

**THE JAIPUR WATER SUPPLY AND SEWERAGE BOARD ACT, 2018**  
**(Act No. 24 of 2018)**

[Received the assent of the Governor on the 1<sup>st</sup> day of October, 2018]

*An*

*Act*

*to provide for the establishment and incorporation of the water supply and sewerage board for the management of water supply and sewerage system in Jaipur Urban Area and matters connected therewith and incidental thereto.*

Be it enacted by the Rajasthan State Legislature in the Sixty-ninth year of the Republic of India, as follows:-

**CHAPTER – I**  
***Preliminary***

**1. Short title, extent and commencement.-** (1) This Act may be called the Jaipur Water Supply and Sewerage Board Act, 2018.

(2) It extends to the whole of the Jaipur Urban Area.

(3) It shall come into force on such date as the Government may, by notification, appoint.

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

- (i) “Board” means the Jaipur Water Supply and Sewerage Board constituted under section 3;
- (ii) “bulk water hauling” means the physical transport of water through a pipeline or by a vehicle having a permanently mounted or detachable water tank;
- (iii) “CPHEEO” means the Central Public Health and Environmental Engineering Organization, a technical wing of Ministry of Housing and Urban Affairs, Government of India;
- (iv) “cesspool” includes a settlement tank or other tank to receive or dispose of foul matter from any premises;
- (v) “Committee” means any committee constituted under sections 14 and 15;
- (vi) “communication pipe” means –
  - (a) where the premises supplied with water abut on the part of the street in which the main is laid, and the service pipe enters those premises otherwise than through the outer wall of a building on the street and has a stopcock placed in those premises and as near to the boundary of that street as is reasonably practicable, so much of the service pipe as lies between the main and that stopcock;
  - (b) in any other case, so much of the service pipe as it lies between the main and the boundary of the street in which the main is laid and includes the ferrule at the junction of the service pipe with the main, and also –

- (I) where the communication pipe ends at a stopcock, that stopcock;  
and
- (II) any stopcock fitted on the communication pipe between the end thereof and the main;
- (vii) “domestic sewage” means the waste water from the residential premises, boarding and lodging houses, hostels, hotels, public places, offices and all other 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;
- (viii) “drain” includes a sewer, tunnel, pipe, ditch, channel or any other device for carrying spillage, sewage, sullage, offensive matter, polluted water, waste water, rain water or sub-soil water together with pail depots, traps, sinks, cisterns, flush tanks, and other fittings appertaining thereto;
- (ix) “Fund” means the Jaipur Water Supply and Sewerage Board Fund constituted under section 18;
- (x) “ground-water” means the water which exists below the surface of the ground at any particular location;
- (xi) “Jaipur Urban Area” means the territorial area within the limits of Jaipur Nagar Nigam as notified by the Government under clause (xxxix) of section 2 of the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009) and includes such other areas as may be notified by the Government from time to time;
- (xii) “Licensed Engineer or Plumber” means a person licensed under the provisions of this Act as an Engineer or Plumber;
- (xiii) “local authority” means a Municipality or a Panchayat or an Authority, or Board or any agency entrusted by the Government with the control or management of water and sewerage systems in the Jaipur Urban Area;
- (xiv) “notification” means a notification published in the Official Gazette and the expressions “notify” and “notified” shall be construed accordingly;
- (xv) “premises” means any land or building or any part of land or building;
- (xvi) “prescribed” means prescribed by rules made under this Act;
- (xvii) “main” means a pipe laid by the local authority, or the Board, 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 pipe;
- (xviii) “regulations” means regulations made under this Act;
- (xix) “rules” means rules made under this Act;
- (xx) “scheme” means any scheme relating to the provision of water supply and sewerage system and matters incidental thereto;

- (xxi) “service pipe” means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main, or would be so subject but for the closing of some taps;
- (xxii) “sewage” means night soil and other contents of latrines, urinals, cesspools or drains, and polluted water from sinks, bathrooms, stables, cattle sheds and other like places, and includes trade effluent and discharges from manufacturers of all kinds;
- (xxiii) “sewer” means any device for carrying of sewage, sullage, rain water, offensive matter, polluted water, waste water or sub-soil water and includes a drain;
- (xxiv) “sewerage” means a system of sewers for collection, treatment or disposal of sewage and includes sewerage works;
- (xxv) “sewerage works” includes any sewer channel, duct, collection or treatment or disposal units, pumping station, engine, mobile collecting unit, and other machinery and any adjacent land not being private property and any land, building or other things for collection or treatment or disposal of sewage;
- (xxvi) “sink” with all its grammatical variations and cognate expressions in relation to any existing well or new well includes digging, drilling or boring of new well and deepening carried out in the existing well, for exploitation of ground-water;
- (xxvii) “street” includes any way, road, lane, square, court, alley, gully, passage, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way and also the roadway or footway over any bridge or causeway;
- (xxviii) “supply pipe” means so much of any service pipe as is not a communication pipe;
- (xxix) “trade effluent” means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, and in relation to any trade premises means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not include domestic sewage;
- (xxx) “trade premises” means any premises used or intended to be used for carrying on any trade or industry;
- (xxxi) “water fittings” includes pipes (other than mains), taps, valves, meters, bath and other similar apparatus used in connection with the supply of, and used for conveying or storing, water;
- (xxxii) “water works” includes all lakes, tanks, streams, springs, pumps, wells, reservoirs, water trucks, mains, clusters, pipes, standpipes, hydrants and all lands, buildings, plants, equipments and machineries, bridges and things used for or intended for the purposes of water supply; and

- (xxxiii) “well” means a structure sunk for search or extraction of ground-water by any person, except by the authorized officials of the Government or Government of India, for carrying out scientific investigation, exploration, development, augmentation, conservation, protection or management of ground water and includes an open well, dug well, bore well, dug-cum-bore well, tube well, filter point, collection well or infiltration gallery, recharge well, disposal well, or any of their combinations or variations, except any manual operated device for extraction of ground water.

## CHAPTER – II

### *Establishment and Constitution of the Board*

**3. Constitution of the Board.-** (1) *There shall be established a Board by the name of “Jaipur Water Supply and Sewerage Board” hereinafter called the “Board”.*

(2) *The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power, subject to the provisions of this Act and the rules made thereunder, to acquire, hold and dispose of property, and to enter into contracts, and shall by the said name sue and be sued.*

(3) *The Board shall for all purposes be deemed to be a local authority.*

(4) *The Board shall consist of Chairperson and other official and non-official members, not exceeding fifteen persons, as may be prescribed, and appointed by the Government.*

(5) *The non-official members shall be eminent persons one each from the water sector and sewerage sector and the third member shall be an elected representative to represent the interest of general public.*

**4. Term of office and conditions of service of non-official members.-** Every non-official member shall hold office for a period of three years from the date on which he enters upon his office. The salary, allowances and other terms and conditions of service of the non-official members shall be such as may be prescribed by rules.

**5. Resignation of a member.-** Any member may resign his office by giving notice in writing to the Government and on such resignation being accepted by the Government, such member shall be deemed to have vacated his office.

**6. Removal of a member.-** (1) Subject to the provisions of section 8, the Government may, by notification remove any member of the Board from his office on the ground of proved misbehaviour after the Government, has, on an inquiry, held in accordance with the procedure prescribed in this behalf, reported that the member, ought on any such ground to be removed.

(2) The Government may, during the period of inquiry as specified in sub-section (1), against any member, suspend such member of the Board.

(3) Notwithstanding anything contained in sub-section (1), the Government may, by order, remove from office, the Chairperson or any other member, if the Chairperson or such other member, as the case may be,-

- (a) has been adjudged an insolvent; or

- (b) has been convicted of an offence which, in the opinion of the Government involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as Chairperson or member; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his function as the Chairperson or member; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(4) Notwithstanding anything contained in sub-section (3), no member shall be removed from his office on the ground specified in clause (d) or clause (e), unless the Government has, on an inquiry, held by it in accordance with such procedure as prescribed in this behalf by the Government, reported that the Member ought on such ground or grounds to be removed.

**7. Vacancies etc., not to invalidate proceedings of the Board.-** No act or proceeding of the Board shall be invalid merely by reasons of-

- (a) any vacancy in, or any defect in the constitution of, the Board; or
- (b) any defect in the appointment of a person acting as member of the Board; or
- (c) any irregularity in the procedure of the Board not affecting the merits of the case.

**8. Disqualifications for appointment on the Board.-** (1) A person shall be disqualified for being appointed or for continuing as member of Board, if he-

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

(2) A person shall not be disqualified under clause (d) or clause (e) of sub-section (1) or be deemed to have any share or interest in any incorporated company which has any share or interest in any contract or employment with by or on behalf of the Board, by reason only of his being a shareholder of such company:

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

**9. Authentication of orders and other instruments of the Board.-** All orders and decisions of the Board shall be authenticated by the signature of the Chairperson or any member authorized by the Board in this behalf and all other instruments issued by the Board shall be

authenticated by the signature of such member or employee of the Board as may be authorized by the Board in this behalf.

**10. Meetings of the Board.-** (1) The Board shall meet at least once in three months at such place and at such time as the Chairperson may decide, and shall observe such rules of procedure in regard to the transaction of business at its meeting including the quorum thereat as may be laid down by regulations.

(2) If, for any reason the Chairperson is unable to attend any meeting, any other member of the Board, elected by the members thereof, present at the meeting, shall preside.

**11. Managing Director of the Board.-** (1) There shall be a Managing Director of the Board, who is an officer not below the rank of Joint Secretary or an expert in the water sector, appointed by the Government. Subject to the control and supervision of the Board, the Managing Director shall be the principal executive officer of the Board and shall be responsible for the custody and maintenance of all the records of the Board.

(2) Where any proceedings or resolution of the Board or any of its Committees or order of the Chairperson is inconsistent with the provisions of this Act, rules and regulations made thereunder, it shall be the duty of the Managing Director to render advice to the Board, or Committee or the Chairperson mentioning the relevant provisions of law to bring out the provisions of this Act or the rules or regulations made thereunder and record in the proceedings of the meeting of the Board or Committee or on the order of the Chairperson the fact that he had tendered such advice and thereupon put up a note of dissent on such proceedings, resolution, or as the case may be, the order and ensure the communication of the matter to the Government or any officer authorized by it in this behalf within seven days of passing such resolution or order, or as the case may be, undertaking such proceedings.

(3) If the Managing Director knowingly neglects his duty under sub-section (2) he shall be personally liable to any loss incurred by the Board as a result of the proceedings, resolution or the order of the nature specified in that sub-section and such loss may be recovered from him.

(4) After examining the note of dissent reported under sub-section (2), the Government or the officer authorized by it in this behalf, may make such interim or final order as he thinks fit, which shall be binding on the Board:

Provided that if no such interim or final order is passed within a period of thirty days from the date of receipt of the dissent note, the Board may proceed with the proceedings or the resolution or, as the case may be, the order as if the dissent note was not put up.

(5) The Managing Director or any other officer authorized in this behalf by the Government shall have the power, subject to the provisions of this Act and the rules made thereunder, to authenticate under his signatures all resolutions, all permissions which may be granted or given by the Board, Committee or order of Chairperson under this Act and no permission or order shall be legal and valid unless it has been so authenticated by the Managing Director or as the case may be, by such other officer.

(6) The Managing Director shall exercise such powers and discharge such duties as may be delegated to him by the Board or may be entrusted to him by the Government by a general or special order.

(7) All correspondence addressed to or meant for the Board shall ordinarily be sent in the name of the Managing Director but may also be sent to the Chairperson and all correspondence issued or made on behalf of the Board shall ordinarily be issued under the seal and signature of the Managing Director and may also be issued under the seal and signature of the Chairperson.

(8) The Managing Director shall supervise and control all the officers and employees of the Board.

**12. Appointment of staff of the Board.-** (1)The Board may, with the prior approval of the Government, appoint such number of officers and employees as it considers necessary for the performance of its duties and functions.

**(2) The salaries and allowances payable to and other conditions of service of the officers and employees shall be such as may be determined by regulations made under this Act.**

(3) The Government may, in consultation with the Board, appoint any Government officer or employee on deputation to the Board.

(4) The Board with the prior approval of the Government may also engage such experts and technical persons on contract basis as it considers necessary to carry out its functions under this Act.

**13. Transfer of employees of local authorities or other Government employees to the Board.-** (1) As from the date notified by the Government, all existing employees working within the Jaipur Urban Area in connection with water supply and sewerage management and belonging to Public Health Engineering Department, Local Authorities and other Government agencies, shall stand deputed to the Board. The deputation of such employees shall initially be for a period of five years and during the period of their deputation they shall be deemed to be employees of the Board with such designation and shall discharge such functions as the Board may determine. Such employees shall hold office at the same remuneration and on the same terms and conditions of service, as they would have held if the Board had not been established and shall continue to do so until such remuneration and terms and conditions of service are duly altered by the Board. On expiry of the period of initial tenure of five years, such employees may be continued at their option as the employees of the Board or reverted to Public Health Engineering Department, Local Authority or Government agency , as the case may be. The other terms and conditions of service of officers and employees on transfer and on deputation to the Board shall be governed under the Rajasthan Service Rules and Finance Department Circular No. F.13(1)Fin/Rules/2003 dated 7.9.2006, as amended from time to time.

(2) No officer or employee on deputation to the Board shall be entitled to any deputation allowance.

(3) The salaries and allowances of officers or employees on transfer and deputation to the Board shall be paid by the Board.

(4) The terms and conditions of services of employees on deputation to the Board shall not be less advantageous than those applicable to them immediately before deputation and shall not be varied to their disadvantage except with the previous sanction of the Government.

**14. Constitution of Tariff Committee and Project Formulation Committee.-** (1) The Board shall constitute a Tariff Committee and a Project Formulation Committee consisting of its members and such other persons including elected representatives under the jurisdiction of the Board as the Government may suggest.

(2) The Tariff Committee shall assist the Board in the determination of tariff, rates, rentals, fees and such other charges assigned to the Board under this Act. The Project Formulation Committee shall assist the Board in planning and implementation of schemes and projects.

**15. Constitution of other Committees.-** (1) The Board may constitute other Committees for such purposes and functions as may be specified in the regulations.

(2) All the Committees constituted under the Act shall meet at such place and at such time, and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations.

(3) The members of the Committees may be paid such allowances for meeting the personal expenditure in attending the meetings and for attending to any other work of the Committees as may be prescribed.

### **CHAPTER – III**

#### ***Contract, Finance, Accounts and Audit***

**16. Contract by or on behalf of the Board.-** (1) The contracts by or on behalf of the Board shall be made in accordance with the following provisions, namely:-

- (a) every contract shall be made on behalf of the Board by the Managing Director and shall be in writing;
- (b) no such contract for any purpose which in accordance with any provision of this Act, the Managing Director may not carry out without the approval or sanction of Board or Government, shall be made by him until or unless such approval is granted;
- (c) the Managing Director may sanction any estimate or contract including that of technical and administrative nature involving such amount, as may be prescribed; and
- (d) all other estimates or contracts shall be sanctioned by the Board.



(2) Subject to provisions of any other law for the time being in force, the manner and procedure for giving contracts by the Board, shall be such as may be prescribed.

**17. Financial assistance from Government.-** (1) The Government may, from time to time, give grants or financial assistance to the Board with or without direction as to the manner in which such grants or financial assistance shall be applied.

(2) The Government may, for giving such grants or assistance, lay down a scheme, which may include the conditions of release of such grants or financial assistance.

**18. Fund of the Board.-** (1) The Board shall constitute a fund to be known as the Jaipur Water Supply and Sewerage Board Fund to which shall be credited all moneys received by the Board. This fund shall be utilized strictly for the purposes of this Act and not otherwise.

(2) Subject to such directions as the Government may issue in this behalf, the receipts and expenditures of the Board shall be kept under such heads of accounts, including those for water supply and sewerage and other account heads as may be prescribed and the general account head, in such manner, and in such form, as may be prescribed.

(3) Every head of account specified under sub-section (2) of this section shall be split up into a revenue account and a capital account and all items of receipts and expenditures shall be kept appropriately under such revenue account or capital account, as the case may be.

**19. Application of Funds.-** The moneys credited to the fund from time to time shall be applied for payment of all sums, charges and costs necessary for carrying out the purposes of this Act and the rules made thereunder and for payment of all sums payable out of the Fund under any other law for the time being in force.

**20. Temporary payment from the Fund for works urgently required in public interest.-** (1) On a requisition, in writing, by the Government, the Board may, at any time, require the Managing Director to undertake the execution of any work certified by the Government to be urgently required in the public interest and, for this purpose, to make payment for such work from the fund in so far as such payment may be made without unduly interfering with the regular work of the Board.

(2) The cost of all work so executed, and the proportionate establishment charges for executing such work, shall be paid by the Government and credited to the Fund.

**21. Power to incur expenditure beyond the limits of Board.-**Notwithstanding anything contained elsewhere in this Act, the Board may, with the approval of the Government, authorize expenditure to be incurred, beyond the limits of the Jaipur Urban Area, for creation and maintenance of physical assets for carrying out the purposes of this Act.

**22. Exclusive use of the Fund for particular purpose.-** Notwithstanding anything contained elsewhere in this Act, the Government may, by order, require the Board to earmark a particular portion of the Fund or a particular grant or a part thereof, or any item of receipt under any head of account, or any percentage thereof, or any share of amounts receivable by the Board other than tariff, rates, rentals, fees and such other charges assigned to the Board under this Act or any part thereof, to be utilized exclusively for such purpose related to functions as may be specified by the Government, and it shall be the duty of the Board to act accordingly.

**23. Operation of accounts.-** Subject to the other provisions of this Act, payment from the Fund shall be made in such manner as may be prescribed.

**24. Investment of surplus moneys.-** (1) The surplus moneys standing at the credit of any of the heads of accounts of the Fund which are not required, either immediately or at any early date, to be applied for the purposes of this Act by the Board may, in accordance with the rules made by the Government, be transferred by the Board, either in whole or in part, to any other head of account of the Fund.

(2) The surplus moneys which are not transferred under sub-section (1) may be invested in public securities or small savings schemes, approved by the Government, or deposited at interest with such scheduled bank or co-operative bank as may be determined by the Board.

**25. Preparation of budget estimate of Board.-** The budget estimate shall be prepared and presented to the Board by the Managing Director in such form and manner as may be prescribed.

**26. Sanction of budget estimate of Board.-** The Board shall consider the budget estimate in each year, and shall adopt the budget estimate for the ensuing year with such changes as it may consider necessary, and submit a copy of the same to the Government and if, after considering the budget estimates, the Government is of the opinion that it is necessary in the interest of the Board to make changes in the budget estimates, it may direct the Board to carry out the changes and such directions shall be binding on the Board.

**27. Power to alter budget grant.-** The Board may, with the prior approval of the Government from time to time, during the financial year-

- (a) increase the amount of any budget grant under any head;
- (b) make an additional budget grant for the purpose of meeting any special or unforeseen requirement arising during the said year;
- (c) transfer the amount of any budget grant or portion thereof under one head to the amount of budget grant under any other head; or
- (d) reduce the amount of the budget grant under any head.

**28. Power of Board to borrow.-** With the previous sanction of the Government and subject to the provisions of this Act and rules made thereunder and subject to such conditions as may be specified by the Government by a general or a special order issued in this regard, the Board may from time to time borrow any sum required for the purposes of this Act through loans or debentures or bonds or such other instruments, as it may deem fit. All such instruments shall be issued, transferred, dealt with and redeemed in such manner as may be prescribed.

**29. Guarantee of loans.-** The Government may guarantee the payment of the principal or interest or both, of any loan proposed to be raised by the Board under section 28 of the Act.

**30. Depreciation Reserve.-** The Board shall create a Depreciation Reserve and make annual provision therefor in accordance with such principles as may be prescribed.

**31. Improvement Reserve.-** The Board shall create a reserve for improvement works and shall utilize the same in accordance with such principles as may be prescribed.

**32. Accounts and audit.-** (1) The Board shall keep accounts in such form and in such manner as may be prescribed.

(2) The accounts of the Board shall be subject to audit by the Director, Local Fund Audit Department in accordance with the provisions of the Rajasthan Local Fund Audit Act, 1954 (Act No. 28 of 1954).

(3) The Board shall pay from the Fund such charges for the audit as may be prescribed.

**33. Annual Report.-** (1) The Board shall prepare at the end of each financial year, a report of its activities during the previous year and submit it to the Government before the 30th day of September of the current year.

(2) The Government shall cause such annual report including the statement of accounts to be laid before the House of the State Legislature.

#### **CHAPTER – IV**

##### ***Powers, Functions and Duties of the Board***

**34. Powers of the Board.-** (1) The Board shall, subject to other provisions of this Act, have powers to do anything that may be necessary or expedient for performing its duties and discharging its functions under this Act within its jurisdiction.

(2) Without prejudice to the generality of the foregoing provisions, the Board shall for the purpose of carrying out its functions under this Act have the following powers, namely:-

- (a) to prepare, plan, execute, promote and finance schemes and projects for the development and management of water supply and sewerage systems;
- (b) to acquire land and hold movable and immovable property as it deems necessary and lease, sell or otherwise transfer any such property subject to conditions prescribed;
- (c) to abstract, treat, supply and distribute water in the prescribed manner and also where necessary treat, supply and distribute recycled water in accordance with the prescribed standards;
- (d) to lay mains, service pipes and communication pipes and provide for fire hydrants stopcocks, water meters, etc. in the prescribed manner;
- (e) to inspect all water supply and sewerage systems;
- (f) to construct, operate, maintain, supply and regulate water supply and in this regard place and maintain supply pipes, conduits and lines of mains or pipes over, under, along or across any immovable property whether within or without the limits of the Jaipur Urban Area by acquiring right of user in the property in the prescribed manner;
- (g) to construct, operate, maintain and regulate sewerage systems and in this regard lay sewers sewage treatment works, lay service pipes, close or limit the use of private drains or may place or maintain or construct sewers and sewage treatment works over, under, along or across any immovable property whether within or without the limits of the Jaipur Urban Area, by acquiring right of user in the property in the prescribed manner;

- (h) to plan for, regulate the use of, and to manage, abstraction of, raw water, ground water and supply of treated wastewater in the prescribed manner;
- (i) to render all necessary services in regard to water supply and sewerage management to the Government, local authorities, corporation, any other Government entity and on request, to private institutions and individuals;
- (j) to seek any data or information as deemed necessary, from the local authorities and other agencies operating within its jurisdiction, for the proper discharge of its functions under this Act;
- (k) to assess, fix and revise from time to time, the tariff, rates, rentals, fees and such other charges for water supply and sewerage services and all other kinds of services rendered by the Board under this Act; and the said tariff, rates, rentals, fees and such other charges shall be fixed with the previous approval of the Government;
- (l) to levy and appropriate tariff, rates, rentals, fees and such other charges for the services rendered;
- (m) to enter into a contract for carrying out its duties and functions under this Act;
- (n) to prepare, consider and approve the annual budget and submit it to the Government;
- (o) to borrow money, issue debentures, obtain subventions, capital contributions, loans and grants, etc.;
- (p) to grant loans and advances to such persons or authorities as the Board may deem necessary for performing its functions;
- (q) to accept donations and grants as approved by the Board;
- (r) to provide bulk water hauling to any Government, local authority, institution or individual during an emergency situation such as drought, water shortage, pump failure or power failure or water quality problem, etc.;
- (s) to provide training for its own personnel or other persons engaged in the water supply and sewerage services;
- (t) to enter into an agreement on public private partnership basis in the manner prescribed with any individual, company, firm, society, trust or a Government agency or any other agency to execute any type of project relating to water supply and sewerage services, collect and retain user charges for such services;
- (u) to establish, operate, run and maintain any water works and sewerage system, if and when so directed by the Government, on such terms and conditions and for such period as may be specified by it; and
- (v) to exercise such powers as are conferred on the Board under other provisions of this Act.

**35. Functions and duties of the Board.-** (1) The Board shall be charged with the general duty of providing water supply and improving the existing water supply and making adequate provisions for the sewerage management and disposal in the Jaipur Urban Area for the efficient

discharge of such duty and shall perform such functions and duties as are conferred or imposed by or under this Act.

(2) Without prejudice to the provisions of sub-section (1), the Board shall have the following functions and duties, namely:-

- (a) supply wholesome water in the Jaipur Urban Area as per Central Public Health and Environmental Engineering Organization (CPHEEO) or Bureau of Indian Standards (BIS) or standards determined in consultation with State Pollution Control Board or standards fixed by Public Health Engineering Department, including planning, designing, constructing, maintaining, operating and managing the water supply systems;
- (b) to provide sewerage, sewage disposal and sewage treatment works including planning, designing, constructing, maintaining, operating and management of all sewerage and sewage treatment works including supply and safe disposal of treated waste water in the Jaipur Urban Area;
- (c) at the instance of the Government or a local authority or *suo motu*, to investigate the nature and types of schemes that can be implemented for the provision of drinking water or sewerage systems within the Jaipur Urban Area and prepare and carry out such schemes;
- (d) to estimate, finance, design, construct, alter, repair, operate and maintain the schemes for water supply and sewerage systems;
- (e) to make provisions for unfiltered water meant for purposes other than drinking water;
- (f) to promote measures for conversion, recycling and reuse of water;
- (g) to provide meters and carry out services like meter reading, billing and revenue collection;
- (h) with the prior approval of the Government, to entrust any of its functions referred to in this section to a local authority, research institute, Government undertaking, limited company, registered society, trust, partnership firm, proprietorship firm, or such other legal entity;
- (i) to provide technical assistance or give advice to any agency in the execution and maintenance of water supply and sewerage systems;
- (j) to review annually the technical, financial, economic and other aspects of water supply and sewerage systems; and
- (k) to perform such other functions as may be necessary or conducive to the objects of this Act.

## **CHAPTER – V** ***Water Supply***

**36. Water supply for domestic purpose not to include any supply for certain specified purposes.-** The water supply for domestic purpose under this Act shall not be deemed to include any supply for commercial or industrial purpose and in particular any supply-

- (a) for any trade, manufacture or business;
- (b) for gardens or for purpose of irrigation;
- (c) for building purposes;
- (d) for fountains, swimming baths, public baths or tanks or for any ornamental or mechanical purposes;
- (e) for animals, where they are kept for sale or hire or for the sale of their produce or any preparation therefrom;
- (f) for the consumption and use by the inmates, in hotels, commercial boarding houses and residential clubs;
- (g) for the consumption and use by the persons visiting to theatres and cinemas;
- (h) for construction or for watering streets; or
- (i) for washing vehicles where they are kept for sale or hire; but shall be deemed to include a supply-
  - (I) for flushing latrines and drains; and
  - (II) for all baths other than swimming baths or public baths.

**37. Water supply for domestic purpose not to be used for non-domestic purpose.-** No person shall, except in such circumstances or subject to such conditions as may be prescribed, use or allow to be used the water supply for domestic purpose, for any purpose other than domestic purpose.

**38. Water supply for non-domestic purposes.-** An authorized officer of the Board may supply water for any purpose other than a domestic purpose, on such terms and conditions consistent with this Act and the regulations made thereunder.

**39. Providing public water supply system.-** (1) The Board may, subject to the payment by a local authority of such charges as may be determined by the Board, provide gratuitous supply of wholesome water to the public within Jaipur Urban Area and may for that purpose, erect public stand posts or other conveniences.

(2) Any such public stand posts or other conveniences provided under sub-section (1) above may be closed by the Board in consultation with the local authority concerned if such facilities are no longer required for the purpose of supply of wholesome water to the public.

**40. Power to cut off water supply.-** (1) The Board may cut off the water supply except the water supply provided for general public from any premises,-

- (a) if the owner or occupier neglects to comply with any lawful order or requisition regarding water supply issued by the Board within the period specified therein;
- (b) if any fee, rental, charges or any other sum due for water supply or for the cost of making connection or the hire of a meter or the cost of carrying out any work or test connected with the water supply which is chargeable to any person by or under this Act is not paid within fifteen days after a bill for such fee, rental, charges or sums has been presented or served;
- (c) if after receipt of a notice from the Board requiring him to refrain from so doing, the owner or occupier continues to use the water or to permit it to be used in contravention of the provisions of this Act or any rule made thereunder;
- (d) if the owner or occupier wilfully or negligently damages the meter or any pipe or tap conveying water;
- (e) if the owner or occupier refuses to admit the officer or person authorized by the Board in this behalf into the premises which he proposed to enter for the purpose of executing any work or placing or removing any apparatus or making any examination or enquiry in connection with the water supply or prevents such officer or person from executing such work, or placing or removing such apparatus or making such examination or enquiry;
- (f) if any water fittings, connected with the water supply are found on examination by any officer or person authorized by the Board to be out of repair to such an extent as to cause waste or contamination of water;
- (g) if the owner or occupier causes pipes, taps, works or fitting connected with the water supply to be placed, removed, repaired, or otherwise interfered with a contravention of the provisions of this Act or of the rules or regulations made thereunder; and
- (h) if the consumer fails to provide proper disposal or treatment of the used water from his premises, in accordance with the provisions of the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009), the Water (Prevention and Control of Pollution) Act, 1974 (Central Act No. 6 of 1974) or any other law for the time being in force:

Provided that the Board shall not cut off the water supply unless notice of not less than three days has been given to the owner or occupier of the premises, except in cases involving contamination of water supplies, where no such notice need to be given.

(2) (a) The owner and the occupier of the premises shall be jointly and severally liable for the payment of all the sums referred to in clause (b) of sub-section (1);

(b) The sums referred to in clause (a) shall be a charge on the premises.

(3) The expenses of cutting off the supply shall be payable by the owner and occupier of the premises jointly and severally.

(4) In a case under clause (b) of sub-section (1) as soon as any money for non-payment of which water has been cut off, together with the expenses of cutting off the supply, including any penalties levied thereon has been paid by the owner or occupier, the Board shall cause water to be supplied as before, on payment of the cost of re-connecting the premises with the water works.

(5) The action taken under this section against any person shall be without prejudice to any penalties to which he may otherwise be liable.

## **CHAPTER – VI** *Sewers and Sewerage Management*

**41. Certain matters not to be passed into Board sewers and sewage treatment works.-** (1) Save as otherwise provided in the Water (Prevention and Control of Pollution) Act, 1974 (Central Act No. 6 of 1974), relating to discharge and disposal of industrial effluents and other objectionable effluents, no person shall throw, empty, or turn into any Board sewers, any matter that damage or interfere with the free flow of its contents or prejudicial to the health.

(2) The Board shall ensure that the sewage or effluent from the Board sewer or any private sewer or drain connecting to the Board sewer are not emitted, discharged, seeped, leaked or otherwise escaped from the Board sewer or any part thereof into a piped water supply, well water supply, a watercourse, ground water or surface water or onto the surface of the ground so as to cause any hazard to health or environment.

**42. Construction and maintenance of sewers and sewage disposal works.-** The Board shall maintain and keep in repair all Board sewers and sewage disposal works and shall construct as many new drains and sewage disposal works as may from time to time be necessary for effectual sewerage and sewage disposal within its jurisdiction.

**43. Charges towards the use of Board sewerage system.-** Every occupier of both domestic and non-domestic premises shall pay to the Board charges at such rate as may be prescribed, to defray the capital cost of sewerage and sewage treatment works undertaken by the Board and the operation and maintenance of the sewerage system from time to time:

Provided that no such charges shall be levied in any premises situated in the areas which are not served by the sewerage system of the Board.

**44. 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 Board:

Provided that before doing so, he shall-



- (a) obtain written permission of the Board and pays connection fee and other charges as may be prescribed;
- (b) comply with such conditions as may be prescribed.

**45. Drainage of undrained premises.-** Where any premises are, in the opinion of the Board, without sufficient means of effectual drainage and a Board sewer or the place approved by the Board for the discharge of filth and other polluted and obnoxious matter is situated at a distance of not exceeding thirty-five meters from any part of the said premises, it may, by written notice, require the owner of the said premises to have sewer connection and if he fails to do so, the Board shall cause to make such connection and the owner shall be liable to pay the charges incurred by the Board.

**46. New premises not to be erected without drains or sewers.-** (1) It shall not be lawful to erect or re-erect any premises or occupy such premises, any part of which is situated within a distance of thirty-five meters from a Board sewer unless a drain or sewer necessary for the purposes of gathering or receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises is constructed to the satisfaction of the Board for effectual flushing the drain of the said premises.

(2) The drain so constructed shall empty into a Board sewer.

**47. Power to drain group or block of premises by combined operations.-** If it appears to the Board that any group or block of premises may be drained more economically or advantageously in combination than separately, and a Board sewer of sufficient size already exists or is about to be constructed within thirty-five meters of any part of that group or block of premises, the Board may cause that group or block of premises to be drained by a combined operation in such manner as may be prescribed.

**48. Power of Board to close or limit the use of private drains in certain cases.-** Where in the opinion of the Board, a drain connecting any premises with a Board sewer is not adapted to the general system of sewerage in the Jaipur Urban Area, it may, by written notice addressed to the owner of the premises, direct such drain to be closed, discontinued or destroyed. In such cases, the Board shall, at its own cost, provide another drain equally effectual for the drainage of the premises and communicating with any Board sewer.

**49. Sewage and rain water drains to be distinct.-** Whenever it is provided in this Act that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Board to require that there shall be one drain for filth and polluted water and an entirely distinct drain for rain water and unpolluted sub-soil water or both rain water and unpolluted sub-soil water, each emptying into separate Board sewer or other suitable places.

**50. Connection with sewers and sewage treatment works not to be made without permission.-** No person or any local authority as the case may be, shall for any purpose whatsoever, at any time make or cause to be made any connection or communication with the sewerage or sewage treatment works, except with the written permission of the Board or an officer authorised by it in this behalf and subject to such terms and conditions as may be prescribed therefor.

**51. Buildings and private streets not to be erected or constructed over Board sewerage line or sewage treatment works.-** Without the written permission of the Board no private street or building or wall or fence or other structure shall be erected or constructed on any Board sewerage line or sewage treatment works. Any contravention of this section shall entitle the Board to remove such erection or construction or otherwise deal with the same as it thinks fit

and recover the expenses in connection thereto from owner of the private street or of the building, or wall or fence or other structure, as the case may be.

**52. Power to affix shafts, etc., for ventilation of sewer or cesspool.-** For the purpose of ventilating any sewer or cesspool, whether vested in the Board or not, the Board may, in accordance with regulations made in this behalf, erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as may appear to it to be necessary.

**53. Power to examine and test sewers, etc., believed to be defective.-** (1) Where it appears to the Board that there are reasonable grounds for believing that a private sewer or cesspool is in such condition as to be prejudicial to health or a nuisance or that a private sewer communicating directly or indirectly with a Board sewer is so defective as to admit sub-soil water, it may examine its condition and for that purpose may apply any test, other than a test by water under pressure, and if it deems it necessary, open the ground.

(2) If on examination, the sewer or cesspool is found to be in proper condition, the Board shall, as soon as possible, reinstate any ground which has been opened by it and make good the damage done by it.

**54. Powers to disinfect tanks, pools and wells.-** Any officer or servant authorized by the Board in that behalf may have any tank, pool or well, cleaned or disinfected after giving 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 Board from the owner or occupier of such tank, pool or well.

## CHAPTER – VII

### *Transfer of assets and liabilities to the Board*

**55. Transfer of assets and liabilities of local authorities to the Board.-** (1) Subject to other provisions of this Act, all assets, liabilities and funds, if any, of the local authorities shall stand transferred to, and vest in the Board from such date as may be notified.

(2) Where any water works situate outside Jaipur Urban Area is utilised partly for water supply for that area and partly for other areas or purposes, the Board and the Government shall enter into an agreement not later than three months from the date of coming into force of this Act specifying the nature and extent of the Board's control over such works, the quality and quantity of water to be supplied for that area and other matters connected therewith provided that in the absence of such agreement or until such time as such agreement is reached, the Government shall be responsible for the continuance and maintenance of the arrangements and works in existence on the date of coming into force of this Act.

(3) The assets transferred to the Board shall include all works in progress and all water works and sewerage works situated in or outside Jaipur Urban Area and connected with the services aforesaid.

**56. Local authorities to furnish information to the Board.-** Within thirty days of establishment of Board, the local authorities shall furnish the following information to the Board, namely:-

- (a) description and details of all the assets and liabilities transferred to the Board under this Act;
- (b) details about contracts, projects, schemes undertaken by the local authorities and which are transferred to the Board under this Act; and
- (c) particulars about the legal proceedings by or against them in connection with any assets or liabilities transferred to the Board under this Act and pending as on the date of establishment of the Board.

**57. Duty to deliver property or assets to the Board.-** Where any property or assets have been transferred to and vested in the Board under sub-section (1) of section 55, then-

- (a) every person, in whose possession, custody or control any such property or assets may be, shall deliver the property or assets to the Board forthwith;
- (b) any person who on the notified date, has in his possession, custody or control any papers, books, documents, registers, records, or any property of whatever nature, relating to the water supply and sewerage systems referred to in sub-section (2) of section 55 shall be liable to deliver them to the Board or to such person as the Board may direct.

**58. Continuance of existing contracts, legal proceedings, notifications, orders etc.-**

(1) Any notification, order, scheme, rule, form or notice made or issued, and any permit or permission granted by local authorities in so far as it relates to water supply or sewerage service in or for the purpose of the Jaipur Urban Area, shall continue in force and be deemed to have been made, issued or granted under the provisions of this Act, unless and until it is superseded by any notification, scheme, order, rule, regulation, form or notice made or issued or any permit or permission granted under this Act.

(2) All obligations and liabilities incurred, all contracts entered into, all matters and things engaged by, with, or for local authorities, before the notified date in connection with the water supply or sewerage service in or for the purpose of the Jaipur Urban Area, shall be deemed to have been incurred, entered into or engaged by, with, or for the Board.

(3) All suits, prosecutions, appeals or other legal proceedings of whatever nature instituted or which might have been instituted by or against the local authorities, in so far as they relate to the assets and liabilities transferred to the Board under section 55, may be continued or instituted by or against the Board.

**CHAPTER – VIII**  
***Offences and Penalties***

**59. Waste or misuse of water.-** (1) No owner or occupier of the premises to which water is supplied by the Board shall cause or suffer any water to be wasted or misused 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 Board has reason to believe that as a result of defect in a service pipe or tap or other water fittings or works connected therewith water is being wasted, the Board may,

by return notice require the consumer to repair and make good the defect within such time as may be prescribed.

(3) If such repair is not carried out within the specified time, the Board 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 repair shall be realized from the consumer.

(4) Whoever continues to waste or misuse water, he shall on conviction be punished with, simple imprisonment which shall not be less than one month but which may extend to one year or a daily fine of rupees one thousand per day or maximum of rupees ten thousand.

**60. Use of water supplied for domestic purposes, for non-domestic purposes.-** Whoever uses or allows to use, the water supplied for domestic purposes, for non-domestic purposes shall on conviction be punished with simple imprisonment which shall not be less than one month but which may extend to one year or with a daily fine of rupees two hundred per day upto a maximum of rupees one thousand.

**61. Damage or interference with free flow of contents of Board sewer or sewers communicating with Board sewers.-** Whoever contravenes the provisions of section 41 shall on conviction, be punished with simple imprisonment which shall not be less than one month but which may extend to one year or with a daily fine of rupees one thousand per day upto a maximum of rupees ten thousand.

**62. Connection with Board sewers without written permission.-** Whoever contravenes the provisions of section 50 shall on conviction be punished with, simple imprisonment which shall not be less than one month but which may extend to one year or with a daily fine of rupees one thousand per day upto a maximum of rupees ten thousand.

**63. Private drain not to be connected with Board sewers without written permission.-** Whoever contravenes the provisions of section 44 shall on conviction be punished with, simple imprisonment which shall not be less than one month but which may extend to one year or with a daily fine of rupees two hundred per day upto a maximum of rupees one thousand.

**64. Erection or construction of building or private street over the Board's sewerage line or sewerage treatment works.-** Whoever contravenes the provisions of section 51 shall on conviction be punished with simple imprisonment which shall not be less than one month but which may extend to one year or with a daily fine of rupees two hundred per day upto a maximum of rupees one thousand.

**65. Non-compliance with requisition to close, remove or divert a pipe or drain.-** Whoever contravenes the provisions of section 48 shall on conviction be punished with simple imprisonment which shall not be less than one month but which may extend to one year or with a daily fine of rupees two hundred per day upto a maximum of rupees one thousand.

**66. Licensed Engineer or Licensed Plumber not to contravene regulations or demand charges more than that prescribe.-** Whoever contravenes the provisions of section 73 shall on conviction be punished with simple imprisonment which shall not be less than one month but which may extend to one year or upto a maximum fine of rupees ten thousand.

**67. Penalty for certain acts prohibited.-** Whoever contravenes the provisions of section 74, shall be punished with simple imprisonment which shall not be less than one month but which may extend to one year or with a fine which may be extend to rupees ten thousand.

**68. Penalty for obstructing entry.-** Whoever-

- (a) obstructs the entry of any person empowered under the provisions of this Act upon any land or building;
- (b) resists or obstructs any member, employee or servant of a Board or any employee of the Government in exercise of any power conferred on, or in the discharge of any duty imposed upon, or in the performance of any function entrusted to him; or
- (c) restricts or obstructs any person with whom a Board or the Government or an officer of the Government, has entered into a contract,

shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

**69. General provision for punishment of offences.-** Whoever contravenes any of the provisions of this Act or the rules and regulations made thereunder, for which no specific penalty is provided for, shall, for the contravention, be punished,-

- (a) for the first offence, with fine which may extend to five thousand rupees; and
- (b) for a second or any subsequent offence, with fine which shall not be less than ten thousand rupees but which may extend to one lakh rupees.

**70. Offence by companies.-** (1) Where an offence has been committed by a company under this Act, every person, who at time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

**Explanation.-** For the purposes of this section-

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

**71. Cognizance of offences.-**No court shall take cognizance of any offence punishable under this Act or any rule or regulation made thereunder, or except upon a complaint in writing of the facts constituting such offence made by the Board, or by a person expressly authorised in this behalf by the Board:

Provided that the Board shall also be given due notice of such proceedings and if the Board removes the cause for action within a reasonable period, the proceedings in the court shall

abate without prejudice to any other action or proceedings that the Board has initiated or may initiate thereafter.

## **CHAPTER – IX**

### **Miscellaneous**

**72. Disputes with local authority.-** Notwithstanding anything contained in any Rajasthan Law, any dispute relating to territorial or functional jurisdiction between the Board and any local authority, if not amicably settled, shall be referred to the Government and the decision of the Government thereon shall be final.

**73. Works to be done by Licensed Engineer or Plumber.-** (1) No person other than an Engineer or a Plumber Licensed by the Board or an officer authorised by the Board in this behalf shall issue a certificate for the execution of the work under this Act relating to water and sewerage connection to a premises:

Provided that if, in the opinion of the officer authorized in this behalf by the Board, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a Licensed Engineer or Plumber.

(2) No water and sewerage connection shall be given to the owner or occupier of premises unless the internal water and sewerage connection of such premises has been duly executed by the Licensed Engineer or Plumber:

Provided that, such certificate shall not be necessary in respect of trivial nature of work as provided by the regulations as may be made in this behalf.

(3) The Board may-

- (i) make regulations for compliance by the Licensed Engineers or Plumbers and a copy of all such regulations shall be attached to every licence granted to an Engineer or a Plumber by the Board;
- (ii) prescribe from time to time, the charges to be paid to the Licensed Engineer or Plumber;
- (iii) in addition to the prosecution under this Act, suspend or cancel the licence of any Licensed Engineer or Plumber who contravenes the provisions of this section.

**74. Prohibition of certain acts.-** No person shall-

- (a) wilfully obstruct any person acting under the authority of the Board in setting out the lines of any works or pull up or remove any pillar, post or stake fixed in the ground for the purpose of setting out lines of such work, or deface or destroy any works made for the same 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 works or apparatus belonging to the Board and pertaining to its duties and functions under this Act; or

- (c) unlawfully obstruct the flow of or flush, draw off, divert or take, water from any water course or waterworks belonging to the Board by which any such water is supplied; or
- (d) unlawfully obstruct the flow of or flush, draw off, divert or take sewage from any sewage works belonging to the Board; or
- (e) obstruct any officer or other employee of the Board in the discharge of his duties under this Act 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 water and sewage work; or
- (f) bathe, at or upon any waterworks, wash or throw or cause to enter therein any animal or throw any rubbish, dirt or filth into any waterworks or any polluted water to turn or be brought into any waterworks, or do any other act whereby the water or any waterworks is fouled or likely to be fouled; or
- (g) except with the previous permission duly obtained from the Board or any other officer authorized by the Board, in this behalf, enter on land vested in the Board, erect any building, wall or other structure over such land.

**75. Directions by the Government.-** (1) In the discharge of its functions, the Board shall be guided by such directions on question of policy as may be given to it by the Government.

(2) In the case of any difference of opinion as to what is a question of policy, the decision thereon of the Government shall be final.

**76. Power of entry.-** (1) The Board may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purpose of,-

- (a) preparation of any plans or schemes required under this Act, carrying out any surveys, inspection, making any measurement or taking levels of such land or building;
- (b) digging or boring into the sub-soil;
- (c) setting out boundaries and intended lines of works;
- (d) making such levels, boundaries and lines by placing mark, and cutting trenches;
- (e) examining works under construction and ascertaining the course of sewers and drains;
- (f) making any enquiry, inspection or search for ascertaining contravention of this Act or the rules and regulations made thereunder; or
- (g) doing any other thing necessary for the efficient administration of this Act:  
Provided that-

(I) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice at least of twenty four hours to the occupier, or if there be no occupier, to the owner of the land or building; and

(II) intimation shall be given in every instance to enable the inmates of any apartment appropriated to females to shift to such part where their privacy may not be disturbed.

(2) It shall be lawful for any person authorized under sub-section (1) to make an entry for the purpose of inspection or search and to open or cause to be opened a door, gate or other barrier,-

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

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

(3) If any damages are or are likely to be caused to any owner or occupier of any land or building in carrying out any of the functions under sub-section (1), the person so authorized shall at the time of such entry pay or tender payment of such damages to the owner or occupier and in case of dispute as to sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the appellate authority and the decision of the appellate authority thereon shall be final.

**77. Service of notice, etc.-** (1) All notices, bills, summons and other documents required by this Act or any regulation made thereunder to be served upon, or issue to, any person, shall be served or issued by such persons as may be authorized by the Board.

(2) Every notice, bill, summon, order, requisition or other document required or authorised by this Act or any rule or regulation made thereunder to be served or issued on any person shall, save as otherwise provided in this Act or such rule or regulation, be deemed to be duly served-

(a) where the person to be served is a company, if the document is addressed to the Secretary of the Company at its registered office or at its principal office or place of business and is either-

(I) sent by registered post; or

(II) deliver at the registered office or at the principal office or place of business of the Company;

(b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name and style under which its business is carried on, and is either-

(I) sent by registered post; or

(II) delivered at the said place of business;



- (c) where the person to be served is a public body or a corporation, society or other body, if the document is addressed to the secretary, treasurer or other head of office of that body, corporation or society at its principal office, and is either-
  - (I) sent by registered post; or
  - (II) delivered at that office;
- (d) in any other case, if the document is addressed to the person to be served and-
  - (I) is given or tendered to him;
  - (II) if such person cannot be found, is affixed on some conspicuous part of his last known place or residence or business if within the State or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building, if any to which it relates; or
  - (III) is sent by registered post to that person.

(3) Any document which is required or authorized to be served on the owner or occupier of any land or building may be addressed as, 'the owner' or 'the occupier' as the case may be, of that land or building (identifying that land or building ) without further name of description, and shall be deemed to be duly served-

- (a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (2) of this section ; or
- (b) if the document so addressed or a copy thereof so addressed is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered is affixed on some conspicuous part of his land or building.

(4) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(5) For the purpose of enabling any document to be served on the owner of any premises any other officer authorized or empowered to do so may by notice in writing require the occupier of the premises to state the name and address of the owner thereof.

(6) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be served upon the minor.

(7) A servant is not a member of the family within the meaning of this section.

**78. Service of bills for charges or notice of demand by ordinary post.-** Notwithstanding anything contained in section 77, a bill for any charges or a notice of demand may be served by sending it by ordinary post with a pre-paid letter under a certificate of posting addressed to the appropriate person specified in section 77, at his last known place of residence or business and in proving the service of every bill or notice so sent it shall be sufficient to prove that the letter was properly addressed and posted under a certificate of posting.

**79. Power in case of non-compliance with notice etc.-** In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act or any rule or regulation made thereunder, requiring such person to execute any work or to do any act, it shall be lawful for the authority or officer at whose instance the notice, order or requisition has

been issued, whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefor after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of the act or the work required to be done or executed by such person and all the expenses incurred on such account shall be payable to the Board on demand and if not paid within ten days after such demand, shall be recoverable as an arrear of charges payable under this Act.

**80. Execution of work by occupier in default of owner and deduction of expenses from rent.-** Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act or any rule or regulation made thereunder, the occupier, if any, of such land or building may, with the approval of the Board, execute the said work and he shall, subject to any contract between the owner and occupier to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in the execution of the work and may deduct the amount thereof from the rent payable by him to the owner.

**81. Power to remove difficulties.-** (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion requires, by order published in the Official Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to be necessary or expedient for removing the difficulty.

(2) No order under this section shall be made after the expiry of two years from the commencement of this Act.

(3) Every order made under this section shall be laid, as soon as may be after it is made, before the House of the State Legislature.

**82. Consult and seek approval of the Board.-** As the Board is responsible to discharge its functions under this Act within its jurisdiction, all other agencies shall consult and seek approval of the Board while planning any schemes or projects with regard to water works and sewerage works within the Jaipur Urban Area.

**83. Powers with respect to prosecuting for offences.-** The Board may—

- (a) compromise with any person who in the opinion of the Board has committed an offence punishable under this Act or any rules made thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence;
- (b) withdraw prosecutions under this Act or any rules made thereunder;
- (c) compound any offence under this Act or any rules made thereunder which may, by rules made by the Government, be declared compoundable:

Provided that the Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section.

**84. Damage of Board property how made good.-** If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act, and any damage to the property to the Board shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and in case of non-payment of such damage on demand, the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

**85. Power of the Board to manage water supply and sewerage assets of private entity.-** The private entity may in the manner prescribed, request the Board to takeover and manage its water supply and sewerage assets. The Board may on receiving such request takeover and manage the water supply and sewerage assets of the private entity and may collect such fees from the private entity as may be agreed through agreement with them.

**86. Mode of recovery of dues.-** (1) Where any amount payable by a person to the Board under any of the provisions of this Act or the rules made thereunder is not paid, the Managing Director shall proceed to recover the amount by one or more of the following modes, namely:-

- (a) the Managing Director may deduct or may require any other specified officer to deduct the amount so payable from any money owing to such person which may be under the control of the Managing Director or such other specified officer;
- (b) the Managing Director may recover or may require any other specified officer to recover the amount so payable by detaining and selling any goods belonging to such person which are under the control of the Managing Director or such other specified officer;
- (c) (i) the Managing Director may, by a notice in writing, require any other person from whom money is due or may become due to such person or who holds or may subsequently hold money for or on account of such person, to pay to the Government either forthwith upon the money becoming due or being held, or within the time specified in the notice not being before the money becomes due or is held, so much of the money as is sufficient to pay the amount due from such person or the whole of the money when it is equal to or less than that amount;
  - (ii) every person to whom the notice is issued under sub-clause (i) above shall be bound to comply with such notice, and in particular, where any such notice is issued to a post office, banking company or an insurer, it shall not be necessary to produce any pass book, deposit receipt, policy or any other document for the purpose of any entry, endorsement or the like being made before payment is made, notwithstanding any rule, practice or requirement to the contrary;
  - (iii) in case the person to whom a notice under sub-clause (i) has been issued, fails to make the payment in pursuance thereof to the Board, he shall be deemed to be a defaulter in respect of the amount specified in the notice and all the consequences of this Act or the rules made thereunder shall follow;
  - (iv) the officer issuing a notice under sub clause (i) may, at any time, amend or revoke such notice or extend the time for making any payment in pursuance of the notice;
  - (v) any person making any payment in compliance with a notice issued under sub-clause (i) shall be deemed to have made the payment under the authority of the person in default and such payment being credited to the Board shall be deemed to constitute a good and sufficient discharge of the

liability of such person to the person in default to the extent of the amount specified in the receipt;

- (vi) any person discharging any liability to the person in default after service on him of the notice issued under sub-clause (i) shall be personally liable to the Board to the extent of the liability discharged or to the extent of the liability of the person in default for principal amount due, interest and penalty, whichever is less;
- (vii) where a person on whom a notice is served under sub-clause (i) proves to the satisfaction of the officer issuing the notice that the money demanded or any part thereof was not due to the person in default or that he did not hold any money for or on account of the person in default, at the time the notice was served on him, nor is the money demanded or any part thereof, likely to become due to the said person or be held for or on account of such person, nothing contained in this section shall be deemed to require the person on whom the notice has been served to pay to the Board any such money or part thereof;
- (d) the Managing Director may, in accordance with the rules to be made in this behalf, distrain any movable or immovable property belonging to or under the control of such person, and detain the same until the amount payable is paid; and in case, any part of the said amount payable or of the cost of the distress or keeping of the property, remains unpaid for a period of thirty days next after any such distress, may cause the said property to be sold and with the proceeds of such sale, may satisfy the amount payable and the costs including cost of sale remaining unpaid and shall render the surplus amount, if any, to such person;
- (e) the Managing Director may prepare a certificate signed by him specifying the amount due from such person and send it to the Collector of the district in which such person owns any property or resides or carries on his business or to any officer authorised by the Board and the said Collector or the said officer, on receipt of such certificate, shall proceed to recover from such person the amount specified thereunder as if it were an arrear of land revenue;
- (f) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), the Managing Director may file an application to the appropriate Magistrate and such Magistrate shall proceed to recover from such person the amount specified thereunder as if it were a fine imposed by him.

(2) Where the terms of any bond or other instrument executed under this Act or any rules or regulations made thereunder provide that any amount due under such instrument may be recovered in the manner laid down in sub-section (1), the amount may, without prejudice to any other mode of recovery, be recovered in accordance with the provisions of that sub-section.

(3) Where any amount of amount due, interest or penalty is payable by a person to the Board under any of the provisions of this Act or the rules made thereunder and which remains unpaid, the Managing Director, during the course of recovery of said arrears, may recover the amount from the said person as if it were an arrears of land revenue and credit the amount so recovered to the account of the Board.

**87. Validity of notices and other documents.-** No notice, order, requisition, licence, permission in writing or any other document issued under this Act or any rule or regulation shall be invalid merely by reason of any defect in form or detail.

**88. Rewards to certain persons.-** The Board may reward any person who brings to the notice of the Board contravention of any provisions of this Act like any misuse of water or breaking of mains or Board sewer or such other matters as may be prescribed.

**89. Customer Grievance Redressal Forum.-** The Board shall form a forum for providing an active customer service centre/call centre which shall duly provide effective redressal service to its customer for any matter relating to water supply and sewerage systems in accordance with such regulations as the Board shall make in this behalf.

**90. Appeals.-** Any person aggrieved by any decision or order of any officer under this Act or any rule or regulation made thereunder may, within a period of sixty days from the date of the service of such decision or order, appeal to the appellate authority as prescribed by the regulation and subject to revision by the Board, the orders of the appellate authority on such appeal shall be final.

**91. Revision.-** The Board may call for the records of any proceedings of any officer subordinate to it for the purpose of satisfying itself as to the legality or propriety of any order or proceedings and may pass such order with respect thereto as it thinks fit.

**92. Protection of action taken in good faith.-** No suit, prosecution or other proceeding shall be instituted or shall be entertained in any court against any member of the Board or of the consultative council or any Committee constituted under this Act, or against any other officer or employee of the Board or against any person acting under the order or direction of any such person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule, regulation or other instrument made thereunder.

**93. Notice to be given of suits.-** (1) No suit shall be instituted against the Board or against any officer or employee of the Board or against any person acting under the order or direction of the Board or any officer or other employee, in respect of any act done, or purporting to have been done in pursuance of this Act or any rule or regulation made thereunder, until the expiration of two months after notice in writing has been left at the office of the Board and, in the case of such officer or person, unless notice in writing has also been delivered to him or left at his office or place of residence, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of residence of the intending plaintiff and unless the plaint contains a statement that such notice has been so left or delivered.

(2) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of institution of the suit.

**94. Employees of the Board to be public servants.-** All members, officers and employees of the Board, and any person entrusted with the execution of any function under this Act, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

**95. Power to make rules.-** (1) The Government may, by notification make rules for carrying out all or any of the purposes of this Act.

(2) Any rule made under this Act may be made with retrospective effect and when such a rule is made, the reasons for so making the rule shall be specified in a statement to be laid before the House of the State Legislature.

(3) Every rule made under this Act, shall immediately after it is made be laid before the House of the State Legislature if it is in session and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following, the House of the State Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**96. Power of Board to make regulations.-** The Board may, with the previous approval of the Government, make regulation, not inconsistent with this Act and the rules made thereunder, to provide for all or any of the following matters, namely:-

- (a) the administration of the funds and other property of the Board and the maintenance of its accounts;
- (b) the summoning and holding of meetings of the Board and the times and places at which such meetings shall be held, and the conduct of business thereat and the number of Directors necessary to constitute a quorum;
- (c) the duties of the Board employees and their salaries, allowances and other conditions of service;
- (d) the fine which may be imposed for the breach of any law which may extend to one thousand rupees, and in case of continuing breach with the additional fine which may extend to one hundred rupees for every day, during which the breach continues after receipt of a notice from the Board to discontinue the breach;
- (e) the procedure to be followed by the Board in inviting, considering and accepting tenders; and
- (f) any other matter arising out of the Board's function under this Act, in which it is necessary or expedient to make regulations.

**97. Delegation of powers.-** (1) The Government may, by a notification in the Official Gazette, delegate to any officer subordinate to it or delegate to the Board all or any powers conferred on it by or under this Act, other than the power to make rules.

(2) The Government may, by notification in the Official Gazette, delegate such functions and powers of the Board as are provided under this Act, as may be specified in the notification, to a local authority and such local authority shall exercise such powers and discharge such functions of the Board under this Act.

(3) The Board may, by an order, assign and delegate any of its functions and powers to its Managing Director or any other member or to any officer or employee of the Board subject to such conditions or limitations as it may deem fit except the function and power of making regulations.

(4) The Board may, by an order, assign and delegate any of its functions and powers to any Committee, or to any officer or employee of the Board, subject to such conditions or limitations as it may deem fit.

**98. Immunity to the Board.-** No suit, prosecution or other legal proceeding shall be maintainable against the Board, or any person acting under the directions of the Board or its

members, officers or employees thereof in respect of anything done lawfully and in good faith and with due care and attention under this Act.

**99. Service of notice under this Act.-** All documents, which expression shall include notice and orders required by this Act or the rules and regulations made thereunder to be served upon any person, shall, save as otherwise provided in this Act or the rules and regulations made thereunder, be deemed to be duly served where it is sent by registered post or speed post or delivered at the place of his residence or business or given or tendered to the person to whom it is addressed or if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or where an attempt to serve a document on any person in the manner indicated in the foregoing provisions of this section fails, it shall be deemed to be an effective service of the document on such person if the notice of the document to be served is published in any daily local newspaper.

**100. Bar of jurisdiction of civil court.-** (1) No civil court shall take cognizance of any matter which is required to be or may be decided by the Government, Board, or the appellate authority under the provisions of this Act.

(2) An order passed or a direction given by the Government to the Board, or the appellate authority under the provisions of this Act or an order passed or notice issued by the Board or the appellate authority under the provisions of this Act shall be final.

**101. Control by the Government.-** (1) The Board shall exercise their powers and perform their duties under this Act in accordance with the policy framed and the guidelines laid down, from time to time, by the Government for establishment, planning, development, operation, maintenance, management and regulation of the water supply and sewerage systems within the jurisdiction of the Board.

(2) The Board shall be bound to comply with such direction which may be issued from time to time by the Government for efficient administration of this Act.

**102. Act to override other Rajasthan Laws.-** Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other Rajasthan Law for the time being in force.

**103. Repeal and savings.-** (1) The Jaipur Water Supply and Sewerage Board Ordinance, 2018 (Ordinance No. 4 of 2018) is hereby repealed.

(2) Notwithstanding such repeal, all things done, actions taken or orders made under the said Ordinance shall be deemed to have been done, taken or made under this Act.