

THE DELHI JAL BOARD ACT. 1998

Government of National Capital Territory of Delhi
(Department of Law, Justice & Legislative affairs)

No. F.13(4)/98-LAD/
1998

Dated the 2nd April,

The following Act of the Legislative Assembly received assent of the President of India on 30th March, 1998 and hereby published for general information:

-

The Delhi Water Board Act 1998 (Delhi Act No. 4 of 1998)

(as passed by the Legislative Assembly of the National Capital Territory of Delhi)

Dated 2nd April, 1998

AN

ACT

To provide for the establishment of a board to discharge the functions of water supply, sewerage and sewage disposal and drainage within the National Capital Territory of Delhi and for matters connected therewith.

BE it enacted by the Legislative assembly of National Capital Territory of delhi in the Forty Eighth Year of the Republic of India as follows: -

CHAPTER – I PRELIMINARY

Short Title Extent and Commencement

1.

- (1) This Act may be called the Delhi Water Board Act, 1998.
- (2) It will extend to the entire area of the National Capital Territory of Delhi excluding area under New Delhi Municipal Council & Cantonment area.
- (3) It shall come into force on such date as the government may, by notification in the Official gazette, appoint; and different dates may be appointed for different provisions of this act and any reference in any such provision to the commencement of this act shall be construed as a reference to the coming into force of that provision.

Definitions

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

- (a) “Administrator” means the Administrator of the government of National Capital territory of Delhi;
- (b) “Board” means the Delhi Water board established under subsection (1) of section 3 and includes any member, officer or employee of the Board to whom the Board may delegate its powers under Section 22;
- (c) “Cantonment area” means the area within the limits of Delhi Cantonment as defined by the notifications of Central government under Section 3 of Cantonment Act, 1924.
- (d) “Central ground Water Authority” means the central Ground Water Authority constituted under Section 3(3) of the environment (Protection) Act, 1986 (29 of 1986);
- (e) “Charges” includes any rates, tariff, duty cess, deposits, rentals, surcharge, development charges or any other charges levied by the Board or payable to it;
- (f) “Delhi means the National Capital territory of Delhi;
- (g) “Delhi Contonment Board” means the body corporate having perpetual succession & common seal as incorporated under Sections 10 & 11 of the Cantonment Act, 1924 (Central Act 2 of 1924)
- (h) “Delhi Development Authority” means the Delhi Development authority established under Section 3 of the Delhi Development Authority Act, 1957 (central Act 61 of 1957) and included any successor body thereto;
- (i) “Delhi Electric Supply Undertaking” means the undertaking of that name established under the provisions of the Delhi

Municipal Corporation Act, 1957 and includes any successor body thereto;

- (j) 'Departmental Charges" means the charges fixed by the Board for defraying its establishment and overhead costs in respect of any work;
- (k) "Development" means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in any building or land and includes redevelopment;
- (l) "Development Charges" means charges to defray the cost incurred by the Board in initially providing any service to any premises or group of premises or for augmenting such service and includes departmental charges.
- (m) "Drain" included a sewer, a house drain, or a drain of any other description, a tunnel, a culvert, a ditch, a channel or any other device for carrying of sewage, offensive matter, polluted water, waste water, but not designed to carry rain water or sub-soil water;
- (n) "Fittings" includes any pipe, taps, cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water or for the carrying of, collection, treatment or disposal of sewage;]
- (o) "Government" means the Government of the National Capital Territory of Delhi;
- (p) "Industrial Effluent" means effluent which is not sewage and includes environmental pollutants in the form of solid, liquid or gaseous substances present in such concentration as may be injurious to the environment, to human beings, or other living creatures, including plants or micro-organisms or to property;
- (q) "Legislative Assembly" means the legislative assembly of the National Capital Territory of Delhi;
- (r) "Licensed Plumber" means a plumber who has been temporarily permitted to operate as licensed plumber in any area of the Board or by any erstwhile body substituted by the Board and will include a licensed plumber who will be licensed by the Board in accordance with the regulations made in this regards;
- (s) "Local Authority" includes the Municipal Corporation of Delhi, New Delhi Municipal Council, the Delhi Development Authority, the delhi Cantonment Board, or any successor body to any of them, and any other statutory authority performing municipal functions;
- (t) "Main" means a pipe laid by the Board 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 upto the ferrule;

- (u) “Military engineering Services” means an-organization dedicated to provide infrastructure support to the Defence Services and other users under the Ministry of Defence.
- (v) “Municipal Corporation” means the Municipal Corporation of Delhi established under Section 3 of the Delhi Municipal Corporation Act, 1957 (central Act 66 of 1957) and includes any successor body or bodies thereto;
- (w) “Municipal drain” means any drain under the control or formerly under the control of a local authority;
- (x) “New Delhi Municipal Council” means the New delhi Municipal council established under the New Delhi Municipal Act, 1994 (Central act 44 of 1984) and includes any successor body or bodies thereto;
- (y) “Occupier” in relation to any premises includes –
 - I. any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the premises in respect of which such rent is paid or is payable;
 - II. an owner in occupation of, or otherwise using, such land or building;
 - III. a rent free tenant of such land or building;
 - IV. a licensee in occupation; and
 - V. any person who is liable to pay to the owner damages for the use and occupation of such land or building;
- (z) “Owner” means a person who for the time being is receiving or is entitled to receive, the rent of any land or building whether on his own account or on account of himself and other or as an agent, trustee, guardian of receiver for any other person or who should so received the rent or be entitled to receive it if the land or building or part thereof were let to a tenant and also includes -
 - I. The custodian of Evacuee Property in respect of evacuee property vested in him under the Administration of Evacuee Property Act, 1950 (central Act 31 of 1950).
 - II. The Director of estates in the Central Government, the Secretary of the Delhi Development authority, constituted under the Delhi Development Act, 1957 (central Act 61 of 1957), the General Manager of a Railway and the head of a government Department, in regard to properties under their respective control;
- (aa) “Premises” means any land or building or part of a building and includes –
 - I. the garden, grounds and out- houses, if any, appertaining to a building or part of a building; and
 - II. any fittings affixed to a building or part of building;

- (ab) "Prescribed" means prescribed by rules framed by the Government under Section 108;
- (ac) "railway administration", in relation to –
 - I. a government Railway means the General Manager of a Zonal Railway; and
 - II. A non-government railway means the person who is the owner or lessee of the Railway or the person working for the Railway under an agreement;
- (ad) "Regulation" means regulation made by the Board under Section 109;
- (ae) "Reside" –
 - I. a person shall be deemed to "reside" in any dwelling house which or some portion of which he sometimes, whether uninterruptedly or not, uses a sleeping apartment and
 - II. a person shall not be deemed to cease to "reside" in such dwelling house merely because he is absent from it or has elsewhere another dwelling house in which he resides, if there is the liberty of returning to it any time and no abandonment of the intention of returning to it;
- (af) "Rule" means a rule made by the government under this Act by notification in the Official Gazette.
- (ag) "Sewage" means night-soil and other contents of water closets, latrines, privies, cess pools or drains, and waste water or other normal effluent from shafts, kitchens, bathrooms, stables, cattle sheds and other like places but excludes cow-dung;
- (ah) "Sewer" means any device for carrying of sewage;
- (ai) "Sewerage Work" means any sewer channel, duct, collection, treatment and disposal unit, pumping station, engine, mobile collecting unit and other machinery and any adjacent land not being private property and any land, building or other thing for the collection or treatment or disposal of sewage;
- (ak) "Street" means any way, road, lane, square, court, alley, passage, whether a through fare 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;
- (al) "Telegraph Authority" means the authority as defined under Section 3 (6) of the Indian Telegraph act, 1885 (13 of 1885)
- (am) "telegraph line" means a wire or wires for the purpose of a telegraph as defined in the Indian Telegraph Act, 1885 (13 of 1885);
- (an) "trunk main" means a main constructed for the purpose of conveying water from a source of supply to a reservoir or from a reservoir to another reservoir, or for the purpose of conveying water, in bulk from one part of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk;
- (ao) "Water works" means any source of water supply like a stream, lake, spring, river, or canal, well reservoir, cistern and tank, dug well,

bore well, dug-cum-bore well, tubewell, ranny well, filter points and infiltration galleries, any channel, duct, whether converted or open, desalination plants, treatment units, sluice or supply main culvert, bridge, engine, water tank hydrant, stand pipe or post, conduit and machinery and any adjacent land not being private property and any adjacent land not being private property and any land, building or other thing for supplying water or for protecting a source of water supply and pipe or for treatment of water.

Chapter II

Constitution of Delhi Water Board

Constitution of the Board

3.

- (1) The Government shall, as soon as may be after the issue of the notification under sub-section (3) of Section 1, constitute the Delhi Water Board by notification in the official Gazette.
- (2) The Board shall consists of:
 - i. A chairperson who shall be the minister incharge of the subject matter of the government and a vice chairperson to be nominated by speaker from amongst members as per clause 2 (iii).
 - ii. A chief executive office to be nominated by the Government who shall be an office drawing pay in the scale not less than that of a joint secretary to the Government of India.
 - iii. Three members of the legislative assembly of the National Capital territory of Delhi to be nominated by the speaker.
 - iv. Two members of the Municipal Corporation of Delhi, Ex-officio.
 - v. The commissioner of the Municipal Corporation of Delhi, Ex-Officio.
 - vi. The chairperson of the New Delhi Municipal Council, ex-officio.
 - vii. A member (Water Supply) to be nominated by government who shall be an engineer, drawing pay not less than that of a joint secretary to the Government of India, having specialized knowledge and experience in the matters relating to drainage.
 - viii. A member (Drainage) to be nominated by government who shall be an engineer, drawing pay in scale not less than that of a joint secretary to the Government of India, having specialized knowledge and experience in the matters relating to drainage.
 - ix. A member (Finance) to be nominated by the government drawing pay in the scale not less than that of a joint secretary to the Government of India, having specialized knowledge and practical experience of accounting and financial matters.
 - x. A member (administration) to be nominated by the Government drawing pay in the scale not less than

that of a joint secretary to the government of India, having specialized knowledge and practical experience of personnel and administrative matters.

- xi. Secretary Incharge of the Department of the government dealing with the Board, Ex-officio.
- xii. A representative of the Ministry of urban Affairs & employment, government of India who shall not be below the rank of joint Secretary to the Government of India, to be nominated by the Central Government.
- xiii. One representative of the Delhi Cantonment Board, preferably an elected representative of the Delhi Cantonment Board, to be nominated by its President.
- xiv. A representative of the Central Ground Water Authority who shall not be below the rank of a Chief Engineer, to be nominated by the Central Government.

- (3) Members nominated under clauses (ii), (vii), (viii) (ix) and (x) shall be entitled to receive from the funds of the Board such salaries and allowances, and shall be governed by such conditions of service, as may be prescribed.
- (4) Except in the case of ex-officio members and members nominated under clauses (iii), (iv), (xiii) of sub section (2), the members of the Board shall hold office at the pleasure of the government.
- (5) The members of the Board nominated under clauses (iii), (iv) and (xiii) of sub-section (2) shall not hold office for a continuous period for more than two years and shall cease to hold office whenever they cease to be members of the legislative assembly of the National Capital Territory of delhi or members of the Municipal Corporation of delhi or of the delhi Cantonment Board, as the case may be.
- (6) No decision taken by the Board or under the authority of the Board shall be called into question on the ground only of the existence of any vacancy among the members of the Board or of any defect or infirmity in the constitution of the Board.

4.

- (1) In the absence of the Chairperson, the Vice Chairperson and in the absence of chairperson & vice-chairperson, the Chief Executive Officer shall be competent to carry out the duties and functions of the chairperson.

- (2) If the chief executive officer of the board is by reason of illness or otherwise rendered temporarily incapable of carrying out his duties, or is granted leave of absence by the government, or is otherwise unable to attend to his duties, in circumstances except the cessation of his membership, the government may appoint another person to act for him as the chief executive officer to carry out his duties and functions by or under this Act. Such person shall vacate office on the date when the Chief Executive Officer resumes his duties.

Non-participation of a member of he hold interest in any firm, etc.

5.

- (1) If the Board has entered into or is considering entering into any contract or agreement with any firm or company in which a member holds any share or interest, he shall disclose the fact and nature of such interest and he shall not be entitled to participate in any decision of the Board relating to such contract or agreement.
- (2) Every disclosure referred t in sub-section (1) shall forthwith be recorded in the minutes and communicated to the Government, and the government may thereupon give such direction as it may deem proper.

Incorporation of the Board

6.

- (1) The board shall be a body corporate having perpetual succession and a common seal and the power to acquire and to hold property, both movable and immovable, and may sue and be sued.
- (2) All orders and decisions of the Board shall be authenticated in such manner as may be provided in the regulations.

Appointment of staff

7. The Board may appoint a secretary and all such offices as may be required to enable the Board to carry out its functions under this Act:

Provided that the Government may prescribe that appointment to certain posts shall be subject to its approval.

Water consultative council

8.

(1) The government may constitute a water consultative council.

(2) The functions of the water consultative council shall be: -

- i. To advise the Board on policy matters pertaining to the interests of consumers and issues affecting the environment;
- ii. To give expert advice on administrative, financial and technical matters;
- iii. To advise the board on matters pertaining to the interests of consumers and issues affecting the environment;
- iv. To advise the board on any other matter regarding which the board seeks its advice.

(3) The chairperson of the Board shall be the chairperson of the Water Consultative Council and its members shall be as follows: -

- i. All members of the board, ex-officio;
- ii. Two members of the legislative assembly of the national capital territory of Delhi to be nominated by the speaker.
- iii. Two members of the Municipal Corporation of Delhi to be nominated by the mayor;
- iv. One expert in environmental and ecological matters to be nominated by the government;
- v. Two experts in water management to be nominated by the government.
- vi. Two persons representing consumer interests to be nominated by the Government;
- vii. One member representing the employees to be nominated by the government;
- viii. One member from the New Delhi Municipal Council out of the Non-official members.

Chapter III

Power and Functions of the Board

Functions of the Board

9.

(1) Without prejudice to any other provisions of this Act, the Board may perform the following functions: -

- a. Treat, supply and distribute water for household consumption or other purposes to those parts of Delhi where there are houses, whether through pipes or by other means;

Provided that this clause shall not be construed to require the board to do anything which is not in the opinion of the board practicable at a reasonable cost, or to provide water supply to any premises which have been constructed in contravention of any law or in which adequate arrangement for internal water supply, including internal storage, as may be required by the Board, does not exist:

- b. Plan for, regulate and manage the exploitation of ground water in Delhi in consultation with Central Ground water Authority and also give advice in this regard to the New Delhi Municipal Council, the Delhi Cantonment Board or any other local authority, except with the prior approval of the central government;

Provided that the Board shall, as far as may be, take over the management of all drains fed wholly or in part by drains under the management of the Board;

- c. Promote measures for conservation, recycling and reuse of water;
- d. If so directed by the Government or the Central government, take over and carry out any functions relating to the management and regulation of sewerage and ground water or the drains of any area, hitherto being carried out by the Government, the Delhi Development authority or any other agency;

Provided that the Board shall, as far as may be, take over the Management of all drains fed wholly or in part by drains under the management of the Board;

- e. Collect, treat and dispose-of sewage from any part of Delhi and carry out works connected with sewerage, sewage treatment and sewage disposal including the planning, design, construction, operation and maintenance of works relating thereto;
- f. Take up or promote any other measures necessary for or ancillary to the functions of the Board laid down under this Act, including negotiations with other Boards or similar authorities, or the central or any state government, and entering into agreement with them, or the formulation and implementation of schemes, or research and development works.
- g. Make provision for unfiltered water supply.

- (2) The Board may, with the prior approval of the Government entrust any of the tasks and functions referred to in this section to a local body, limited company, registered society, research institute or government undertaking, including provision for private investment in any works thereof including ownership of the facility, on such terms and conditions as may be approved by the Board.

Water supplied for domestic purpose not to be used for non-domestic purposes

10.

- (1) No person shall, without written permission of the Board, use or allow use of water supplied for domestic purpose for any purposes, other than domestic purposes, except to extinguish a fire.
- (2) No person shall willfully pollute water in or obtained from any well, tank, water works or other source of supply being water which is or is likely to be used for domestic purpose or for the preparation of food or drink for human consumption, so as to be prejudicial to health.

Supply of water for domestic purposes not to include any supplies for specified purposes

11. The supply of water for domestic purpose shall not be deemed to include supply thereof:
- i. For animals or for washing vehicles, where such animals or vehicles are kept for sale or hire;
 - ii. For any trade, manufacture or business;
 - iii. For fountains, swimming, baths or any ornamental or mechanical purposes;
 - iv. For any construction work of any kind.

Power to supply water for non-domestic purposes

12. The board may, in its discretion and subject to sufficient availability of water, supply water to any person or organization including industrial establishments for non-domestic purpose or other public purposes, on such terms and conditions, including payment of such charges, as may be specified by regulations:
- Provided that the Board shall allow all persons to take water for extinguishing fires only from any pipe on which a hydrant is fixed, without any payment.

Power to require water supply to be taken and power not to allow occupation of a new premises without arrangement for water supply.

- 13.
- (1) It shall not be lawful to construct or occupy any premises without adequate arrangements for water supply in accordance with such regulations as may be made in this behalf.
 - (2) If it appears to the Board that any premises in Delhi are without supply of water for domestic purposes or that the existing supply of water for domestic purposes available for the persons usually occupying or employed in such premises, is inadequate or objectionable for reasons of health and sanitation, the Board may, by notice in writing, require the owner of the premises or the person primarily liable for the payment of property taxes in respect of them:
 - a. To take a connection adequate for the persons occupying or employed in the premises, or to take such additional or enlarged connection or connections from the Water Works;
 - b. To provide supply pipes and water fittings, install and work a pump and do all such works and take all such measures as may, in the opinion of the Board, be necessary for the above purposes.

- (3) The Board may in the notice issued under sub-section (2) specify:
- a. The size, material and quality of the pipes and water fittings to be provided;
 - b. The position of the pipes and water fittings to be provided and the means of access for the inspection thereof;
 - c. The type of pump that should be installed and the hours during which it should be kept working;
 - d. The period within which any or all the works specified in the notice should be carried out;
 - e. Any other requirement which the Board may deem necessary.

Power to lay mains, sewers, pipes or drains.

14.

- (1) The Board may lay water mains, sewers, or service pipes, or drains of any type in any street or, with the consent of the owner and occupier of land not forming part of the street, in over or on any such land and may from time to time inspect, repair, alter or renew such main, pipe, sewer or drain wherever situated.

Provided that where a consent required for the purpose of this sub-section is withheld, the Board may after giving the owner or occupier a written notice of its intention to do so, lay the main pipe, sewer or drain in, over or on that land even without such consent.

- (2) Where the Board, in exercise of its powers under this section, lays or inspects, repairs, alters or renews a water main, service pipe, sewer or drain, it shall pay compensation to every person interested in such land for any damage or injury done to such land by reasons thereof.
- (3) The compensation payable under sub-section (2) shall be such as may be fixed by the Board in accordance with such procedure as may be prescribed and after considering any claims made by any person interested in such land.

Power to require water supply to be taken and to require maintenance of service pipe.

15.

- (1) The Board may require any person, who desires the supply of water for domestic or any other purpose, to comply with such requirements as may be specified in requirements made in this behalf including the provisions of any supply pipes or any tanks, pumps or other pipes or fittings, as may be required by the Board, or deposit of the cost of so doing, and the payment of any amount required by way of development charges.
- (2) After obtaining the sanction of water connection from the Board the delivery pipe shall be got laid by consumer through a licenced plumber at his own cost from the main to consumer's premises including ferrule.
- (3) It shall be the duty of the consumer to maintain, repair and replace, if required, such delivery pipe at his own cost.
- (4) All service pipes laid for a period of 15 years or more shall be got inspected by the consumer, at his own cost, through a licenced plumber. If the service pipes are found rusted/ leaking, and this is likely to result in contamination of water, the work of repair/ replacement shall be got executed by the consumer, at his own cost, through a licenced plumber.
- (5) It shall be the responsibility of the Development Agency carrying out, any construction, including multi-storeyed construction or additions to existing construction, to ensure provision of water supply through storage tanks, either underground or overhead, and booster pumping stations. The construction shall be the responsibility of the Developing agency and the maintenance and operation of the arrangements shall be the responsibility of the occupant of such premises. The board shall be responsible for giving water in the mains feeding the service pipe. The construction arrangements shall be done with the prior permission of construction arrangements shall be done with the prior permission of the Board and on such terms & conditions as shall be determined by the Board.

Provision of fire hydrants

16. The board shall, on payment by the agency responsible for fire services, fix hydrants on water mains (other than trunk mains) at such places as may be convenient for supply of water for extinguishing any fire which may break out and shall keep these in order.

Providing that the board shall allow water to be taken for extinguishing fires from any pipe on which a hydrant is fixed, by the agency responsible for fire services, without any payment.

Power of Board to provide meters

17.

- (1) The board may provide water meters to measure the consumption of water by any person using water supply by the Board and, until the contrary is proved, it shall be presumed that the quantity of water shown by the meter has been consumed.

Provided that the Board may in its discretion permit a consumer to use his own water meter.

- (2) The use, installation fees and rent to be paid for such use, maintenance and testing of meters shall be in accordance with regulations framed under this Act.

Power to cut off or turn off water supply.

18. The Board may, subject to regulations made in this behalf, cut off or turn off water supply to any premises or part thereof and the expense of cutting or turning off the water supply shall be paid by the occupier of the premises.

Prohibition of waste or misuse of water or instillation of booster pumps.

19.

- (1) No person shall wilfully or negligently cause or suffer any water fittings to be so constructed or so adopted, or to remain out of order in such a manner, that the water supplied to him by the board is, or is likely to be wasted, misused or unduly consumed or contaminated, or that foul air or any impure matter is or is likely to be returned to any pipe belonging to, or connecting with a pipe belonging to the Board.
- (2) The Board may without prejudice to its right to proceed against such person under any other provision of law, acquire any person infringing the provisions of sub-section (1), to carry out any necessary repairs or alterations and, if he fails to do so within forty eight hours, may carry out the work and recover the cost incurred in so doing from such person.
- (3) No person shall install a booster pump or any other appliance without the permission of the Board on any water main or service pipe or shall pump water supplied by the Board otherwise than in accordance with such conditions as may be specified by regulations made in this behalf.

Power to enter premises to detect waste or miscue of water and to restrict use of water from polluted source of supply.

20.

- (1) Any officer, authorized in writing by the board may, between sunrise and sunset, enter any premises using water supplied by the Board in order to check if there is any misuse of water and no person shall refuse entry to such officer or obstruct him.
- (2) If the board is of the opinion that the water of any well, tank, or other source of supply, being water which is likely to be used for domestic purpose or for the preparation of food for human consumption, is or it likely to be so polluted as to be prejudicial to health, the board may, after giving the owner or occupier of the premises a reasonable opportunity of being heard, by order, direct that the source of supply be permanently or temporarily cut off or may impose restrictions upon the use of such water.
- (3) No person shall construct any latrine or cesspool within ten-meters of any well, tank, water pipe or in any position where such well, tank or pipe is likely to be injured or the water therein polluted.
- (4) No person shall sink any well, tubewell or hand pump except in accordance with such conditions as may be laid down by regulations in this behalf having regard especially to the proximity of any sewer or storm water drain or of any polluted water and the Board may further require, in accordance with the regulations made in this behalf, that its permission should be obtained.

Power to require every premises to have separate water connection and service pipe.

21.

- (1) Unless otherwise permitted by Board, every premises supplied with water shall have a separate water connection.
- (2) If, in respect of any premises already supplied with water but not having a separate service pipe, the Board gives notice to the owner of the premises requiring him to provide such a pipe, the owner shall, within three months, lay the said pipe and the

board shall, as soon as may be after the owner has done so, give the connection to the said pipe from its own supply line.

- (3) If an owner on whom a notice has been served under sub-section (2) fails to comply therewith the Board may itself execute the said work and recover the cost incurred.

Power of the Board to delegate its power to an officer of the Board.

22. The Board may by order direct that any power conferred or duty imposed on it under this Act shall in such circumstances and under such conditions, if any, as may be specified in the order, be exercised and performed also by any officer of the Board, as specified in the order.

Power to restrict or prohibit use of water.

23. When Delhi or any part thereof is visited or threatened by an out-break of disease and the Board considers it necessary to do so, the Board may: -

- a. By public notice, restrict in any manner or prohibit for any period, as may be specified in the notice, the sale of water for human consumption as specified in the notice;
- b. Without notice and at any time inspect and disinfect any well, tank, public hydrant or other place from which water is or is likely to be taken for the purpose of drinking.

Power to control use of water from wells, tanks, public hydrants etc.

24. If the Board is of the opinion that water in any well, tank or other place, is likely if used for drinking to endanger or cause spread of any diseases, the Board may: -

- a. Require the owner or person having control of such well, tank, hydrant or place to take such steps as the Board may consider necessary to prevent the public from having access to or use of such water;
- b. Take such other steps as the board may consider expedient to prevent the out-break of such diseases.

Power of owner of premises to place pipes and drains through land belonging to other persons.

25.

- (1) If it appears to the Board that the most convenient means of supply water to and draining of any premises is by means of a pipe or drain over, under, along or across the immovable property of another person, the board may, by order in writing, authorize the owner of such premises to place or carry such pipe or drain over, under, along or access such property.

Provided that before making any such order, the Board shall, in accordance with such regulations as may be made in this behalf, give to the owner of the property affected a reasonable opportunity to show

Provided further that the owner of the premises shall not acquire any right other than a right of use in the property where any such pipe or drain is placed.

- (2) After an order under sub-section (1) has been made, the owner of the premises may, after giving reasonable notice of his intention to do so, enter upon the property referred to in such order to carry out the work of placing the pipe or drain or for the purpose of repairing it.
- (3) The owner of the premises shall cause as little damage as possible to the said property, fill in, reinstate and make good at his own cost any ground broken up or removed by him and shall complete the work with the least possible delay and shall pay compensation to the owner of the property or other persons affected.
- (4) If on the application of the owner of the property, it is necessary in the opinion of the Board to do so, in order to allow for the construction or safe enjoyment of any building, the Board may by notice in writing require the owner of the premises to relocate or divert any pipe or drain laid under the provisions of his section at the cost of the owner of such property, which shall be fixed by the Board.
- (5) In case of dispute between the owner of the premises and the owner of the property, respectively referred to in this section, or between the owner of the premises and any other person, either may refer the matter to the Board whose decision, after giving due opportunity to the parties, shall be final.

Power to execute works

26. When, under the provisions of this Act, any person is required or is liable to execute any work the Board may cause such work to be executed after giving such person an opportunity of executing it, within such work to be executed after giving such person an opportunity of executing it, within such period as the Board may fix for the purpose, and the board shall recover the cost incurred in the execution of such work, from the said person, in accordance with such regulations ask may be made in this regard.

Power to execute works

27. For the purpose of ventilating any drain 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 any such shaft or pipe as may appear necessary.

Power to examine private drains and cess pools

28. Where it appears necessary to do so, private drains and cess pools having regard to public health and sanitation, the board may examine the condition of any private drain or cess pool, by means of such tests as the Board may deem fit, or take such measures in respect o such drain or cess pool as the Board may deem necessary;

Provided that the Board shall, as soon as possible thereafter, reinstate any ground or make good any damage done.

Disposal of Sewage

Specifying of place for the emptying of drains and disposal of sewage

29.

- (1) The board may cause any or all its drain to empty into, and all sewage to be disposed of at such place or places as it considers suitable, subject to the provision of the Environment (protection) Act, 1986.

Provided that no sewage shall be discharged into any water course until it has been so treated as not to affect

prejudicially the purity and quality of the wate into which it is discharged.

- (2) Notwithstanding anything contained in sub-section (1) the board may permit disposal of sewerage for the time being in such place or places and in such manner as existed at the time of commencement of the Act.
- (3) No place which has not been used for any of the purposes specified in sub-section (1) before the commencement of this Act shall be used therefore without the approval of the Board

Rights of user of property for aquaducts, mains, drains etc.

30.

- (1) The Board may place and maintain aquaducts, conduits and mains or pipes of drains over, under, along or across any immovable property without acquiring the same, and may at any time for the purpose of examining, repairing, altering or removing any such facility, enter on any property over, under, along or across which such facility has been placed;
Provided that the Board shall not acquire any right other than right of user in the property where such conveniences have been placed.
- (2) The powers conferred by sub-section (1) shall not be exercisable in respect of any property vested in the Union or under the control or management of the Central government or Railway administration or vested in any local authority except with the specific permission of the said body in accordance with any bye-laws made in this behalf;
provided that the Board may, without such permission repair, renew or amend any existing works if it is urgently required to maintain interrupted supply of water, drainage or disposal of sewage or if delay would be dangerous to health, human life or property.
- (3) In exercise of the power conferred by this section, the board shall cause as little damage ad inconvenience as possible and shall compensate for any damage or inconvenience so caused, as determined by the board.

Drainage and Sewerage

Public drains to vest in the Board

31.

- (1) All drain which are municipal drains under the control of the Delhi water supply & sewage disposal undertaking constituted under the DMC Act 1957 existing at the commencement of this Act, together with all ventilations, shafts, pipes and all appliances and fittings pertaining to such drains, and the sub soil appurtenant thereto, shall vest in the Board.
- (2) The board may construct as many new drains as it may, from time to time, consider necessary, and all such drains shall vest in the Board.

Permission to connect private drain with public drain

32. Subject to such conditions as may be laid down by regulations made in this behalf, and to payment of any consequential expenditure incurred by the Board, as assessed by the Board, the Board may allow the connection of any private drain to any public drain under its control;

Provided that nothing in this sub-section shall entitle any person: -

- a. to discharge any industrial effluent into any public drain except in accordance with regulations made in this behalf, which may include provision for treatment of such effluent before its discharge into such drain; or
- b. to discharge into such drain any substance the discharge of which is prohibited under any law; or
- c. to discharge foul water into a drain provided for surface water or surface water into a sewer, unless expressly permitted by the Board as a purely temporary measure

Drainage of undrained premises

33.

- (1) Where any premises are, in the opinion of the Board, without sufficient means of drainage the Board may, by writing notice, require the owner of such premises –
 - a. To provide and set up all such appliances and fittings as may appear to the board to be necessary of the purposes of gathering and receiving polluting and there obnoxious matter and conveying it from the premises;

- b. To provide and set up all such appliances and fittings as may appear to the Board to be necessary to prevent waste water from being discharged into the street.
- (2) Where a public drain or any place approved by the Board for the discharge of filth and other polluted and obnoxious matter is situated at a distance not exceeding 30 mts. From any part of the premises, the Board may, by written notice, require the owner of the said premises –
 - a. To make a drain emptying into such public drain or place;
 - b. To remove, cover, augment, replace, or other appliance or thing used or intended to be used for drainage in relation to such existing drain, if such existing drain or appliance or thing is inadequate, insufficient, faulty or injurious to health.
- (3) Where any premises not provided for in sub-section (2) are, in the opinion of the Board, without sufficient means of drainage, the Board may, by written notice, require the owner of the premises -
 - a. To construct a drain upto point to be prescribed in such notice, which is not more than 30 mtrs. From any parts of the premises; or
 - b. To constructed a closed cesspool or soakage pit and drain or drains emptying into such cesspool or soakage pit.
- (4) The provisions of this section shall not apply to areas falling within the jurisdiction of the New Delhi Municipal Council or the Delhi Cantonment Board, Military Engineering Services.

New Premises not to be erected/ occupied without drainage

34.

- (1) It shall not be lawful to construct or occupy any premises without adequate provision for drainage in accordance with such regulations as may be made in this behalf
- (2) The board may, if it appears expedient to do so, provide for any group or block of premises, to be drained in combination rather than separately.

Work to be done by licensed plumber

35.

- (1) No person other than a licensed plumber shall execute any work connected with water supply and sanitation described in this Act and no person shall permit any such work to be executed except by a licensed plumber;
Provided that if, in the opinion of the Board, the work is of a trivial nature, it may grant permission for the execution of such work by a person other than a licensed plumber.
- (2) The board may make regulations for the guidance of licensed plumbers and a copy of all such regulations shall be attached to every licensed plumber.
- (3) The board may make regulations for: -
 - a. The exercise of adequate control on all licensed plumbers;
 - b. The inspection of all works carried out by licensed plumbers; and
 - c. The hearing and disposal of complaints made by the owners or occupiers of premises with regards to the quality of work done, material used, delay in execution of work, or the charges made, by a licensed plumber.
- (4) If any licensed plumber contravenes any of the provisions of this section or of any regulations or executes carelessly or negligently any work or makes use of bad material, appliances or fittings, the board may suspend or cancel his licence, whether he is prosecuted or not.
- (5) Every person who employs a licensed plumber to execute any work, shall when so required, furnish to the Board the name of such plumber.
- (6) When any work is executed except in accordance with the provisions of sub-section (1), such work shall be liable to be dismantled at the discretion of the Board without prejudice to the right of the Board to prosecute under this Act the person at whose instance such work has been executed.

CHAPTER – IV

SPECIAL PROVISIONS RELATING TO NEW DELHI MUNICIPAL COUNCIL AND DELHI CANTONMENT BOARD, MILITARY ENGINEERING SERVICES.

Bulk Water supply to New Delhi municipal Council, Delhi Cantonment Board, Military Engineering Services.

36. The Board shall be bound to supply to New Delhi Municipal Council and Delhi Cantonment Board, Military engineering Services, at the place of places at which immediately before the commencement of this Act, the Delhi Water supply & sewage disposal undertaking constituted under the Delhi Municipal Corporation Act, 1957, used to supply to that council or that military engineering services, or at such place or places as may be agreed upon, water in bulk upto the quantity demanded by the said council or delhi Contonment board, military engineer services, subject to the availability of supply as determined by the Board;

Provided that the quantity of water supplied to the New Delhi Municipal Council and the Contonment area, shall not, except with the previous permission of the Central Government, be less than the quantity supplied immediately before the commencement of this Act.

New Delhi Municipal Council, Delhi Contonment Board, Military Engineering Services, to pay actual cost of water supplied.

37. The New Delhi Municipal Council and the Delhi Cantonment Board, Military Engineering Services shall pay the actual cost of water supplied to them at the rate calculated in the manner given herein.

(1) The final issue rate shall be calculated for each year, after the accounts of the year have been closed, by totaling the total amount of expenditure incurred by the Board during the year divided by the number of the thousand litres of water supplied by the Board, during that year, to itself and to the New Delhi Municipal Council and to the Delhi Cantonment Board, Military Engineering Services.

(2) For the purpose of sub-section (2), the Board shall take into account such items of expenditure as may be prescribed.

Provisional collecting rate

38.

- (1) Pending calculation of final issue rater for any year, payments of water supplied during that year to the New Delhi Municipal Council of the Delhi Cantonment Board, Military Engineering services shall be made provisionally at an estimated rate (hereinafter called "collecting rate").
- (2) The collecting rater shall be calculated at the time of framing of the budget estimates for the year by dividing the sum of amount of the estimated expenditure of the Board, in that year and of an addition of five per cent of that amount, by the number of thousands of litres of water, estimated as likely to be supplied during that year.
- (3) The decision of the Board, regarding the supply of water estimated for the purposes of ascertaining the collecting rate, shall be final.
- (4) The New Delhi Municipal Council and Delhi Cantonment Board, military Engineering Services shall pay, on demand after the close of each quarter of each year the cost of the water supplied to them in that quarter, calculated at the collecting rate.
- (5) The Board may, with the consent of the New Delhi Municipal Council or the Delhi Cantonment Board, Military Engineering Services and in accordance with any order issued by the Government, arrange for advance payment by each such authority of the cost of the such quantities of water as are likely to be supplied to each of them, in each quarter.

Final Settlement of Accounts

39. If the final issue rater for any year differs from the collecting rate determined for that year, the difference shall be recovered or adjusted, as the case may be, with the billing of New Delhi Municipal Council or with the Delhi Cantonment Board, Military Engineering Services, provided that such recovery or adjustment as the case may be, shall be done as far as possible within the same financial year.

Fixing of Meters

40.

- (1) For the purpose of measuring and recording the amount of water supplied to the New Delhi Municipal Council or to the

Delhi Cantonment Board, Military Engineering Services, the Board shall affix meters.

- (2) The use purpose of measuring and recording the amount of water supplied to the New Delhi municipal Council or to the delhi Cantonment Board, Military Engineering Services, the Board shall affix meters.
- (3) It shall be presumed, until the contrary is proved, that the quantity of water supplied is the quantity indicated by the meter affixed.

Testing of meters

41.

- (1) If the New Delhi Municipal Council or the Delhi Cantonment Board, Military Engineering Services desire to have any meter tested, it may make an application in this behalf, accompanied by such fee as may be prescribed, to the Board and the Board shall forthwith cause the meter to be tested, giving due notice of the time and place of such testing.
- (2) If the meter is found to be faulty, the Board shall repair or replace it and refund the sum, if any, as determined by the Board to have been paid in excess by reason of the meter being faulty.

Disposal of sewage of the New Delhi Municipal Council and the Delhi Cantonment Board, Military Engineering Services in bulk

42.

- (1) The Board shall be bound to receive in bulk all sewage from the New Delhi Municipal Council and Delhi Cantonment Board, Military Engineering Services to dispose of such sewage.

Provided that the New Delhi Municipal Council & Delhi Cantonment Board, Military Engineering Services shall not execute any major work calculated to increase the normal discharge of sewage without permission of Board.

- (2) The sewage received in pursuance of the provision of sub-section (1) shall be the property of the Board and any income derived there from shall belong to the Board.
- (3) In case of disagreement between the Board and the New Delhi Municipal Council or the Delhi Cantonment Board, Military Engineering Services with regard to the execution of any work

or the doing of any thing, the matter shall be referred to the Central Government, whose decision shall be binding.

New Delhi Municipal Council and Delhi Cantonment Board, Military Engineering Services to pay cost of disposal of sewage

43.

- (1) The total net cost of the disposal of all sewage shall be borne by the Board and the New Delhi Municipal Council and Delhi Cantonment Board, Military Engineering Services in such proportion as the Board may, from time to time determine.
- (2) To determine the total net cost of disposal of all sewage, the board shall take into account such items of expenditure incurred by it as may be prescribed by the regulations made in this behalf.

Manner of payment by New Delhi Municipal Council and Delhi Cantonment Board, Military Engineering Services.

44.

- (1) The estimated net cost of the disposal of sewage increased by five percent shall be payable on demand by the New Delhi Municipal Council and the Delhi Cantonment Board, Military Engineering Services after the close of each quarter of each year, in accordance with the proportions determined under Section 43.
- (2) If the sum paid the New Delhi Municipal Council or Delhi Cantonment Board, Military Engineering Services in any year, exceeds or is less than the sum payable by it on the basis of actual cost determined, the payment to be made by that body shall be adjusted in the following year.

Disputes as to the liability for payment to or by the Board

45.

In case of any dispute between the Board and the New Delhi Municipal Council or, as the case may be, the Delhi Cantonment Board, Military Engineering Services as to the liability of the said Council or Military Engineering Services or Delhi Cantonment Board to pay any sum demanded by the Board or as to the right of the said Council or the Delhi Cantonment Board, Military Engineering Services to any refund, the matter in dispute shall be referred to the Central Government, whose decision thereon shall be final.

Provided that pending the settlement of such dispute, the payment shall be made to the Board by the New Delhi Municipal Council or, as the case may be, the Delhi cantonment Board, Military Engineering Services as demanded by the Board.

CHAPTER –V

TRANSFER OF ASSETS, LIABILITIES AND SERVICES RELATING TO WATER SUPPLY & SEWERAGE TO THE BOARD

Transfer of assets liabilities and services

46.

(1) From such date the government may appoint by notification in the official gazette:

- (a) The Water Supply and Sewage Disposal Account of the Municipal Fund constituted under the D.M.C. Act, 1957 and all properties, assets and liabilities under the control of the Delhi Water Supply & Sewage Disposal Undertaking immediately before such date, shall vest in the Board;
- (b) All properties, assets and liabilities to sewerage under the control of the Municipal Corporation immediately before such date, shall vest in the Board;
- (c) All officers and employees of the Delhi Water Supply & Sewage Disposal undertaking and all such employees of the Municipal Corporation of Delhi who are engaged mainly in connection with water supply and sewage disposal shall become employees of the board with such designation and discharging such functions as the board may determine and they shall hold office for the same tenure, and at the same remuneration and on the same terms and conditions, as they would have held if the Board had not been established and shall continue to do so until such tenure and remuneration and terms and conditions are duly altered by the Board.

Provided that the tenure, remuneration and terms and conditions of service of any such officer or employees shall not be altered to his disadvantage without the previous approval of the Government:

Provided further that any services rendered by any other officer or employee before the establishment of the Board shall be deemed to be services rendered under the Board.

Provided also that the board may employ any such officer or other employee in the discharge of such functions under this act as the Board may think proper and every such

officer or other employee shall discharge those functions accordingly;

- (d) Every employee whose services are transferred under clause (C) of sub-section (10 and who is in lawful occupation of any residential accommodation allotted to him by virtue of his employment, shall subject to such conditions as may be fixed by the Board, be entitled to continue such occupation.
- (2) The Board may take over such assets and liabilities and properties, both movable and immovable, of any existing organization under the control of the central government or the Government or of any local authority, with the prior agreement of the central government, the government or the local authority concerned on such terms as may be agreed upon.

Conditions for taking over of services of employees

47. When the board takes over any assets or liabilities or property of any organization under section 46 sub-section (2), it may also take over the services of any employee of such organization, and if it does so, the provision of section 46 shall apply to such employee.

Ban on compensation claim due to transfer of service to the Board.

48. Notwithstanding anything contained in the industrial disputes Act, 1947 or any other law for the time being in force, the transfer of the services of any person to the board under this Act shall not entitle such person to any compensation under any law and no such claims shall be entertained by any court, tribunal or other authority.

All notifications, orders, byelaws etc. issued prior to formation board to continue in force

49. Any notification, order, scheme, by-law form or notice made or issued and any licence or permission granted by any authority, in so far as it relates to water supply, sewerage and management of ground water, shall continue in force and shall be deemed to have been made, issued or granted under the provisions of this act, unless it is superseded by any notification; scheme, order, regulation, form or notice made or issued or any licence or permission granted under this Act.

Utilities laid prior to formation of board to vest in the Board.

50. All drains which are municipal drains under the control of the Delhi Water supply & Sewage disposal undertaking constituted under the DMC Act, 1957, and all water pipes, within the meaning of the DMC Act, 1957, existing at the commencement of this Act, together with all ventilations shafts, pipes and all appliances and fittings pertaining to such drains or pipes and the sub-soil appurtenant thereto shall vest in the Board.

CHAPTER –VI

Officers and other Employees of the Board

Appointment of Officers and Employees.

51.

- (1) The board may appoint such officers and employees as it may consider necessary for the efficient performance of its functions.
- (2) The pay and other conditions of service of the officers and employees of the Board shall be such as may be laid down by regulations made in this behalf.
- (3) Unless expressly provided to the contrary under this act or rules made there under and subject to the provisions of section 46, the terms & conditions of service and the rules regulations applicable to Govt. employees, and by the orders and decisions issued by the Central Govt. from time to time.

Discipline of officers and employees of the Board

52. The service rules as prescribed under the Central Civil service (Control) rules, 1964 and by the Central Civil service (Classification control and appeal) rules, 1965 shall apply, mutates mutandis, to every officer and employee of the board.

Consultation with union public service commission

53. No appointment to any post above the rank of Asst. Engineer shall be made except in consultation with the Union Public Service Commission (hereinafter referred to as “the commission”)

Provided that no such consultation with the Commission shall be necessary in regard to the selection for appointment of any person.

- (a) In a temporary capacity for a period not-exceeding one year;
- (b) To a post went at the time of such appointment a person to be appointed thereto possesses the qualifications prescribed for such post and is in the service of the central government or of the government in the same or a higher scale of pay.

Power of the Commission to make regulations and reference to the central government in case of difference between the commission and the board

54.

- (1) The commission may make regulations for the following matters namely: -
 - a. The procedure to be followed by the commission in advertising posts, inviting applications, scrutinizing the same and selecting candidates for interview.
 - b. The procedure to be followed by the commission for selecting candidates for appointment and by the Board for consultation with the commission.
 - c. Any other matter which is incidental to, or necessary for, the purpose of consultation with the commission,
- (2) In the case of any difference of opinion between the commission and the Board on any matter, the Board shall refer the matter to the central government and the decision of the central government thereon shall be final.

CHAPTER –VII

Finance Accounts and Audit

Charge for services rendered.

55.

- (1) The board shall for the purpose of the services rendered by it under the act levy fees, charges, including development charges, rentals and collect deposits and may recover interest on amount payable to it, at such rates as may be specified by regulations.
- (2) The fees, charges, rentals and deposits referred to in sub – section (1) shall be so fixed as overall to ensure the recovery of all costs of operation, maintenance, repayment of debt and a return of not less than three percent on net fixed assets.

Provided that development charges in respect of any building or part thereof or of any group of cluster of buildings shall not be less than the actual expenditure incurred.

Contributions by the Government

56.

- (1) The government or the central government or the central government, or both, shall pay to the board, on such terms and conditions that such government may determine, by way of loans or grants, such sums of money as that government may think fit for being utilized for the purposes of this act.
- (2) While determining the amount and conditions of such loans or grants, the government concerned shall have due regard to the financial consequences of any directions given to the board under section 73 and of any circumstances arising out of any decision of the government.

Constitution of the water fund

57.

- (1) All funds which immediately before the establishment of the Board vested in the Municipal corporation of Delhi under the water supply and sewage disposal account, established under section 99 of the delhi municipal corporation act, 1957; and –
- (2) All money received by or on behalf of the board shall form on fund to be titled the Delhi Water Fund hereinafter called to as the “Water Fund”.

Mode of maintenance of Water Fund

58.

- (1) The water fund shall be maintained in the following three accounts, namely –
 - a. The water supply account relating to all money received by or on behalf of the board in respect of water;
 - b. The drainage account relating to all money received by or on behalf of the board in respect of drainage and sewerage;
 - c. The general account relating to all other money received by or on behalf of the Board including money not attributable exclusively to either account specified in clause (a) or clause (b)
- (2) The board shall have power, subject to the provisions of this Act, to spend such sums as required to cover all administrative expenses of the board and on objects or for purposes authorized by this Act, from any of the accounts.
- (3) The board may transfer any money from any account referred to in sub-section (1) to any other such account.

Investment of the Water Fund

59. All moneys payable to the credit of the water fund shall be kept or invested in such manner as the Board may direct in accordance with regulations made in this behalf.

Utilization of Water Fund

60. The Money from time to time credited to the water fund shall, subject to the provisions of section 61, be utilized for performing the duties of the board as laid down in this Act.

Payment out of water fund

61.

(1) No payment of any sum of the Water fund shall, subject to the provisions of section 61, be utilized for performing the duties of the Board as laid down in the Act.

Provided that this section shall not apply to payments made in the following cases namely -

- a. Refund to any person of moneys rightfully due to him;
- b. Sums payable in any of the following circumstances –
 - i. Under orders of the government or by the central government, on failure of the board to take any action as required by such orders;
 - ii. Under any other enactment by the Board;
 - iii. Under decree or orders of a civil or criminal court;
 - iv. Under a compromise of any claim, suit or other legal proceedings;
 - v. On account of costs incurred in taking immediate action to avert the outbreak of disease or any danger to human life or to the property of the Board.

(2) Wherever any sum is expended under the proviso to sub-section (1) the officer empowered to incur such expenditure, shall forthwith communicate the transaction to the Board.

Setting apart reserve funds for specific purposes

62. The Board may from time to time, set apart such amounts as it thinks fit, as a reserve fund for the purpose of expanding existing facilities or services or for creating new facilities or services or for meeting any liability.

Provided that the sum set apart annually in respect of each or collectively of all such reserve funds shall not exceed such limits as may, from time to time, be fixed on this behalf by the Government.

Borrowing powers of the Board

63.

- (1) The board may, with the consent of the government or in accordance with the terms of any general or special authority given to it by the government, borrow money from any source by the issue of bonds, debentures or such other instruments as it may deem fit for discharging any of its functions under his Act.
- (2) Subject to such limits as the Government may, from time to time, lay down, the board may borrow temporarily, by way of overdraft or otherwise, such amounts as it may require for discharging its functions under this act.
- (3) Notwithstanding anything contained in the Foreign Exchange Regulation act, 1973 or in any other law for the time being in force relating to foreign exchange, the Board may, for the purposes of this Act, borrow with the previous consent of the Central government, money from any bank or financial institution in any foreign country or otherwise.

Entrusting of works to any company

64. The board may, with the consent of the Government or in accordance with the terms of any general or “special directions given to it by the Government, and subject to such terms as may be approved by the government, entrust to any company the construction or operation of any water works, sewerage works or billing and revenue collection.

Preparation of budget

65. The board shall, during each financial year, prepare, in such form and at such time as may be prescribed, a budget in respect of the financial year next ensuing and shall forward a copy thereof to the government.

Power to write off irrecoverable amounts

66. The Board may write off any amount or sum whatsoever due or payable to it, if in its opinion such amount or sum is irrecoverable.

Time and manner of payment of charges

67. Save as otherwise provided in this act, any charge levied under this Act shall be payable on such dates and in such manner as may be determined by regulations made in this behalf.

Notice of demand and notice fee

68.

- (1) If any charge has become due, and a bill therefore has been duly presented by the Board, and such charges have not been paid to the Board within fifteen days of presentation, the board may issue a notice of demand, in such form and in such manner as may be fixed by regulations made in this behalf, to the person liable to pay such charges.
- (2) A notice of demand under sub-section (1) may also include a fee for such amount, not exceeding fifty rupees as may be determined by regulations made in this behalf, which shall be payable along with the charge due and interest, under sub-section (1)
- (3) A certificate of posting addressed to the appropriate person at his last known place of business or residence shall be sufficient proof of presentation to and service on such person of any bill or notice of demand under this section.

Power of administrator regarding audit of account of the Board

69. The administrator may, where he is of the opinion that it is necessary in public interest so to do, request the comptroller & Auditor General to audit the accounts of the board as provided under Section 19 (3) of the C.A.G. Act, 1971

Provided that no such request shall be made except after consultation with the Comptroller & Auditor General and except after giving a reasonable opportunity to the Board to make representation with regard to the proposal for such audit.

Accounts and Audit

70.

- (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the profit and loss account and the balance sheet, in such form as may be prescribed by the Government in consultation with the Comptroller and auditor General of India.
- (2) The accounts of the board shall be audited annually by the Comptroller and auditor general of India and any expenditure incurred by him in connection with such audit shall be payable by the Board.
- (3) The comptroller and auditor general of India and any person appointed by him in connection with the audit of the accounts of the Board shall have the same powers in connection with such audit as the Comptroller and auditor General has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers, and other documents and papers and to inspect any of the offices of the board.
- (4) Every such auditor shall send a copy of his report, together with an audited copy of the accounts, to the government.
- (5) The Government shall, as soon as may be after the receipt of the audit report under sub-section (4), cause the same to be laid before the legislative assembly of the National Capital Territory of Delhi.

CHAPTER –VIII

Control

Production of records.

71. The Government may at any time require the Board –
- a. To produce nay record, correspondence or other document in the possession of the Board;
 - b. To furnish any report, return, plan, estimate, statement of accounts or statistics relating to the functions of the Board.

Inspection and examination of works, records, etc. by Government

72. The Government may depute any person in the service of the government to inspect or examine any department or office or any service or work undertaken by the Board or property belonging to the Board and to report thereon and the Board and all its officers shall be bound to provide access to such person, at all reasonable times, to the premises and properties of the Board as well as of all records, accounts and other documents, the inspection of which such person may consider necessary to enable him to discharge his duties.

Board to comply with directions of Government.

73. The government may at any time issue directions in relation to the management of the Board and the Board shall comply with such directions:

Provided that the government shall obtain and consider the opinion of Board before issuing any such directions:

Provided further that the Government shall make due provision for any financial liability to the Board arising directly in consequence, of any such directions:

Provided also that all directions issued to the Board by the Government shall be reported to the Legislative Assembly of the National Capital Territory of Delhi at the end of each year.

CHAPTER-IX

MISCELLANEOUS

Acquisition of immovable property.

74.

- (1) The Board shall for the purposes of this Act, by agreement on such terms and at such price as may be approved by the Board, have power to acquire and hold or dispose of moveable and immovable property or any interest therein.
- (2) The Government having powers of acquisition under the Land Acquisition Act 1894 or any other law for the time being in force may, at the request of the Board procure the acquisition of any immovable property.

Contracts by the Board.

75.

The Board shall be competent to enter into and perform any contract necessary for the discharge of its functions under this Act.

Developments not to be made without permission.

76.

- (1) No person shall make any development without obtaining permission from the Board to the effect that sufficient arrangement will be made for drainage, sewerage and supply of wholesome water, and every such development shall be made subject to and in accordance with any conditions laid down with such permission.
- (2) The Board shall be under no obligation to provide water supply or make arrangements for drainage or sewerage in respect of any premises constructed without the permission referred to under subsection (1) or in contravention of any condition laid down in such permission or in contravention of any other provision of this Act, or of any other law.

Provided that the Board may with the prior approval of the government make arrangements for such services at the full cost of the beneficiaries thereof with such development charges as may be fixed

under regulations made in this behalf and subject to such conditions as may be laid down by the Board.

Joint and several liability of owners and occupiers of offenses in relation to Water Supply

77. The owner, the occupiers and any person liable for payment of charge in respect of any services provided by the Board shall be jointly and severally liable for any offense under this Act committed in relation to such premises.

Licences neither saleable nor transferable

78. A Licence issued under this Act shall not be saleable or otherwise transferable

Certain matters not to be passed into Municipal drains

79.

(1) No person shall throw, empty or turn into any drain or sewer communicating with a drain or sewer belonging to the board.

- a. Solid waste or any matter likely to injure the drain or sewer or to interfere with the free flow of its contents or to affect prejudicially the treatment and disposal of its contents;
- b. Any chemical refuse, industrial effluent or waste steam, or any liquid at temperature higher than forty five degree centigrade, or any liquid which is dangerous or the cause of a nuisance, or is prejudicial to health;
- c. Any industrial effluent except with the express permission of the Board after such treatment as may be required by the Board.
- d. Any dangerous petroleum or any explosive matter.

(2) In this section, the expression “Dangerous Petroleum” has the same meaning as in the Petroleum Act, 1934;

Prohibition of certain Acts.

80. No person shall -

- a. Willfully obstruct any member of the board or any person acting under the authority of the board in the performance of his duties;

- b. Willfully or negligently break, inure or temper in any manner with any installation, pipe, drain, fitting or apparatus belonging to the board;
- c. Willfully or negligently obstruct or hinder the flow of or flush, draw off or divert the flow of water or sewerage in any water course, pipe drain or sewer;
- d. Do any act likely to foul or pollute the water in any water works or drain.

Buildings, railways and private streets not to be erected or constructed over drains or water works without permission.

No Construction or development over any sewer, supply pipe of installation etc. without permission.

81.

- (1) No construction or development of any kind including building, walls fences, roads or poles or electric transmission lines shall be made above any drain, sewer or water supply pipe or any installation constructed or maintained or vested in the Board, except with the written permission of the Board and subject to such conditions as may be fixed by the Board.

Provided that a Railway administration may take up the works mentioned here above, in accordance with the provisions of section 11 and section 12 of the Railways Act, 1989 (124 of 1989), subject to the condition that the Railway Act, 1989 (24 of 1989), subject to the condition that the Railway Administration shall do so with the consent of the Government.

- (2) The board may remove or otherwise deal with any construction or development made in contravention of the provisions of sub-section (1) in such manner as it thinks fit having regard to the maintenance of its services and any cost including departmental charges incurred by the board in this regard shall be recoverable from the person who made the development or construction.

Provided that in case of construction or development made by the Telegraph authority, the Board may remove otherwise deal with it in such manner as it thinks fit and recover the cost including departmental charges incurred by the Board in this regard after giving the Telegraph authority an opportunity of executing it within such reasonable period as the board may fix for the purpose.

Penalty in case of default of payment of charges

82.

- (1) If a person liable for payment of any charges does not, within thirty days of the service of the notice of demand on him under section 55, pay the sum due, he shall be deemed to be in default.
- (2) A person in default shall in addition to the charges due, including interest and demand fee, be liable to pay such penalty as may be determined by the Board, extending to such sum not exceeding 20% of the amount of the charge and the same penalty shall be recoverable along with other arrears.

Liability of occupier to pay for any default by the owner

83. The officer issuing any notice or order to any person in respect of property in which such person is the owner, may require the occupier of the property to pay to him, instead of the owner, any rent payable to the board;

Provided that if the occupier refuses to disclose the correct amount of the rent payable by him or the name and address of the person to whom it is payable, the authority or officer may recover from the occupier the whole amount recoverable under this section as an arrear of charge under this Act.

Obstruction of services provided by the Board

84. No person shall obstruct, prevent, divert or stop the supply of water to or the drainage or sewerage of any premises or any portion thereof to which such service has been provided by the Board whether on grounds of any dispute regarding ownership or occupancy of such premises or for any other reason.

General Power of compensation

85. The Board may subject to any regulations which may be made in this behalf, approve compensation to any person who sustains damage or injury in the course of or in consequence of any work done by Board or in relation to any service provided by the Board.

Compensation to be paid by offenders for damage caused by them

86.

- (1) Any person who have been convicted of any offence against this Act, shall, notwithstanding any punishment to which he may have been sentenced for the for the said offence, be liable to pay such compensation for any damage to the property of the board resulting from the said offence as the Board may consider reasonable.
- (2) In the event of a dispute regarding the amount of the compensation payable under sub-section (1) such amount shall, on application made t it, be determined by the court before which the said person was convicted of the said offence and on non-payment of the amount of compensations determined, the same shall be recovered under a warrant from the said court as if it were a fine imposed by it on the person liable therefore.

Recovery of dues

87.

- (1) If a person liable to pay any dues to the Board does not, within thirty days from the service of the notice of demand, pay the amount due, such sum together with all costs and the penalty under Section s82 shall be recoverable under a warrant, issued in the form set forth in the first schedule, by distress and sale of the movable property, or the attachment and sale of the immovable property.
- (2) Every warrant issued under this section shall be signed by a member of the Board or any officer duly authorized by the Board.

Distress

88.

- (1) It shall be lawful for any officer or other employee of the Board, to whom a warrant issued under section 87, is addressed, to distrain, wherever, it may be found in any place in Delhi, any moveable property belonging to the person therein named as defaulter, subject to the following conditions, exceptions and exemptions, namely -
 - a. The following property shall not be distrained: -
 - i. The necessary wearing apparel and bedding of the defaulter, his wife and children and their cooking and eating utensils;
 - ii. Tools of artisans;

- iii. Books of account; or
 - iv. When the defaulter is an agriculturist, his implements of husbandry, seed, grain and such cattle as may be necessary to enable the defaulter to earn his livelihood.
 - b. The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which, in the opinion of the Board, should not have been distrained, it shall forthwith be released.
- (2) The person charged with the execution of a warrant of distress shall forthwith make an inventory of the property which he seizes under such warrant, and shall, at the same time, give a written notice in the form set forth in the second schedule, to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

Disposal of distrained property and attachment and sale of immovable property

89.

- (1) When the, property seized is subject to rapid decay or when the expense of keeping it in custody is, when added to the amount to be recovered, likely to exceed its value, the Board shall give notice to the person in whose possession the property was at the time of seizure, that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is paid forthwith.
- (2) If the warrant is not in the meantime suspended by the Board or discharged, the property seized shall, after the expiry of the period named in the notice served under sub-section (1) of section 87 be sold by public auction.
- (3) When a warrant is issued for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and prohibiting all persons from taking any benefit from such transfer or charge, and declaring that such property would not be sold unless the amount due with all costs of recovery is paid into the Board's office within fifteen days from the date of the attachment.
- (4) Any transfer of or charge on the property attached or any interest made without written permission of the Board shall be void as against all claims of the Board enforceable, under the attachment.

- (5) The surplus of the sale-proceeds, if any, shall, immediately after the sale of the property, be credited to the water fund, and notice of such credit shall be given at the same time to the person whose property has been sold or his legal representative and if the same is claimed by written application to the Board within one year from the date of the notice, a refund thereof shall be made to such person or representative.
- (6) Any surplus not claimed within one year as aforesaid shall be the property of the Board.
- (7) For every distraint and attachment made in accordance with the foregoing provisions a fee of such amount not exceeding two and a half percent of the amount of the tax due as shall in each case be fixed by the board, shall be charged, and the said fee shall be included in the costs of recovery.

Recovery from a person about to leave Delhi

90.

- (1) If the Board has reasons to believe that any person from whom any sum is due or is about to become due is about to move from Delhi, he may direct the immediate payment by such person, of the sum of due or about to become due, and cause a notice of demand for the same to be served on such person.
- (2) If, on the service of such notice, such person does to forthwith pay the sum so due or about to become due, the amount shall be livable but distress or attachment and sale in the manner herein before provided, and the leviable by distress of attachment and sale may be issued and executed without any delay.

Offences and Penalties

91. Save as otherwise provided in this Act whoever. -

- a. Contravenes any provision of any of the sub sections or sections of this Act mentioned in the column 1 of the table in the fourth schedule; or
- b. Fails to comply with any order or direction lawfully given to him or requisition lawfully made upon him under any of the said

section, sub-sections, clauses, provisions or other provisions, shall be punishable.

- I. With fine which may extend to the amount, or with imprisonment for a term which may extend to the period, specified in that behalf in column 3 of the said table or with both; and
- II. In the case of a continuing contravention or failure, with an additional fine which may extend to the amount specified in column 4 of the table for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

Prosecutions

92. No court shall proceed to the trial of any offence except on the complaint of or upon information received from the Chief Executive Officer or any other officer authorized by the Board by a general or special order in this behalf.

Compounding of offences

93.

- (1) The Board may, either before or after institution of the proceedings, compound any offence under this Act:

Provided that no offence shall be compounded unless the offender has paid all dues including penalties payable by him and compensation as the Board may consider necessary, having regard to the facts and circumstances of the case, and indemnifies the Board against any damage for which the board may be liable on account of his action.

- (2) When an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

Arrest of Offender

94.

- (1) Any police officer may arrest any person who commits in his view any offence against this Act or against any rule or regulation made there under if: -
 - a. The name and address of such person are unknown to him and;
 - b. Such person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false.
- (2) No person so arrested shall be detained in custody after his true name and address are ascertained.

Protection of action taken in good faith.

95. 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 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 there under.

Notice to be given to suits

96.

- (1) No suit shall be instituted against the Board until the expiration of two months after notice in writing has been left at the Board's office and unless such notice states explicitly the cause of action, the nature of the relief sought 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) No suit, such as is described in sub-section (1)

The First Schedule {See Section 87 (1)}

Form of Warrant

(Here insert the name of the officer charged with the execution of the warrant)

Whereas A.B. of -----has not paid, and has not shown satisfactory cause for the non-payment of, the sum of ----- due on account of (here describe the liability) for the period of ----- commencing on the ----- day of -----19----- which sum is leviable under:

And whereas thirty days have elapsed since the service on him of notice of demand for the same;

This is to direct you ----- to destrain/ attach the movable/ immovable property (described below) of the said A.B. of a value.

Approximately equal to the said sum of Rs. -----subject to the provisions of the Delhi Water Board Act, 19 ----- and the bye-laws made thereunder and forthwith to certify to me, together with this warrant, all particulars of the property seized/ attached by you there under.

(Signed)
Chief Executive Officer
Delhi

Water Board

Description of immovable property

The Second Schedule {See Section 88 (2)}

Form of Inventory of property Distrained and notice of sale

To

Shri/ Shrimati
Residing at

Please take notice that I have this day seized the property specified in the inventory annexed hereto for the value of ----- due for the liability (here describe the liability) mentioned in the margin for the period commencing on the ----- day of ----- 19 -----, and ending with the ----- day of ----- 19 -----, together with Rs. ----- due for service of notice of demand, and that unless within ten days from the date of the service of this notice you pay to the Chief Executive Officer the said amount, together with the costs of recovery, the said property will be sold by public auction.

Dated this ----- day of ----- 19-----.

(Signature of Officer)
Executing the warrant
Delhi

Water Board

(Here state particulars of property seized)

The Third Schedule {See Section 55}

Notice of Demand

To

Shri/ Shrimati
Residing at

Please take notice that the Chief Executive Officer/ Board demands from ----- the sum of ----- due from on account of ----- (here describe the property, occupation, circumstance or thing in respect of which the sum is payable under) leviable under ----- for the period ----- of ----- commencing on the ----- day of 19 -----, and ending on the ----- day off -----19-----, and that if, within thirty days from the service of this notice, the said sum is not paid to the Chief Executive Officer/ Board at ----- or sufficient cause for non-payment is not shown to the satisfaction of the Chief Executive Officer/ Board, a warrant of distress or attachment will be issued for the recovery of the same with costs.

Dated this -----day of ----- 19-----.

Chief Executive Officer
Delhi

Water Board

The Fourth Schedule {See Section 91}

Penalties

Section sub-section, clause of proviso	SUBJECT	Fine or imprisonment which may be imposed (Rs.)	Daily fine which may be imposed (Rs.)
1	2	3	4
Section 10 Sub-section (1)	Use for non-domestic purpose of water supplied for domestic purpose	1000	100
Section 13 Sub-section (1)	Prohibition to occupy new premises without arrangement for water supply	2000	100
Section 13 Sub-section (2)	Non-compliance with requisition to take water supply	1000	100
Section 13 Sub-section (5)	Failure to give notice of intention to make addition etc. to buildings	5000	100
Section 19 Sub-section (1)	Waste or misuse of water	2000	100
Section 19 Sub-section (1)	Laying of water pipe etc. in a position where the same may be injured or water therein polluted	2000	100
Section	Non-removal of private on – line Booster	Confiscation + 2000 for repetition	Confiscation
Section Sub-section (1)	Denying permission to enter the premises to inspect water sewer line	1000	200
Section 20 Sub-section (3)	Construction of latrines/ septic tanks in a position where pipes may be injured or water therein polluted	2000	100
Section 23	Failure to comply with requisition to render wells, public hydrants etc. safe	1000	100
Section 32 Sub-Section	Private drains not to be connected with public drain without notice	1000	100
Section	Non-compliance with direction to limit the discharge from private drains into certain areas	1000	100

Section	Non-compliance with requisition for keeping sewage and rain water drains distinct	1000	100
Section	Non-compliance with requisition for drainage of underained premises	500	-
Section	Non-Compliance with requisition for drainage of underained premises	500	200
Section Sub-Section	Non-compliance with requisition to close remove or divert a pipe or drain	500	100
Section 34 Sub-Section (1)	Erection occupation of new premises without drains	10,000	-
Section 34 Sub-Section (2)	Non-compliance with requisition of maintenance of drainage works for any group or block of premises	1000	100
Section 35 Sub-Section (1)	Execution of work by a person other than a licensed plumber	2000	-
Section 35 Sub-Section (3)(C)	Licensed plumbers net to demand more than the charges prescribed	1000	-
Section 35 Sub-section (4)	Licensed plumbers not to contravene bye-laws or execute work carelessly or negligently etc.	1000	-
Section 35 Sub-section (5)	Failure to furnish when required, name of licensed plumber employed	1000	-
Section 76 Sub-section (1)	Failure to give notice of intention to erect a building	5000	100
Section 79 Sub-Section (1)	Allowing filth & Garbage to flow in drains	5000	100
Section Sub-Section	Preventing the Board or any person authorized in this behalf from exercising his powers of entry etc.	1000	-
Section Sub-Section	Injury to, or interference with free flow of contents of public drain or drains communicating with public drain	2000	100
Section Sub-Section (c)	(1) Un-authorized tempering with water mains	(a) 500 (Domestic use) (b) 1000 (Non-Domestic use)	200 200

		(c) 2000 (Industrial use)	200
		(d) 5000 (Ice Factories)	200
	(2) For making unauthorized sewer connection	(a) 200 (Domestic)	-
		(b) 1000 (non-domestic)	200
		(c) 5000 (Industrial)	500
	(3) For unauthorized connection with sewer Drain	1000	-
Section 81 Sub-Section (1)	Non-removal of unauthorized encroachments over Board's water line/ sewer line/ drainage works	2000	100
Section 84	Obstruction of services provided by Board	1000	100
Section 101	Connection with water works or drains without written permission	2000	100
Section 107	Obstruction of molestation in execution of works	5000	100

This bill has been passed on 1st January 1998, Legislative assembly of the national Capital Territory of Delhi.

SD/-
(Charti Lal Goyal)
SECRETARY
Legislative assembly of the national
Capital
National Capital Territory of

Delhi

Dated: 12 – 01 – 2001

Reserve the Bill for the consideration of the Corporation

Secretary
**Legislative Assembly of the
National Capital Territory of
Delhi**

Sd/ -
K. R. Narayanan
President of India