



सत्यमेव जयते

GOVERNMENT OF MAHARASHTRA
LAW AND JUDICIARY DEPARTMENT

MAHARASHTRA ACT NO. XLVIII OF 1976.

THE MAHARASHTRA JEEVAN AUTHORITY ACT, 1976.

(As modified upto the 11th June 2013)



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**THE MAHARASHTRA JEEVAN AUTHORITY ACT, 1976
(Mah. XLVIII of 1976)**

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MAHARASHTRA ACT No. XLVIII OF 1976.¹

[THE MAHARASHTRA JEEVAN AUTHORITY ACT, 1976]

[This Act received the assent of the President on the 1st day of November 1976; assent was first published in the Maharashtra Government Gazette, Part IV on the 11th day of November 1976.]

Amended by Mah. 8 of 1980* (28-9-1979)†
 „ „ „ 3 of 1983‡ (12-10-1982)†
 „ „ „ 18 of 1996§ (28-6-1996)†
 „ „ „ 25 of 1997§§ (10-3-1997)†
 „ „ „ 4 of 1999@ (13-11-1998)†
 „ „ „ 4 of 2002# (12-11-2001)†

An Act to provide for establishment of a ²[Jeevan Authority] for rapid development and proper regulation of water supply and sewerage services in the State of Maharashtra.

WHEREAS, it is expedient to provide for establishment of a ³[Jeevan Authority] for rapid development and proper regulation of water supply and sewerage services in the State of Maharashtra and for other matters connected therewith; It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows :—

CHAPTER I.**PRELIMINARY.**

1. (1) This Act may be called the Maharashtra ⁴[Jeevan Authority] Act, 1976. Short title, extent and commencement.

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

(3) It shall come into force on such date⁵ 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 reference to the date of commencement of that provision.

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

(i) ⁶[“Authority”] means the Maharashtra ⁷[Jeevan] ⁸[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 permises;

(iv) “Chairman” means the Chairman of ⁸[the Authority]

¹ For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1976, Part V, Extra, pp. 471-495.

² These words were substituted for the words “Water Supply and Sewerage Board” by Mah. 25 of 1997, s. 2.

³ These words were substituted for the words “Water Supply and Sewerage Board”, *ibid.* s. 3.

⁴ These words were substituted for the words “Water Supply and Sewerage Board”, *ibid.* s. 4.

⁵ Sections 1 and 2, 3 to 17, 24 to 31, 33, 34 and 60 to 67 came into force on 1st January 1977, *vide* G. N., U. D. & P. H. D., No. WSB. 3676/6409/UD-22, dated 16th December 1976.

⁶ This word was substituted for the word “Board”, by Mah. 25 of 1997, s. 5.

⁷ This word was substituted for the words “Water Supply and Sewerage”, by Mah. 25 of 1997, s. 6(a).

⁸ This word was substituted for the word “Board”, by Mah. 25 of 1997, s. 5.

* Maharashtra Ordinance No. IX of 1979 was repealed by Mah. 8 of 1980, s. 5(1).

† This indicates the date of commencement of Act.

‡ Maharashtra Ordinance No. XV of 1982 was repealed by Mah. 3 of 1983, s. 6.

§ Maharashtra Ordinance No. X of 1996 was repealed by Mah. 18 of 1996, s. 6.

§§ Maharashtra Ordinance No. X of 1997 was repealed by Mah. 25 of 1997, s. 13.

@ Maharashtra Ordinance No. XIII of 1998 was repealed by Mah. 4 of 1999, s. 5.

Maharashtra Ordinance No. XXXVI of 2001 was repealed by Mah. 4 of 2002, s. 13.

(v) “communication pipe” means any pipes 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 ¹[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 ¹[the Authority], as the case may be;

(viii) “domestic sewage” means waste water from residential premises, boarding and lodging houses, 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;

(ix) “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 shaft 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;

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

(xi) “local area” means the area falling within the jurisdiction of a local body;

(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 organisation functioning for this purpose as a wing of the Urban Development and Public Health Department of the Government of Maharashtra ²[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 organisation 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 organisation;]

¹ These words were substituted for the words “the Board”, by Mah. 25 of 1997, s. 5.

² This was added by Mah. 8 of 1980, s. 2.

(xvi) “main” means a pipe laid by the local body or ¹[the Authority], as the case may be, for the purpose of giving a general supply of water as distinct from a supply to individual consumers, and includes any apparatus used in connection with such a pipe;

(xv) “Member” means a Member of ²[the Authority], and includes the ³[Chairman, Co-Chairman and] ⁴[the Vice-Chairman] of ²[the Authority];

(xvi) “Member-Secretary” means the Member-Secretary of ²[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 to 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 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) “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 area, shall have the meanings assigned to them in the law relating to the local body having jurisdiction over that local area;

(xxiii) “regulations” 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;

¹ These words were substituted for the words “the Board”, by Mah. 25 of 1997, s. 5.

² These words were substituted for the words “the Board”, *ibid*, s. 5.

³ These words were substituted for the words “Chairman and”, *ibid*, s. 6(b).

⁴ These words were substituted for the words “Vice-Chairman” by Mah. 18 of 1996, s. 2.

(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, 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 ¹[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 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 ¹[THE AUTHORITY].

Establishment of **3.** (1) As soon as may be after the commencement of this Act, the State Government shall, by notification in the Official Gazette, with effect ¹[the Authority]. from a date to be specified therein establish for the purposes of this Act ²[an Authority] to be called "the Maharashtra ³[Jeevan Authority]."

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

² These words were substituted for the words "a Board", *ibid.*, s. 5.

³ These words were substituted for the words "Water Supply and Sewerage Board", *ibid.*, s. 7.

(2) ¹[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.

Mah. XVIII of 1996. ²[4. (1) On and from the date of commencement of the Maharashtra Water Supply and Sewerage Board (Amendment) Act, 1996 (hereinafter in this section referred to as "the commencement date"), in place of the existing Members ¹[the Authority] shall consist of the following Members, namely :—

Constitution of ¹[the Authority].

(a) the Minister for Water Supply and Sanitation. . . *ex-officio* Chairman;

³[(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* Vice-Chairman;

(c) the Minister of State for Urban Development. . . *ex-officio* Vice-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) ⁴[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 ¹[the Authority] shall, at any time, be exercised, performed and discharged by the Members, who are for the time being holding offices specified in ⁵[clauses (a), (aa), (bb), (b)], (c), (d) and (g) of sub-section (1), and ¹[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 sub-section (1) shall be published in the Official Gazette.

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

² Section 4 was substituted by Mah. 18 of 1996, s. 3.

³ These clauses were inserted by Mah. 25 of 1997, s. 8(a)(i).

⁴ These words were substituted for the words "four members", *ibid*, s. 8(a)(ii).

⁵ These words, brackets and letters were substituted for the word, brackets and letters "clauses (a), (b)", *ibid*, s. 8(4).

Disqualifi-
cation for
being non-
official
Member.

5. 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 sections 6 and 7, any office of profit under ¹[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 ¹[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 ¹[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 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 ¹[the Authority] is published;
- (iv) the occasional sale to ¹[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.

Term of
office of
Members.

²6. (1) A person appointed as Member under ³[clause (e) or (f)] of sub-section (1) of section 4 shall hold office for three years from the date of his appointment, unless his term of office is determined earlier by the State Government, by notification in the Official Gazette.

* * * * *

(3) The Member-Secretary shall hold office for such period as the State Government may by order specify.

(4) The Members shall be eligible for re-appointment.

(5) 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.

Temporary
absence of
Members.

⁵6A. ⁶[(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.]

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

² Sections 6 and 6A were substituted for the original by Mah. 3 of 1983, s. 4.

³ These words, brackets and letters were substituted for the words, brackets and letters "under clause (c), (d) or (f)" by Mah. 18 of 1996, s. 4(a).

⁴ Sub-section (2) was deleted, *ibid*, s. 4(b).

⁵ Section 6A was substituted, *ibid*, s. 5.

⁶ Sub-section (1) was substituted by Mah. 25 of 1997, s. 9.

(2) If any member, other than an *ex-officio* Member of ¹[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. (1) The ^{2*} * * * * * Member-Secretary shall be paid from ³[the Authority] fund such salary and allowances as may be fixed by the State Government. Other provisions regarding Members.

(2) The other members of ¹[the Authority] shall be paid such allowances as may be fixed by the State Government.

^{3*} * * * * *

8. (1) 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 ¹[the Authority] shall be determined by regulations. Officers and servants of ¹[the Authority] and their recruitment and conditions of service.

⁴[(1A)(i) Subject to the provisions of sub-section (1), no person shall be appointed to the post of Engineer, Grade-I and 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 applications, 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) ¹[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 ¹[the Authority] on such terms and conditions as it thinks fit.

(3) Subject to the superintendence of ¹[the Authority], the Member-Secretary shall be the Chief Executive officer of ¹[the Authority]. He shall supervise and control all its officers and servants including any officers of Government appointed on deputation to ¹[the Authority].

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

² The words "Chairman and the" were deleted by Mah. 3 of 1983, s. 5(a).

³ Sub-section (3) was deleted, *ibid.*, s. 5(b).

⁴ This sub-section was inserted by Mah. 25 of 1997, s. 10.

*Authenticati-
tion of
orders etc.
of ¹[the
Authority]* **9.** All proceedings of ¹[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 ¹[the Authority] shall be authenticated by the signature of the Member-Secretary or of any other officer of ¹[the Authority] as may be authorised in this behalf by regulations.

*Assistance
of Govern-
ment
Officers, etc.* **10.** ¹[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 ¹[the Authority], but shall have no right to vote.

*Delegation
of powers.* **11.** Subject to the provisions of this Act, ¹[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 ¹[the Authority] such of its powers, duties and functions under this Act as it deems fit, not being its powers, duties and functions under sections 34, 66 and 67.

*Disqualifi-
cation for
participa-
tion in
proceedings
of ¹[the
Authority]
or
Committee
on account
of interest.* **12.** (1) Any Member of ¹[the Authority] or of a committee appointed by ¹[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,

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 ¹[the Authority] or committee thereof relating to such matter.

(2) If any Member of ¹[the Authority] or of a committee appointed by ¹[the Authority] 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 ¹[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 ¹[the Authority] or 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.

*Acts not to
be invali-
dated by
vacancy,
informality,
etc.* **13.** No act done or proceedings taken under this Act by ¹[the Authority] or a committee appointed by ¹[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 ¹[the Authority] or a committee thereof; or

(b) any defect or irregularity in the appointment of a person as a Member of ¹[the Authority] or of a committee thereof; or

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

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

14. The duties and functions of ¹[the Authority] shall be as follows, Duties and functions of ¹[the Authority]. namely :—

(a) to prepare, execute, promote and finance the schemes for supply of water and for sewerage and sewerage 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 ¹[the Authority] and the local bodies which have entered into an agreement with ¹[the Authority];

(e) to assess the requirements 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 ¹[the Authority] or the local bodies which have entered into an agreement with ¹[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 ¹[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 ¹[the Authority] under other provisions of this Act or as may be entrusted to it by the State Government.

15. (1) 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. Powers of ¹[the Authority].

(2) Without prejudice to the generality of the foregoing provisions, such powers shall include the power—

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

(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 ¹[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 ¹[the Authority] to the State Government, local bodies, institutions or individuals;

(f) to enter into contract or agreement with any person or persons as ¹[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 ¹[the Authority] and such local bodies as have entered into an agreement with ¹[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 services;

(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 highways, roads, streets, 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 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 Governments, 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;

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

(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 ¹[the Authority];

(q) to recover from the local bodies or Government principal and interest thereon in respect of loans advanced to them by ¹[the Authority];

(r) to incur such expenditure as ¹[the Authority] may deem necessary for performing its duties and functions under this Act;

(s) to exercise such other powers as are conferred on ¹[the Authority] under other provisions of this Act.

16. (1) Notwithstanding anything contained in any other law for the time being in force, ¹[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.

Powers of ¹[the Authority] to give directions and to call for returns, reports, etc.

(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) ¹[The Authority] 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 this Act, and such body or individual shall be bound to furnish such information.

17. ¹[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 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.

Supervision and centage charges.

CHAPTER III.

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

18. (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”),—

Vesting and transfer of property to ¹[the Authority].

(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 ¹[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 ¹[the Authority].

¹ These words were substituted for the words “the Board” by Mah. 25 of 1997, s. 5.

(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 ¹[the Authority].

Decision of the State Government on the vesting of property to be final. **19.** Where any doubt or dispute arises as to whether any property or asset has vested in ¹[the Authority] under section 18 or any rights, liabilities or obligations have become the rights, liabilities and obligations of ¹[the Authority] under that section, such doubt or dispute shall be referred to the State Government, whose decision shall be final.

Vesting of existing water supply and sewerage services in ¹[the Authority]. **20.** (1) Notwithstanding anything contained in any law for the time being in force, ¹[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, sewerage works and sewage farms, including, as the case may be, all plants, machineries, water works, pumping stations, filter beds, water mains and public sewers in, along, over or under any public street and all 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 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 persons 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 ¹[the Authority], stand transferred to and vested in ¹[the Authority] 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 assets has vested in ¹[the Authority] under sub-section (1) or any rights, liabilities or obligations have become the rights, liabilities or obligations of ¹[the Authority] under this section, such doubt and dispute shall be referred to the State Government, whose decision shall be final and binding on ¹[the Authority] and the local body concerned.

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

(4) For taking over any properties or assets of the local body, ¹[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. In respect of water works taken over from a local body by ¹[the 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 works by ¹[the Authority] shall be deemed to have been incurred, entered into or engaged to be done by, with or for ¹[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 ¹[the Authority].

²[Authority] to assume obligations in respect of matters to which this Act applies for water works taken over from local bodies.

22. If the State Government is of opinion that it is in the public interest that ¹[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 ¹[the Authority] and the other local bodies concerned as it may think fit. It shall be the duty of ¹[the Authority] and other local bodies to comply with such directions.

Co-ordination of activities of ¹[the Authority] and other local bodies.

³[**22A.** (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 Parishads and Panchayat Samitis Act, 1961, such number of Deputy Engineers, (Grade-II) and Executive Engineers (Grade-I), from its cadre of Engineers, having due regard to exigencies of services in the Zilla Parishads for such period and on such terms and conditions as may be decided by the Authority and the concerned Zilla Parishads :

Posting and appointment of Engineers in Zilla Parishad, and Maharashtra Jeevan Authority, respectively.

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

(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-III), specified in the said rules, and the State Government shall prepare a select list of the employees of the District Technical Services (Class-III), for appointment of such employees to the post of Engineer (Grade-II), in the Authority.

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

² This word was substituted for the word "Board", *ibid.*, s. 5.

³ This section was inserted by Mah. 4 of 1999, s. 4.

(3) Where under the recruitment rules for the Engineer (Grade-II), of the Authority, the employees of the District Technical Services (Class-III), 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 Parishads 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 said posts :

Provided that any service rendered by any such employee under the concerned Zilla Parishads shall be deemed to be the service rendered under the Authority.

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

Power of State Government to depute Government Employees entrusted to Maharashtra Jeevan Authority to Zilla Parishads. ¹[22AA. 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.

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

¹ These sections were inserted by Mah. 4 of 2002, s. 11.

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. (1) *On an after the establishment of ²[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 ³[who belong to the categories of officers and servants referred to in entries (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 ²[the Authority].*

*Transfer of
¹[certain]
Government
employees to
²[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 ²[the Authority], as the case may be against a permanent or temporary post, which shall stand created in the establishment of ²[the Authority] with effect from the appointed date.*

(3) *Any officer or servant so transferred shall hold his office under ²[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 under ²[the Authority]. He shall continue to serve under ²[the Authority] until his employment under ²[the Authority] is duly terminated or his remuneration or other conditions of service are duly revised or altered by ²[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 ²[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 ²[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.*

¹ The word "certain" was inserted by Mah. 8 of 1980, s. 3(b).

² These words were substituted for the word "Board" by Mah. 25 of 1997, s. 5.

³ This portion was inserted by Mah. 8 of 1980, s. 3(a).

(5) Notwithstanding anything contained in the Industrial Disputes Act, ^{XIV} 1947, or in any other law for the time being in force, the transfer of services of ^{of} any employee to ¹[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 ¹[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 ¹[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 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 ¹[the Authority] 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 which he was in service of the State Government.

Power of State Government to depute certain Government employees to ¹[the Authority]. ²[23A. (1) Where on account of conferment of any powers, duties and functions on ¹[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 ¹[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

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

² Section 23A was inserted by Mah. 8 of 1980, s. 4.

therefor, by order depute such officers and servants to ¹[the Authority] and ¹[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 ¹[the Authority] shall be two years from the date he is taken over by ¹[the Authority] (hereinafter in this section referred to as "the appointed date"), except when, with the consent of ¹[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 ¹[the Authority]. After the 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 permit 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 ¹[the Authority]. If ¹[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 ¹[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 ¹[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 ¹[the Authority].

(5) No employee on deputation to ¹[the Authority] shall be entitled to any deputation allowance.

(6) The salaries and allowances of employees on deputation to ¹[the Authority] shall be paid from ¹[the Authority] Fund.

(7) Save as otherwise provided in this section, the terms and conditions of services of employees on deputation to ¹[the Authority] shall not be less advantageous than those applicable to them immediately before deputation and shall not be varied to their disadvantages except with the previous sanction of the State Government].

CHAPTER IV.

CONTRACT, FINANCE, ACCOUNTS AND AUDIT.

24. Every contract or assurance of property on behalf of ¹[the Authority] shall be in writing and executed by such authority or officer and in such manner as may be provided by regulations. Execution of contracts, etc.

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

²[Authority] Fund. **25.** ¹[The Authority] shall have its own fund to be called “the ²[Authority] 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 ¹[the Authority] by way of loans.

Other funds of ¹[the Authority]. **26.** (1) 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 moneys received by or on behalf of ¹[the Authority] by way of loans.

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

General principles for ¹[the Authority] finance. **27.** (1) ¹[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.

Grants and subventions to ¹[the Authority]. **28.** The State Government may, under appropriation duly made in this behalf, from time to time, make grants and subventions to ¹[the Authority] for the purposes of this Act, on such terms and conditions as the State Government may determine.

Loans to ¹[the Authority]. **29.** The State Government, from time to time, advance loans to ¹[the Authority] on such terms and conditions, not inconsistent with the provisions of this Act, as the State Government and ¹[the Authority] may agree upon.

Initial contribution of Government to ¹[the Authority] Fund. **30.** Under appropriation duly made in this behalf, the State Government may make an initial contribution to ¹[the Authority] Fund of rupees one crore or such lesser sum as it thinks fit.

Powers to borrow and relend. **31.** (1) 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 moneys required for the purposes of this Act by making arrangements with the Banks or other bodies or institutions by the State Government for this purpose.

(2) ¹[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 ¹[the Authority] may determine.

Depreciation reserve. **32.** ¹[The Authority] shall create a depreciation reserve and make annual provision therefor in accordance with such principles as may be prescribed.

Government as guarantor. **33.** The State Government may guarantee the repayment of any loan and payment of interest on all or any of the loans given or transferred to ¹[the Authority] for the purposes of this Act.

¹ These words were substituted for the words “the Board” by Mah. 25 of 1997, s. 5.

² This word was substituted for the word “Board” *ibid*, s. 5.

34. (1) 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 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 :

Accounts
and audit.

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, ¹[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) ¹[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 ¹[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 matter, and shall have such powers in respect of disallowance and surcharge as may be prescribed.

(4) The accounts of ¹[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 ¹[the Authority] as it may deem fit and ¹[the Authority] shall comply with such directions.

(5) The State Government shall cause the accounts of ¹[the Authority] to be published in such manner as it thinks fit.

CHAPTER V.

FEEs AND CHARGES.

35. (1) 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.

Cost of
water.

(2) ¹[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. (1) 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.

Cost of
disposal of
waste water.

(2) ¹[The Authority] 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.

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

Meter rent and fees for services. **37.** (1) ¹[The Authority] may provide water meters and charge such rent for the meter as may be provided in the bye-laws.

(2) ¹[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.

Deposits. **38.** ¹[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 ¹[the Authority] to recover its dues from the amount so deposited.

Recovery of sums due to Authority. **39.** Any sum due to ¹[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 VI.

WATER SUPPLY.

Definition of supply of water for domestic purposes. **40.** 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 produces;
- (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;
- (h) for watering streets; or
- (i) for washing vehicles where they are kept for sale or hire.

Water supply for domestic purposes not to be used for non-domestic purposes. **41.** 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 ¹[the Authority] for domestic purposes for any other purpose.

Licensed plumbers. **42.** (1) No person, other than a plumber licensed by ¹[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 licenced 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 ¹[the Authority].

¹ These words were substituted for the word "the Board" by Mah. 25 of 1997, s. 5.

43. (1) No owner or occupier of any premises to which water is supplied by ¹[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. Prohibition of wastage of water.

(2) Whenever ¹[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, ¹[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, ¹[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 realised from the consumer.

44. (1) ¹[The Authority] may cut off the water supply from any premises— Power to cut off water supply.

(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 ¹[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 ¹[the Authority] duly authorised in this behalf into the premises which he proposes to enter for the purposes 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 enquiry; or

(e) if the service or any tap or other fitting or work connected therewith is found on examination by an officer or servant of ¹[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) ¹[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.

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

Prohibition
of certain
other acts.

45. (1) No person shall—

(a) wilfully obstruct any person acting under the authority of ¹[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 purposes of setting out the lines of such works, or deface or destroy any works made for the said purpose; or

(b) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, meter or other work or apparatus belonging to ¹[the Authority]; or

(c) unlawfully obstruct the flow of or flush, draw off, or divert, or take water from any water works belonging to ¹[the Authority] or any water course by which any such water is supplied; or

(d) obstruct any officer or servant of ¹[the Authority] 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 inquiry thereunder in relation to any water works; or

(e) bathe 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 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 ¹[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 VII.

SEWERAGE.

Right of
owner or
occupier to
obtain sewer
connection.

46. The owner or occupier of any premises shall be entitled to empty sewage of the premises into a sewer of ¹[the Authority], provided that, before doing so, he,—

(a) obtains written permission of ¹[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.

Power to
require
owner to
have sewer
connection.

47. Where any premises are in the opinion of ¹[the Authority], without sufficient means of effectual disposal of sewage and sewer of ¹[the Authority] is situated at a distance of fifty metres from any part of the premises, ¹[the Authority] may, by written notice, require the owner of the said premises to have sewer connection as provided by bye-laws.

Prohibition
of connec-
tion with
sewer
without
permission.

48. No person shall, without the permission of ¹[the Authority], make or cause to be made any connection or communication with any sewer of ¹[the Authority].

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

49. No person shall, without the permission of ¹[the Authority], construct any private street, building or other structure on any sewer of ¹[the Authority].

Prohibition of construction of private street or building over sewer without permission.

50. ¹[The Authority] may, for the purpose of ventilating any sewer or cess-pool, whether vested in ¹[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.

Power to affix shaft, etc. for ventilation of sewer or cess pool.

51. (1) Where it appears to ¹[the Authority] that there are reasonable grounds for believing that 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 ¹[the Authority] is so defective as to admit sub-soil water or grit or other materials ¹[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.

Power to examine and test sewer, etc. believed to be defective.

(2) If on examination the sewer or cess-pool is found to be in proper condition ¹[the Authority] 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.

52. No person shall—

Prohibition of certain other acts.

(a) wilfully obstruct any person acting under the authority of ¹[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) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, valve, pipe or other works or apparatus belonging to ¹[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 ¹[the Authority]; or

(d) obstruct any officer or servant of, ¹[the Authority] 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 inquiry thereunder in relation to any sewage works.

53. (1) Any officer or servant of ¹[the Authority] authorised by it in that behalf, may, or without assistants or workmen, enter into or upon any premises in order—

Power of entry, survey, etc.

(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;

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

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

(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 ¹[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.

Power to
disinfect
tanks, pools
and wells.

54. Any officer or servant authorised by ¹[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 ¹[the Authority] from the owner or occupier of such tank, pool or well.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

General penalty. **55.** 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.

Cognizance of offence. **56.** No Court shall take cognizance of any offence under this Act, except on the complaint of ¹[the Authority] made within six months next after the commission of the offence.

Offences by companies. **57.** (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 :

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

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. *It shall be lawful for any officer of ¹[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 offence punishable under section 55 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 with the least possible delay.*

Power to arrest person committing an offence and refusing to give name and address.

59. *(1) The Member-Secretary or any other officer of ¹[the Authority] authorised by it by general or special order in that behalf may, either before or after this 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.*

Compounding of offences.

(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.

60. *(1) In the performance of its duties and discharge of its functions, ¹[the Authority] shall be guided by such directions on questions of policy as may be given to it, from time to time, by the State Government.*

Directions to ¹[the Authority] on questions of policy.

(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.

¹ These word were substituted for the word “the Board” by Mah. 25 of 1997, s. 5.

Annual report, statistics, returns and other information by [the Authority]. **61.** (1) 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 ¹[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) ¹[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 ¹[the Authority] or any other matter under the control of ¹[the Authority] as the State Government may, from time to time, require.

CHAPTER X.

MISCELLANEOUS.

Duty of local bodies to assist. **62.** (1) All local bodies shall render such help and assistance and furnish such information to ¹[the Authority] 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 ¹[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 ¹[the Authority] 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 taxes, 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 ¹[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.

General power to pay compensation. **63.** In any case not otherwise expressly provided for in this Act, ¹[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 ¹[the Authority].

Protection for acts done in good faith. **64.** No suit, prosecution or other legal proceedings shall lie against the State Government, ¹[the Authority] or the Members or any officer or servant of the State Government or of ¹[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.

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

CHAPTER XI.

RULES, REGULATIONS AND BYE-LAWS.

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

(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. (1) ¹*[The Authority] may, with the previous approval of the Government, making regulations, consistent with this Act and the rules, for the administration of its affairs.* Regulations.

(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 ¹[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 thereat;*

(b) *the recruitment and the salaries and allowances and other conditions of service of employees of ¹[the Authority];*

(c) *the powers and duties of the employees of ¹[the Authority];*

(d) *the management of the property of ¹[the Authority];*

(e) *the execution of contracts and assurances of property on behalf of ¹[the Authority] and authentication of orders and instruments of ¹[the Authority];*

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

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

(g) the maintenance of accounts and the preparation of balance sheet by ¹[the Authority];

(h) the procedure for carrying out the duties and functions of ¹[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 ¹[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 ¹[the Authority] in exercise of its power under sub-section (1).

Bye-laws.

67. (1) 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 ¹[the Authority] and other terms and conditions for such connection;

(d) any other fees and charges to be paid to ¹[the Authority] for services to the consumers;

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

¹ These words were substituted for the words "the Board" by Mah. 25 of 1997, s. 5.

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