

## **MAHARASHTRA JEEVAN AUTHORITY ACT, 1976**

**48 of 1976**

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### **MAHARASHTRA JEEVAN AUTHORITY ACT, 1976**

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**[ ]**

STATEMENT OF OBJECTS AND REASONS M.G.G.Pt. dated July 23, 1976 p. 491 A large number of water supply and sewerage schemes are at present financed by the Life Insurance Corporation of India. The Life Insurance Corporation has been requesting the State Government for sometime past for creation of a Central Agency in the form of a Water supply and Sewerage Authority as it would be administratively convenient for that Corporation to grant one consolidated loan for all the schemes in the Authority by executing one agreement and taking one guarantee deed from the Government, instead of numerous agreements from various Municipalities in respect of each loan. The Life Insurance Corporation has also pointed out that arising of these loans is

creating difficulties for that Corporation as they are required to maintain separate accounts and approach a large number of Municipal Councils spread all over the State for recoveries of instalments of principal and interest. At present as many as 300 loans have been advanced for the Urban water supply and Sewerage Schemes by the Life Insurance Corporation. Moreover, with the increasing requirement of funds for Water supply and sewerage schemes in such areas it is not possible to solely depend on the assistance from the Life Insurance Corporation and it has become necessary to tap resources from the nationalized and Urban Co-operative Banks. In addition, the International Development Association of the World Bank can also be approached for financing the schemes for important Urban Centres like Pune, Nagpur, etc. It is therefore, expedient to set up a statutory authority for the purpose of planning, financing, coordinating, executing and supervising the Municipal Water supply and Sewerage Schemes in the State of Maharashtra. This Bill provides for constituting the Maharashtra Water supply and Sewerage Authority for the purposes aforesaid and matters connected therewith. The following paragraphs indicate in brief the important provisions made in the Bill:-

Clause 1(3) The commencement clause has been made flexible so that different provisions of the Act can be brought into force on different dates. Clause 3 - Provision is made in this clause for establishing the Maharashtra Water Supply and Sewerage Authority as a corporate body having perpetual succession. The clause makes the Authority a local authority. Clause 4 :- This clause gives the composition of the Authority. Clauses 5, 6 and 7 These clauses provide for terms and conditions for appointment of Chairman and other Members of the Authority. Clause 8(1) and (2) - This clause empowers the Authority to appoint officers and other staff. Clause 8(3) This clause describes the Member-Secretary as the Chief Executive officer of the Authority. Clauses 9 to 13 - These clauses pertain to functioning of the Authority. Clauses 14 and 15 - These clauses provide for the main duties, functions and powers of the Authority. Clause 16 - This clause describes the powers of the Authority to give directions and all reports from the local bodies in respect of schemes financed by the Authority. Clause 17 This empowers the Authority to levy supervision and centage charges on schemes. Clauses 18 and 19 - These provide for vesting of properties, assets, liabilities and obligations in the Authority in case of taking over of Government Water Works. Clauses 20, 21 and 22 - These clauses provide for vesting of properties, assets etc. in case

of taking over of Water works of local bodies. Clause 23 - This provides for permanent transfer of certain Government employees to the Authority, from time to time, in stages. Clauses 24 to 29 - These clauses provide for contracts and finance of the Authority. Clause 30 - This clause provides for initial contribution of the State to the Authority Fund to the extent of Rs. 1.00 crore or such lesser sum as it thinks fit. Clauses 31, 32, 33 and 34 - These empower Authority to borrow and relend money and also provide for Audit and Accounts of the Authority. Clauses 35 to 39 - These provide for fees and charges to be levied by the Authority. Clauses 40 to 45 - These clauses provide for various regulations and control of the Authority for water supply. Clauses 46 to 51 - These clauses provide for various regulations and control of the Authority for sewerage arrangements. Clauses 52 to 54 - These clauses give general powers to the Authority for effective control of sewerage arrangements. Clauses 55 to 59 - These provide for penalties that would be imposed under the Act. Clauses 60 to 64 - These provide for control of the State Government over the Authority and requirement of submitting an Annual Report of its activities, assistance from local bodies, etc. clauses 65 to 67 - These pertain to Rules, Regulations and Bye-laws to be made under the Act.

RAFIQ ZAKAR<sup>1A</sup> Bombay, dated 20th July 1976 Minister for Urban Development M.G.G.Pt.V dated January 17,1980 p. 21 The Maharashtra Water Supply and Sewerage Authority Act, 1976 (Mah.XLVIII of 1976) provides for establishments of a Water supply and Sewerage Authority for rapid development and proper. regulation of water supply and sewerage services in the State of Maharashtra. The Maharashtra Water supply and Sewerage Authority has been established with effect from the 1st January 1977. Under Section 14(1) of the Act, one of the duties and functions of the Authority is to perform such of the duties and functions, which are being performed by the Maharashtra Environmental Engineering Service, as may be specified by the State Government. 2. To enable the Authority to take over these functions, it was necessary to make available to it the services of officers and servants of the State Government, who were then working in the Environmental Engineering Service. Therefore, a provision was made in Section 23 for transfer of required Government employees from this service to the Authority. But it was noticed that there were four categories of employees and some categories of employees working in the Environmental Engineering Service had common cadres with corresponding employees of the

Irrigation Department of the Government of Maharashtra and some employees working in the service belonged to cadres of that Department. For ensuring that services of all four categories of employees working in the Environmental Engineering Service, whether technical or non-technical, should be made available to the Authority, it was necessary to amend the definition of "Maharashtra Environmental Engineering Services" given in Section 2(xiii) suitably, so as to include all categories of employees working in that Service. 3. The Government of India, the State Government and the Maharashtra Water Supply and Sewerage Authority have entered into agreements with the International Development Association, which is a soft-lending associate of the World Bank, for getting its financial assistance for implementation of the Maharashtra Water Supply and Sewerage project. According to the agreement between the State Government and the Association, the State Government was required to take all necessary action on its part to ensure that by the 30th September 1979 the Authority shall be staffed in accordance with such an organization structure as was considered satisfactory by the Association. 4. To meet the requirements of the Association, it was considered that the provision in Section 23 for transfer of employees to the Authority, being more or less of a permanent nature, would not be appropriate in all cases. It was thought that it would be effective for categories (1) and (2) of the employees in the Environmental Service, but would not be suitable for employees belonging to categories (3) and (4) in the Service. It was therefore necessary to have a separate Section 23A to enable Government to send to the Authority employees belonging to categories (3) and (4) on deputation, as and when necessary, on short-term basis. 5. As both the Houses of the State Legislature were not in session and immediate action was required to be taken to amend the Maharashtra Water Supply and Sewerage Authority Act, 1976, for the purposes aforesaid, the Maharashtra Water Supply and Sewerage Authority (Amendment) Ordinance, 1979, was promulgated by the Governor of Maharashtra on the 28th September 1979. The Bill is intended to replace the Ordinance by an Act of the State Legislature. Bombay, HASHU ADVANIDated the 31st December 1979. Minister for Urban Development

## CHAPTER 1

### Preliminary

#### **1. Short title, extent and commencement :-**

(1) This Act may be called the MAHARASHTRA JEEVAN AUTHORITY ACT, 1976

(2) It extends to the whole of the State of Maharashtra, excluding the cantonment areas. These words were substituted for the words "Water supply and Sewerage Authority" in the long title by Man. Act 25 of 1997, s. 4

(3) It shall come into force on such date [as the State Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act: and references in any provisions to the date of commencement of this Act shall be construed as references to the date of commencement of that provision.

## **2. Definitions :-**

In this Act, unless the context otherwise requires,-

(i) ["Authority"] means the Maharashtra [Jeevan] Authority established under Section 3 ;

(ii) "bye-laws" means bye-laws made under this Act;

(iii) "cess-pool" includes a settlement tank or other tank to receive or dispose of foul matters from any premises;

(iv) "Chairman" means the Chairman of the Authority;

(v) "communication pipe" means any pipe or system of pipes, along with all fittings thereto, by means of which water is supplied to any premises from the main, and includes a connection pipe, service pipe, meter or other fittings;

(vi) "connection pipe" means any water pipe from a ferrule to stop-cock connecting the main of the local body or the Authority, as the case may be, with the service pipe;

(vii) "consumer" means any person getting the benefit of any water supply or sewerage service from the local body or the Authority, as the case may be;

(viii) "domestic sewage" means waste water from residential premises, Authoritying and lodging houses, hostels, hotels, public place, offices and all such establishment as are not a part of any trade or industry, and arising out of personal and normal human activities such as drinking, bathing, ablution, washing and cooking;

(ix) "drain" means a sewer, tunnel, pipe, ditch, gutter or channel or any cisters, flush-tank, septic tank or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water or sub-soil water, and includes any culvert, ventilation shaft or pipe or other appliances or fitting connected with such drain, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;

(x) "ferrule" means a ferrule connecting the connection pipe with the main;

(xi) "local body" means a Municipal Corporation, Municipal Council, Zilla Parishad or Village Panchayat established under any law for the time being in force;

(xii) "local body" means a Municipal Corporation, Municipal Council, Zilla Parishad or Village Panchayat established under any law for the time being in force;

(xiii) "Maharashtra Environmental Engineering Service" means the organization functioning for this purpose as a wing of the Urban, Development and Public Health Department of the [and comprising of the following categories of officers and servants, namely:-

(1) all Engineers belonging to the Maharashtra Environmental Engineering Service, Class I and Class II;

(2) all officers and servants, not covered under (1) above, who are appointed exclusively on the establishment of the organization and who have no lien on any post in any other Department of the Government of Maharashtra;

(3) all officers and servants belonging to the technical staff borne on Mechanical Engineering cadre of the Irrigation Department of the Government of Maharashtra, who are for the time being serving in the organisation;

(4) all officers and servants belonging to the ministerial and non-ministerial staff of the Irrigation Department, who are for the time being serving in the organization;]

(xiv) "main" means pipe laid by the local body or the Authority, as the case may be, for the purposes of giving a general supply of water as distinct from a supply to individual consumers, and includes any apparatus used on connection with such a pipe;



(xv) "Member" means a Member of the Authority, and includes the [Chairman, Co-Chairmen] of the Authority;

(xvi) "Member-Secretary" means the Member-Secretary of the Authority;

(xvii) "non-official Member" means a Member, not being an ex-officio Member;

(xviii) "occupier", in relation to any premises, means the following:-

(a) any person for the time being paying or liable to pay rent or any portion thereof to the owner in respect of those premises;

(b) an owner who is in occupation of those premises;

(c) a tenant of those premises who is exempt from payment of rent;

(d) a licensee who is in occupation of those premises, and

(e) any person, who is liable to pay damages to the owner in respect of use and occupation of those premises;

(xix) "owner", in relation to any premises, means the person who receives the rent of the said premises or who would be entitled to receive the rent thereof of the premises were let, and includes-

(a) an agent or trustee who receives such rent on account of the owners;

(b) an agent or trustee who receives the rent of, or is entrusted with the management of any premises devoted to religious or charitable purposes;

(c) a receiver or manager appointed by any Court of competent jurisdiction to have the charge of, or to exercise the rights of an owner or the said premises and

(d) a mortgagee-in-possession;

(xx) "premises" means any land or building or any part of a building;

(xxi) "prescribed" means prescribed by rules;

(xxii) "private street", "public street" and "street", in relation to any local areas, shall have the meanings assigned to them in the law relating to the local body having jurisdiction over that local area;

(xxiii) "regulation" means regulations made under this Act;

(xxiv) "rules" means rules made under this Act;

(xxv) "service pipe" means any pipe other than the connection pipe beyond the stop-cock by means of which water is supplied to any premises;

(xxvi) "sewage" means night-soil and other contents of water closets, latrines, privies, urinals, cess-pools or drains, and polluted water from sinks, bath rooms, stables and other like places, and includes trade effluents;

(xxvii) "sewer" means a closed conduit for carrying sewage, offensive matter, polluted water, waste water or sub-soil water;

(xxviii) "sewerage" means a system of collection of waste water from a community from its houses, institutions, industry and public places, the pumping treatment and disposal of such waste water, its effluent, sludge, gas and other end products;

(xxix) "stop-cock" means a stop-cock fitted at the end of the connection pipe away from the main for the purpose of switching off and regulating the water supply to any premises;

(xxx) "trade effluent" means any liquid either with or without particles of matters in suspension therein, which is wholly or in part produced or discharged in the course of any trade or industry, including agriculture and horticulture, but it does not include domestic sewage;

(xxxi) "water connection" includes-

(a) any tank, cistern, hydrant, stand-pipe, meter or tap, situated on any private property and connected with a main or other pipe belonging to the local body or the Authority, as the case may be;

(b) the water pipe connecting such a tank, cistern, hydrant, stand-pipe, meter or tap, with such main or pipe;

(xxxii) "water supply" means a system of providing water to a community for meeting its requirement for drinking and other domestic uses, industry, recreation and various public uses;

(xxxiii) "water works" includes water channel (including stream, lake, spring, river or canal, well other underground water source, pump, galleries, reservoir, cistern, tank), duct, whether covered r

open, treatment units sluice, supply main culvert, engine, water-truck, hydrants, stand-pipe, conduit and machinery, land, building or other things for supplying or used for supplying water or for protecting sources, of water supply or for treatment of water.

## CHAPTER 2

Establishment, Conduct of Business, Duties and Powers of the Authority

### **3. Establishment of the Authority :-**

(1) As soon as may be after the commencement of this Act, the State Government shall, by notification in the Official Gazette, with effect from a date to be specified therein, establish for the purposes of this Act a Authority to be called "the Maharashtra [Jeevan Authority].

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with powers, subject to the provisions of this Act, to acquire, hold or dispose of property, both moveable and immoveable, and to contract, and may sue or be sued by its corporate name aforesaid.

(3) The Authority shall be deemed to be a local authority as defined in the Bombay General Clauses Act, 1904 .

### **4. Constitution of the Authority :-**

(1) On and from the date of commencement of the Maharashtra Water Supply and Sewerage Authority (Amendment) Act, 1996 (Mah.VIII of 1996) (hereinafter in this section referred to as "the commencement date"), in place of the existing members the Authority shall consist of the following Members, namely:-

(a) the Minister for Water Supply and Sanitation ex-officio Chairman:

[(aa) the Minister for Urban Development ex-officio Co-Chairman;

[(bb) the Minister for Rural Development ex-officio Co-Chairman;

(b) the Minister of State for Water Supply and Sanitation ex-officio Chairman

(c) the Minister of State for Urban Development ex-officio Chairman;

(d) six official Members, not below the rank of Secretary to

Government to be appointed by the State Government to represent,

(i) the Water Supply and Sanitation Department,

(ii) the Urban Development Department.

(iii) the Rural Development and Water Conservation Department.

(iv) the Finance Department,

(v) the Industries, Energy and Labour Department; and

(vi) the Public Health Department;

(e) two members to be appointed by the State Government one each from amongst, -

(i) the Mayors of the Municipal Corporations and the Presidents of the Municipal Councils; and

(ii) the Presidents of the Zilla Parishads;

(f) [six members] to be appointed by the State Government who in the opinion of the State Government, have special knowledge or practical experience in the field of Water Supply or Sewerage; and

(g) the Member-Secretary to be appointed by the State Government

(2) Notwithstanding anything contained in this Act, with effect from the commencement date, all the powers, duties and functions of the Authority shall, at any time, be exercised, performed and discharged by the Members, who are for the time being holding offices specified in [clauses (a), (aa), (bb) (b)], (c) (d) and (g) of sub-section (1), and the Authority shall be deemed to be validly constituted even though all or any of the other Members may or may not have been appointed for the time being.

(3) Appointments made, from time to time, as Members under clauses (d), (e) and (f) of subsection (1) shall be published in the Official Gazette.

#### **5. Disqualification for being non-official Member :-**

A person shall be disqualified for being appointed or continuing as a non-official Member, if he-

(a) has been convicted of an offence involving moral turpitude;

(b) is an undischarged insolvent;

(c) is of unsound mind and stands so declared by a competent Court;

(d) holds, except as provided in section 6 and SECTION 7 , any office of profit under the Authority;

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

(f) is a Director, Secretary, Manager or other officer of any company, which has any share or interest in any contract or employment with, by or on behalf of, the Authority:

Provided that, a person shall not be disqualified under clause (e) or clause (f) by reason only of his or the company of which he is a Director, Secretary, manager or other officer, having share or interest in-

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

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

(iii) any newspaper in which any advertisement relating to the affairs of the Authority is published;

(iv) the occasional sale to the Authority, upto a value not exceeding ten thousand rupees in any one year, of any article in which he or the company regularly trades.

## **6. Term of office of Members :-**

(1) The Chairman, unless appointed ex-officio, shall hold office for three years. His term of officer may, however, be determined earlier by the State Government, by notification in the Official Gazette.

[(2) \* \* \*]

(3) A person appointed as Member under clause (g) of sub-section (1) of Section 4 shall hold office for three years:

Provided that, he shall cease to be a Member as soon as he ceases

to be the elected head of the local body concerned or in his term is determined earlier by the State Government by notification in the Official Gazette.

(4) A person appointed as Member under clause (h) of sub-section (1) of Section 4 shall hold office for three years:

Provided that, his term of office may be determined earlier by the State Government by notification in the Official Gazette.

(5) The Members shall be eligible for reappointment.

(6) Any Member may at any time resign his office by writing under his hand addressed to the State Government and on such resignation being accepted, he shall be deemed to have vacated his office.

#### **6A. Temporary absence of Members :-**

[(1) In the absence of the Chairman, the Minister for Urban Development being the Co-Chairman, and in the absence of the both, the Minister for Rural Development, being the other Co-Chairman, and in the absence of all the said three, the Minister of State for Water Supply and Sanitation, being the Vice-Chairman and in his absence, the Minister of State for Urban Development being the other Vice-Chairman, shall be competent to carry out the duties and functions of the Chairman.

(2) If any Member, other than an Ex-officio Member of the Authority is, by reason of illness or otherwise, rendered temporarily incapable of carrying out his duties or is granted leave of absence by the State Government, or is otherwise unable to attend to his duties, in the circumstances not involving the cessation of his membership, the State Government may appoint another person to act for him as the Member to carry out his duties and functions as are allotted by or under this Act, such person shall vacate office on the date when the Member resumes his duties.

#### **7. Term of office of Members :-**

(1) The Chairman and the Member-Secretary shall be paid from the Authority Fund such salary and allowances as may be fixed by the State Government.

(2) The other members of the Authority shall be paid such allowances as may be fixed by the State Government.

(3) If any Member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave otherwise in circumstances not involving the vacation of his appointment, the State Government may appoint another person to officiate for him and to carry out his functions under this Act.

## **8. Other provisions regarding Members :-**

(1) The Authority may appoint such officers and servants as it considers necessary for the efficient performance of its duties and discharge of its functions against posts sanctioned by the State Government. The recruitment and the conditions of service of the officers and servants of the Authority shall be determined by regulations.

[(1A)

(i) Subject to the provisions of sub-section (1), no person shall be appointed to the post of Engineer, Grade-I and Grade-II, except after consultation with the Maharashtra Public Service Commission constituted for the State of Maharashtra under the Constitution of India (hereinafter referred to as "the Commission;");

(ii) The State-Government shall, after consultation with the Authority and the Commission, make rules prescribing, -

(a) the procedure to be followed by the Commission in advertising the post, calling for application, scrutinising the same and selecting the candidates for interview;

(b) the procedure for enabling the officer or officers of the Authority to attend the interview to advise the Commission;

(c) the procedure to be followed in case there is a difference of opinion between the Authority and the Commission;

(d) the fees and other costs to be paid to the Commission by the Authority for consultation and other incidental matters;

(e) any other matter which is necessary or incidental for the purpose of consultation with the Commission.

(1B) all the fees paid to the Commission under this Section shall be credited to the State Government.

(2) The Authority may, with the previous approval of the appropriate Government, appoint a servant of the Central

Government or the State Government as an employee of the Authority on such terms and conditions as it thinks fit.

(3) Subject to the superintendence of the Authority, the Member-Secretary shall be the Chief Executive Officer of the Authority. He shall supervise and control all its officers and servants including any officers of Government appointed on deputation to the Authority.

**9. Authentication of orders etc, of the Authority :-**

All proceedings of the Authority shall be authenticated by the signature of the Chairman or of any Member authorised by the Chairman and all other orders and instruments of the Authority shall be authenticated by the signature of the Member-Secretary or of any other officer of the Authority as may be authorised in this behalf by regulations.

**10. Assistance of Government Officers, etc :-**

The Authority may invite any officer of Government or local body or other person to attend its meeting for the purpose of assisting or advising it on any matter. The person so invited may take part in the proceedings of the Authority, but shall have no right to vote.

**11. Delegation of powers :-**

Subject to the provisions of this Act, the Authority may, by general or special order, delegate, either unconditionally or subject to such conditions, including the condition of review by itself, as may be specified in the order, to any committee appointed by it or to the Chairman or the Member-Secretary or any other officer of the Authority such to its powers, duties and functions under this Act as it deems fit, not being its powers, duties and functions under section 34 , 66 and 67.

**12. Disqualification for participation in proceedings of the Authority or Committee on account of interest :-**

(1) Any Member of the Authority or of a committee appointed by the Authority, who-

(a) has any share or interest of the nature described in clause (e) or clause (f) of Section 5 in respect of any matter, or

(b) has acted professionally, in relation to any matter on behalf of any person having therein any such share or interest as aforesaid,

Section 5 , vote or take part in any proceedings (including any discussion on any resolution or question) of the Authority or



committee thereof relating to such land is considered.

(2) If any Member of the Authority or of a committee appointed by the Authority has directly or indirectly any interest in any area in which to is proposed to acquire land for any of the purposes of this Act, he shall not take part in any meeting of the Authority or committee thereof in which any matter relating to such land is considered.

(3) Nothing in sub-section (1) or (2) shall prevent any Member of the Authority or a committee thereof from voting on, or taking part on the discussion of, any resolution or question relating to any subject other than a subject referred to in these sub-sections.

**13. Acts not to be invalidated by vacancy, informality, etc :-**

No Act done or proceedings taken under this Act by the Authority or a committee appointed by the Authority shall be invalidated merely on the ground of-

(a) any vacancy of a Member or any defect in the constitution or reconstitution of the Authority or a committee thereof; or

(b) any defect or irregularity in the appointment of a person as a Member of the Authority or of a committee thereof; or

(c) any defect or irregularity in such act or proceedings, not affecting the substance.

**14. Duties and functions of the Authority :-**

The duties and functions of the Authority shall be as follows, namely:-

(a) to prepare, execute, promote and finance the schemes for supply of water and for sewerage and sewage disposal;

(b) to render all necessary services in regard to water supply and sewerage to the State Government and local bodies and on request to private institutions or individuals also;

(c) to prepare draft State Plans for water supply, sewerage and drainage on the directions of the State Government;

(d) to review and advise on the tariff, taxes, fees and charges of water supply and sewerage systems, in the areas of the Authority and the local bodies which have entered into an agreement with the Authority;

- (e) to assess the requirements of materials and arrange for their procurement and utilization;
- (f) to establish State standards for water supply and sewerage services;
- (g) to review annually the technical, financial, economic and other aspects of water supply and sewerage system of every scheme of the Authority or the local bodies which have entered into an agreement with the Authority;
- (h) to establish and maintain a facility to review and apprise the technical, financial, economic and other pertinent aspects of every water supply and sewerage scheme in the State;
- (i) to operate, run and maintain any water works and sewerage system, if and when directed by the State Government, on such terms and conditions and for such period as may be specified by the State Government;
- (j) to assess the requirements for man-power and training in relation to water supply and sewerage services in the State;
- (k) to carry out applied research for efficient discharge of the duties and functions of the Authority;
- (l) to perform such of the duties and functions, which are being performed by the Maharashtra Environmental Engineering Service, as may be specified, from time to time, by the State Government.
- (m) to perform and discharge such other duties and functions as are allotted to the Authority under other provisions of this Act or as may be entrusted to it by the State Government.

#### **15. Powers of the Authority :-**

- (1) The Authority shall, subject to the other provisions of this Act, have power to do anything which may be necessary or expedient for performing its duties and discharging its functions under this Act.
- (2) Without prejudice to the generality of the foregoing provisions, such powers shall includes the power-
  - (a) to inspect all water supply and sewerage facilities in the State by whomsoever they are operated;
  - (b) to obtain such periodic or specific information from any local

body and operating agency as the Authority may deem necessary;

(c) to provide training for its own personnel as well as for employees of the local bodies;

(d) to prepare and carry out schemes for water supply and sewerage;

(e) to lay down the schedule of fees and other charges for all kinds of services rendered by the Authority to the State Government, local bodies, institutions or individuals;

(f) to enter into contract or agreement with any person or persons as the Authority may deem necessary, for performing its duties and discharging its functions under this Act;

(g) to adopt its own budget annually;

(h) to approve tariffs for water supply and sewerage services applicable to respective local areas comprised within the jurisdiction of the Authority and such local bodies as have entered into a agreement with the Authority;

(i) to manage all its affairs so as to provide the people of the area within its jurisdiction with wholesome water and, where feasible, efficient sewerage service;

(j) to take such other measures, as may be necessary, to ensure water supply in times of any emergency;

(k) to acquire, possess and hold lands and other property and to carry any water or sewerage works through, across, over or under any highway, road, street, or place and, after reasonable notice in writing to the owner or occupier, into, through over or under any building or land;

(l) to abstract water from any natural source and dispose of waste water;

(m) to raise, borrow or secure money on such terms and conditions as may be expedient, and in particular by way of loans and advance, deposits and issue of debentures and obtain subventions or mortgages from public institutions like the Life Insurance Corporation of India, Banks and any international organizations or from the State and Central Government, for drinking water supply and sewerage schemes or any other schemes for improvement of sanitation;

- (n) to receive grants from the State Government, the Central Government and the local bodies for water supply and sewerage or any other sanitation improvement schemes;
- (o) to repay instalments of loans and pay interest on the principal thereof to the lenders as per mutually agreed terms and conditions;
- (p) to advance loans to the local bodies or Government for their water supply and sewerage schemes on such terms and conditions as may be specified by the Authority;
- (q) to recover from the local bodies or Government principal and interest thereon in respect of loans advanced to them by the Authority;
- (r) to incur such expenditure as the Authority may deem necessary for performing its duties and functions under this Act;
- (s) to exercise such other power as are conferred on the Authority under other provisions of this Act.

**16. Powers of the Authority to give directions and to call for returns, reports, etc :-**

- (1) Notwithstanding anything contained in any other law for the time being in force, the Authority may give such directions to any local body, with regard to the implementation of any water supply or sewerage scheme financed by it under clause (a) of Section 14 , as it thinks fit, and such body shall be bound to comply with such directions.
- (2) In case any local body is aggrieved by any such directions or experiences any difficulty in complying with the same, it shall refer the matter to the State Government, whose decision thereon shall be final.
- (3) The Authority shall have power to call for any return, statement of accounts, report, statistics or other information from any local body or other or individual, which is required by it for the exercise of its powers and performance and discharge of its duties and functions under this Act, and such body or individual shall be bound to furnish such information.

**17. Supervision and centage charges :-**

The Authority may include in the cost of any scheme or work the execution or further execution whereof is undertaken under clause

(a) of Section 14 , supervision and centage charge at such rate, not exceeding such limit as may be prescribed, as it may determine under clause (e) of sub-section (2) of Section 15 .

### CHAPTER 3

Vesting of Property, Assets, Liabilities and Obligations and Transfer of Employees

#### **18. Vesting and transfer of property to the Authority :-**

(1) From such different dates as may be specified, from time to time, by the State Government (hereinafter in this Section referred to as "the appointed date"),-

(a) the properties and assets (including water works, buildings, laboratories, stores, vehicles, furnitures and other furnishing), specified in that behalf, which immediately before the appointed date, were vested in the State Government for the purposes of the Maharashtra Environmental Engineering Service, shall vest in and stand transferred to the Authority; and

(b) the rights, liabilities and obligations of the State Government, whether arising out of any contract or otherwise, pertaining to the said Service, shall be the rights, liabilities and obligations of the Authority.

(2) Such properties, assets, rights, liabilities and obligations shall be valued in such manner as the State Government may determine.

(3) All suits and other legal proceedings with respect to the matters referred to above instituted or to be instituted or defended by or against the State Government before the appointed date may be continued, or instituted, or defended by or against the Authority.

#### **19. Decision of the State Government on the vesting of property to be final :-**

Where any doubt or dispute arises as to whether any property or asset has vested in the Authority under Section 18 or any rights, liabilities or obligations have become the rights, liabilities and obligations of the Authority under that Section, such doubt or dispute shall be referred to the State Government, whose decision shall be final.

#### **20. Vesting of existing water supply and sewerage services in the Authority :-**

(1) Notwithstanding anything contained in any law for the time being in force, the Authority may, at any time, with the previous approval of the State Government, take over any water supply and sewerage services for maintenance or augmentation or improvement from any local body, and in such cases-

(a) all the existing water supply and sewerage services, sewage 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 buildings, lands and other works, materials, stores and things appertaining thereto, belonging to or vested in that local body;

(b) so much of the sub-soil appertaining to the said water mains and sewers as may be necessary for the purpose of enlarging, deepening or otherwise repairing or maintaining, any such water mains and sewers or any pipes and other appliances and fittings connected with such water supply and sewerage services and sewage works and sewage farms; and

(c) all rights, liabilities and obligations of such local body relating to the things mentioned in clauses (a) and (b), including the right to recover arrears of water tax and sewerage tax, by whatever name called, and of any cost or fees or charges relating to water supply and sewerage services and also including liabilities arising from any loans advanced by Government or any other person to the said local body for the things aforesaid, other than loans diverted to or utilized for purposes other than those referred to in clauses (a) and (b),

(2) Such properties, assets, rights, liabilities and obligations shall be valued in such manner as the State Government may determine.

(3) Where any doubt or dispute arises as to whether any property or asset has vested in the Authority under sub-section (1) or any rights, liabilities or obligations have become the rights, liabilities or obligations of the Authority under this Section, such doubt and dispute shall be referred to the State Government, whose decision shall be final and binding on the Authority and the local body concerned.

(4) For taking over any properties or assets of the local body, the Authority shall pay to that body such amount as may be mutually

agreed upon. In the absence of any such agreement, the State Government shall determine the amount to be paid to the local body on the basis of the valuation made under sub-section (2) and after taking into consideration the statutory duty of the local body to provide water supply and sewerage services, the grants received by the local body, from time to time, the outstanding loan liabilities of the local body, and such other relevant factors. The decision of the State Government shall be final and binding on both parties.

**21. Authority to assume obligations in respect of matters to which this Act applies for water works taken over from local bodies :-**

In respect of water works taken over from a local body by (he Authority, all debts and obligations incurred, all contracts entered into, all matters and things engaged to be done by, with or for any local body prior to taking over the water works by the Authority shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Authority; and all suits or other legal proceedings instituted or which might, but for transfer and vesting under sub-section (1) of Section 20 , have been instituted or defended by or against the local body, may be continued or instituted or defended by or against the Authority.

**22. Co-ordination of activities of the Authority and other local bodies :-**

If the State Government is of opinion that it is in the public interest that the Authority and other local bodies having jurisdiction over contiguous areas should co-ordinate their activities in relation to water supply services or a sewerage services or both, it may issue such directions to the Authority and the other local bodies concerned as it may think fit. It shall be the duty of the Authority and other local bodies to comply with such directions.

**22A. Posting appointment of Engineers in Zilla Parishad, and Maharashtra Jeevan Authority, respectively :-**

(1) On the directions issued by the State Government, the Authority shall post, from time to time, to work under the Zilla Parishads constituted under the Maharashtra Zilla Parishad and Panchayat Samitis Act, 1961 (Mah.V of 1962), such number of Deputy Engineers (Grade-II) and Executive (Grade-I), from its cadre of Engineers, having due regard to exigencies of services in Zilla Parishads for such period and on such terms and conditions as may be decided by the Authority and the concerned Zilla Parishad.

Provided that the terms and conditions of service of such person shall not be less advantageous than those applicable to them immediately before such positng.

(2) The Authority shall make a provision in consultation with the State Government, in its recruitment rules for the post of Engineers (Grade-II), so as to make eligible for appointment, on the establishment of the Authority, the employees of the District Technical Services (class-II), specified in the said rules, and the State Government shall prepare a select list of the employees of the District Technical Services (Class-II), for appointment of such employees to the post of Engineer (Grade-II), in the Authority.

(3) Where under the recruitment rules for the Engineer (Grade-II), of the Authority, the employees of the District Technical Services (class-II), specified therein, are made eligible for appointment in such Engineer (Grade II) service, the Authority or an officer authorised by it in that behalf, in consultation with the State Government and the employee concerned, and having due regard to the exigencies of service in the Authority and also in the Zilla Parishad by order in writing appoint, from time to time, such employees in the authority from the select list, prepared of the employees of the District Technical Services (class III) not earlier than one year from the date of such appointment, by the State Government.

(4) The employees from the District Technical Services (class III), appointed in Engineer (Grade-II) service of the Authority shall be the officers of the Authority and shall be governed by the conditions of service made by the Authority for the posts: Provided that any service rendered by any such employee under the concerned Zilla Parishad shall be deemed to be the service rendered under the Authority.

(5) It shall be the duty of the Authority and the Zilla Parishad to comply with the directions issued by the State Government in this behalf.

**22AA. Power of State Government to depute Government employees entrusted to Maharashtra Jeevan Authority to Zilla Parishads :-**

Where on transfer or entrustment of powers and functions of the Authority to the Zilla Parishads or Panchayat Samitis, by or under



this Act, any posts in a cadre of class III or class IV service of the Authority, have been or are rendered surplus to the requirements of the Authority, the State Government may, having due regard to the increase of work and exigencies of the services in the Zilla Parishads, direct the Authority to depute, from time to time, persons holding posts in such cadres, to the Zilla Parishads for such a period and on such terms and conditions, as may be decided by the State Government in consultation with the Authority, and the Zilla parishads shall take them on deputation:

Provided that, no person so deputed shall be entitled to any deputation allowance or to be repatriated to service under the Authority during his deputation:

Provided further that, the terms and conditions of service of such persons shall not be less advantageous than those applicable to them immediately before such deputation.

**22AAA. Provisions for voluntary allotment or premature retirement of employees falling under section 22AA :-**

If any posts, in a cadre of Class-III or Class-IV service of the Authority have been or are rendered surplus to the requirements of the Authority and are, therefore, required to be abolished, then the State Government may, by general or special order, direct the Authority to give an option to the concerned employees to assent to be finally allotted to the Zilla Parishads or permit them to retire prematurely from the service of the Authority from such date as may be specified in the order, by the State Government. The position in this behalf shall be conveyed by the Authority to the State Government and the State Government may, by an order in the official Gazette allot such surplus stall to each of the zilla parishads with due regard to the exigencies of services; and such Zilla parishad shall take them over from the said date:

Provided that, no person so taken over shall be entitled to be repatriated to service under the Authority:

Provided further that, such employee who opt for retirement, shall be entitled to such terminal benefits as pension or gratuity as applicable to him (but not compensation), which terminal benefits shall not be less favourable than the benefits he would have been entitled to, had his services ceased under the Authority on the date specified in the order.

**23. Transfer of \*[certain] Government employees to the**

**Authority :-**

(1) On and after the establishment of the Authority, the State Government may from time to time, direct that the services of such of the existing officers and servants of the State Government in the Maharashtra Environmental Engineering Service [who belong to the categories of officers and servants referred to in entire (1) and (2) in clause (xiii) of Section 2 and] who in its opinion, are rendered surplus to its requirements, shall stand terminated and their posts shall stand abolished, from such date as may be specified by it (hereinafter in this Section referred to as "the appointed date"), and shall on that date (which may be different for different officers and servants) become the officers or servants of the Authority.

(2) Every permanent or temporary employee of the Maharashtra Environmental Engineering Service in respect of whom a direction is issued under sub-section (1) shall, on and from the appointed date, be a permanent or temporary employee of the Authority, as the case may be, against a permanent or temporary post, which shall stand created in the establishment of the Authority with effect from the appointed date.

(3) Any officer or servant so transferred shall hold his office under the Authority by the same tenure, at the same remuneration and upon the same other conditions of service and with the same rights and privileges as to pension, gratuity, provident fund and other matters as he would have held on the appointed date if this Act had not come into force. Any service rendered by him under the State Government shall be deemed to be service rendered by him under the State Government shall be deemed to be service rendered under the Authority is duly nominated or his remuneration or other conditions of service are duly revised or altered by the Authority in pursuance of the law which for the time being governs his conditions of service;

Provided that, the conditions of service applicable immediately before the appointed date to the case of any such officer or servant shall not be varied to his disadvantage, except with the previous approval of the State Government.

(4) The sums standing to the credit of the employees referred to in sub-section (1) in any pension, provident fund, gratuity or other like funds constituted for them shall be transferred by the State Government to the Authority along with any accumulated interest

due till the appointed date and with the accounts relating to such funds. On and after the appointed date, the Authority shall, to the exclusion of the State Government, be liable for payment of pension, provident fund, gratuity or other like sums as may be payable to such employees at the appropriate time in accordance with the conditions of their service,

(5) Notwithstanding anything contained in the Industrial Disputes Act, 1947 , or in any other law for the time being in force, the transfer of services of any employee to the Authority under sub-section (1) shall not entitle any such employee to any compensation under that Act or such other law and no such claim shall be entertained by any Court, tribunal or authority

(6) Nothing contained in sub-section (1) shall apply to any employee who by notice in writing given to the State Government within two months from the appointed date or such extended time as the State Government may, by general or special order, specify, intimates his intention of not becoming or continuing as an employee of the Authority. Where such notice is received from any employee.

(a) in case of a permanent employee, he shall be allowed to retire giving him the benefit of pension, gratuity, provident fund and other benefits accrued to him had he retired from the Government service on the appointed date;

(b) in case of a temporary employee, his services shall stand terminated after giving him notice or remuneration in lieu of notice as per the existing service rules of the State Government.

(7) Notwithstanding anything contained in the foregoing sub-sections-

(a) no person employed in the Maharashtra Environmental Engineering Service against whom any disciplinary proceeding is pending or to whom any notice or order of termination of his services or compulsory retirement has been issued before the date of commencement of this Act shall be transferred to the Authority, and such person may be dealt with after the said date in such manner and by such authority as the State Government may be general or special order specify in this behalf;

(b) if the services of any employee of the State Government stand transferred under sub-section (1) to the Authority, the Authority

shall competent after such transfer to take such disciplinary or other action as it thinks fit against or in respect of such employee having regard to any act or omission or conduct or record of such employee while he was in service of the State Government.

**23A. Power of State Government to depute certain Government employees to the Authority :-**

(1) Where on account of conferment of any powers, duties and functions on the Authority by or under this Act, in the opinion of the State Government any posts in the Maharashtra Environmental Engineering Service of any officers and servants belonging to categories referred to in entries (3) and (4) in clause (xiii) of Section 2 , have been rendered or are likely to be rendered surplus, wholly or partially, to the requirements of the State Government or where the services of any such officers and servants are required by the Authority for efficient exercise of its powers, performance of its duties or discharge of its functions, the State Government, the Head of the department of the State Government or any officer authorised by the State Government in this behalf may, from time to time, having regard to the necessity therefore, by order depute such officers and servants to the Authority. and the Authority shall take them over and employ them on deputation, subject to the provisions of this Section.

(2) The period of deputation of any such employee to the Authority shall be two years from the date he is taken over by the Authority (hereinafter in this Section referred to as "the appointed date"), except when, with the consent of the Authority and the State Government, he elects to remain on deputation for a longer period not exceeding five years in the aggregate, or except when he is recalled to Government service at any time by the State Government in consultation with the Authority. After expiry of the period of deputation, he shall stand repatriated to service under the State Government.

(3) Any employee so deputed shall have an option, which shall be exercised by him within a period of one year from the appointed date by giving a notice in writing to the State Government, requesting the State Government to permits him to revert to Government service after the expiry of the period of two years of deputation or to permit him to be absorbed in the service of the Authority. If the Authority agrees to absorb him in its service on the same terms and conditions as are laid down in Section 23, he

shall become an employee of the Authority from the date specified by it and the provisions of Section 23 shall, mutatis mutandis, apply to him as if he were transferred to the Authority under that Section. If any employee fails to give notice as aforesaid in time, he shall be deemed to have opted to revert to Government service after the expiry of the period of two years of deputation.

(4) If during the period of the first two years of compulsory deputation employee concerned is entitled to promotion in his parent Department, he shall at his request in writing be permitted to revert to his parent Department or to get proforma promotion if he continues on deputation with the Authority.

(5) No employee on deputation to the Authority shall be entitled to any deputation allowance. Section 23A was inserted by Man. 8 of 1980, s. 4.

(6) The salaries and allowances of employees on deputation to the Authority shall be paid from the Authority Fund.

(7) Save as otherwise provided in this Section, the terms and conditions of service of employees on deputation to the Authority shall not be less advantageous than those applicable to them immediately before deputation and shall not be varied to their disadvantage except with the previous sanction of the State Government.]

#### CHAPTER 4

Contract, Finance, Account and Audit

#### **24. Execution of contracts etc :-**

Every contract or assurance of property on behalf of the Authority shall be in writing and executed by such authority or officer and in such manner as may be provided by regulations.

#### **25. Authority Fund :-**

The Authority shall have its own fund to be called "the Authority Fund", which shall be deemed to be a local fund and to which shall be credited all money received by or on behalf of the Authority, otherwise than by way of loans.

#### **26. Other funds of the Authority :-**

(1) The Authority shall also have another fund to be-called "the loan Fund", which shall also be deemed to be a local fund and to which shall be credited all money received by or on behalf of the

Authority by way of loans.

(2) Without prejudice to the provisions of Section 25 or sub-section (1) of this Section, the Authority may, with the previous approval of the State Government, constitute such other funds as may be necessary for the efficient performance of its duties and discharge of its functions under this Act.

**27. General principles for the Authoritys fnance :-**

The Authority shall not, as far as practicable, and after taking credit for any grant or subvention from the State Government under Section 58, carry on its operation under this Act at a loss.

**28. Grants and subventions to the Authority :-**

The State Government may, under appropriation duty made in this behalf, from time to time, make grants and subventions to the Authority for the purposes of this Act, on such terms and conditions as the State Government may determine.

**29. Loans to the Authority :-**

The State Government may, from time to time, advance loans to the Authority on such terms and conditions, not inconsistent with the provisions of this Act, as the State Government and the Authority may agree upon.

**30. Initial contribution of Government to the Authority Fund :-**

Under appropriation duly made in this behalf, the State Government may make an initial contribution to the Authority Fund of rupees one crore or such lesser sum as it thinks fit.

**31. Power to borrow and refund :-**

(1) The Authority may, from time to time, with the previous sanction of the State Government and subject to the provisions of this Act and to such conditions as the State Government may, by general or special order, impose, borrow any money required for the purposes of this Act by making arrangements with the Banks or other bodies or institutions approved by the State Government for this purpose.

(2) The Authority may advance any part of such borrowings to any local body for the performance of its duties and discharge of its functions relating to water supply and sewerage services on such terms and conditions as the Authority may determine.

### **32. Depreciation reserve :-**

The Authority shall create a depreciation reserve and make annual provision therefore in accordance with such principles as may be prescribed.

### **33. Government as guarantor :-**

The State Government may guarantee the repayment of any loan and payment of interests on all or any of the loans given or transferred to the Authority for the purposes of this Act.

### **34. Accounts and audit :-**

(1) The Authority shall, before the commencement of, and may at any time during a financial year, prepare a statement or a supplementary statement, as the case may be, of its activities during that year as well as a financial estimate in respect thereof and the same shall be submitted to the State Government in such form and by such dates as the State Government may, by general or special order, direct, for the previous approval of the State Government:

Provided that, in the event of such previous approval not being received before the commencement of the financial year for which such financial statement has been submitted, the Authority shall be entitled to expend on all accounts upto an amount not exceeding the amount approved for the corresponding period of the previous financial year and such amount shall not include any sum spent out of the grants and subventions during the said period.

(2) The Authority shall cause to be maintained such proper books of account and other books in relation to its accounts and prepare the balance sheet in such form and manner as the regulations may require.

(3) The accounts of the Authority shall be audited by such Auditor, in such manner and at such times, as the State Government may, by general or special order, direct. The Auditor so appointed shall have such powers of requiring the production of documents and the furnishing of information respecting such matters, and shall have such powers in respect of disallowance and surcharge as may be prescribed.

(4) The accounts of the Authority as certified by the Auditor together with the audit report thereon shall be forwarded annually to the State Government, who may issue such directions to the

Authority as it may deem fit and the Authority shall comply with such directions.

(5) The State Government shall cause the accounts of the Authority to be published in such manner as it thinks fit.

## CHAPTER 5

### Fees and Charges

#### **35. Cost of water :-**

(1) The Authority shall, by notification in the Official Gazette, fix the cost of water to be supplied according to volume, and also the minimum cost to be charged in respect of each connection.

(2) The Authority may, in lieu of charging the cost of water according to volume, accept from any consumer a fixed sum for a specified period on the basis of expected consumption of water during that period.

#### **36. Cost of disposal of waste water :-**

(1) The Authority shall, by notification in the Official Gazette, fix the cost of disposal of waste water according to its volume (which may be such percentage of the volume of total water supplied to the consumer as may be prescribed), and also the minimum cost to be charged in respect of such disposal.

(2) The Authority may, in lieu of charging the cost of disposal of waste matter according to the basis stated in sub-section (1), accept from any consumer a fixed sum for a specified period on the basis of expected disposal of waste water during that period.

#### **37. Meter rent and fees for services :-**

(1) The Authority may provide water meters and charge such rent for the meter as may be provided in the bye-laws,

(2) The Authority may charge fees for connection, disconnection, re-connection of any water supply or sewer or testing or supervision or for any other service rendered or work executed or supervised at such rates as may be provided by the bye-laws.

#### **38. Deposits :-**

The Authority may by bye-laws provide for requiring any consumers or class of consumers to deposit such sums as may be specified therein as security for prompt payment of its dues and due



performance of the conditions subject to which services are rendered to them. It shall be lawful for the Authority to recover its dues from the amount so deposited.

**39. Recovery of sums due to the Authority :-**

Any sum due to the Authority on account of cost of water, cost of disposal of waste water, meter rent fees, charges or otherwise under this Act, shall without prejudice to any other mode of recovery, be recoverable as arrears of land revenue.

**CHAPTER 6**

**Water Supply**

**40. Definition of supply of water for domestic purposes :-**

The supply of water for domestic purposes under this Act means supply for any purpose, except the following, namely :-

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

**41. Water supply for domestic purposes not to be used for non-domestic purposes :-**

No person shall, except in such circumstances or subject to such conditions as may be provided by the bye-laws, use or allow to be used water supplied by the Authority for domestic purposes for any other purpose.

**42. Licensed plumbers :-**

- (1) No person, other than a plumber licensed by the Authority shall

execute any work in respect of a water connection not being work of a trivial nature and no person shall permit any such work to be executed by a person other than a licensed plumber.

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

#### **43. Prohibition of wastage of water :-**

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

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

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

#### **44. Power to cut off water supply :-**

(1) The Authority may cut off the water supply from any premises-

(a) if any fee, rental, cost of water or any charge or other sum due under this Act, is not paid within a period of fifteen days after service of a bill for the same; or

(b) if after the receipt of a written notice from the Authority requiring him to refrain from so doing, the consumer continues to use the water or to permit the same to be used in contravention of the provisions of this Act or any rules or regulations or bye-laws; or

(c) if the consumer damages or causes to be damaged the water meter or any connection pipe or ferrule; or

(d) if the consumer refuses to admit any officer or servant of the Authority duly authorised in this behalf into the premises which he proposes to enter for the purpose of executing any work or placing

or removing any apparatus or of making any examination or inquiry in connection with the water supply or prevents any such officer or servant from executing any work or placing or removing any apparatus or making such examination or inquiry; or

(e) if the service pipe or any tap or other fitting or work connected therewith is found on examination by an officer or servant of the Authority duly authorised in this behalf to be out of repair to such an extent as to cause wastage or contamination of water and immediate prevention thereof is necessary: or

(f) if the consumer causes or allows to be caused the service pipe or any tap or other fitting or work connected therewith to be placed, removed, repaired or otherwise interfered with in contravention of the provisions of this Act or of the rules or regulations or bye-laws; or

(g) if by reasons of leakage in the service pipe or any tap or other fitting or work damage is caused to a public street and immediate prevention thereof is necessary.

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

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

#### **45. Prohibition of certain acts :-**

(1) No person shall-

(a) willfully obstruct any person acting under the authority of the Authority in setting out the lines of any work or pull up or remove any pillar, post or stay fixed in the ground for the purpose of setting out the lines of such works, or deface or destroy any works made for the said purpose; or

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

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

(d) obstruct any officer or servant of the Authority in the performance and discharge of his duties and functions under this Chapter or refuse or willfully neglect to furnish him with means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any water works; or

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

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

## CHAPTER 7

### Sewerage

#### **46. Right of owner or occupier to obtain sewer connection**

**:-**

The owner or occupier of any premises shall be entitled to empty sewage of the premises into a sewer of the Authority, provided that, before doing so, he,-

(a) obtains written permission of the Authority and pays connection fee and other charges in accordance with the bye-laws; and

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

#### **47. Power to require owner to have sewer connection :-**

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

#### **48. Prohibition of connection with sewer without**

**permission :-**

No person shall, without the permission of the Authority, make or cause to be made any connection or communication with any sewer of the Authority.

**49. Prohibition of construction of private street or building over sewer without permission :-**

No person shall, without the permission of the Authority, construct any private street, building or other structure on any sewer of the Authority.

**50. Power to affix shaft etc, for ventilation of sewer or cess pool :-**

The Authority may, for the purpose of ventilating any sewer or cess-pool, whether vested in the Authority or not, erect upon any premises or affix to the outside of any building, or to any tree, any shaft or pipes as may appear to it to be necessary.

**51. Power to examine and test sewer etc. believed to be defective :-**

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

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

**52. Prohibition of certain other acts :-**

No person shall-

(a) willfully obstruct any person acting under the authority of the Authority under this Chapter in setting out the lines of any works or pull up or remove any pillar, post or stay fixed in the ground for the purposes of setting out lines of such work or deface or destroy any works made for the said purposes; or

(b) willfully or negligently break, injure, turn on, open, close, shut

off or otherwise interfere with any lock, valve, pipe or other works or apparatus belonging to the Authority and pertaining to its duties and functions under this Chapter; or

(c) unlawfully obstruct the flow of, or flush, draw off or divert or take sewage from any works belonging to the Authority; or

(d) obstruct any officer or servant of the Authority in discharge of his duties under this Chapter or refuse or willfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any sewage works.

### **53. Power of entry, survey etc :-**

(1) Any officer or servant of the Authority authorised by it in that behalf, may, with or without assistants or workmen; enter into or upon any premises in order-

(a) to make any inspection, survey, measurement, valuation or inquiry;

(b) to take levels;

(c) to dig or bore into the sub-soil;

(d) to set out the boundaries and the intended lines of work;

(e) to mark such levels, boundaries and lines by placing marks and cutting trenches; or

(f) to do any other thing necessary for the purposes of this Act or any rules or regulations or bye-laws;

Provided that, in exercising the powers under this sub-section due regard shall be paid by the officer or servant of the Authority concerned to the social and religious customs of the occupants of the premises.

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

(3) It shall be lawful for any authorised officer or servant to make

any entry into any place to open or cause to be opened any door, gate or other barrier-

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

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

#### **54. Power to disinfect tanks, pools and wells :-**

Any officer or servant authorised by the Authority in that behalf may have any tank, pool or well, cleaned or disinfected after notice to the owner or occupier, if any, when it appears that such cleaning or disinfection will prevent or check the spread of any dangerous disease. The cost of cleaning or disinfection shall be recoverable by the Authority from the owner or occupier of such tank, pool or well.

### **CHAPTER 8**

#### **Penalties and Procedure**

#### **55. General penalty :-**

Whoever contravenes the provisions of this Act or of any rule or bye-law or fails to comply with any notice, order or requisition issued under this Act or any rule or bye-law, shall, on conviction, be punished with fine which may extend to one thousand rupees, and with further fine which may extend to fifty rupees for every day on which such contravention or failure continues after the first conviction.

#### **56. Cognizance of offence :-**

No Court shall take cognizance of any offence under this Act, except on the complaint of the Authority made within six months next after the commission of the offence.

#### **57. Offences by companies :-**

(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was responsible to the company for the conduct of its business 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 exercised

all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any 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 any 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.

**58. Power to arrest person committing an offence and refusing to give name and address :-**

It shall be lawful for any officer of the Authority authorised by it in this behalf to arrest and hand over to the officer in charge of the nearest police station any person who commits or is suspected to have committed an offence punishable under Section 55 and who on demand refuses to give his true name and address or where there is officer shall adopt such legal measures as may be necessary to cause that person to be taken before a Magistrate with the least possible delay.

**59. Compounding of offences :-**

(1) The Member-Secretary or any other officer of the Authority authorised by it by general or special order in that behalf may, either before or after the institution of proceedings for any offence punishable under this Act. accept from any person charged with such offence by way of composition of the offence a sum not exceeding two thousand rupees, as he thinks proper.

(2) On payment of such sum, no further proceedings shall be taken against the said person in respect of the same offence.

**CHAPTER 9**

**External Control**

**60. Directions to the Authority on questions of policy :-**

(1) In the performance of its duties and discharge of its functions,



the Authority shall be guided by such directions on question of policy as may be given to it, from time to time, by the State Government.

(2) If any question arises whether any matter is or is not a matter as respects which the State Government may issue a direction under sub-section (1), the decision of the State Government shall be final.

### **61. Annual report, statistics, returns and other information by the Authority :-**

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

(2) The Authority shall also furnish to the State Government at such times and in such form and manner as the State Government may direct such statistics and returns and such particulars in regard to any proposed or existing activities of the Authority or any other matter under the control of the Authority as the State Government may, from time to time, require.

## **CHAPTER 10**

### **Miscellaneous**

### **62. Duty of local bodies to assist :-**

(1) All local bodies shall render such help and assistance and furnish such information to the Authority and shall make available for the inspection and examination of (and of necessary, preparation of copies from) such records, maps, plans, and other documents as the Authority may require to perform and discharge its duties and functions under this Act.

(2) Without prejudice to the provisions of sub-section (1), every local body shall on demand make available to the Authority on payment of reasonable fees certified copies or extracts from assessments lists and other relevant documents in connection with

assessment of annual value of premises and levy of taxes, fees and charges.

(3) Without prejudice to the provisions of this Act and notwithstanding anything contained in any other law for the time being in force under which any local body is constituted, the State Government may give to any local body such directions as in its opinion may be necessary or expedient for enabling the Authority to perform its duties and discharge its functions under this Act, and thereupon it shall be the duty of the local body to comply with such directions.

**63. General power to pay compensation :-**

In any case not otherwise expressly provided for in this Act, the Authority may pay reasonable amount as compensation to any person who sustains damage by reason of the exercise of any power vested by or under this Act in the Authority.

**64. Protection for acts done in good faith :-**

No suit, prosecution or other legal proceedings shall lie against the State Government, the Authority or the Members or any officer or servant of the State Government or of the Authority for anything which is in good faith done or purported or intended to be done in pursuance of this Act or any rules, regulations or bye-laws.

**CHAPTER 11**

**Rules, Regulations and Bye-laws**

**65. Rules :-**

(1) The power to make rules under this Act shall be exercisable by the State Government by notification in the Official Gazette.

(2) Without prejudice to any power to make rules contained elsewhere in this Act, the State Government may make rules consistent with this Act to carry out the purposes of this Act.

(3) All rules made under this act shall be subject to the condition of previous publication.

(4) Every rule made under this Act shall be laid, as soon as may be after it is made before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in

making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

## **66. Regulations :-**

(1) The Authority may, with the previous approval of the State Government, make regulations consistent with this Act and the rules, for the administration of its affairs.

(2) Without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

(a) the summoning and holding of meetings of the Authority and of the committees appointed by it, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of persons necessary to form a quorum therest;

(b) the recruitment and the salaries and allowances and other condition of service of employees of the Authority;

(c) the powers and duties of the employees of the Authority;

(d) the management of the property of the Authority;

(e) the execution of contracts and assurances of property on behalf of the Authority and authentication of orders and instruments of the Authority;

(f) the limits upto which the Member-Secretary shall be competent to incur recurring or non- recurring expenditure in any financial year;

(g) the maintenance of accounts and the preparation of balance sheet by the Authority;

(h) the procedure for carrying out me duties and functions of the Authority under this Act;

(i) any other matter for which provision is to be or may be made by regulations.

(3) Until any regulations are made by the Authority under sub-

section (1), any regulations which may be made by it may be made by the State Government, and any regulations so made may be altered or rescinded by the Authority in exercise of its power under sub-section (1).

**67. Bye-laws :-**

(1) The Authority may, with the previous approval of the State Government, make bye-laws consistent with this Act and the rules, for carrying out the purposes of this Act in respect of any matter affecting the general public.

(2) Without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the following matters, namely:-

(a) the terms and conditions for supply of water for domestic or other purposes;

(b) the installation of meters or the transfer of their connection, and their use, maintenance, testing, disconnection and reconnection, the fees, rent and other charges in respect thereof, including the furnishing of security by the consumer and matters connected therewith;

(c) the fees, rent and other charges to be paid for connection with a sewer of the Authority and other terms and conditions for such connections;

(d) any other fees and charges to be paid to the Authority for services to the consumers;

(e) any other matter for which provision is to be or may be made by bye-laws.