

	राजस्थान राजपत्र	Regd. No. RJ. 2539
		RAJASTHAN GAZETTE
	विशेषांक	Extraordinary
	साधिकार प्रकाशित	Published by Authority
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भाग 4 (ग)
उप-खण्ड (II)

राज्य सरकार तथा अन्य राज्य प्राधिकारियों द्वारा जारी
किय गये कानूनी आदेश तथा अधिसूचनाएं।

जन स्वास्थ्य अभियांत्रिक विभाग

अधिसूचना

जयपुर, अगस्त 22, 1988

एस्. ओ. 169:—राजस्थान जल प्रदाय एवं मल निकासी (सिवरेज)
नियम अधिनियम, 1979 (1979 का राजस्थान अधिनियम 15) की धारा 3 की
उप-धारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्य सरकार, एतद्वारा,
दिनांक 22 अगस्त, 1988 से इस अधिनियम के प्रयोजनार्थ एक निगम की स्थापना करती
है जो कि "राजस्थान जल प्रदाय एवं मल निकासी (सिवरेज) निगम" कहलायेगा।

(संख्या एफ 6(1) एम.पी. एचायूप-4179)

राज्यपाल की आज्ञा से,
यतीन्द्र सिंह,
शासन सचिव।

PUBLIC HEALTH ENGINEERING DEPARTMENT NOTIFICATION

Jaipur, August 22, 1988.

S. O. 169.—In exercise of the powers conferred by
sub-section (1) of Section 3 of the Rajasthan Water Supply
and Sewerage Corporation Act, 1979 (Rajasthan Act 15 of
1979), the State Government hereby establishes a Corpora-
tion to be called "The Rajasthan Water Supply and
Sewerage Corporation" with effect from August 22nd, 1988
for the purpose of this Act.

[No. F. 6(1) MPH/Gr. IV/79.]

By Order of the Governor,
यतीन्द्र सिंह,

Secretary to Government.

राजस्थान विधान सभा

THE RAJASTHAN WATER SUPPLY AND SEWERAGE
CORPORATION BILL, 1979.

राजस्थान राज्य में जल-प्रदाय तथा सीवरज सेवाओं के द्रुत विकास तथा समुचित
विनियमन हेतु तथा अन्य पर्यावरिक अभियांत्रिक सेवाओं के निष्पादन हेतु जल-प्रदाय तथा
सीवरज निगम स्थापित करने का उद्देश्य के लिए विधेयक।

७२२

(जैसा कि राजस्थान विधान सभा में पुरः स्थापित किया जायेगा)

गोपाल कृष्ण शर्मा,
सचिव।

(श्री हरीसिंह, प्रभारी मंत्री)

(To be introduced in the Rajasthan Legislative Assembly)

(Authorised English Translation)
Bill No. 4 of 1979.

THE RAJASTHAN WATER SUPPLY AND SEWERAGE
CORPORATION BILL, 1979.

A
Bill

to provide for the establishment of a Water Supply and Sewerage Corporation for rapid development and proper regulation of water supply and sewerage services, and for performance of other environmental engineering services in the State of Rajasthan.

Be it enacted by the Rajasthan State Legislature in the Thirtieth Year of the Republic of India as follows:—

CHAPTER—I

1. Short title, extent and commencement.—(1) This Act may be called the Rajasthan Water Supply and Sewerage Corporation Act, 1979.

(2) It extends to the whole of the State of Rajasthan excluding the cantonment areas.

(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 a reference in any provision to the date of commencement of this Act shall be construed as reference to the date of commencement of that provision.

2. Definitions.—In this Act, unless the context otherwise requires;

- (i) "bye-laws" means bye-laws made under this Act;
- (ii) "Corporation" means the Rajasthan Water Supply and Sewerage Corporation established under section 3;
- (iii) "cess-pool" includes a settlement tank or other tank to receive or dispose off foul matter from any premises;

- (iv) "Chairman" means the Chairman of the Corporation;
- (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 Corporation, 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 Corporation, as the case may be;
- (viii) "Director" means a Director of the Corporation, and includes the Chairman and the Managing Director;
- (ix) "domestic sewage" means waste water from the residential premises, boarding and lodging houses, hostels, hotels, public places, offices and all such establishments 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;
- (x) "drain" means a sewer, tunnel, pipe, ditch, gutter or channel or any cistern, 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 shafts or pipe or other appliances or fittings 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;
- (xi) "ferrule" means a ferrule connecting the connection pipe with the main;
- (xii) "local area" means the area falling within the jurisdiction of a local body;
- (xiii) "local body" means a municipal board, committee, corporation or council, a district board, Zila Parishad, a Panchayat Samiti, Panchayat or other authority legally entitled to, or entrusted by the Government, with, the control or management of a municipal or local fund and shall also include an Urban Improvement Trust;
- (xiv) "Public Health Engineering Department" means the Department functioning for the maintenance and execution of water supply and sewerage schemes of the Government of Rajasthan;
- (xv) "main" means a pipe laid by the local body or the Corporation, as the case may be, for the purpose of giving general supply of water as distinct from supply to individual consumers, and includes any apparatus used in connection with such a pipe;
- (xvi) "Managing Director" means the Managing Director of the Corporation;
- (xvii) "non-official Director" means a Director; not being an ex-officio Director;
- (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 these 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 if the premises were let, and includes:—

- (a) an agent or trustee who receives such rent on account of the owner;
- (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 of the said premises; and
- (d) a mortgagee-in-possession;

(xx) "polluted water" means water containing objectionable or harmful material rendering it unfit for its intended use;

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

(xxii) "prescribed" means prescribed by rules;

(xxiii) "Prescribed Authority" means any authority appointed by the State Government, by notification in the official Gazette, to perform all or any of the functions of the Prescribed Authority;

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

(xxv) "regulations" means regulations made under this Act;

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

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

(xxviii) "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;

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

(xxx) "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 products;

(xxxi) "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;

(xxxii) "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;

(xxxiii) "waste water" means the spent water of a community and it includes the combination of liquid and water carrying wastes from residences, commercial buildings, industrial plants and institutions together with ground water, surface water and storm water;

(xxxiv) "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 Corporation, 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;

(xxxv) "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;

(xxxvi) "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 or 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—II

ESTABLISHMENT, CONDUCT OF BUSINESS, DUTIES AND POWERS OF THE CORPORATION

3. *Establishment of the Corporation.*—(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 Corporation to be called "The Rajasthan Water Supply and Sewerage Corporation".

(2) The Corporation 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 off property, both movable and immovable and to contract, and may sue or be sued by its corporate name as aforesaid.

4. *Constitution of the Corporation.*—(1) The Corporation shall consist of the following, namely:—

(a) Chairman, to be appointed by the State Government;

(b) Managing Director, possessing such qualifications as may be prescribed, to be appointed by the State Government;

(c) Financial Director, who shall be a qualified economist, to be appointed by the State Government;

(d) Secretary to the Government of Rajasthan in Public Health Engineering Department, Ex-officio Director;

(e) Secretary to the Government of Rajasthan in Finance Department, Ex-officio-Director;

(f) Secretary to the Government of Rajasthan in Planning Department, Ex-officio-Director;

(g) Chief Engineer of the Corporation, Ex-officio-Director;

(h) ^{Two members — H.L.H.} four non-official Directors, at least one of whom shall be member of Scheduled Castes/Scheduled Tribes, to be appointed by the State Government.

(2) The names of the persons appointed as non-official Directors shall be published in the official Gazette.

5. *Disqualification for being Chairman, Managing Director or a non-official Director.*—A person shall be disqualified for being appointed or continuing as Chairman, Managing Director or a non-official Director, 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, any office of profit under the Corporation;

(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, or on behalf, of the Corporation; 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 Corporation:

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 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 loan of money or any security for payment of money only;

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

(iv) the occasional sale to the Corporation, 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, salary and allowances of Directors.—

(1) The Chairman, unless appointed ex-officio, shall hold office for three years. The State Government may, if it thinks fit in public interest so to do, by notification in the official Gazette, terminate the appointment of the Chairman earlier without entitling him to any right to compensation whatsoever.

(2) The Managing Director shall hold office for such period as the State Government may, by order, specify.

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

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

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

(4) A Director shall be eligible for re-appointment.

(5) Any Director 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.

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

(7) The Chairman and the Managing Director, shall be paid from the Corporation Fund such salary and allowances as may be fixed by State Government.

(8) The other Directors of the Corporation shall be paid such allowances as may be fixed by the State Government.

7. Removal of the Chairman and other non-official Directors.—(1) If at any time, it appears to the State Government that the Chairman has shown himself to be unsuitable for his office, or has been guilty of any misconduct or neglect which renders his removal expedient, or has incurred any of the disqualifications mentioned in section 5, it may, by notification in the official Gazette, remove him from office after giving him reasonable opportunity of showing cause.

(2) The State Government may, by notification in the official Gazette, remove any non-official Director from office after giving him a reasonable opportunity of showing cause—

(a) if the Director, other than the Chairman, Managing Director or an ex-officio Director, absents himself, without permission of the Chairman, from three consecutive meetings of the Corporation;

(b) if he has incurred any of the disqualifications mentioned in section 5;

(c) if he, in the opinion of the Government, is unsuitable or has become unfit for acting as a Director or has so abused his position as a Director as to

render his continuance as such Director detrimental to public interest.

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

(2) The Corporation 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 Corporation on such terms and conditions as it thinks fit.

(3) Subject to the superintendence of the Corporation, the Managing Director shall be the Chief Executive Officer of the Corporation. He shall supervise and control all the officers and servants, including any officers of Government appointed on deputation to the Corporation.

9. *Authentication of orders etc. of the Corporation.*—All proceedings of the Corporation shall be authenticated under the signatures of the Chairman or of any Director authorised in this behalf by the Chairman and all other orders and instruments of the Corporation shall be authenticated under the signatures of the Managing Director or of any other officer of the Corporation as may be authorised in this behalf by regulations.

10. *Assistance of Government Officers etc.*—The Corporation 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 Corporation, but shall have no right to vote.

11. *Delegation of powers.*—Subject to the provisions of this Act, the Corporation may, by general or special order, or by rules to be prescribed, 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 Managing Director or any other officer of the Corporation such of its powers, duties and functions under this Act as it deems fit, not being its powers, duties and functions under sections 34, 68 and 73.

12. *Disqualification for participation in proceedings of the Corporation or of Committee on account of interest.*—

(1) Any Director of the Corporation or a member of a Committee appointed by the Corporation, 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,

shall not, notwithstanding anything contained in the proviso to section 5, vote or take part in any proceedings (including any discussion on any resolution or question) of the Corporation or committee thereof relating to such matter.

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

(3) Nothing in sub-section (1) or (2) shall prevent any Director of the Corporation or any member of a committee thereof from voting on, or taking part in 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, irregularity etc.*—No act done or proceedings taken under this Act by the Corporation or a committee appointed by the Corporation shall be invalidated merely on the ground of—

(a) any vacancy of a Director or a member, or any defect in the Constitution or reconstitution of the Corporation or a committee thereof; or

- (b) any defect or irregularity in the appointment of a person as a Director of the Corporation or as a member 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 Corporation.*—The duties and functions of the Corporation shall be as follows, namely:—

- (a) to prepare, execute, promote and finance 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 direction 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 Corporation and the local bodies which have entered into an agreement with the Corporation;
- (e) to assess the requirement of materials and arrange for their procurement and utilisation;
- (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 Corporation or the local bodies which have entered into an agreement with the Corporation;
- (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 so 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 of manpower 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 Corporation;
- (l) to perform such of the duties and functions which are being performed by the Public Health Engineering Department of the State 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 Corporation under other provisions of this Act; or
- (n) to perform such other environmental engineering functions as may be specified by the State Government, by notification in the official Gazette.

15. *Powers of the Corporation.*—(1) The Corporation shall, subject to the other provisions of this Act, have power to do any thing 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 provision, such powers shall include the power—
 - (a) to inspect the 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 Corporation 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 Corporation to the State Government, local bodies, institutions, or individuals;

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

(g) to adopt its own budget annually;

(h) to ^{reimburse the expenditure of the State Govt.} approve tariffs for water supply and sewerage services applicable to respective local areas comprised within the jurisdiction of the Corporation and such local bodies as have entered into an agreement with the Corporation;

(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 land and other property and to carry any water or sewerage works through, across, over, on, 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 extract 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 advances, deposits and issue of debentures and obtain subventions or mortgages from public institutions like the Life Insurance Corporation of India, Banks and any International Organisations or from the State and Central Government, for drinking water and sewerage schemes or any other schemes relating to environ-

mental engineering services or 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 instalment 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 Corporation;

(q) to recover from the local bodies or Government, Principal and interest thereon in respect of loans advanced to them by the Corporation;

(r) to incur such expenditure as the Corporation may deem necessary for performing its duties and functions under this Act;

(s) to exercise such other powers as are conferred on the Corporation under other provisions of this Act.

16. Powers of the Corporation to give directions.—(1) Notwithstanding anything contained in any other law for the time being in force, the Corporation 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 direction 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 Corporation shall have power to call for any return, statement of accounts, report, statistics or other information from any local body or other body or individual, which is required by it for the exercise of its powers and performance and discharge of its duties and functions under

tion under section 18 or any rights, liabilities or obligations have become the rights, liabilities and obligations of the Corporation under that section, such doubt or dispute shall be referred to the State Government, whose decision shall be final.

17. *Supervision and Centage charges.*—The Corporation 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 charges 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—III

VESTING OF PROPERTY, ASSETS, LIABILITIES AND OBLIGATIONS AND TRANSFER OF EMPLOYEES

18. *Vesting and transfer of property of the Corporation.*—(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, furniture, and other furnishing) which immediately before the appointed date were vested in the State Government for the purpose of the Public Health Engineering Department, Rajasthan shall vest in, and stand transferred to the Corporation, 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 Corporation.
- (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 Corporation.
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 Corpora-

(a) all the existing water supply and sewerage services, sewerage works and sewerage 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 sewerage works and sewerage 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 utilised for purposes other than those referred to in clauses (a) and (b); shall, on such date as may be specified by the

Corporation, stand transferred to and vested in the Corporation and be subject to its control.

(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 Corporation under sub-section (1) or any rights, liabilities or obligations have become the rights, liabilities or obligations of the Corporation under this section, such doubt and dispute shall be referred to the State Government whose decision shall be final and binding on the Corporation and the local body concerned.

(4) For taking over any properties or assets of the local body, the Corporation 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. Corporation 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 the Corporation, 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 Corporation, shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Corporation, and all suits or other legal proceedings instituted or which might be 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 Corporation.

22. Co-ordination of activities of the Corporation and other local bodies.—If the State Government is of the opinion that it is in the public interest that the Corporation and

other local bodies having jurisdiction over contiguous areas should co-ordinate their activities in relation to water supply services or sewerage services or both, it may issue such directions to the Corporation and the other local bodies concerned as it may think fit, and it shall be the duty of the Corporation and the other local bodies to comply with such directions.

23. Transfer of Government Employees to the Corporation.—(1) On and after the establishment of the Corporation, 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 Public Health Engineering Department, who in its opinion, are rendered superior 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 Corporation.

(2) Every permanent or temporary employee of the Public Health Engineering Department 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 Corporation, as the case may be, against a permanent or temporary post, which shall stand created in the establishment of the Corporation with effect from the appointed date.

(3) Any officer or servant so transferred shall hold his office under the Corporation 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 under the Corporation. He shall continue in service under the Corporation until his employment under the Corporation is duly terminated or his remuneration or other conditions of service are duly revised or altered by the Corporation in pursuance of the law 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 Corporation along with any accumulated interest due till the appointed date and with the accounts relating to such fund. On and after the appointed date, the Corporation 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 (Central Act XIV of 1947), or in any other law for the time being in force, the transfer of services of any employee to the Corporation 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 Corporation.

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

(a) no person employed in the Public Health Engineering Department 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 Corporation, and such person may be dealt with after the said date in such manner and by such authority as the State Government may, by 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 Corporation, the Corporation shall be 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.

CHAPTER—IV

CONTRACT, FINANCE, ACCOUNTS AND AUDIT

24. *Execution of Contracts etc.*—Every contract or assurance of property on behalf of the Corporation shall be in writing and executed by such authority or officer and in such manner as may be provided by regulations.

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

26. *Other funds of the Corporation.*—(1) The Corporation 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 moneys received by or on behalf of the Corporation, by way of loans.

(2) Without prejudice to the provisions of section 25 or sub-section (1) of this section, the Corporation 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.

(3) Except as otherwise directed by the State Government, all moneys and receipts specified in the foregoing provisions and forming part of the funds of the Corporation shall be deposited in the Reserve Bank of India or in any nationalised bank or other Scheduled Bank or invested in such securities as may be approved by the State Government.

27. *General principles for the Corporation's finance.*—The Corporation shall not, as far as practicable, and after taking credit for any grant or subvention from the State

Government under section 28, carry on its operations under this Act, at a loss.

28. *Grants and subventions to the Corporation.*—The State Government may, under appropriation duly made in this behalf, from time to time, make grants and subventions to the Corporation for the purposes of this Act on such terms and conditions as the State Government may determine.

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

30. *Initial contribution of Government to the Corporation Funds.*—Under appropriation duly made in this behalf the State Government may make an initial contribution to the Corporation Funds of rupees one crore or such lesser sum as it thinks fit.

31. *Power to borrow and re-lend.*—(1) The Corporation 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 moneys 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 Corporation may advance any part of such borrowings to any local body or any other department of the State Government 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 Corporation may determine.

32. *Depreciation Reserve.*—The Corporation shall create a depreciation reserve and make annual provision therefor in accordance with such principles as may be prescribed.

33. *Government as Guarantor.*—The State Government may guarantee the re-payment of any loan and payment of interest on all or any of the loans given or transferred to the Corporation for the purposes of this Act.

34. *Accounts and audit.*—(1) The Corporation 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 the programme 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 Corporation shall be entitled to expend on all accounts up to 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 Corporation 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 Corporation 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 Corporation 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 Corporation as it may deem fit, and the Corporation shall comply with such directions.

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

CHAPTER—V

TAXES, FEES AND CHARGES.

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35. *Cost of Water.*—(1) The Corporation shall, by notification in the official Gazette, fix the cost of water to be

supplied according to volume. Also the minimum cost to be charged in respect of each connection.

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

36. *The cost of disposal of waste water.*—(1) The Corporation 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 Corporation may, in lieu of charging the cost of disposal of waste water 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 Corporation may provide water meters and charge such rent for the meters as may be provided in the bye-laws.

(2) The Corporation may charge fees for connection, disconnection, reconnection 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 Corporation, may by bye-laws, provide for requiring any consumer 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 Corporation to recover its dues from the amount so deposited.

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

40. *Taxes leviable.*—(1) For the purposes of this Act, the Corporation shall levy, on premises situated within its area—

(a) where the area is covered by the water supply services of Corporation, a water tax, and

(b) where the area is covered by the sewerage services of Corporation, a sewerage tax.

(2) The taxes mentioned in sub-section (1) shall be levied at such rate, which in the case of water tax shall be not more than 14 per cent, and, in the case of sewerage tax shall be not more than 4 per cent of the assessed annual value of the premises, as the State Government may, from time to time, after considering the recommendation of the Corporation, by notification in the official Gazette, declare.

41. *Assessment of annual value.*—(1) For the purposes of section 40, annual value means—

(a) in the case of railway stations, educational institutions (including their hostels and halls), factories (as defined in the Factories Act, 1948) and commercial establishments (as defined in the Rajasthan Shops and Commercial Establishments Act, 1958), five per cent of the market value of the premises;

(b) in the case of any other premises, the gross annual rent for which such premises are actually let or where the premises are not let, the gross annual rent for which the premises might reasonably be expected to be let;

Provided that, the annual value in the case of premises occupied by the owner himself shall be deemed to be twenty-five per cent less than the annual value otherwise determined under this section.

(2) The annual value of premises for the purposes of the levy of taxes mentioned in section 40 shall be assessed by such authority as the State Government may, by general or special order, direct, and such authority may be either the Corporation itself or any other agency, as may be specified in the order.

(3) Where the assessment is made by the Corporation or by any other agency the Corporation or such other agency shall follow the prescribed procedure.

(4) Until an assessment of the annual value of premises in any local area is made by the Corporation or any other agency specified under sub-section (2) the annual value of all premises in that local area, as assessed by the local body concerned, for the purposes of house tax, shall be deemed to be the annual value of the premises for the purposes of this Act as well.

(5) Where the annual value of premises in any local area is assessed by the Corporation or other agency specified under sub-section (2), it shall, subject to any variation therein, on appeal under section (42), be deemed to be the annual value of the premises for the purposes also of house tax levied by the local body concerned, anything contained in the law constituting such local body notwithstanding.

42. *Appeal against assessment.*—(1) Any person aggrieved by an order of assessment made by the Corporation or any other agency may, within thirty days from the date of receipt of such order by him, prefer an appeal to the prescribed authority.

(2) Where an appeal is preferred from an order of the Corporation or any other agency under sub-section (1), the prescribed authority may stay the enforcement of that order for such period and on such terms as it deems fit.

(3) The prescribed authority may, after giving to the parties an opportunity of being heard, confirm, set aside or modify the order under appeal.

(4) A decision of the prescribed authority under sub-section (3) shall be final and binding on the parties.

43. *Restriction on levy of taxes.*—The taxes mentioned in section 40 shall not be levied on any land exclusively used for agricultural purposes unless water is supplied by the Corporation for such purposes to that land.

44. *Liability for payment of taxes.*—The taxes mentioned in section 40 shall be recoverable—

(a) in the case of premises connected with water supply, or, as the case may be, with the sewer of the Corporation, from the occupier of the premises;

(b) in the case of premises not so connected, from the owner of the premises.

45. *Consolidation of taxes.*—For the purpose of assessing or collecting the two taxes mentioned in section 40, the Corporation may consolidate both taxes.

46. *Recovery of development charges.*—The cost of investigation, preparation and execution of any scheme undertaken by the Corporation shall be initially incurred by the Corporation out of its funds but the same shall be recoverable at such rate, and in such manner, as may be prescribed, from the persons who would be liable to the payment of tax under section 44 on the commissioning of the scheme.

CHAPTER—VI

WATER SUPPLY

47. *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 (excluding kitchen and domestic 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, boarding house or residential club;

(g) for the consumption and use by persons resorting to theatres and cinemas;

(3) Where the assessment is made by any other agency, the Corporation shall follow the prescribed procedure.

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ment of taxes.—The taxes recoverable—

(4) Until an assessment is made in any local area is made by the agency specified under the provisions of the Act, the annual value of the premises concerned, for the purpose of assessment, shall be the annual value of the premises as well.

(5) In the case of premises situated in an area of frost or other damage, the Corporation may, by order, direct that the annual value of the premises shall be the annual value of the premises as well.

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(1) No owner of premises to which water is supplied by the Corporation, 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 Corporation 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 Corporation 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 Corporation 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 realised from the consumer.

51. Power to cut off water-supply.—(1) The Corporation 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, or the rules, regulations or bye-laws made thereunder is not

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(2) Whenever the Corporation 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 Corporation 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 Corporation 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 realised from the consumer.

51. Power to cut off water-supply.—(1) The Corporation 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, or the rules, regulations or bye-laws made thereunder 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 Corporation, 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 Corporation duly authorised in this behalf into the premises which he proposes to enter for the purpose of executing any work or placing or removing any apparatus or of making any examination or enquiry in connection with the water supply or prevents any such officer or servant from executing any work or placing or removing any apparatus or making such examination or 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 Corporation 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 reason of leakages 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; or

(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 Corporation may re-connect 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.

52. *Prohibition of certain other acts.*—(1) No person shall —

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

53. *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 Corporation, provided that before doing so, he—

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

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

54. *Power to require owner to have sewer connection.*—Where any premises are, in the opinion of the Corporation, without sufficient means of effectual disposal of sewage and the sewer of the Corporation is situated at a distance of not more than fifty meters from any part of the premises, the Corporation may, by written notice, require the owner of the said premises to have sewer connection as provided by bye-laws.

55. *Prohibition of connection with sewer without permission.*—No person shall, without the permission of the Corporation make or cause to be made any connection or communication with any sewer of the Corporation.

56. *Prohibition of construction of private street or building over sewer without permission.*—No person shall, without the permission of the Corporation, construct any

private street, building or other structure on any sewer of the Corporation.

57. *Power to affix shaft etc. for ventilation of sewer or cess-pool.*—The Corporation may, for the purpose of ventilating any sewer or cess-pool, whether vested in the Corporation or not, erect upon any premises or affix to the outside of any building, or to any tree any shaft or pipe as may appear to it to be necessary.

58. *Power to examine and test sewer etc. believed to be defective.*—(1) Where it appears to the Corporation 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 Corporation is so defective as to admit sub-soil water or grit or other materials, the Corporation 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 Corporation shall, as soon as possible, reinstate any ground which has been opened by it and determine and pay compensation for the damage caused by it.

59. *Prohibition of certain other acts.*—No person shall—

(a) wilfully obstruct any person acting under the authority of the Corporation under this Chapter, in setting out 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 works, or deface or destroy any works made for the said purpose; or

(b) wilfully or negligently break, injure turn on or open, close, shut off or otherwise interfere with any lock, valve, pipe, or other work or apparatus belonging to the Corporation and pertaining to its duties and functions under this Chapter; or

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

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

60. *Power of entry, survey etc.*—(1) Any officer or servant of the Corporation 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 enquiry;

(b) to take levels;

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

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

(e) to make 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 Corporation 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 purposes of depositing therein any soil, grindstone or other materials or for obtaining access to such work or for any other purpose connected with the execution of the same.

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

61. *Power to disinfect tanks, pools and wells.*—Any officer or servant authorised by the Corporation 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 Corporation from the owner or occupier of such tank, pool or well.

CHAPTER-VIII

PENALTIES AND PROCEDURE

62. *General Penalty.*—Whoever contravenes any of the provisions of this Act or of any rule or bye-laws, 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.

63. *Cognizance of offences.*—No court shall take cognizance of any offence under this Act, except on the complaint of the Corporation, made within six months next after the commission of the offence.

64. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person, who at the time of 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 that the commission of the offence 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 purpose of this section—

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

65. *Power to arrest person committing an offence and refusing to give name and address.*—It shall be lawful for any officer of the Corporation authorised by it in this behalf to arrest and handover 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 62 and who, on demand, refuses to give his true name and address or where there is reason to believe that the name or address given by him is not correct.

Such police officer shall adopt such legal measures as may be necessary to cause that person to be taken before a Magistrate within the least possible delay.

66. *Compounding of offences.*—(1) The Managing Director or any other officer of the Corporation authorised by it by a 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 compensation for 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-IX EXTERNAL CONTROL

67. *Directions to the Corporation on questions of policy.*—(1) In the performance of its duties and discharge of its functions, the Corporation shall be guided by such directions on questions 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.

68. *Annual report, statistics, returns and other information by the Corporation.*—(1) The Corporation 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 Corporation in the next financial year. The State Government shall cause every such report to be laid before the House of the State Legislature as soon as may be after it is received by the State Government.

(2) The Corporation 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 Corporation or any other matter under the control of the Corporation as the State Government may, from time to time, require.

CHAPTER-X MISCELLANEOUS

69. *Duty of local bodies and police to assist.*—(1) All local bodies shall render such help and assistance and furnish

such information to the Corporation and shall make available for the inspection and examination of (and if necessary, preparation of copies from) such records, maps, plans, and other documents as the Corporation 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 Corporation on payment of reasonable fees, certified copies or extracts from assessment lists and other relevant documents in connection with assessment of annual value of premises and levy of fees and charges.

(3) Without prejudice to other 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 Corporation 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.

(4) It shall be the duty of every police officer—

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

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

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

(5) Any police officer who omits or refuses or neglects to perform any duty imposed on him by this Act shall be

deemed to have committed the offence under section 29 of the Police Act, 1861 (Central Act 2 of 1861).

70. *General power to pay compensation.*—In any case not otherwise expressly provided for in this Act, the Corporation 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 Corporation.

71. *Protection for acts done in good faith.*—No suit, prosecution or other legal proceedings shall lie against the Government, the Corporation or the directors, or any officer or servant of the State Government or of the Corporation 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 made thereunder.

CHAPTER-XI

RULES, REGULATIONS AND BYE-LAWS

72. *Power to make rules.*—(1) The State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act 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 fifteen 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, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, and notifies 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.

73. *Regulations.*—(1) The Corporation 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 Corporation 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 thereat;
 - (b) the recruitment and the salaries and allowances and other conditions of service of employees of the Corporation;
 - (c) the powers and duties of the employees of the Corporation;
 - (d) the management of the property of the Corporation;
 - (e) the execution of contracts and assurances of property on behalf of the Corporation and authentication of orders and instruments of the Corporation;
 - (f) the limits upto which the Managing Director 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 Corporation;
 - (h) the procedure for carrying out the duties and functions of the Corporation 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 Corporation 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 Corporation in exercise of its power under sub-section (1).

74. *Bye-laws.*—(1) The Corporation 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 re-connection, 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 Corporation and other terms and conditions for such connections;
- (d) any other fees and charges to be paid to the Corporation for services to the consumer;
- (e) any other matter for which provision is to be, or may be made, in bye-laws.

STATEMENT OF OBJECTS AND REASONS

The problem of supply of drinking water in most of the urban and rural areas of the State is very acute. Sewerage systems in urban towns also need improvement. Due to paucity of resources, it has not been possible for the Public Health Engineering Department of the State to accelerate development in these twin-areas. It is, therefore, considered expedient to establish an autonomous Corporation, namely, the Rajasthan Water Supply and Sewerage Corporation in order to give a forward thrust to the development of the water supply and sewerage schemes in the State and also to regulate the existing water supply and sewerage services in the State. The autonomous character of the statutory Corporation would enable it to obtain loans and financial assistance from such financial institutions as the World Bank, Nationalised Banks etc. and to raise loans by issuing debentures. The Corporation, when established, will function in coordination with the local authorities such as Municipalities, Urban Improvement Trusts etc. and would thereby ensure speedy implementation of the much needed water supply and sewerage schemes in the State.

The Bill is intended to achieve the aforesaid objects.

हरिसिंह,

Minister-in-Charge.

संविधान के अनुच्छेद 207 के खण्ड (1) व (3) के अधीन राज्यपाल महोदय

की सिफारिश

(प्रतिज्ञा विधायक श्री. शा. पत्र संख्या 2 (1) दिनांक 79 दिनांक 24 फरवरी, 1979
(प्रतिज्ञा विधायक श्री. शा. पत्र संख्या 2 (1) दिनांक 79 दिनांक 24 फरवरी, 1979)

प्रोपक : श्री हरिसिंह, प्रभारी मंत्री, प्रपिती : सचिव, राजस्थान विधान सभा
राजस्थान महोदय प्रस्तुत विधेयक की विषय-वस्तु से श्रवणत होने के पश्चात् संविधान के अनुच्छेद 207 के खण्ड (1) व (3) के अधीन उक्त विधेयक को राजस्थान विधान सभा में पुरःस्थापित करने व उस पर विचार किये जाने की सिफारिश करते हैं।

MEMORANDUM ON DELETED LEGISLATION

1. Sub-clause (3) of clause 1 of the Bill empowers the State Government to notify the date of commencement of the Act and the different provisions thereof.
2. Clause 3 of the Bill empowers the State Government to establish for the purposes of the Act a Corporation to be called the Rajasthan Water Supply and Sewerage Corporation.
3. Sub-clause (1) (b) of clause 4 of the Bill empowers the State Government to prescribe the qualifications necessary for the Managing Director of the Corporation.
4. (1) Sub-clause (1) of clause 7 of the Bill empowers the State Government to fix the salaries and allowances of the Chairman and Managing Director of the Corporation. *7 removed under*
- (2) Sub-clause (2) of clause 7 of the Bill empowers the State Government to fix the allowances to be paid to the other Directors of the Corporation.
5. Sub-clause (1) of clause 8 empowers the Corporation to make regulations determining the recruitment and conditions of Service of its officers and servants.
6. Clause 11 empowers the Corporation, by way of general or special order or by rules to be prescribed, to delegate, either conditionally or unconditionally, any of its powers, duties and functions, except those under sections 34, 68 and 73, to the Chairman or the Managing Director or any of its officers or committees.
7. Sub-clauses (1) and (n) of clause 14 empowers the State Government to specify from time to time other duties and functions connected with public health engineering and environmental engineering to be performed by the Corporation.

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8. Sub-clause (2) (e) of clause 15 empowers the Corporation to lay down the schedule of fees and other charges for all kinds of service rendered by it.

9. Clause 17 empowers the State Government to prescribe the limit up to which the Corporation shall be entitled to recover the centage charges in respect of the work or scheme executed by it.

10. Clause 18 of the Bill empowers the State Government to specify the dates from which the properties, assets, liabilities, obligations and services of the employees of the Public Health Engineering Department of the State Government shall stand transferred to the Corporation.

11. Clause 24 empowers the Corporation to provide, by regulations, the manner in which, and the authority by which, a contract in writing shall be executed on behalf of the Corporation.

12. Clause 35 empowers the Corporation to, notify the cost of water or the fixed sum or flat rate in lieu thereof.

13. Clause 36 empowers the Corporation to notify cost of disposal of waste water or fixed sum in lieu thereof.

14. Clause 37 empowers the Corporation to provide by bye-laws the meter rent and fees for other services rendered by it.

15. Clause 38 empowers the Corporation to provide by bye-laws the depositing of security by its consumers.

16. Clause 40 empowers the Corporation to levy water tax and sewerage tax at such rates not exceeding 14% and 4% respectively as the State Government, after considering the recommendations of the Corporation, may notify.

17. Clause 42 empowers the State Government to prescribe the authority before whom, an appeal against assessment order shall be made.

18. Clause 46 empowers the State Government to prescribe the rates at which development charges shall be recovered by the Corporation.

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19. Clause 72 empowers the State Government to make rules for carrying out the purposes of the Act.

20. Clause 73 empowers the Corporation, with the previous approval of the State Government to make regulations consistent with the Act and the Rules for the administration of its affairs.

21. Clause 74 empowers the Corporation, with the previous approval of the State Government, to make bye-laws, consistent with the Act and the rules, for carrying out the purposes of the Act in respect of any matter affecting the general public.

The delegation is of normal and routine character.

हरिसिंह,

Minister-in-Charge.

FINANCIAL MEMORANDUM

1. Clause 28 of the Bill empowers the State Government to make grants and subventions to the Corporation for the purposes of the Act.

2. Clause 29 of the Bill empowers the State Government to advance loans to the Corporation from time to time.

3. Clause 30 of the Bill empowers the State Government to make an initial contribution to the Corporation Fund of Rs. 1 crore or such lesser sum as it thinks fit.

The items at No. 1 and 2 are of recurring nature. Their financial impact cannot be anticipated with certainty at this stage. The item at No. 3 is of non-recurring nature and its financial implications are of an amount upto Rs. 1 crore.

हरिसिंह,

Minister-in-Charge.

RAJASTHAN LEGISLATIVE ASSEMBLY

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to provide for the establishment of a Water Supply and Sewerage Corporation for rapid development and proper regulation of water supply and sewerage services; and for performance of other environmental engineering services in the State of Rajasthan.

(To be introduced in the Rajasthan Legislative Assembly)

GOPAL KRISHNA SHARMA,
Secretary.

(SHRI HARI SINGH, Minister-in-Charge.)

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