (1) are-
- a. carrying out any survey or inspection under the provisions of this Act
 - b. examining, repairing, altering or removing main pipes, sewers and other installations
 - c. constructing or executing any work authorised by or under this Act
 - d. ascertaining whether there has been any contravention of any provisions of this Act or any regulations or instrument made thereunder
 - e. making any inquiry, inspection, examination, measurement valuation or survey authorised or required by or under this Act, or necessary for the proper administration of this Act; or
 - f. generally for discharging efficiently the functions entrusted to the Board under this Act
3. The Board shall not acquire any title to, or any right other than user, to the land, building or immovable property (other than property belonging to the Board) in respect of which any action has been taken under this section, and before commencing any action under this section, the authorised authority shall except in the case of an emergency give not less than twenty four hours notice in writing of its intention to do so to the owner or occupier: Provided that the authorised authority shall, except in the case of an emergency, obtain the prior permission of the authority concerned where the land, building, or immovable property is owned by and is in the possession of such authority.
4. While exercising any power conferred under this section the authorised authority shall cause as little damage as possible to any property and the Board shall pay compensation to all persons interested in any such property for any damage sustained by them in consequence of the exercise of such power.

68. Works to be done by licensed plumber -

1. Except as otherwise permitted by the Board, no person other than a licensed plumber shall execute any work under this act and no person, shall permit any such work to be executed except by a licensed plumber.
2. The Board shall prescribe the manner, the principles and procedure for licensing of plumbers, the charges to be levied for any work done by them, the guidelines to be followed by them, the cancellation of licences and for all matters connected with plumbing.

69. Prohibition of certain acts - No person shall -

- a. Obstruct any person including any contractor, contractor's workman and any agent of the Board, in the discharge of the duties imposed by or under this Act
- b. obstruct, impede, impair or tamper or interfere or cause any damage or injury to or with any water works or sewerage works or any meter, apparatus or appliance, including the flow of any water or sewage

- c. take or utilise any water except as authorised by or under this Act
- d. occupy or cause or permit to be occupied, any dwelling house or premises not provided with or having no access to adequate supply of wholesome water
- e. occupy, or cause or permit to be occupied, any building or premises not having sufficient means of sewerage
- f. discharge any sewage except as authorised by or under this Act
- g. pull up or remove any pillar, post or stake or mark placed under the authority of the Board
- h. trespass or enter or land vested in the Board along which a conduit, main or pipe runs, and on any premises connected with water supply and sewerage except with the permission of the authorised authority
- i. erect or place any fence or building or other structure over any pipes or mains belonging to the Board or under, in or across any sewer belonging to the Board.

CHAPTER VII

TRIBUNAL, APPEALS AND REVISION

70. Constitution of Tribunal -

- 1. The Government may constitute a Tribunal for the purposes of this Act.
- 2. The tribunal shall consist of one person who shall be a judicial officer not below the rank of Subordinate Judge.
- 3. The tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908).
- 4. The tribunal may, with the previous sanction of the Government, appoint such officers and servants as it considers necessary for carrying on its business and the remuneration and other conditions of service of such officers and servants shall be determined by the Government.
- 5. The Tribunal shall have the power to regulate its own procedure in respect of the making, hearing and conducting the appeals referred to in sub-section (1) of Section 71.

71. Appeals -

- 1. Any person aggrieved by any decision or determination-
 - i. fixing the rate of water tax or sewerage tax or demanding the payment of such tax under the provisions of this Act; or
 - ii. fixing the annual value of premises under Section 35, or
 - iii. refusing a licence under Section 51, may within thirty days from the date of communication of such decision, determination levy or notice prefer an appeal to the Tribunal.
- 2. In disposing of an appeal, the Tribunal may, after giving the appellant an opportunity of making his representations, confirm or reduce or enhance the rates of tax or confirm or reduce or enhance the annual value, or confirm the refusal or direct the grant of a licence, or pass such other orders, including consequential orders, as it may deem fit.

72. When appeals can be heard and finality of rates, etc.-

1. No appeal against the levy or demand of water tax or sewerage tax shall be heard by the Tribunal unless the water tax or sewerage tax as fixed or demanded and due by the applicant has been paid to the Board.
2. Unless and until altered on appeal, the water tax and sewerage tax shall be as determined by the Board and the annual valuation shall be as assessed under Section 35.
3. The annual value fixed under Section 35 against which no appeal has been made under this Act, and the amount of every sum claimed from any person under this Act on account of any tax against which no appeal has been preferred under this Act, and the decision of the tribunal upon any appeal under this act shall be final and shall not be called in question in any court of law.

73. Revision - The Board may call for the records of any proceedings of, or other action taken by, the authorised authority, for the purpose of satisfying itself as to the legality or propriety of any order or proceeding or other action and may pass such orders as it may deem fit.

CHAPTER VIII

MISCELLANEOUS

74. Board's dues to be recovered as arrears of land revenue - Any sum due to the Board on account of any tax, rate, charge, cost, expenses, fee, rent or on any other account under this Act or any regulation or other instrument made thereunder may, without prejudice to any other mode of recovery, be recovered from any person from whom such sum is due -

- a. as if it were an arrear of land revenue; or
- b. on application to any Judicial Magistrate of the first class or Metropolitan Magistrate, by such magistrate as if it were a fine imposed by him.

75. Duties of authorities, etc., to assist the Board -

1. All public and local authorities or institutions shall render such help and assistance and furnish such information to the Board as the Board may require for carrying out its purposes and shall make available to the Board for inspection and examination such records, maps, plans, assessment rolls and other documents as may be necessary for the discharge of its functions and on payment of such fees as may be fixed by the Government.
2. It shall be the duty of all police officers and employees of the Board to give immediate information to the authorised authority about the commission of, or the attempt to commit, any contravention of this Act or any regulation or other instrument made thereunder and to assist the authorised authority in the exercise of its lawful authority.

76. Directors, etc. to be deemed public servants -

1. All directors, officers and employees of the Board shall be deemed, when acting or purporting to act in pursuance of the provisions of this Act or any regulations or instrument made thereunder, to be public servants within the meaning of section 21 of the Indian penal Code (Central Act XLV of 1860).

2. The words "State Government and "Government" in Section 161 of the Indian Penal Code (Central Act XLV of 1860) shall for the purposes of sub-section (1) be deemed to include the Board.

77. Offences and Penalties - Whoever contravenes any of the provisions of this Act or of any regulation or other instrument made thereunder shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both and in addition, in the case of a continuing contravention, with additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention.

78. Offences by companies -

1. Where an offence against any of the provisions of this Act or any rule made thereunder has been committed by a company, every person who at the time of the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

Explanation - For the purposes of this section -

- a. "Company" means any body corporate and includes a firm, society or other association of individuals; and
- b. "director" in relation to
 - i. a firm, means a partner in the firm.
3. a society or other association of individuals, means the person who is entrusted under the rules of the society or other association, with the management of the affairs of the society or other association, as the case may be.

78A – Removal of disqualification – No person shall be disqualified for being chosen as , or for being , a Member of Legislative Assembly or of the Legislative Council by reason only of the fact there is a Chairman or a Director of the Board.

78B – Power of Government to issue orders and directions to the Board or Local Authorities.

The Government may issue to the Board or to the Local Authority concern, such orders and directions as in their opinion, are necessary or expedient for carrying out the purposes of this Act and the Board such Local Authority, as the case may be, shall give effect all such orders and directions.

79. Power to remove difficulties - If any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification make such provision, not inconsistent with the provisions of this Act as may appear to them to be necessary or expedient for removing the difficulty:

Provided that no such notification shall be issued after the expiry of one year from the date of establishment of the Board under Section 3.

80. Power to make rules - The Government may make rules to carry out the purposes of this Act.

81. Power to make regulations -

1. The Board may make regulations not inconsistent with this Act for carrying out the purposes of this Act.
2. In particular and without prejudice to the generality of foregoing power, such regulations may provide for all or any of the following matters, namely:-
 - a. the time and place of the meeting of the Board or of any committee and the procedure to be followed at such meetings including the quorum necessary for the transaction of business
 - b. the functions and duties of the committees and whole-time directors and the delegation of powers to committees, directors, officers and other employees of the Board
 - c. the method of recruitment, the qualifications, the pay, the duties and other terms and conditions of service of officers and employees and the constitution and management of provident fund and other superannuation funds
 - d. the provision of an official seal of the board and the manner and effect of its use
 - e. the manner and form in which contracts binding on the Board may be executed
 - f. the relations of the Board with the local and public authorities.
 - g. the date by which, the form and the manner in which the Board's budgets, balance sheet and income and expenditure account and other accounts shall be prepared and the information to be contained in such budgets and accounts
 - h. the conditions subject to which the Board may borrow moneys, grant loans or advances, or invest its funds which are not for the time being required for the transaction of its business
 - i. provision of such funds and reserve as may be required.
 - j. the manner of and the basis on which taxes shall be levied, the manner of and determining consumption of water, the charges therefor, the rent or other amount of charge for meters, and the time, place and manner of payment of taxes, rates, charges and surcharges, fees, rents and other amounts
 - k. the manner of and the basis on which the infrastructure developments charges shall be collected
 - l. making, maintaining and regulating connections for the supply of water and fees for connection and re-connection
 - m. the terms and amount payable for connection of house-sewers, for construction, maintenance and repairs and alteration of sewers or joint or common connections of sewers, and the basis of levying the charge for providing for sewerage service without water supply

- n. matters to be complied with in relation to the sanction of building plans or other plans or schemes containing provisions for water-supply or sewerage
 - o. the conditions and requirements for extraction and use of underground water, regulation and control of wells, including tubewells, and the principles or criteria and the procedure, for grant of permit to sink a well or tube well
 - p. the manner of treatment of trade effluents and to regulate the discharge hereof
 - q. generally the efficient conduct of the affairs of the Board
- Provided that in making regulations regarding any of the matters specified in clauses (f), (h), and (n) the previous sanction of the Government shall be obtained.

82. Applications of certain provisions of Tamil Nadu Act 4 of 1971 - The provisions of sections 52, 53, 54 and subsection (1) of section 57 and sections 59, 60, 62, 63, 64, 66 and 67 of the Tamil Nadu Water Supply and Drainage Board Act 1970 (Tamil Nadu Act 4 of 1971), shall as far as may be, apply to or in relation to the Board, its functions, affairs and activities, as they apply to or in relation to the Tamil Nadu Water Supply and Drainage Board, its functions, affairs and activities.

83. Application of certain provisions of Tamil Nadu Act III of 1939 -

1. The Board shall be deemed to be a local authority or urban local authority for purposes of sections 17 to 21, 24, 27 to 30 of the Tamil Nadu Public Health Act, 1939 (Tamil Nadu Act III of 1939) Provided that any power that may be exercised by the Government, the Collector or any other officer under those sections in relation to anything to be done by or affecting the Board shall be exercised only by such officer as may be specially designated in that behalf by the Government.
2. The Municipal Corporation of Chennai or any other existing authority being a municipal council or a township committee or a panchayat union council or a panchayat in the Chennai Metropolitan Area shall not with effect from the relevant notified date, be regarded as a local authority or an urban local authority for purposes of carrying out any function or obligation imposed or any power conferred under Chapter III and IV of the Tamil Nadu Public health Act, 1939 (Tamil Nadu Act III of 1939)
3. With effect from the notified date in relation to the Municipal Corporation of Chennai, the words "water and" where they occur for the first time in sub-section (2)(5) of Section 25A the Tamil nadu Public Health Act, 1939 (Tamil Nadu Act III of 1939) shall be omitted

84. Effect of other laws -

1. Save as otherwise provided in this Act or in any notification issued by the Government under Section 85 no existing authority shall notwithstanding any law governing its constitution or establishment, have any function or power in respect of water supply and sewerage service in or for the a Chennai Metropolitan Area or any matter relating to which such function or power has been entrusted to the Board under this Act.
2. Without prejudice to the generality of the foregoing provision, any existing authority being the Chennai Municipal Corporation or a municipal council, township committee, panchayat union council or panchayat constituted or established under the

Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), or the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) shall cease to have jurisdiction in respect of water supply or sewerage services in or for the Chennai Metropolitan Area with effect from the notified date and shall not---

- a. have any right, title or claim to any water works or sewerage works, intended or maintained exclusively for the purpose of the Chennai Metropolitan Area
 - b. have any power, function or responsibility for providing water- supply or sewerage service for that area or undertake or require any construction or other work in connection therewith except as otherwise provided in this Act
 - c. sanction any scheme, plan or works of improvement or development including building regulations or provisions regulating or controlling factories, dairies, slums, cheris, rutting grounds or markets for water supply or sewerage in the said area
 - d. regulate or control the use, construction, reconstruction, repair and closure of wells, ponds and tanks except in so far as such regulation or control relates to the avoidance of injury or danger to the public, to nuisance or in sanitary conditions or to the protection of public health
 - e. have any power or duty in respect of offences and penalties therefor in so far as they relate to any matter connected with water-supply and sewerage
 - f. have any power to levy or collect any water-tax except as otherwise provided in this Act
 - g. have any power or function in respect of the framing of any rule, regulation or by-law regarding any of the matters referred to in this section.
3. The provisions of this Act or any regulation or other instrument made thereunder shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or any contract, custom or usage.

85. Amendments to other enactments and savings---

1.
 - a. On and from the date approved under sub-section (1) of section 26, the enactments specified in parts I to III of the Schedule shall be amended in the manner directed therein in respect of an area which forms part of or the whole area over which the Chennai City Municipal Corporation, a municipal council, a town panchayat or village panchayat, or a township committee constituted under any law for the time being in force, as the case may be, has jurisdiction and the provisions of the Chennai city municipal Corporation Act ,1919 (Tamil Nadu Act IV of 1919), the Tamil Nadu district Municipalities Act, 1920 (Tamil Nadu Act V of 1920) or the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), as the case may be, shall continue to apply to such area subject to the modifications specified in Part I, II or III of the schedule, as the case may be.
 - b. The enactments specified in Parts IV to VII of the schedule shall be amended in the manner directed therein with effect from such date as the Government may, by notification, appoint in this behalf.
2. Notwithstanding the amendments specified in the Schedule to this act and any other Provision of this Act, an existing authority shall continue to have all the powers it had before the notified date applicable to it, for the purpose of recovering from any persons any arrears of water tax or other rate relating to water -supply whether such

tax or rate is payable as part of property tax or otherwise, or any other dues pertaining to water supply or Sewerage payable by such person in respect of anything done relating to the period prior to such notified date.

3. The existing authority concerned shall be responsible for recovering the arrears and other dues referred to in sub section (2) as expeditiously as practicable and shall pay over the amounts so recovered to the board after deducting there from such collection charges as may be mutually agreed between the board and the existing authority.

86. Service how to be effected. - When any notice, bill or other document is required by or under this act or regulations made thereunder to be served upon , or presented to any other person such service, or presentation shall be effected -

- a. by giving or tendering the said document to such person, or
- b. if such person is not found, by leaving such document at his last known place of abode, or by giving or tendering the same to some adult member or servant of his family; or
- c. if his address elsewhere is known , by forwarding such document to him by registered post under a cover bearing the said address; or
- d. if none of the means aforesaid is available by causing a copy of such document to be affixed on some conspicuous part of the land or the building , if any, to which the document relates.

87.

- Application of act on extention of Chennai Metropolitan Area - If on any date after the commencement of this Act the Chennai Metropolitan Area as at such commencement is extended by the addition of territories, the provisions of sections 25 to 30 shall with effect from such date, apply mutatis mutandis in the territories so added and in respect of all matters covered by those sections and the other provisions of this Act shall apply accordingly.
- "Provided that all taxes, fees and duties in respect of water supply and sewerage services as levied by the local authority concerned before the date of such extension, shall be deemed to have been levied by the Board under the provisions of this Act and shall continue to be in force accordingly, until such taxes fees and duties are revised, cancelled or suspended by anything done or any action taken under this Act"

88. Rules and notifications to be placed before the legislature

1.
 - a. All rules made under this act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day which they are so published.
 - b. All Notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.
2. Every Rule or Notification made or issued under this Act shall as soon as possible after it is made or issued, be placed on the table of both Houses of the legislature and if before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in such rule or Notification or both Houses agree that the rules or Notification should not be made or issued, the rule or

Notification shall thereafter have effect only in such modified form or be of no effect as the case may be, so however that any such modification or amendment shall be without prejudice to the validity of anything previously done under that rule or Notification.