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Punjab Water Supply and Sewerage Board Act, 1976

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GOVERNMENT OF PUNJAB

DEPARTMNT OF LEGAL AND LEGISLATIVE AFFAIRS

**THE PUNJAB WATER SUPPLY AND SEWERAGE
BOARD ACT, 1976**

(Punjab Act No.28 of 1976)

(As amended upto 30th July,1987)

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THE PUNJAB WATER SUPPLY AND SEWERAGE BOARD ACT, 1976

Punjab Act No.28 of 1976

(Received the assent of the President of India on the 22nd July,1976, and was first published for general information in the Punjab Government Gazette (Extraordinary), Legislative Supplement, dated the 30th July,1976).

1	2	3	4
Year	No.	Short title	Whether affected by legislation
1976	28	The Punjab Water Supply and Sewerage Board Act, 1976	Amended by Punjab Act 31 of 1978

AN Act to provide for the establishment of Water Supply and sewerage Board for the purpose of regulation and development of drinking Water Supply and sewerage in the State of Punjab.

Be it enacted by the Legislature of the State of Punjab in the Twenty-Seventh Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

1. 1) This Act may be called the Punjab Water Supply and Sewerage Board Act,1976 Short title, extent and commencement
- 2) It extends to the whole of the State of Punjab
- 3) Chapters I and II shall come into force at once and the remaining provision of this Act shall come into force on such date as the Government may, by notification, appoint and different dates may be appointed for different provisions of this Act and for different areas of the State.

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

Definitions

- (1) “Board” means the Punjab Water Supply and Sewerage Board, established under section 3;
- (2) “Chairman” means the Chairman of the Board;
- (3) “Committee” means a Committee appointed under section 17;
- (4) “Department of Public Health” means the Department of Public Health of the Government;
- (5) “Government” means the Government of the State of Punjab;
- (6) “local authority” means a Municipal Corporation, Municipal Committee, Notified Area Committee, Town Improvement Trust, Panchayat Samiti or Gram Panchayat or any other authority entrusted with their functions under any law for the time being in force;
- (7) “director” means a director of the Board and includes the Chairman and the Managing Director;
- (8) “Prescribed” means prescribed by rules made under this Act;
- (9) “regulations” means the regulations made under this Act;
- (10) “rules” means the rules made under this Act;
- (11) “scheme” means a scheme relating to the provision of drinking water and sewerage and matters incidental thereto and includes a preliminary or a draft scheme prepared for the above purpose;
- (12) “sewerage” means any device for carrying off sewages, offensive matter, polluted water, waste water, rain water or seepage water;
- (13) “year” means the financial year commencing on the first day of April.

CHAPTER II

Establishment and Incorporation of Board

3. (1) The State Government may, by notification, establish for the purposes of carrying out the provision of this Act a Board to be called “the Punjab Water Supply and Sewerage Board” and such Board shall be a body corporate having perpetual succession and a common seal with power to acquire, hold or dispose of property, both movable and immovable and shall, by the said name, sue and be sued,

Establishment
incorporation
and
headquarters
of Board

- (2) The Board shall have its headquarters at Patiala or at such other place as may be notified by the Government from time to time.
4. (1) The Board shall consist of a Chairman and the following other directors, namely:- Constitution Board of
- a) Managing Director;
 - b) Ex-officio directors, namely:-
 - i) Secretary to Government, Punjab, Local Government Department.
 - ii) Secretary to Government, Punjab, Public Works Department;
 - iii) Secretary to Government, Punjab, Finance Department;
 - iv) Secretary to Government, Punjab, Health Department;
 - v) Director, Local Government, Punjab;
 - vi) Chief Engineer, Public Health, Punjab
- (2) The Board may co-opt not more than five persons having prescribed experience as Associate Directors and such Directors shall have the right to take part in the discussions in the meetings of the Board and shall also have the right to vote in such meetings.
Provided that one of the Associate Directors shall be co-opted from amongst members of the Scheduled Castes and one amongst women.
- (3) Any person may be appointed as Chairman by the Government.
- (4) The Secretary to Government Punjab, Local Government Department, shall be the Vice-Chairman of the Board and shall exercise its powers of Chairman during his absence on leave or otherwise, or when there is a vacancy in his office.
- (5) The Managing Director shall be a whole-time director and shall be appointed by the Government from amongst officers holding posts not below the rank of Chief Engineer preferably with experience of Public Health and Sanitary Engineering.)
- (6) (****)
- (7) If for any reason an ex-officio (director) is unable to attend a meeting of the Board, he may depute an officer subordinate to him to attend such meeting. The officer so deputed shall have the right to take part in the discussions during such meeting, but shall not have the right to vote.
5. (1) The term of office of, and the terms and conditions of service of, the Chairman, the ("Managing Director"),(** ** *) and the (Associate directors) shall be such as may be prescribed. Term of office and conditions of service of Chairman, Managing Director(***) and Associate Director

- (2) Any (director) appointed by the Government may at any time resign his office, but such resignation shall not take effect till accepted by the Government.
- (3) An (Associate director) may at any time resign his office, but such resignation shall not take effect till accepted by the Board

6. (1) A person shall be disqualified for being appointed as a "Director or co-opted as an" (Associate Director) of the Board, if he Director

- (a) has been convicted by a criminal court at any time after the 26th January, 1950, for an offence, involving moral turpitude, unless such conviction has been set aside;
- (b) is an undischarged insolvent;
- (c) is of unsound mind;
- (d) is an officer or employee of the Board;
- (e) has directly or indirectly, by himself or by any partner, employer or employee, any share or interest in any contract or employment with, by or on behalf of, the Board;
- (f) is a Director or a Secretary, Manager or other officer of any incorporated company which has any share or interest in any contract or employment with, by or on behalf of, the Board.

(2) If any question, dispute or doubt arises as to whether or not any person is eligible for (directorship) of the board or has incurred any disqualifications, whether before or after becoming a (director), it shall be determined by the Government whose decision shall be final.

(3) A person shall not be disqualified under clause (e) or clause (f) of sub section (1) or be deemed to have any share or interest in any contract or employment within the meaning of these clauses, by reason only of his or the incorporated company of which he is a Director, Secretary, Manager or other officer, having a share or interest in-

- (i) any sale, purchase, lease or exchange of immovable property or any agreement for the same;
- (ii) any agreement for the loan of money or any security for the payment of money only;
- (iii) any newspaper in which any advertisement relating to the affairs of the Board is inserted;
- (iv) the occasional sale to the Board, if the sum paid as consideration does not exceed two thousand rupees in any one year, of any articles in which he or the incorporated company regularly trades,

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

² (Explanation: For the purpose of clause (d) of sub-section (1), the Chairman or the Managing Director or an Associate Director shall not be deemed to be an officer or employee of the Board).

7. If a (director) appointed by the Government or any “(Associate Director)-
- Circumstances under which a (director) shall vacate his office
- (a) ceases to have qualifications or ceases to hold office by virtue of which he became a (director)
- (b) becomes subject to any disqualification referred to in section 6; or
- (c) absents himself, without permission of the Chairman, from three consecutive meetings of the Board;
- the Government, in the case of a (director) and the Board in the case of an (Associate Director), may, after giving him a reasonable opportunity of showing cause, declare his office to be vacant.
- 8 If, in the opinion of the Government, any ¹(director) appointed by it-
- Removal of Chairman or Director of Board
- (i) has been guilty of misconduct or neglect; or
- (ii) has so abused his position as to render his continuance as (director) detrimental to the interest of the Board or of the general public or
- (iii) 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
- (iv) has become unsuitable or incapable of acting as a (director);
- the Government may make an order removing such “(director) from” (directorship)
- 2) An “(Associate Director) may be removed from the office by the Board, if, in the opinion of the Board, he has been guilty of misconduct or neglect or has so abused his position as to render his continuance as an (Associate Director) detrimental to the interest of the Board or of the general public;
- Provided that no (director) or Associate Director) shall be so removed under sub-section (1) or sub-section (2), as the case may be, unless he has been given a reasonable opportunity of showing cause against his removal.
- (3) Any (director) or an (Associate Director) removed by the Government under sub-section (1) or by the Board under sub-section (2), as the case may be, shall not be eligible for appointment or co-option, as the case may be, again, for a period of three years from the date of his removal or until he is declared by the Government to be not ineligible, whichever period is less

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| 9. | If a vacancy occurs in the office of “(director) or an(Associate Director) of the Board through death, resignation, removal, disqualification or otherwise the vacancy shall be filled in the manner provided in section 4. | Filling of vacancies |
| 10. | If any (director) or any (Associate Director) of the Board, other than the Chairman, is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise, not involving the vacation of his office, the Government may appoint or the Board may associate, as the case may be, another person to officiate for him and carry out his functions under this Act or any rule or regulation made thereunder. | Temporary absence of (Director) |

CHAPTER III

Officers and Employees of the Board

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| 11. | The Board may appoint a Secretary, a Chief Engineer, an Accounts officer and such other officers and employees as it may consider necessary for the efficient performance of its functions; | Appointment of officers and employees of Board |
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Provided that the Board shall not, without the previous approval of the Government, sanction the creation of a post carrying a monthly salary exceeding one thousand and six hundred rupees or appoint any person to any post the maximum monthly salary of which exceeds five hundred rupees and shall in all such matters abide by the general instructions issued by the Government from time to time;

Provided further that in case of emergency

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| (a) | the (Managing Director) may appoint, temporarily, for a period not exceeding three months, such officers and employees as may, in his opinion, be required for the purposes of this Act, and the employment of whom for any particular work had not been prohibited by any resolution of the Board; and |
| (b) | every appointment made under clause (a) shall be reported by the (Managing Director) to the Board at its next meeting |
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| 12. | Subject to the provisions of this Act the recruitment and conditions of service of officers and employees of the Board shall be regulated by the Board in accordance with regulations to be made by the Board; | Recruitment and conditions of service |
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Provided that the remuneration assigned to the posts shall not be in excess of that admissible on the corresponding post under the Government

Provided further that if in the opinion of the Government the number of persons employed by the Board or the remuneration assigned to them is excessive, the Government may require the Board to reduce the number of such persons or remuneration, as the case may be, and the Board shall not act accordingly

Provided further that the Punjab Civil Services Rules framed by the Government in respect of persons employed in connection with the affairs of the State of Punjab shall, so far as may be, apply in all matters with respect to which regulations are not made

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| 13. | (1) | The Government may establish for the employees of the Board a provident fund which shall be administered by such officers of the Government or the Board as may be prescribed | Provident Fund |
| | 2) | The Board shall in respect of each of its employees, who is a subscriber to the said provident fund, pay into such fund, such portion of the contribution in such manner as may be prescribed | |
| 14. | | Subject to the regulations made by the Board, the (Managing Director) shall exercise supervision and control over the acts and proceedings of all the officers and employees of the Board. He shall discharge such other functions with regard to the officers and employees of the Board as may be specified in the regulations made by the Board. | Control by Managing Director |
| 15. | (1) | The Board shall prepare and maintain a schedule of establishment showing the number, designation and grades of the officers and employees (other than the employees) who are paid by day or whose pay is charged to temporary works), when it considers necessary and proper to employ for the purposes of this Act, and also the amount and the nature of the salary, fees and allowances to be paid to each officer or employee and contribution's payable under section 13 in respect of each officer and employee. | Maintaining schedule of establishment |
| | (2) | The schedule referred to in sub-section (1) shall be revised every year before the first of May of that year and shall contain the particulars mentioned in aforesaid sub-section of the officers and employees of the Board employed on the 31 st March immediately preceding | |

CHAPTER IV

Conduct of Business of the Board

16. (1) The Chairman may, at any time, and shall at least once in two months or on receipt of a requisition signed by not less than three (directors) and stating business to be brought before the Board, call a meeting of the Board in the prescribed manner; Meeting of Board
- (2) The Chairman, and in his absence the Vice-Chairman shall preside at such meeting of the Board
- (3) All questions at a meeting of the Board shall be decided by the votes of the majority of the (directors) present and voting and in case of equality of votes, the person presiding shall have a second or casting vote.
- (4) Three (directors) shall form a quorum at a meeting of the Board;
- Provided further that a notice of the adjourned meeting shall be sent to all the (directors) of the Board, in the manner prescribed.
- (5) A copy of the proceedings of every meeting of the Board shall be sent by the (Managing Director) to the Government and to all the (directors) of the Board within three days after the meeting is held.
- (6) No act done or proceedings taken under this Act by the Board shall be invalid merely on the ground of existence of any vacancy amongst (directors) or by reason of defect or irregularity in its constitution or any irregularity in procedure not affecting the merits of the case.

Explanation:-The expression (director) used in this section shall include as (Associate Director).

17. 1) Subject to any rules made in this behalf, the Board may, from time to time, appoint one or more committees for the purpose of securing the efficient discharge of its functions and in particular for the purpose of securing that the said functions are discharged with due regard to the requirements of particular local areas. Appointment and functions of committees
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- (2) All proceedings of a Committee shall be subject to confirmation by the Board.

CHAPTER V

Powers and Functions of the Board

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| 18. | The Board shall perform all or any of the following functions namely | Functions of Board |
| | <ul style="list-style-type: none"> (i) Investigating and surveying the requirements of water supply and sewerage; (ii) planning and preparing schemes including schemes covering areas falling within the jurisdiction of more than one local authority for the purpose of providing the supply of drinking water or sewerage facilities; executing schemes under a phased programme for the provision of drinking water and sewerage facilities within the areas of local authorities to which such schemes relate; (iii) executing schemes under a phased programme for the provision of drinking water and sewerage facilities within the areas of local authorities to which such schemes relates; (iv) executing such drinking water-supply or sewerage facilities schemes as may be transferred by the Government from the Department of Public Health to the Board; (v) working out priorities with the approval of the Government and drawing up a detailed programme of executing the schemes; (vi) laying down the norm of staff to be employed by a local authority for the maintenance of water-supply and sewerage works which the local authority concerned shall notwithstanding anything contained in any other law, take into consideration while employing the additional staff necessitated by such works (vii) any matter which is supplemental, incidental or consequential to any of the above functions; (viii) such other functions as may be prescribed | |
| 19. | (1) The Board shall, for the purpose of carrying out its functions under this Act, have the following powers, namely:- | General powers of Board |
| | <ul style="list-style-type: none"> (i) to acquire and hold such movable and immovable property as it deems necessary and to lease, sell or otherwise transfer any such property subject to such conditions as may be prescribed; (ii) to incur expenditure and undertake any work in any area in the State for the preparation and execution of such schemes as it may consider necessary for the | |

purpose of carrying out the provisions of this Act, or as the case may be, the functions entrusted to it by the Government;

(iii) to enter into any contract; and

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

- (2) Whenever any land or any interest therein which is required by the Board for implementing any scheme cannot be acquired by agreement, the State Government may, at the request of the Board, procure acquisition thereof under the provisions of the Land Acquisition Act, 1894, and on payment by the Board of the compensation awarded under this Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Board.

CHAPTER VI

Investigation, Preparation and Execution of Schemes by the Board.

20. (1) The Board may investigate the nature and type of a scheme that can be implemented for providing Water Supply and sewerage facilities in an area, considering the economical and other local conditions of such area in all their aspects, undertake survey of such area and decide upon the feasibility of preparing a scheme. Investigation and preparations
- (2) As soon as the investigation undertaken by the Board is complete with respect to any area and the Board considers it feasible to prepare a scheme, it shall prepare a preliminary scheme stating therein an estimate of the expenditure that is likely to be incurred in regard to the scheme and also the other salient features thereof;
- (3) The Board shall also prepare a detailed phased programme in the manner prescribed for the execution of the scheme and work out priorities with the approval of the Government;
- (4) After the priorities have been worked out and approved by the Government, the Board shall prepare a draft scheme consistent therewith,
- (5) The Board shall, in a meeting convened for the purpose, examine the draft scheme in all its aspects. In the case of a Municipal Committee, the President and Executive Officer or the Secretary, and in the case of any other local authority, a representative of such authority, concerned in the scheme, shall be invited to attend such meeting. Each such person may participate in the

discussion, express his opinion about any aspect of the scheme, but shall not be entitled to vote.

- (6) If the Board on a detailed examination is satisfied about the feasibility of the draft scheme, it shall forward the same to the Government for approval.
21. As soon as may be, after the submission of the draft scheme under sub-section (6) of section 20, the Government shall within such time as may be prescribed, either approve the draft scheme or approve it with such modification as it may consider necessary or return the same to the Board with directions to modify it or to prepare a fresh draft scheme in accordance with such directions and the Board shall accordingly modify or prepare a fresh draft scheme, as the case may be, and resubmit it to the Government for approval. Approval of Scheme by Govt.
22. (1) The Government shall, by notification in the official Gazette, publish its approval to the draft scheme. Publication of approval of draft scheme
- (2) A notification published under sub-section (1) shall be conclusive evidence that the scheme has been duly made and approved. The scheme shall thereupon become final and shall be hereinafter called the "approved scheme",
23. It shall be the duty of the Board to execute the approved scheme in the areas of the local authority or local authorities concerned. Execution of approved scheme by Board
24. (1) The cost of investigation, preparation and execution of any scheme undertaken by the Board shall be initially incurred by the Board out of its funds but it shall be recoverable from the concerned local authority or local authorities in such manner and in such instalments as may be prescribed. Cost of Scheme
- (2) In the event of default of payment of the instalments by the local authority or local authorities concerned, it shall be the liability of the Government to pay the amount to the Board and recover the same from the local authority or local authorities concerned in such manner and in such instalments as may be prescribed.
- (3) Where a joint scheme for two or more local authorities is investigated, prepared or executed, the costs thereof shall be borne by the local authorities concerned in such proportions and paid in such manner and in such instalments as may be prescribed.

- (4) Notwithstanding anything contained in sub-section I),-
- (i) where a resolution for depositing such cost in advance is passed by a local authority, or
 - (ii) where the Government, after giving to a local authority an opportunity of showing cause, directs that local authority to deposit such cost in advance the local authority which passes the resolution or to which a direction is issued, as the case may be, shall deposit such cost of the scheme with the Board in advance in such manner as may be prescribed:

Provided that no such direction shall be issued unless it is in public interest to do so and if the scheme is not finally executed by the Board within the period agreed upon between the local authority and the Board before depositing the cost, the Board shall, except where the inability to finally execute is by reason of force majeure, pay to the local authority, from the date of deposit of cost of the scheme with the Board, interest at the Bank rate plus two per cent, per annum on the unspent balance of the local authority.)

Explanation:- The cost relating to the investigation, preparation and execution of any scheme by the Board shall include all incidental expenses incurred by the Board in connection therewith.

25. A local authority concerned with an approved scheme shall provide necessary assistance to the Board for the proper execution of the approved scheme within the territorial limits of such local authority. Local Authority to provide adequate facilities to Board.
- 26 (1) When an approved scheme has been finally executed by the Board, all works completed thereunder and the property appurtenant thereto shall be transferred to the local authority concerned in the manner and subject to such conditions, as may be prescribed and it shall thereafter be the responsibility of such local authority to maintain them. Transfer of finally executed scheme to local authority
- (2) The local authority shall levy such rates for Water Supply and sewerage as may be suggested to it by the Board.
- (3) If a dispute arises as to the property which is to pass to a local authority alongwith the works executed under a scheme, it shall be referred to Government for decision which shall be final.

- 26-A (1) Notwithstanding anything contained in sub-section (1) of section 26, where the Government is of opinion that it is in public interest to do so, it may, after giving an opportunity to the Board direct that the water supply and sewerage services of any local authority shall vest in the Board for the purposes of management including administration, maintenance and operation from such date (hereinafter referred to as the appointed day) and for such period, not exceeding three years (hereinafter referred to as the period of management) as may be specified in the direction and where any Water Supply and sewerage services are executed during the period of management such services shall vest in the Board for the aforesaid purposes for the remaining period of management.
- Vesting
Management of
Water supply and
sewerage
services in Board.
- (2) The Water Supply and sewerage services shall be deemed to include-
- (a) all the water and sewerage services, sewerage works and sewage farms including, as the case may be, all plants, machineries, water works, pumping stations, filter beds, water mains and public sewers in, along, over or under any public street, and all building lands and other works, materials, stores and things appertaining thereto, belonging to or vested in that local Authority;
 - (b) so much of the sub-soil appertaining to the said water, mains and sewers as may be necessary for the purpose of enlarging, depending or otherwise repairing or maintaining any such water mains and sewers or any pipes and other appliances and fittings connected with such water supply and sewerage services and sewerage works and sewerage farms.
- (3) On and from the appointed day, the right to assess and collect any tax, fee, cost or charges levied by the concerned local authority in relation to the Water Supply and sewerage services, including the right to recover arrears of such tax, fee, cost or charges shall stand transferred to and vest in the Board and shall remain so vested during the period of management.
- (4) Where any doubt or dispute arises as to whether any property or asset has vested in the Board under sub-section (1) or any right has become the right of the Board under sub-section (3), such doubt or dispute shall be referred to the Government for decision which shall be final and binding on the Board and the local authority concerned

- 26-B During the period of management, any reference to any local authority in any enactment, for the time being in force, or in any rules, bye-laws or regulations made thereunder, shall in relation to Water Supply and sewerage services be construed as a reference to the Board and any reference in such enactment, rules, bye-laws or regulations to any office holder of the local authority shall be construed as a reference to the corresponding office holder of the Board and in case there is no such corresponding office holder then to such other office holder as the Board may notify.
- Reference to local authority to be deemed referenced to the Board
- 26-C (1) All the officers and employees of the local authority engaged in connection with the Water Supply or sewerage services immediately before the appointed day shall, on and with effect from the appointed day, stand transferred to the Board for serving under it during the period of management and if during that period the Board needs additional officers or employees in connection with such services then on receipt of a requisition in that behalf from the Board the local authority shall arrange for the recruitment of such officers or employees for serving under the Board;
- Transfer of employees of local authority to the Board
- Provided that, subject to the provisions of sub-section (4), the conditions of service applicable immediately before the appointed day to any such officer or employee shall not be varied to his disadvantage during the period of management.
- (2) For the purposes of salaries and allowances admissible to the officers and employees referred to in sub-section (1) and allowing them the benefit of gratuity, contributory provident fund and other facilities during the period of management they shall be treated in the same manner as if they were the officers and employees of the local authority concerned.
- (3) For the removal of doubts it is hereby declared that the burden of payment of salaries, allowances and other benefits to the officers and employees referred to in sub-section (1) shall initially be borne by the Board but the same shall be debitable to the account of the local authority concerned.
- (4) Other conditions of service of the officers and employees referred to in sub-section (1) shall be such as may be prescribed.

- 26-D (1) During the period of management the Board shall be deemed to be an agent of the local authority concerned in so far as the management including administration, maintenance and operation of the water and sewerage services is concerned and on the expiry of the period of management the Board shall give an account to the local authority of the receipt and expenditure in connection with the aforesaid services and any amount found too be due to the Board from the local authority or to the local authority from the Board on the basis of such accounts shall be deemed to be a charge on the funds of the local authority or the Board, as the case may be, Board to be an agent of local authority
- (2) In case of dispute between the Board and the local authority in relation to the account maintained by the Board or in relation to any amount due to the Board or the local authority on any account in relation to the aforesaid services, such dispute shall be referred to the Government whose decision shall be final and binding on the Board and the local authority.

CHAPTER VII

Transfer of Assets and Liabilities of the Department of Public Health.

- 27 The assets and liabilities of the Department of Public Health in such proportion as the Government may, by general or special order, specify, taking into consideration the work reduced in the Department of Public Health and made over to the Board, shall pass on to and vest in the Board. Transfer of assets and liabilities of Department of Public Health
- 28 The Government may transfer to the Board any building, land or other property, movable or immovable, for the use of, and management by, the Board, on such conditions and subject to such limitations as may be imposed by the Government. Transfer of property to Board
- 29 As soon as may be after the notified date, the Government may, after consulting the Board in the manner prescribed, direct by general order that such of the employees serving immediately before the said date in connection with the affairs of the State as are specified in such order shall stand allotted to serve in connection with the affairs of the Board with effect on and from such date as may be specified in such order; Transfer of employees of Govt. to Board

Provided that so far as may be possible-

- (i) no employee shall be transferred to the service of the Board
- (a) unless such employee gives his option in writing agreeing to such transfer; and

- b) the Board considers him suitable for such transfer to its service;
- (ii) the number of employees to be transferred to the service of the Board shall be determined keeping in view the schemes transferred from the Department of Public Health to the Board on the notified date;

Provided further that the conditions of service of an employee of the Department of Public Health transferred to the service of the Board shall not be varied by the Board to his disadvantage.

Explanation:-IN this section and in sections 30 and 31 "notified date" in regard to persons transferred too the service of the Board under this section means such date as is notified by the Government in this behalf.

30. 1) The moneys standing in the provident fund account to the credit of any officer or employee transferred from the service of the Government to the service of the Board, on the notified date together with any other assets belonging to such fund shall stand transferred to, and vest, in the Board with effect on and from the notified date. Transfer of Provident fund
- (2) The Board shall as soon as may be after the notified date constitute in respect of the moneys and other assets which are transferred to and vested in it under sub-section (1) a similar fund and may invest the accumulations under the fund in such securities and subject to such conditions as may be specified by the Board with the approval of the Government.
31. (1) In the case of officers and employees transferred from service of the Government to that of the Board, the Government shall credit the leave salary and pension contribution of such officers and employees to the Board for each year of their service under the Government on the notified date and they shall be entitled to the benefit of leave at their credit on that date. The pension contribution paid by the Government to the Board shall form the nucleus of the contributory provident fund to which they shall be admitted and they shall have no claim on the Government in respect of leave and pension. Leave salary and pension contribution
- (2) Each officer and employee transferred from the service of the Government to that of the Board shall, within a period of six months from the date of such transfer or from the date of commencement of the Punjab Water Supply and Sewerage Board,(Amendment)Act,1978, whichever period expires later, exercise his option whether he wishes to retain pension and

gratuity benefits admissible in Government service or wishes to be governed by the contributory provident fund rules of the Board and the option once exercised shall be final.

Provided that if any officer or employee fails to exercise his option within the aforesaid period, he shall be deemed to have exercised option for retaining pension and gratuity benefits to which he was entitled immediately before his services were transferred to the Board.)

CHAPTER VIII

Finance, Accounts and Audit

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| 32. | <p>(1) The Board shall have its own fund.</p> <p>1-A) The authorised capital of the Board shall be twenty crores of rupees which shall be contributed by the State Government and the Local authorities.)</p> <p>(2) The Board may accept loans, grants, subventions, donations and gifts from the Central or State Government or a local authority or any individual or body or organisation whether incorporated or not for all or any of the purposes of this Act.</p> <p>(3) All moneys received by or on behalf of the Board by virtue of this Act, all proceeds of land or any other kind of property sold by the Board, all charges, all interests, profits and other moneys accruing to the Board shall constitute the fund of the Board.</p> <p>(4) Except as otherwise directed by the Government, all moneys and receipts specified in the foregoing provision and forming part of the fund of the Board shall be deposited in the State Bank of India or any other Bank included in the Second Schedule to the Reserve Bank of India Act, 1934 (Central Act II of 1934) or invested in such other form or such other securities as may be approved by the Government.</p> | Board's Fund |
| 33. | <p>The Government may, from time to time, make subventions and grants or advance loans to the Board for the purposes of this Act on such terms and conditions as the Government may, in each case, determine.</p> | Subventions,
loans and grants
to Board. |

34. (1) Subject to the provisions of this Act and the rules made thereunder and subject to such conditions as may be specified by the Government by its general or special order issued in this behalf by it and with its previous approval the Board may, from time to time, borrow money required for the purposes of this Act in one or more of the manners specified below:-
- Power of Board to borrow to lend
- (a) raising loans from any Bank or other financing institutions of the Life Insurance Corporation established under section 3 of the Life Insurance Corporation Act, 1956 (Central Act 31 of 1956); or
 - (b) raising loans from any Corporation owned or controlled by the Central or the State Government ; or
 - (c) raising loan from the public by issue of bonds, debentures of stocks or otherwise in the form and manner approved by the Government.
- (2) The Board may on the request of a local authority, advance loan to it for the purpose of meeting the expenses in connection with the execution of a water supply and sewerage scheme under this Act, on such terms and conditions as it may think necessary or expedite for protecting its interest.
35. The Government may guarantee in such manner as it think fit, the payment of the principal and its interest of any loans proposed to be raised by the Board in regard to the investigations, preparation or execution of schemes made under this Act.
- Guarantee by Government of loans
36. (1) Whenever money is borrowed by the Board on debentures, the debentures shall be in such form as the Board may, with the previous sanction of the Government, specify.
- Form, Signature, exchange, transfer and effect of Debenture.
- (2) All debentures shall be signed by the Managing Director or Secretary or by any one of the ex officio (directors) of the Board.
 - (3) The holder of any debenture in any debenture in any form specified under sub sections (1) may obtain in exchange therefore 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.)

37. (1) The Chairman shall, at a special meeting of the Board to be held in the month of February in each year, lay before the Board an estimate of the income and expenditure of the Board for the next financial year. Estimate of income and expenditure of Board to be laid annually and considered.
- (2) Every such estimate shall make provision for the due fulfilment of all the liabilities of the Board, and for the efficient administration of this Act.
- (3) Every such estimate shall differentiate capital and revenue funds and shall be prepared in such form and shall contain such details, as the Board, may from time to time, specify.
- (4) Every such estimate shall be compiled and copy thereof sent, by post or otherwise, to each member and Associate Director at least ten clear days before the date of the meeting at which the estimate is to be laid before the Board.
- (5) A revised estimate, if any including all the expenditure not covered in the original budget estimate shall be laid before the Board at a special meeting to be held in the month of December in each year.
- (6) The Board shall consider every estimate so laid before it and shall sanction the same, either without modifications or with such modifications as it may think fit.
38. (1) Every such estimate, as sanctioned by the Board under section 37, shall be submitted to the Government which may, at any time within three months after receipt of the same- Approval of Govt. to estimates.
- (a) Approve the estimate; or
- (b) Disallow the estimate or any portion thereof and return the estimate to the Board with directions to amend it.
- (2) If any estimate is so returned to the Board, it shall forthwith proceed as amended to the Government which may then approve it.
39. (1) The Board may, at any time, during the year for which any estimate has been sanctioned, cause a supplementary estimate to be prepared and laid before it at a special meeting. Supplementary estimates
- (2) The provisions of sub-sections (3), (4) and (6) of section 37 and of section 38 shall apply to every supplementary estimate.
40. Every loan taken by the Board shall be repaid by the Board within the period agreed upon by the Board by such of the methods as may be prescribed. Repayment of loans by Board

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| 41. | The Board may constitute a sinking fund, a depreciation reserve fund and a development fund in a such manner and in such form as may be prescribed by regulations. Suck funds shall be invested in such manner as may be determined by the Board with the approval of the Government. | Establishment and maintenance of sinking and other funds. |
| 42. | <p>(1) The Board shall, before such date and in such form and at such intervals as may be prescribed, submit to the government, reports on such matters as may be prescribed.</p> <p>(2) The Government shall, as soon as may be, cause the report submitted by the Board to be laid before the House of the State Legislature.</p> <p>(3) The Board shall also submit to the government such statistics, returns, particulars, estates, documents or papers in regard to any proposed or existing scheme or relating to any matter or proceedings connected with the working of the Board at such times and in such form and manner as may be prescribed or as the Government may, from time to time, direct.</p> | Reports, Statements and returns |
| 43. | <p>(1) The accounts of the Board shall be maintained in such manner and in such form as may be prescribed by regulations. The Board shall prepare annual statement of accounts in such form as may be prescribed.</p> <p>(2) The Examiner, Local Fund Accounts, shall be the auditor of the Board.</p> <p>(3) The accounts of the Board shall be audited as far as possible once a year;
Provided that the Government may direct that the accounts of the Board be audited from day to under the pre-audit system.</p> <p>(4) The auditor referred to under sub-section (2) shall, in connection with such audit, have such rights, privileges and authority as may be prescribed and, in particular, the right to demand the production of books, accounts connected vouchers and other documents and to inspect any of the offices of the Board.</p> <p>(5) The Secretary or any other officer authorised by the Board in this behalf shall cause the report of the auditor to be printed and forward a printed copy thereof to each (director) and (Associate Director) and shall bring such report before the Board for consideration at its next meeting.</p> <p>(6) The Board shall remedy, forthwith, any defects or irregularities that may be pointed out by the auditor and submit a report thereon to the Government.</p> | Accounts and Audit. |

44. The Board shall pay to the auditor the cost of conducting the audit of its accounts, which shall be determined by the Government in consultation with the auditor from time to time. Remuneration of auditor
45. (1) The accounts of the Board, as certified by the auditor, together with the audit report thereon, shall be forwarded annually to the Government and the Government may issue such instructions to the Board in respect thereof as it deems fit and the Board shall comply with such instructions. Accounts and audit report to be forward to Government and laid before State Legislature.
- (2) The Government shall-
- (a) cause the accounts of the Board together with the audit report thereon forwarded to them under sub-section (1) to be laid annually before the House of the State Legislature and
 - (b) cause the accounts of Board to be published in the prescribed manner and make available copies thereof on sale at a reasonable price.
46. The Board may write off any amount whatsoever due to it, whether under a contract or otherwise or any sum payable in connection therewith if, in its opinion, such amount or sum is irrecoverable. Power to write of irrecoverable amount.

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

CHAPTER IX

Penalties and Procedure

47. if any person- Penalty for obstructing contractor and removing marks.
- (a) obstructs or molests any person with whom the Board has entered into a contract in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue of, or in consequence of, this Act or any rule or regulation made thereunder; or
 - (b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Act or any rule or regulation made or scheme sanctioned thereunder;

he shall be punishable with fine which may extend to two hundred rupees.

48. Whoever contravenes any of the provisions of this Act or of any rule or regulation or scheme sanctioned thereunder, if no other penalty is provided for such contravention, be punishable- Penalty for breach of provision of Act etc.
- (a) with fine which may extend to one hundred rupees; and
 - (b) in case of a continuing contravention with fine which may extend to fifty rupees for each day after the first during which the contravention continues.
49. 1) No court shall take cognizance of any offence punishable under this Act unless complaint of such offence is made by the Board or any officer authorised by it in this behalf within six months next after the commission thereof. Prosecution and trial of offences
- (2) No court inferior to that of a judicial magistrate of the first class shall try any offence punishable under this Act.
50. 1) Any police officer, not below the rank of a head constable, may arrest any person who commits in his presence, any offence under this Act, if the name or address of such person be unknown to him and if such person on demand declines to give his name or address, or gives a name or address which such officer has reason to believe to be false. Arrest if offenders
- (2) No person so arrested shall be detained in custody after his true name and address are ascertained or for any longer time than is necessary for bringing him before a judicial magistrate and in no case shall such detention exceed twenty-four hours from the time of arrest without the orders of a judicial magistrate.
51. 1) If the person committing an offence under this Act is a company every person, who, at the time 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; Offences by companies

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

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

Explanation- For the purposes of this section-

- (a) 'company' means a body corporate and includes a firm or other association of individuals; and
 (b) 'director in relation to a firm' means a partner in the firm.

CHAPTER X

Miscellaneous

52. The (Managing Director) may, in case of emergency, direct the executions of any work or the doing of any act which requires the sanction of the Board if the immediate execution or the doing of which is, in his opinion, necessary for the service or safety of the public and may also direct that the expenses of executing the worker of doing the act shall be paid from the funds of the Board;

Emergency power
of Managing
Director.

Provided that:-

- (a) he shall not act under the section in contravention of any direction of the Board or the Government prohibiting the execution of any particular work or the doing of any particular act;
 (b) he shall report the action taken by him under this section and the reasons therefore to the Board at its next meeting and shall also submit a copy of his report too the Government and the Board or the Government may issue such directions as it or they may deem fit on such report.

53. The (Managing Director) may, subject to the control of the Board:-

Power of
Managing Director
as to institution,
composition etc.
of legal
proceedings and
obtaining legal
advice.

- (a) institute defend or withdraw from legal proceedings instituted under this Act or any rules or regulation made thereunder;
- (b) compound any offence against this Act or any rules or regulations made thereunder which under any law for the time being in force or the rule prescribed by the Government, may lawfully be compounded;
- (c) admit, compromise or withdraw any claim made under this Act or any rules or regulations or schemes made thereunder; and
- (d) obtain such legal advice and assistance as he may, from time to time, think it necessary or expedient to obtain, or as may be desired by the Board to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vested in or imposed upon the Board or any officer or employee of the Board.

54. (1) The Government may, by notification, in the official Gazettee, authorise any authority or officer to exercise any of the powers vested in it by this Act except the power to make rules under section 71 and may in like manner withdraw such authority. Delegation of powers.
- (2) The Board may, by general or special order in writing delegate to the Chairman or (Managing Director) or any other (director) or (Associate Director) of the Board or the Secretary or any other officer of the Board such of its powers and functions under this Act except the power to acquire and under sanction 19 and to make regulations under section 72 as it may deem necessary and it may in the like manner withdraw such authority.
- (3) The exercise of any power delegated under sub-section (1) or sub-section (2) shall be subject to such restrictions and conditions as may be specified in the order and also to control and revision by the Government or by such officer as may be empowered by the Government in this behalf or by the Board or such effect as may be empowered by the Board in this behalf, as the case may be.
- (4) The Government or the Board, as the case may be, shall also have the power to control and revise the acts or proceedings of any officer so empowered.

55. The Government may issue to the Board or to the local authority concerned such orders and directions as in its opinion are necessary or expedient for carrying out the purposes of this Act and the Board or such local authority, as the case may be, shall give effect to all such orders and directions.
- Power of Government to issue directions to Board or local authorities.
56. It shall be the duty of every police officer-
- Duties of police officers
- a) to co-operative with the Board for carrying into effect and enforcing the provisions of this Act or any rule of regulation or scheme made thereunder;
 - b) to communicate without delay to the proper officer or employee of the Board any information which such police officer receives of a design to commit, or of the commission of any offence under this Act or any rule or regulation or scheme made thereunder; and
 - c) to assist the Board or any officer or employee of the Board reasonably demanding the aid of such police officer for the lawful exercise of any power vesting in the Board or any such officer or employee under this Act or any rule or regulation or scheme made thereunder.
57. When a dispute arises between the Board and another local authority or among local authorities in regard to any matter arising under the provisions of this Act, and the Government is of opinion that the parties are unable to settle it amicably among themselves, the Government may take cognizance of the dispute and decide the same itself and the decision of the Government thereon shall be final and binding on the Board and the local authorities concerned and shall not be liable to be questioned in any court of law.
- Adjudication of disputes between Board and local authorities.
58. No person shall institute any suit against the Board or against any officer or employee of the Board or any person acting under the order of the Board, for anything done or purporting to have been done in pursuance of this Act without giving to the Board, officer or employee or person concerned sixty days previous notice in writing of the intended suit and the cause thereof, nor shall such a suit be instituted after six months from the date of the act complained of.
- Notice of and limitation of suit against Board.
59. In any case not otherwise expressly provided for in this Act, the Aboard may pay reasonable compensation to any person who sustains damage by reason of the exercise of any of the powers vested by or under this Act in the Board or the Chairman or the (Managing Director) or any officer of employee of the Board.
- General power of Board to pay composition.

60. (1) When any person is convicted of any offence under this Act, the judicial magistrate convicting such person may, on application made in this behalf by the Board or by its officer or employee authorised by it in this behalf, call upon such person forthwith to show cause as to why he should not pay compensation to the Board for the damage caused by his act or omission in respect of which he is convicted.
- Compensation to be paid by offenders for damage caused by them.
- (2) The magistrate shall record and consider any cause which such person may show and if the magistrate, after making such inquiries as he may think fit, is satisfied that such person is liable to pay compensation may direct that such compensation not exceeding one thousand rupees as he may determine, be paid by such person to the Board.
- (3) The amount of compensation directed to be paid under sub-section (2) shall, if it be not paid forthwith, be recovered as if it were a fine imposed by the magistrate on such person.
61. (1) All orders and decisions of the Board shall be authenticated by the signature of the Secretary or any other officer of the Board authorised in writing by the Board in this behalf.
- Authentication of orders and other instruments of Board.
- (2) The (managing Director) or any officer of the Board authorised in writing in this behalf may sign on behalf of the Board any agreement or other instrument to be executed on behalf of the Board.
62. Every notice or bill which is required by this Act or by any rule or regulation made thereunder to bear the signature of the (Managing Director) or any other (director) or of any officer or employee of the Board, shall be deemed to be properly signed if it bears the facsimile of the signatures of the (Managing Director) or of such officer or employee, as the case may be, stamped thereupon.
- Stamping signature of notices of bills.
63. (1) The (Managing Director) or any person either generally or specially authorised by the (Managing Director) in this behalf may with or without assistants or workmen, enter into or upon any land in order-
- Power of entry
- (a) to make any inspection, survey, measurement, valuation or inquiry;
 - (b) to take levels;
 - (c) to dig or bore into the sub-soil;
 - (d) to set out boundaries and intended lines of work;

- (e) to mark such levels, boundaries and lines by placing marks and cutting trenches;
- (f) to place and maintain pipes, drains and other installations upon, along, across or under any land; or
- (g) to do any other thing, whenever it is necessary to do so for any of the purposes of this Act or any rule or regulation made or scheme sanctioned thereunder or any scheme which the Board intends to frame thereunder;

Provided that-

- (a) no such entry shall be made between sunset and sunrise;
 - (b) no dwelling house, and no public building or hut which is used as a dwelling place, shall be so entered, except with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours previous written notice of the intention to make such entry;
 - (c) sufficient notice shall, in every instance, be given even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to women to remove themselves to some part of the premises where their privacy will not be disturbed;
 - (d) due regard shall always be had so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.
- (2) Whenever the (Managing Director) or a person authorised under sub-section (1) enters into or upon any land in pursuance of that sub-section, he shall, at the time of such entry, pay or tender payment for all necessary damage to be done as aforesaid; and in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the Board, whose decision shall be final.

64. (1) No suit, prosecution or other legal proceeding shall be against any person for anything which is, in good faith, done or intended to be done in pursuance of this Act or any rule or order or scheme made thereunder.

Protection of
action taken in
good faith.

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

65. All (directors) (Associate Directors), officers and employees of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.
- Directors, Officers and employees of Board to be public servants.
66. For the purposes of the Local Authorities Loans Act, 1914, the Land Acquisition Act, 1894 and the Punjab Public Premises and Land (Eviction and Rent Recovery)Act, 1973, the Board shall be deemed to be a local authority controlled by the Government.
- Board to be Local authority under Central Act 1 of 1894 and Central Act IX of 1914.
67. Save as otherwise provided in this Act, no order made by the Government or any other competent authority, in exercise of any power conferred by or under the provisions of this Act, shall be called in question in any civil court and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.
- Bar of jurisdiction of civil court.
68. (1)When all schemes approved by Government under this Act have been executed or have been so far executed as to render the continued existence of the Board, in the opinion of the Government unnecessary, when in the opinion of the Government it is expedient that the Board shall cease to exist, the Government may, by notification, declare that the Board shall be dissolved from such date as may be specified in this behalf in such notification; and the Board shall be deemed to be dissolved accordingly.
- Ultimate dissolution of Board and transfer of its assets and liabilities to Government.
- (2) From the said date-
- (a) All properties, funds and dues which are vested in or realisable by the Board shall vest in and be realisable by the Government;
 - (b) All liabilities which are enforceable against the Board shall be enforceable only against the Government;
 - (c) For the purpose of completing the execution of any scheme, approved by the Government under this Act, which has not been fully executed by the Board and of realising properties, funds and dues referred to in clause (a) the functions of the Board under this Act shall be discharged by the Government ; and

- (d) The Government shall keep separate accounts of all moneys respectively received and expended by it under this Act, until all loans raised hereunder have been repaid, and until all other liabilities referred to in clause (b) have been duly met.

69. If any difficulty arises in giving effect to the provision of this Act, or by reason of any thing contained in this Act to any other enactment for the time being in force, the Government may as occasion requires by order direct that this Act shall during such period, as may be specified in the order but not extending beyond the expiry of two years from the date of coming into operation of this section, have effect subject to such adaptations whether by way of modification, addition or omission as it may deem to be necessary and expedient.

Power to remove difficulties

70. (1) Notwithstanding anything contained in any other law for the time being in force, no local authority or agency shall be empowered to deal with matters which are within the functions of the Board under this Act with respect to any area to which this Act is applied:

Over-riding effect.

Provided that the Government may, by notification in the manner prescribed, exclude any schemes apart thereof, framed or to be framed or under execution from the functions of the Board and allow any local authority or agency to execute or carry on the execution or to complete the same.

- (2) If any dispute arises as to whether the Board or a local authority, is to deal with a certain matter, the same shall be referred to the decision of the Government which shall be final.

CHAPTER XI

Rules & Regulation

71. (1) The Government may, by notification and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.
- Power to make rules.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may be made for all or any of the following purposes namely:-
- (a) all matters expressly required or allowed by this Act to be prescribed.
 - (b) the qualifications for appointment of and the grant of leave of absence to the Chairman and the Managing Director and Associate Director.

- (c) the terms and conditions of service of the chairman, Managing Director and Associate Director including the payment of honorarium fees or allowance to them and the manner of filling casual vacancies in their respective offices.
 - (cc) other terms and conditions of service of employees of local authority transferred to the Board during the period of management;
 - (d) the functions of the Board;
 - (e) the conditions of acquisition, transfer, etc., of any property by the Board;
 - (f) the time limit within which the approval of the Government to the draft schemes prepared and forwarded by the Board, will be given;
 - (g) the manner in which and the number of instalments and the time or times at which, the cost of the schemes will be recovered.
 - (h) the manner of operation of funds by the Board;
 - (i) the mutual relationship of the Board and other local authorities in any matter in which they are jointly interest;
 - (j) the borrowing of money by the Board;
 - (k) the form in which the reports of the Board will be prepared and the form and manner and the time-limit for submission of statistics and returns by the Board to the Government;
 - (l) the rights, privileges and authority of auditor appointed under this Act;
 - (m) the manner in which the accounts of the Board will be published.
- (3) Every rule made under this section shall be laid as soon as may be after it is made, before the House of the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if , before the expiry of the session in which it is so laid or the successive session aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annual-ment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

72. (1) The Board may, from time to time, with the previous sanction of the Government, make regulations not inconsistent with this Act, and the rules made thereunder the purposes of giving effect to the provisions of this Act.

Power to
make
regulation
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- (2) In particulars and without prejudice to the generality of the foregoing power, such regulations may provide for;
 - (a) all matters expressly required or allowed by this Act to be prescribed by regulations;
 - (b) the terms and conditions of appointment and service and the scales of pay of officers and employees of the Board including the payment of travelling and daily allowances in respect of journeys undertaken by such officers and employees of the Board;
 - (c) the supervision and control over the acts and proceedings of officers and employees of the Board and maintenance of discipline and conduct among the officers and employees of the Board;
 - (d) the procedure in regard to the transaction of business at the meetings of the Board including the quorum;
 - (e) the duties, functions and powers of the Chairman and the Managing Director and Officers of the Board;
 - (f) the manner and the form in which a sinking fund, a depreciation reserve fund and the development fund are to be constitutes;
 - (g) the manner and form relating to the maintenance of accounts of the Board;
- (3) No regulation or its cancellation or modification shall have effect until the same is approved by the Government.
- (4) The Government may, by notification in the Official Gazette, rescind any regulation made under this section and thereupon the regulation shall cease to have effect.

PUNJAB WATER SUPPLY AND SEWERAGE BOARD

(AMENDMENT) ACT, 2013

(Punjab Act No. 42 of 2013)



**Punjab Water Supply and Sewerage Board
Plot No. 1B, Sector – 27A, Madhya Marg, Chandigarh**

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 22nd November, 2013

No. 53-Leg./2013.-The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 21st Day of November, 2013, is hereby published for general information:-

**THE PUNJAB WATER SUPPLY AND SEWERAGE BOARD
(AMENDMENT) ACT, 2013
(Punjab Act No. 42 of 2013)**

AN

ACT

further to amend the Punjab Water Supply and Sewerage Board Act, 1976.

BE it enacted by the Legislature of the State of Punjab in the Sixty-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Water Supply and Sewerage Board (Amendment) Act, 2013. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. In the Punjab Water Supply and Sewerage Board Act, 1976 (hereinafter referred to as the principal Act), for the words "Managing Director", wherever occurring except in section 5, Explanation to section 6 and section 71, the words "Chief Executive Officer" shall be substituted. Amendment in Punjab Act 28 of 1976.

3. In the principal Act, in section 4, for sub-section (5), the following sub-section shall be substituted, namely:- Amendment in Section 4 of Punjab Act 28 of 1976.

"(5) The Chief Executive Officer shall be a whole-time director and shall be appointed by the Government from amongst the officers belonging to the Indian Administrative Service, who have served as such for a minimum period of nine years in the cadre and if it is not possible to appoint such an officer, then from amongst the officers belonging to the Punjab Civil Service (Executive Branch), who have served as such for a minimum period of eighteen years."

- 4.** In the principal Act, in section 5,-
- (i) in the heading, the signs and words " , Managing Director, " shall be omitted; and
- (ii) in sub-section (1), the signs and words " , the Managing Director, " shall be omitted.
- 5.** In the principal Act, in section 6, in the Explanation, the words "or the Managing Director" shall be omitted.
- 6.** In the principal Act, for section 11, the following section shall be substituted, namely:-
- "11. (1) The Board may appoint four Chief Engineers, a General Manager (Finance), a General Manager (Human Resources), a Secretary and such other officers and employees as it may consider necessary for the efficient performance of its functions.
- (2) Out of the four Chief Engineers, the senior-most shall be designated as Engineer-in-Chief – cum – Technical Adviser and shall be posted at headquarters of the Board and the remaining three Chief Engineers shall be posted in the field.
- (3) The posts of General Manager (Finance) and General Manager (Human Resources) shall be in the rank and pay scale of a Chief Engineer.
- (4) The Board shall not, without the previous approval of the Government, sanction the creation of posts in the rank and pay scale of a Junior Engineer and above.
- (5) The Chief Executive Officer may appoint, temporarily, for a period not exceeding three months, such officers and employees as may, in his opinion, be required for the purposes of this Act, and the employment of whom for any particular work had not been prohibited by any resolution of the Board and every appointment so made shall be reported by him to the Board at its next meeting."
- Amendment in section 5 of Punjab Act 28 of 1976.
- Amendment in section 6 of Punjab Act 28 of 1976.
- Substitution of section 11 in Punjab Act 28 of 1976.
- Appointment of Officers and employees of Board.

7. In the principal Act, in section 18, in clause (viii), for the sign "." appearing at the end, the sign ":" shall be substituted and thereafter, the following proviso shall be added, namely:-

Amendment in section 18 of Punjab Act 28 of 1976.

"Provided that if in the opinion of the Government, it is expedient or necessary so to do, it may, by an order, withdraw any function assigned to the Board wholly or partly in respect of a local authority or may assign any additional function to it."

8. In the principal Act, in section 19, in sub-section (1), for clause (ii), the following clause shall be substituted, namely:-

Amendment in section 19 of Punjab Act 28 of 1976.

"(ii) to incur expenditure and undertake any work in any area of a local authority, whose water supply and/or sewerage works are assigned to it, for the preparation and execution of such schemes as it may consider necessary for the purpose of carrying out the provisions of this Act, or as the case may be, the functions entrusted to it by the Government."

9. In the principal Act, for section 26, the following section shall be substituted, namely:-

Substitution of section 26 of Punjab Act 28 of 1976.

"26. (1) All the officers and employees engaged in connection with the Transfer of water supply or/and sewerage services of a local authority, whose such work is assigned to the Board, employees of local authority shall stand transferred on deputation to the Board from to the Board. shall stand transferred on deputation to the Board from the date of the order of the Government assigning such work:

Provided that such officers and employees shall not be entitled to any deputation allowance:

Provided further that the conditions of service applicable to such officers and employees shall be the same as if they are the employees of the local authority.

(2) For the purposes of salaries and allowances admissible to the officers and employees referred to in sub-section (1) and allowing them the benefit of gratuity, contributory provident fund, pension and other facilities, they shall be treated in the same manner as if they were the officers and employees of the local authority concerned.

(3) The burden of payment of salaries, allowances and other benefits to the officers and employees referred to in a sub-section (1) shall be borne by the Board, out of its own fund, from the date they stand transferred to the Board on deputation."

- 10.** In the principal Act, sections 26-A, 26-B, 26-C and 26-D shall be omitted. Omission of section 26-A, 26-B, 26-C and 26-D of Punjab Act 28 of 1976.
- 11.** In the principal Act, in section 32, in sub-section (3), for the words and sign "by virtue of this Act, " the words, signs, figures and brackets "by virtue of this Act and under the provisions of the Punjab Municipal Fund Act, 2006 (Punjab Act No. 27 of 2006) , " shall be substituted. Amendment in section 32 of Punjab Act 28 of 1976.
- 12.** In the principal Act, in section 34, sub-section (2) shall be omitted. Amendment in section 34 of Punjab Act 28 of 1976.
- 13.** In the principal Act, the existing provision of section 69 shall be numbered as sub-section (1) thereof, and after sub-section (1), as so re-numbered, the following sub-sections shall be added, namely:- Amendment in section 69 of Punjab Act 28 of 1976.
- “(2) If any difficulty arises in giving effect to the provisions of the Punjab Water Supply and Sewerage Board (Amendment) Act, 2013, the Government may, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing that difficulty:
- Provided that no order shall be made under this sub-section after the expiry of a period of two years from the date of commencement of the Punjab Water Supply and Sewerage Board (Amendment) Act, 2013.
- (3) Every order made under sub-section (2) shall be laid, as soon as may be after it is made, before the Legislative Assembly.”.
- 14.** In the principal Act, in section 71, in sub-section (2), - Amendment in section 71 of Punjab Act 28 of 1976.
- (i) in clause (b), the words "and the Managing Director" shall be omitted;
- (ii) in clause (c), the sign and the words ", Managing Director" shall be omitted; and
- (iii) clauses (cc) and (g) shall be omitted.

H.P.S. MAHAL,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.