

ODISHA WATER SUPPLY AND SEWERAGE BOARD ACT, 1991

Shon title extent and mat. D efinldons The Odisha . Gazette EXTRAORDINARY PUBLISHED BY AUTHORITY ORISSA ACT 12 OF 1991 THE ORISSA WATER SUPPLY AND SEWERAGE BOARD ACT, 1991 1-2) [Received the assent of the Governor the 29th May 1991, in extraordinary issue of the Orissa Gazette, dated the 4th June 1991] AN ACT TO PROVIDE FOR ESTABLISHMENT OF A WATER SUPPLY AND SEWERAGE BOARD FOR RAPID DEVELOPMENT AND PROPER REGULATION OF WATER SUPPLY AND SEWERAGE IN THE STATE OF ORISSA AND FOR MATTERS INCIDENTAL THERETO OR CONNECTED THEREWITH. Be it enacted by the legislature of the State of Orissa in the . Year of the Republic of India as follows . CHAPTER-I I. (1) This Act may be the Orissa Water Supply and Sewerage Board 1991. (2) It shall extend to the whole of the State of Orissa. shall come into force on such date as the State Government may by notification in the Official Gazette, appoint and different be for different provisions of this Act and any reference in any part of this Act shall be construed as reference thereto. into force of that provision

2. In this Act, unless the context otherwise requires .(a) "Board" means the Orissa Water Supply and Sewerage Board under section 3; (b) "by-laws" means by-laws made under this Act; (c) "cess-pool" includes a settlement tank or other tank to collect or of foul matters from any premises (d) "Chairman" means the Chairman of the Board ; "communication pipe" means any pipe or system of pipes, along with all fittings thereto, by means of which water is supplied to any premises from the main and includes a connection pipe, service pipe, meter or other fittings ; (f) "connection pipe" any water pipe from a ferrule stop-cock connecting the main of the body or the Board, as the case may be, with the service pipe ; (c) "consumer" means any person getting the benefit of any water supply or sewerage from the body or Board, as the case may be; "domestic sewage" means waste water from residential premises, boarding and lodging houses, hostels, public places, and all such establishments as are not a part of any trade or industry, and arising out of personal and normal human activities such as drinking bathing, ablution, washing and cooking ; I. For Statement of objects and reasons see Orissa Gazette Extraordinary, dated the 26th March, 1991 (No. 331). 380 THE ORISSA WATER SUPPLY AND SEWERAGE BOARD ACT, 1991 [ORISSA ACT 12 OF 1991 (t) drain" means a sewer, (under) pipe, ditch, gutter or channel Of any flush-tank, - septic tank or other device for carrying off or treating sewage, Offensive -matter, polluted water, surface, waste water or sub-surface water and includes any culvert, ventilation shaft or pipe or other fitting or fittings connected' with such drain and any ejectors, compressed mains, sealed sewage mains and special machinery or apparatus for collecting, expelling or removing sewage or offensive matter from an (j) "ferrule" means a ferrule connecting the connection pipe with the main area' } means the area falling within the jurisdiction of a body. (1) g "local body" means a Municipality or Notified Area constituted under the Orissa Municipal Act* 1950 (m) "main" means a pipe laid by the local body or the Board, as the case 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 (n) "Member" a Member Of the Board and includes the Chairman and the Vice-Chairman of the Board (o). "Member- Secretary" means the Member Secretary of the Board (p) "Member" means a Member not being an ex-officio Member; in relation to any premises means the following, namely:— (f) any person for the time being paying or liable to pay rent or any (v) portion thereof to the owner in respect of those premises ; or (11) an owner who is in Occupation of those premises; or (11) a tenant of those premises who is exempt from payment of rent; or (W) a licensee who is in occupation of those premises ; or (p) any person, who is liable to pay rent to the owner in respect of use and occupation of those premises ; Orissa Public Health Engineering Organisation" means the Organisation functioning under the Housing & Urban Development Department of Orissa; owner", in relation to any premises, means the person who receives the rent of the said premises or who would be entitled to receive the rent thereof if the premises were let and includes— (J) an agent or trustee who receives such rent on account of the owner; or (i) an agent or trustee who the rent Of, or is entrusted with the management of any premises devoted to religious or charitable purposes ; or (m) a receiver or manager, appointed by any Court of competent jurisdiction to have the Charge of or to exercise the rights of an owner of the said premises; or (fp) a mortgagee-in-possession; "premises" means any land or building or any part of building; "prescribed" means prescribed by rules made under this Act ;

"Private street", "public street" and "street" in relation to any area, shall have the meanings assigned to them in the law relating to the body having jurisdiction over that local area; (w) (z-1) THE ORISSA WATER SUPPLY AND SEWERAGE BOARD ACT, 1991 W A-auwqz ORISSA "regulations" means regulations made under this Act "rules" rules made under this Act; pipe". ,pipg oth?r. Iban, thy •beyond the 4tok-cock by means of *'hich water is supplied to any premises • "sewage" means nitht-soil and other contents of water closets, latrines, privies, cess-pool* p.t .dxa!ns ang polluted,water from sinks,'bafh rooms stables and' other like ilaces and includes trade. anelösed -cdnduii:. for •Qrrying.: äéWaée; -oRen•sWet Imatter» pol.lbtcd water, waste waterr or. sub-soil water, means • •system--öf 'Colleeti6n, of-Waste water: from a •cornmunity from its houses, instiLutions» industry and public the pumping and disposal of such Waste sludge,' .tås aid other end products, means' a stop-cook fitted-•ât the eod• dithe •connection away: •from\!ähe-: maio!fortthäf #UfPbsZ of ånd tregulating the wat*5, . any . prgmisps• (z4) "iGde eNÜent" means any liquid either witli or withoüt particles of matter \$0...susp?nsi0Q . thprein; w>iqh is or;. inj•ggrrt or-zdiSécharged . ___,...in,,ghe agriculture. cuttytg :includé z-5) "water connection" tincludesj— * I(i) aiy- tank, •cistern, i-hydfaqt. 'Istan&pipe;,:• meter on any private property 'ant* eoniBéied-with a,' main otherrpipe belorigingto the body or ther board, as the (ii) the water pipe connecting such a tank',- cistérh, hYdkant, stand2pipe» meler• or. tap csuch :.main cpj pipe, (z-6) f Yeater supply" means a system of picividin-É• td arf •coinmußiiy for meeting its qequirement for : drinking-rand uses,•. industrial use •*various iublic ásés; (z-7) ' 'water works" includes water channel (including lake, . spring, river welt, other underground water . ,source, pump, galleries, reservoir, _ I {duct -whe-ther. •eo+eked *Br. units : Slui% supply 'âai culvert, 'stadd .co dduirt add •Inachinery, "iandl» building Wo'thâ• thihdé föFrâiÉpLYfhg ot t.iéed for' sâ-pplyind wâter or for protecting sources of W?ter supply or fpr treatmgncof water. CH'ÆV'IÄ li ESTABLISHMENT, CONDUCT OF BUSINESS, DUTIES AND POWERS OF ZTHE 3. (1) As -söon• as 'may be} tatter thé c.o'mri±nceméiit Of' this M Abt, the-Stâté of the Government shall, by jn the Official Gazette, with effect-from, a date Board. to be éstâblsh' for thé purpoSeS ofl this ,Äct;- . c) Boafd to be called "the Orissa Water Supply and Sewerage' Board". (2) The Board shall] a' body cö*liökate having perpétial suécpsgiöh and a common seal* and may sue or be sued in its corporate name • ånd shau -subjecc.to. the provisions *of this be. competent 'Ito] acquire, hold ' •and} 'djspose of property, both movable and immovable, and ' contract and9do' •all things Tor the purposes of this Act. (3) The:Bo'acd shall be deemed -to be Local 'Authority. 382 THE' öiesÄ *WATEN stipii.+ iOakD ACT. iö51 [ORISSA ACT 12 of '1991] '(Secs. 4-5) Con:tlñion 4. (1) The Board shall consist of the Chairman, the and the or following members, namely r (a) Mininister, Housing & Urban Development shall-be*' ;the ChÅirrnan; (b) The Vice-Chairman of the Board to be appointed by Government; - (c) •Additional' SeMetary, Finaræ-cum-Director, InStitutional' Finance. ex officio member; (d) Dftüor of . Municipal Administration,' ex officio member;- (e) Three Chair-znen of the Municipalities of three Revenue Divisions ia the State to nominated by the State Government as •exoficio •members; (D Two non:omcial; 'members to be nominated by the State Govern.rnent; (g) Two technial membezs to nominated by the State Govern.ment, who in the opinion aot the State -Government have special _knowlédge• or practical. experience in the field of wateösupplyror (h) A person in the rank of Chiet Edginær of Publié' Health" Engineering to be appointed by the State' Government—Member Secretary. (2) Notwithstanding {anything contained in this Äct, all the po#érs, duties Disqualifi- ea*ion for belug non. ofcla.' ahd Afunctions-: 'the Boud '-Shall' av any time be' exercisable; "performed and dischargea by the members, rcr the •time being holding specified in clauses (a), (b) and (h) of sub-section (I), even though all or any other members may or may aot have been appointed for the time being. (3) of appointed as Vice-Chairman and Members shall* from •time •to g\$me, be published - ih•.the Official Gazette. S. A person; shk[l be-•disquâliified for being' nominated Or as a non•omcia.l members, if he— (a' has been convicted Of an deno involéing. moral turpitude; (b), an undischarged, insolvent; is of unsound mind and stands so declared by competedt Cdurt; (d) holds, exæpt as provided under sections 6 and 8, any c,mce of profit under the Board; (e) has, directly Or indirectly by himself. or by any par!ner, employer or employee, any share or interest, whether pecuniary Orr. of any other nature in any contract or employment with by or on béhalf of the Board; or (f) is a Dirwtör, S#tetary, Madager -oi other cf any company, which has any share or interest in any contract or employment with by or on behealf of the Booard : Proiided that, a person sha.l.l : not be -r_disqualjified under clause (e) of clause C) by reason only of his or the company of which he is a Director, Manager or other OMcer, having share or interest in— (i) any sale, pdfchaée.,

lease or exchange of immovable property or any agreement for the same; (ii) any agreement for loan of money or any security for payment of money (iii) any newspaper, in which any advertisement relating to the affairs of the Board is published; (iv) the occasional sale to the Board, up to a value not exceeding ten thousand rupees in any year of any article in which he or the company regularly trades. 383 THE ORISSA WATER BOARD ACT, 1991 (Secs. 6—9), § 6; (IXA person appointed as under clause (b) nominated as member under clauses (f) or, (g) of, sub-section of, section once for three years from the date of his office is determined earlier by the State Government. (2) As clause (e) of sub-section (1) of section 4 shall hold office for three years from the date of his appointment: Provided that he shall cease to be 'Member' soon as he ceases to be an elected Member of the local authority concerned if his term of office is determined earlier by: the State Government, but not earlier than the date of his appointment. (3) The Member-Secretary shall hold office for such period as the State Government may specify. (4) The Member shall be eligible to re-appoint himself. Any Member may at any time resign his office by writing under his hand addressed to the State Government and on such resignation being received he shall be deemed to have vacated his office. 7. (1) In the absence of the Chairman, the Vice-Chairman shall be competent to perform all the duties and functions, of the Chairman: (2) Any vacancy in the office of the Vice-Chairman shall be filled up by a member due to death, resignation, removal or otherwise, shall be filled up by appointment of a person thereto who shall hold office for the unexpired period of term of the Member, in whose place he is: the Vice-Chairman or any other Member: Provided that if by illness or otherwise rendered incapable of performing his duties or is unable to attend to his duties, is not involving the of Other Members (consisting of Officers and servants of the Board and their recruitment and conditions of service, his membership, the State Government may appoint another person in his place for him as the Member, as may be, to carry out his duties and functions. (b) Not under this Act: It is provided that such person shall vacate office on the date when the Chairman or other Member, the absence resumes his duties. 8. (1) The Member-Secretary, if not in Government shall be paid from the Board Fund such salary and allowances as may be fixed by the State Government. (2) The other Members of the Board shall be paid such allowances as may be fixed by the State Government.

9. The Board may appoint such and as it considers necessary for the efficient performance of its duties and discharge of its functions against posts sanctioned by the State Government. (2) The salary, recruitment and, the, conditions of service of the and servants of the Board shall be such as may be determined by regulations by the Board. (3) The Board may with the previous approval of the State Government, appoint, a servant of the Central Government or the State Government as an employee of the Board on such terms and conditions as it thinks fit. (4) Subject to the superintendence of the Board, the Member-Secretary shall be the Chief Executive Officer of the Board and shall supervise and control all its officers and employees including any officers of Government appointed on deputation to the Board. (5) The Board may make such orders of the Board. Assistance of Government officers etc. Delegation of powers. Disqualification for participation 384 THE ORISSA WATER SUPPLY AND SEWERAGE BOARD ACT, 1991 (Secs. 10—13) All proceedings of the Board shall be authenticated by the signature of the Chairman or the Vice-Chairman (or any other member authorised) by the Chairman and; and, in the absence of the Chairman or the Vice-Chairman, the Member-Secretary or any other member authorised in this behalf by the Board.

11. The Board may invite any person to attend a meeting for the purpose of assisting it on any matter and the person so invited may take part in the proceedings of the Board, but shall not vote in such meeting. (2) The Board may, by general or special order, delegate either wholly or subject to such conditions, including the condition of review by itself, as may be specified in the order, any of its powers, duties and functions under this Act as it deems fit, not being its functions under section 68: 13. (1) any, Member of the Board of Committee appointed by the Board, who, in the absence of the Board or Committee on account of interest. Actions not to be invalidated. Duties and functions of the Board. (a) has any share or interest of nature, described in clause (f) of section 5 in respect of any matter, or (b) has acted professionally in relation to, any matter, on behalf of, any person having therein any such share or interest as aforesaid, notwithstanding anything, contained in the proviso to section 51 shall not vote, take part in the proceedings (including any discussion on

any. wresoliitron • oi BoarĀi or • Gomnūttee matter. (2) If any B'oāfd -of df a By' the joard has directly or indirectly any, intelest.in.any area in which: it_ is-proposed t,qacqu.ite laod for biiiyqof 'the .Eiæ thiē• Act, -hé *hall 'bart ihl rof the Bōāfd 'wbiéh'.-aiij . ö.ättpi sic> •concerned.' .(3) NpLhing or: (2) sballtprevent 'any d Of 4 the'''Boüd or, Com.mittee "thereofüfrom voting -.ānI,JVr the} -di"ussiön of āhy resolu thon or question relating to: any thān ra'Sxibjéct feferred- to ib these su b-sections. 14?] No or appointea by the, Boatd shall be invalidated' ihéfelY•-bK fhé gtöl.;nd of — . (a) of -aamem±r oi any, cönstit6tiön or reéonsti- (tutjon • 'or' a Cornrnittee• thereor:• (b) any defect or irregularity in the appointment of a person as a Member of the Board of r.Committee Ithpxegf: I, or (c) any defect or •irregularity in such act' - OF' ir"éedii'gs;•• not affectinß the substance. •l Ifgnctions_ . of.. the Board i -Shal] be-lag namely. (a) to render all necessary sér+icesl)In regard" to •water-supply, sewe?age• aid sanitation to the State: Goyernrnen,t Loc#kB9dipsv gpd on- request to • private ihStitutions •ißdivisuāts • (b) to prepare draft State Plans for water-supply, sewerage and drainage the directions of the Stale Government , (c) tq. r.eüiey and: adyi'é .ori -ihe,-ggriff, fees and charges :of .water,supply seyprigej •opreratin& igl_th?: argas• under, the jurisdittion. dEthe/Æö8.1d ; (d) to assess thc requirements of materials and arrange for their procurement and. utilisation Festabl.isl)' Mage stāßdārd's fqr:. yacer.:supply ang r..sewerāge services Powers of 385 . SUPÄ.;Y• AND' SEWERAGE, BOA-RDr.ACT,1 1991.- [öhāsa Act' 1200f 1951i) (Sees. 15±-16)' (f). to review annually. the technical, financial,- economici and' othér aspects of •Water-supily and seWefa*ge , (g) twestablish and maintain ar facility, to review, rend 3*appraise .the technical, financial. ecogomical and •of every* water-s.-i*ily and se%erage scheme in' the Stafé (h) *to: e%écüte,- opératé, run afid-- måifitāin any wa er- sdwerage system difectéd' bj Gövélnnieit' péf t6é' pro'.}iS10iis- contained imthis •Act (i) to assess the mah p6Wefaöd [taining iffirélatori to water supply; and sewerage seivices . in the. -Stata (j) to carry out applied research in relātiöh' to' water supply -and sewenge services in the State (k) to perform such of the düties 'land fnctions, -which are beinguperformed by the Public Health Engineering Organisation as may be specified from time ; to tinie the State Governmerit ; (O't6- pcrfdrm and diöcb-afée such •ether' 'duti'b'é' arid-' (dketidās* as age allÖtteā td the ' Bdafd 'uuiidéf -other •pcdviSiönS*' or (this' or *asl' to it by the State Government. 16: (1) The *Böa-fdZ5ha'lld subject"to the piāvßions• 'pf] thisEA6f,: i haē;e poper the Board. dd anything whßeh' may be necessary expendient' péffofmihg its -duiies2 and' discharging its functions under"tHis Act. Without, prejudice -td -of thié foregöing provisions', •sdch power sbill include- the power — (a)to inspeet all ;water-supply and sewerdge facilities in .tHe 'State by whom- soever they are operated (b) to , obtain 'such' periodic or specific information from ggy Local Bbody and operating agency . as the Board may deem nece\sary ; (c) to provide 'tr'afning for its owi persdnnel' as: well •asl 'för feniifoybes of •thé' Bodies , (d) to prepaté schemes for wa'teW-sU>ply Tand sewerage ; to' lay: .do_wn the' schedule: •of fees and': othere charges: for all kinds. pf ser- vices rendered by thp• Béard to Fthé State'Govétnment, ' Bbdies» insti- tutions or individuals (f) io enter- into- contract or agra2i:āent•: with: any person' or •pere0*ns) _ ps the Board 'may -deem necessary; tor perfo'cming it' L dutiéc'dnd dischaliÉing its functions- under this Act to prepüe •its own budget annually ; (h) to approve :tariffs for water-supély and sewerage serviæs appliæble to respective lcml areas comprised within the , jurisdict*on Of. the ,Board and such other Local Bodies as have enteied into -an agreement with the Board for such purpose (i) co Lake such other measures as may be necessary, to ensure water-supply at the -time 'of emergency ; (j) to abstract water from any natural source and dispose of waste water (k) to raise, borroW OE secure money Oli' 'suéh' terms and conditions as may] be authorised by the State Govertu:nent from public institutions like thé Life Insuranw Corporation of India, HUDCO, National and Intel national Financial Agencieg, Banks and {frem the' -State and 'Centrall Gbvétmen!, for water-supply 'and seweragé whemes of any bther schei:āÉS for' improvement of sanitatioh Powers of the Board to give dl.ræ- don.' and NII foc return' and reports etc. SUPER,dslon and centage charges. Vesting and nan.sfer of to the Board. 386 THE ORISSA WATER SUPPLY AND SEWERAGE BOARD ACT, 1991 [Orissa Act 12 of 1991] secs. 16—19 (1) to grants from the State Government, the Central Government and the Local Bodies for water-supply and .seweruge or any other sanita- tion improvement schemes (m) •to repay instalments of loans and pay interest on the principal thereof to the public institutions as per mutually agreed terms and conditions ; (n) to advance loans to the Bodies for their water-supply and sewerage schemes On such terms and conditions as may be specified by the Board ; (o) to incur such expenditure as the B04fd may deem necessary for perforlning its duties and functions under this Act ; (P) to exercise such other powers as are conferred on the Board under other provisions of this Act . (q) to recover from the

Bodies principal and interest thereon in respect of loans advanced to them by the Board. 17. d) Notwithstanding anything contained in any other law for the time being in force the Board may give such directions to any Body, with regard to the implementation of any water-supply or sewerage scheme financed by it, as it thinks fit. (2) In any Local Body is aggrieved by any such directions or experiences any difficulty in complying with the same, it shall refer the matter to the State Government whose decision thereon shall be final. (3) The Board shall have power to call for any return, statement of report statistics or other information from any body or other body or individual, which is required by the board for the exercise of its powers and performance and discharge of its duties and functions under this Act, and such body or individual shall be bound to furnish such information

18. The Board may include in the cost of any scheme or work the execution, or further execution where is undertaken, supervision andcentage changes as such rate, not exceeding such limit as may be prescribed, as it may determine.

CHAPTER III VESTING OF PROPERTY, ASSETS, LIABILITIES AND OBLIGATIONS AND TRANSFER OF PROPERTY

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

— (a) The properties and assets (including water works, buildings, laboratories stores, vehicles, furnitures and other furnishing), which immediately before the appointed date, were vested in the State Government for the purpose of the Orissa Public Health Engineering Service shall vest in and stand transferred to the Board ; and (b) the rights, liabilities and obligations of the State Government whether arising out of any contract or otherwise pertaining to the said Service shall be the rights, liabilities and obligations of the Board from the appointed date. (2) Such properties, assets, rights liabilities and obligations shall be valued in such manner as the State Government may determine. (3) All suits and other legal proceedings with respect to the matters referred to above instituted or to be instituted or defended by or against the State Government before the appointed date may continued, or instituted or defended by or against the Board.

Decision of the State Government on the vesting of property shall be final. Vesting of existing 387 THE ORISSA WATER SUPPLY AND SEWERAGE BOARD ACT, 1991 ACT 12 OF 1991] (Secs. 20—22)

20. Where any doubt or dispute arises as to whether any property or asset has vested in the Board under section 19 or any rights, liabilities or obligation have become the rights liabilities and obligations of the Board under this section such doubt or dispute shall be referred to the State Government, whose decision shall be final.

21. (1) Notwithstanding anything contained in any law for the time being in force, the Board may at any time with the previous approval of the State Government take over any water-supply and sewerage services for maintenance and sewerage or augmentation or improvement from any local body and in such cases in the Board. (a) all the existing water supply and sewerage services, Sewerage works and sewage farm, including, all plants, machineries, water works, pumping stations, filter beds water mains and public sewer in along over or under any public street and all buildings lands and other work materials, store, and things appertaining thereto, belonging to or vested in that local body (b) so much of the sub-soil appertaining to the said water mains and sewers as may be for the purpose of enlarging, deepening or otherwise repairing or maintaining, any such water mains and sewers or any pipes and other appliances and fittings connected with such water-supply and sewerage services and sewage works and sewage farms; and (c) all rights, liabilities and obligations of such local body relating to the things mentioned in clauses (a) and (b) including the right to tax and sewerage tax, by whatever recover arrears of water rate and of any cost or fees or charges relating to water supply and sewerage services and also including liabilities arising from any loans advanced by Government or any other persons to the said body for the things aforesaid, other than loans diverted to or utilised for purposes other than those referred to in clauses (8) and (b) shall, on such date as may be specified by the Board stand transferred to and vested in the Board and be subject to its control. liabilities and obligations shall be (2) Such properties, assets, valued in such manner as the State Government may determine. (3) Where any doubt or dispute arises as to whether any property or assets has vested in the Board under sub-section (1) or any rights, liabilities or obligations have become the rights, liabilities or obligations of the Board under this section, such doubt and dispute shall be referred to the State Government, whose decision shall be final and binding on the Board and the local body concerned. (4) For taking over any properties or assets of the local body, the Board pay to that body such amount as may be mutually agreed upon and in the absence of any such agreement, the State Government shall determine the amount to be paid to the local body on the basis of the valuation made under sub-section (2) and after taking into consideration the statutory duty of the local

body to provide water-supply and sewerage services, the grants received by the local body from time to time, the outstanding loan liabilities of the local body and such other relevant factors. The decision of the State Government shall be final and binding on both parties, 22. In respect of water works taken over from a local body by the Board all debts and obligations incurred, all contracts entered into, all matters and things engaged to be done by/with or for any local body prior to taking over the water works by the Board in respect of Board shall be deemed to have been incurred, entered into or engaged to be done by/with matters to which this Act applies but for transfer and vesting under sub-section (1) of section 21, have been instituted or defended by or against the body, may be continued or instituted or defended for water works taken over from by or against the Board. local bodies. 388 THE ORISSA WATER AND SEWERAGE BOARD ACT, 1991 [ORISSA Act 12 OF 1991] (Secs. 23-32) 23. (1) If the State Government of is in the public interest. Coordination that the Board and other local bodies; having jurisdiction over contiguous areas should of the Board their relation to, water supply services on a sewerage and other or both it may issue such directions to the Board and local bodies concerned, * local bodies. It may think fit. (2) It shall be the duty of the Board and other local bodies to comply with such direction. 24. (1) Where on account of conferment of any powers, duties and functions Powers of the Board by or under this Act, in the opinion of the State Government, the services State Government of servants of; Government: are by the Board to deputate of its officers or discharges its functions, certain the State Government, the Head of the Department... of the State Government may... from time to time having regard to the necessity, therefore, by order depute employees to the Board. such officers and, servants of the Board, and, the Board shall take them over and employ them on deputation, subject to the provisions of this section. CHAPTER IV CONTRACT, FINANCE, ACCOUNT AND 25. Every contract entered into by or on behalf of the Board shall Execution of be, in accordance with the provisions of such authority once and in, such manner contracts etc as may be provided 26. The Board shall have its own fund to be called "the Board Fund". which Board Fund shall be deemed to be a local fund and to which shall be credited all money received by or on behalf of the Board, otherwise than by way of loans. The Board shall also have another fund, to be called "the Loan Fund". Other Funds which shall also be deemed to be a local fund and to which shall be credited of the Board. all moneys received by or on behalf of the Board by way of loans from the financial institution like HUDCO, LIC, National and "International financial agency including World Bank. (2) Without prejudice to the provisions of section 26. sub-section (1) of this section the Board may, with the previous approval of the State Government, constitute such other funds may be necessary for the efficient performance of its duties and discharge its functions; under this Act. 28. The Board shall not, as far as and after taking credit for any General Principle grant or subvention from the State Government carry on under this Act for the Board's Finance

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

30. The State Government may, from time to time, advance loans to the Board. Initial contribution of Government to the Board Fund. Power to borrow and relend. Board on such terms and conditions, not inconsistent with the provisions of this Act, as the State Government and the Board may mutually agree

31. Unde duly made in this. behalf, the State Government may make an initial contribution to the Board Fund. 32. (1) The Board may, from time to time, with the previous sanction of the State Government and subject to the provisions of this Act and to such conditions as the State Government may, by general or special order, impose, borrow any money required for the purposes of this Act by making arrangements with the Banks or other Bodies or Institutions of the, State Government made for this purpose, (2) The Board may advance any part of such borrowings to any local body for the performance of its duties and discharge of its functions relating to water-supply and sewerage services on such terms and conditions as the Board may determine. 389 THE ORISSA WATER SUPPLY AND ACT, 1991 [ORISSA Act 12 OF 1991] (Secs. 33-38) 33. The Board shall create a depreciation reserve and make annual provision therefor in such principles as may be prescribed. Government' 34. The State Government may guarantee the repayment of any loan and as Guarantor payment of interest on all or any

of the loans given or transferred to the Board for the purposes of this Act. 353(1) The Board, before the commencement of, and 11 months after the end of, any financial year, shall prepare a statement or a - as the Cost of water. The Board may, of the: programme of its activities during that year as well as a financial estimate in respect thereof and the same shall be submitted to the State Government in such form and by such dates as the State Government may, by general or special order direct, for the previous approval of the State Government: Provided that in the event of such previous approval, not being received before the end of the financial year for which such financial statement has been submitted, the Board shall be entitled to expend on all accounts up to an amount not exceeding the amount approved for the corresponding period of the previous financial year and such amount shall not include any sum spent out of the grants on subventions during the said period. (2) The Board shall maintain such proper books of account and other books in relation to its accounts and prepare the balance sheet in such form and manner as to regulations may require. (3) The accounts of the Board shall be audited by such Auditor, in such manner and at such times, as the State Government may by general or special order direct. The Auditor so appointed shall have such powers of requiring the production of documents and the furnishing of information respecting such matters, and shall have such powers in respect of disallowance and surcharge as may be prescribed. (4) The accounts of the Board as certified by the Auditor together with the audit report thereon shall be forwarded annually to the State Government who may issue such directions to the Board as it may deem fit and, the Board shall comply with such directions. (5) The State Government shall cause the accounts of the Board to be published in such manner as it thinks fit.

CHAPTER V FEES AND CHARGES 36. (1) The Board shall, by notification in the Official Gazette, fix the cost of water to be supplied according to volume and also the minimum cost to be charged in respect of each connection in consultation with the State Government. (2) The Board may, in lieu of charging the cost of water according to volume, accept from any consumer a fixed sum for a specified period on the basis of expected consumption of water during that period. 37. (1) The Board shall, by notification in the Official Gazette, fix the cost of disposal of waste water according to its volume (which may be such as waste water, percentage of the volume of total water supplied to consumer as may be prescribed) and also the minimum cost to be charged in respect of such disposal. (2) The Board may, in lieu of charging the cost of disposal of waste water according to the basis stated in sub-section (1), from any consumer a fixed sum for a specified period on the basis of expected disposal of water during that period. Meter rent. 38. (1) The Board may provide meter and charges such rent for the use of meter as may be provided in the rules. 39. THE ORISSA WATER SUPPLY AND SEWERAGE BOARD (ACT OF 1991) (SECS. 36-44) 1991 Deposits. (2) The Board may levy fees for connection, disconnection, reconnection of any water supply or sewer or testing or supervision or for any other service rendered or work executed or supervised at such rates as may be provided by the bye-laws.

39. The Board may by bye-laws provide for requiring any consumers or class of consumers to deposit such sums as may be specified therein as security for prompt payment of its dues and due performance of the conditions subject to which, services are rendered to them. It shall be lawful for the Board to recover its lawful dues from the amount so deposited. Of - 40. Any sum due to the Board on account of cost of water; cost of sums due to disposal of waste water, metre rent, fees, charges or otherwise under this Act, Board shall, without prejudice to any other mode of recovery, be recoverable as arrears of supply of water for domestic purposes. Water supply arrears of: land revenue

CHAPTER VI WATER SUPPLY 41. The supply of water for domestic purposes under this Act shall be for any purposes, except the namely (a) any trade, manufacture or business; (b) for gardens exclusively or for purposes of irrigation; (c) for construction of buildings including construction of streets; mean (d) for fountains, swimming bath, public baths or tanks or (or any ornamental or purpose; (e) (or animals, where they are for sale or hire or for the sale of their produce; (d) for the consumption and use at a restaurant or by inmates of a hotel, boarding house or residential club; (g) for consumption and use by persons resorting to theatres cinemas; (h) for watering streets; or (o) for washing vehicles where they are kept for sale or hire

42. No person shall, except in such or subject to such conditions as may be provided by the bye-laws, use or allow to be used water supplied by the Board for domestic purposes for any other purpose. for non-domestic purpose. Licensed plumbers. than a plumber licensed

by the Board. shall 43. (1) No person, - other execute any work in respect of a water connection not being work of trivial nature and no person shall permit any such work to be executed by a person other than a licensed plumber. (2) When any work is executed in contravention of the provisions of sub-section () such work shall be liable to be dismantled at the discretion of Board. 44. (1) No owner or occupier of any premises to which water is supplied by the Prohibition Of wastage Board shall intentionally cause or suffer any water to be wasted, or cause or suffer of water. the service pipe or any tap or other fitting or work connected therewith to remain out of repair so as to cause wastage of water. (2) Whenever, the Board has reason to believe that as a result of defect in a service pipe or tap or other fittings or work connected therewith water is being Wasted, the Board may by written notice-require the consumer, to repair and make good the defect within such time as may be specified. 391 THE ORISSA .WATER SUPPLY AND SEWERAGE BOARD ACT,- 1991 [ORISSA; 12 of (Syce. 44-...46) (31 If such 'repair is not carried out within the period specified, -the Board may, without prejudice to any action against the consumer 'under any other-provision of this Act, cause- such repair: to be made, • The' cost Of -such repair- shall be realised from the consumer. Power to cut off 4S. (i) The Board may cut off the water supply under its control from any premises if— (a) if any fee; rental, cost of, water or. any. charge or other sum due under this Act, is: not paid within a period of fifteen days from the receipt of , the bill, for the same and after furnishing one month notice' from expiry ..of the said period; or (b) if after the receipt of a written notice from the Board requiring-him to refrain from so doing, the consumer continues to use the water or to permit the same to be used in contravention of the provisions of this Act or any rules or regulations -by-laws ; or if the consumer damages or causes to be damaged the water meter or any connection pipe or (d) 'if the consumer refuses to admit any officer' or servant of the Board duly authorised in •this behalf into the premises which he proposes to 'enter during the day time for 'the purposes of executing any work or 'placing or removing any apparatus or of making any examination. -or inquiry in connection. with the water supply or prevents any such officer or servant from executing any work Or placing or removing any apparatus or making such examination or enquiry; or (e) if the service pipe or any tap or other fitting or work connected there• With is found on examination by an officer or servant of the •Board duly authorised- in this behalf to be out of repair to such an extent as to cause wastage or contamination of water and immediate prevention thereof is necessary; or if the consumer causes or allows to be . caused the service pipe or any tap or other fitting or work connected therewith to be placed, removed repair or otherwise interfered with, in contravention of the provisions of this Act or of the rules or regulations or the bye-laws; or (g) if by reasons of leakage in the service pipe or any tap or other fitting or work damage is caused to a public street and immediate prevention: thereof is necessary. (2) No action taken under or in pursuance of this section shall relieve a person from any penalty or liability which he may otherwise have incurred under this Act, (3) The Board may reconnect the supply of water disconnected under sub. section (1) on payment of such. charges. 46. (i) No person shall-- V) wilfully obstruct any person acting under the authority of the Board in setting out the lines of any work or pull up or remove any pillar, post or stay in the ground for the purpose of setting out the line of such works, or deface or destroy any works made for the said purpose; or (b) wilfully or negligently injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, meter or other apparatus belonging to the Board; or obstruct the flow of or flush, draw off, or divert, or take water from any -water works belonging to the Board or any water course by which any such water is supplied ; or Right of owner Of occupier to obtain sewer connection. Power to require owner to have sewer Prohibited on 392 THE ORISSA -WATER SUPPLY AND SEWERAGE BOARD ACT, 1991 [ORISSA .12 OF 1991] (Secs. 46—53) (d) obstruct any or servant' of the Board in the performance and discharge of his duties and functions under this Chapter or refuse to furnish him with means necessary for the making, of. any entry, Inspection examination or inquiry thereunder in •relation to any water works ; or (e) bathe in, at or upon any water works, or wash or throw -or cause to -enter •therein any animal or. throw dry rubbish, dirt'. Or filth into 'any water works, or wash or clean therein any cloth, wool or leather: or the skin of any animal, or cause water of any sink or drain or any steam engine or boiler or any other polluted water to turn or be' brought into any water works, do any_ other- -act whereby the water in any water works belonging to the Board is fouled or likely to' be fouled. (2) Nothing in clause (b) of sub-section (I) shall apply •to a consumer closing the stop-cock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply be affected thereby

CHAPTER VII Sewerage 47.. The owner or occupier of any premises shall be entitled to empty sewage of the premises into R sewer of the Board, provided that, before doing so, he t— (a) obtains, written permission of the Board and pays connection f?? and other charges in accordance. with the bye-laws and (b) complies such other •conditions •as may. •be provided. in bye-laws. 48, Where any premiseS are in the opinion of Board, without sumcient means ot effectual disposal ot sewage" and the-tsewer of the Board is situated ata distance of fifty metres from any part •of: the-premises, the Board may, by written require the owner of the said premises to have sewer connection as provided in by-laws

49. Nooperson shall, withoute the permission of the Board make or cause to be ofcooooæfion made any connection or with any sewer of the Board.with sewer without Rr- misi0D

50. No person shall, without the permission of the Board, construct any private Prohibiti o n of street, building or other Structure on • any sev,er of the, Board.Mion of Pfi- street or building without xr• mission. Sl. The Boardmay, for the-pulpose or ventilating any sewer or cess-pool, whether Power shaft vasted in the Board or not, erect upon any premises or afix •to the outside of etc. forventi- any building or to any trec any shaft or pipes as may appear to it to be necessary. lation sewer or ces- pool. \$2. (1) Wiere it appears to the Board that there are reasonable grounds for. Power to exarnine and believing that a private sewer or cess-pool is in such condition as to be prejudicial test sewer to public health or to be a nuisance or that a private sewer communicating directly etc. believed to be or indirectly with a sewer of the Board is so defective as to admit sub-soil water tive. Prohibldon of certain other Act. or grit or other materials the Board may exaniine its condition and for that purpose may apply any test, not being a test by water under -pressure and if it. deems it necessary, - open the ground. (2) If on examination the seyer or ciss-pool .is found to be improper condition the Boud shall, as soon as pdssible, reinstate •-any ground which has been opened by it pay 'compensation for the damage by it. \$3. No person shall— (4) willfully obstruct any pers6n acting -under the authority •of the Board undet this Chapter in setting out of the line of any works or pull up or remove any Pillai, post tfr.:stay fixed in the: groind for the purposes of settinig out, Such work Or defence or destroy any works made foi the purposes; 393 THE ORISSA WATER SUPPLY AND SEWERAGE BOARD ACT, [ORrssA ACT 12 OF 1991] (ScCs. 53—56) 1991 (b) wilfully or negligently break injure, turn cn, open, close, shut off or otherwise interfere with any lock, valve, Pipe or other works or apparatus belonging to the Board and pertaining to its do tics and functions under this Chapter ; or (c) unlawfully obstruct the flow of, or flush, draw,' of or divert or lake sewage from any works belonging to the Board ; or (d) obstLuct any omcer or servant of the board in discharge of his duties under this Chapter or refuse or wilfully ncglect to rurnish him ',vitlL the means necessary tor the making of any entry, inspection, examination thereunder in relation to any sewage work. 54. (1) Any omccr Powers of servant of the Boald authorised by it in that or behalf, may, With or without assistants or workmen, enter into any premises in etc. order— (a) to make any inspection, sutvt..% measurement valuation or inquiry ; (b) to take levels (c) to dig or bore into the sub-soil'; (d) to set out the boundaries and the intcnded •lines of work. ; (e) to mark such levels, boundaries and lines by placing marks ana cutting trenches ; or (D to do any othez things necessary for the pulposes of this Act or any Lutes or regulations or bye-laws : Provided (hat in exercising the powers under this sub-section due regard sball such Officers or servants of the Board concerned to the social be paid by and religious ot cu<oms the occupants ot the premises. entitled to enter into or upon any premises in (2) When any person is sub-section he may exercisc of the powers Under also enter in similar manner into or, upon any adjoining premise,,r • for any work auth01 iscd by or undec this Act or for obtaining access to such work for any other purpose connected with the execution of the same. (3) It shall be lawful for any authorised Offccr or servant to make an entry into any place to open or to be opened aDY door, gate or other barrier Powers to disinfect • tanks, pools and wells. General PeoaItY. (a) if he considers the openiog thereof necessary for the pulpose of such • and ontry (b) if he owner or is absent or being present refuse to open such door, gate or, barrier

55. Any Ofiü ot servant auth0K ised by the Board in that behalf r:nay have any tank, pool or well, ot disinfected after notice to the owner or if any, when it appears that such cleaning or disinfection will prevent or check to spread of -any dangerous oiscaae.The cost of clcaning or disinfection shall be recoverable by the Board from the owner or occupier of such tank, pool or well. CHAPTER Penalties and Procedare 56. Whoever contravenses the provisions of this Act or of the rule or bye- law or fails Co comply with any order issued under this Act or-the rule cr bye-law, shall on conviction, be punished with fine which may extend. to onc thousand rupees, and with further fine which may extended to fifty rupee

for everyday on Which such • contravention or failure c•ntinues after the • first c0nvnction, 894 THE ORISSA WATER SUPPLY AND SEWERAGE BOARD ACT, 1991 [ORISSA ACT 12 OF 1991] (Secs., 57—62) Cognizance 57. No court shall take cognizance of any offence under this Act, except of offence, on the written •complaint or the Board made within six months from the commission of the offence. 58. (1) Where an offence under this Act has been committed by a company Offences by Companies. every person who at the time the offence was committed was responsible to the for the conduct of its business as well as the company, shall company be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly . Provided that, nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company . and it is proved that the offence has been committed with the consent or connivance or or is attributable to any neglect on the part of any Director, Manager, Secretary or other Officer of the Company, such Director, Manager, Secretary or other Officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. •Explanation—For the purposes' of this section— (a) •company• means: anybody corporate and includes a firm or other association of individuals; and (b) 'Director' in relation to a firm means a partner in the firm. Power to 59. It shall be lawful any officer- of the Board authorised by it in writing to arrest any person who commits or is suspected to have committed an offence and refusing punishable under section 56 and' who, on demand refuses to give his true name and address or where there is reason to believe that the name and address given by him is not correct. Compound- 60. (1) The Member-Secretary or any other officer of the Board, authorised by it by general or special order in that behalf may, either before or after the institution of proceedings for any offence punishable under this Act, accept from any person charged with such offence by way of composition of the offence a sum of not exceeding two thousand rupees, as he thinks proper. (2) On payment of such sum, no further proceedings shall be taken against said persons in respect of the same offence and the persons if in custody, shall be released. CHAPTER External Control Directions 61.-(1) 'In the performance of its duties and functions the Board shall be guided by such direction on questions of policy as may be issued by the State Government. Annual report . statistics, returns and other information furnished by it, from time to time, shall be submitted to the State Government. 'If any question arises whether any matter is or is not a question of policy which the State Government may issue a direction under sub-section (1) the decision of the State Government shall be final. 62. (1) The Board shall as soon as may be after the end of each financial year, prepare and submit to the State Government before such date and in such form as the State Government may direct, a report giving an account of its activities during the previous financial year- including a statement of the activities, which are likely to be undertaken by the Board in the next year and the State Government shall cause every such report to be laid before the State Legislature as soon as may be after it is received by the State Government. Duty of local bodies 395 THE ORISSA WATER SUPPLY AND SEWERAGE BOARD ACT, 1991 [Orissa Act 12 of 1991] (Secs. 62—67) (2) The Board shall also furnish to the State Government at such times and in such forms and manner as the State Government may direct such existing statistics and returns and such particulars in regard to any proposed or activities of the Board or any other matter under the control of the Board as the State Government may, from time to time require

CHAPTER X Miscellaneous 63, (1) All local bodies shall render such help and assistance and furnish such information to the Board and shall make available for the inspection and examination of (and if necessary, preparation of copies from) such records, maps, plans and other documents as the Board may require to perform and discharge its duties and functions under this Act. (2) Without prejudice to the provisions of sub-section (1) every local body shall on demand make available to the Board on payment of reasonable fees certified copies or extracts from assessment lists and other relevant documents in connection with assessment of annual value of premises and levy of taxes, fees and charges, (3) Without prejudice to other provisions of this Act and notwithstanding anything contained in any other law for the time being in force, under which any local body is constituted, the State Government may give to any local body such directions as in its opinion may be necessary or expedient for enabling the Board to perform its

duties and discharge its functions under this Act, and thereupon it shall be the duty of the local body to comply with such directions

64. In any not otherwise expressly provided for in this Act, the Board may power to pay reasonable amount as compensation to any person who sustains damage by reason of the exercise of any power vested by or under this Act in the Board. 65. No suit, prosecution or other legal proceedings shall lie against the State Government or the Board or the Members or any Officer or servant of the State or of the Board for anything which is in good faith done or purported or intended to be done in pursuance of this Act or any rules, regulations or bye-laws

CHAPTER XI Rules, Regulations and Bye-laws 66. (1) The State Government may by notification in the Official Gazette and subject to the sanction of previous publication, make rules for carrying out the purposes of this Act. (2) Every rule made under this Act shall be laid, as soon as may be after it is made before the State Legislature, while it is in session for a total period of fourteen days, which may be comprised in one or more sessions, and if, during the said period the State Legislature makes any modification in the rule or decides that the rule should not be made, the rule shall, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule. 67.

(1) The Board may, with the previous approval of the State Government, make regulations, consistent with this Act and the rules, for the administration of its affairs. (2) In particular and without prejudice to the generality of the foregoing power, such regulations may be made for all or any of the following matters namely— (a) the summoning and holding of meetings of the Board and of the committees appointed by it, the time and place where such meetings are to be held, the conduct of business at such meetings and the persons necessary to form a quorum thereto; (b) the recruitment and the salaries and allowances and other conditions of service of employees of the Board; (c) the powers and duties of the employees of Board; (d) the management of the property of the Board (e) the execution of contracts and assurances of property on behalf of the Board and authentication of orders and instruments of the Board, (f) the limits upto which the Member-Secretary shall be competent to incur recurring or non-recurring expenditure in any financial year, (g) the maintenance of accounts and the preparation of balance sheet by the Board; (h) the procedure for carrying out the duties and functions of the Board under this Act (i) any other matter for which provision is to be or may be made by regulations.

(3) Until regulations are made by the Board under sub-section (1) the State Government may make regulations and any regulations so made may with the previous approval of the State Government, be altered or rescinded by the Board in exercise of its power under sub-section (1). 68. (1) The Board may, with the previous approval of the State Government, make bye-laws consistent with this Act and the rules, for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the following matters, namely— (a) the terms and conditions for supply of water for domestic or other purposes; (b) the installation of meters or the transfer of their connection and their use, maintenance, testing, disconnection and reconnection, the fees, rent and other charges in thereof, including the furnishing of security by the consumer and matters connected therewith; (c) the fees, rent and other charges to be paid for connection with the sewer of the Board and other terms and conditions for such connections; (d) any other fees and charges to be paid to the Board for service to the consumers; and (e) any other matter for which provision is to be or may be made by bye-laws. 397 ORISSA ACT 14 OF 1991] ORISSA NOTIFICATION AREA COUNCILS (EXTENSION OF TERM OF OFFICE AND VALIDATION) ACT, 1991 TABLE OF CONTENTS PREAMBLE Swarnajyoti

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