

Twelfth Kerala Legislative Assembly

Bill No. 238

**THE KERALA WATER SUPPLY AND SEWERAGE
(AMENDMENT) BILL, 2008**

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(AMENDMENT) BILL, 2008

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BILL

further to amend the Kerala Water Supply and Sewerage Act, 1986.

Preamble.— WHEREAS, it is expedient further to amend the Kerala Water Supply and Sewerage Act, 1986 for the purposes hereinafter appearing ;

BE it enacted in the Fifty-ninth year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Water Supply and Sewerage (Amendment) Act, 2008.

(2) It shall be deemed to have come into force on the 29th day of January, 2008.

2. *Amendment of section 2.*— In section 2 of the Kerala Water Supply and Sewerage Act, 1986 (14 of 1986) (hereinafter referred to as the principal Act),—

(i) for clause (vii), the following clause shall be substituted, namely :—

“(vii) “domestic sewage” means waste water from any house or residence arising out of personal and normal human activities such as drinking, bathing, ablution, washing and cooking ;”

(ii) after clause (x), the following clause shall be inserted, namely :—

“(xa) “licensed plumber” means a plumber who is provided with a license by the Authority to execute works relating to any water connection or domestic or non-domestic sewer connected to sewerage of the Authority, under sections 43 and 47B ;”

(iii) after clause (xv), the following clause shall be inserted, namely :—

“(xva) “non-domestic sewage” means sewage other than domestic sewage and includes industrial sewage ;”

(iv) in clause (xxxvi), the words "and units for manufacturing, marketing and storing of packed water, mineral water, aerated water or any other processed water or of goods or articles necessary for the water supply," shall be added at the end.

3. *Amendment of section 4.*—In section 4 of the principal Act,—

(i) for clause (c), the following clause shall be substituted, namely :—

"(c) the Secretary to Government in charge of Water Resources Department, *ex-officio* ;"

(ii) for clause (e), the following clause shall be substituted, namely :—

"(e) the Secretary to Government in charge of Local Self Government Department (Urban), *ex-officio* ;"

(iii) for clause (f), the following clause shall be substituted, namely :—

"(f) the Secretary to Government in charge of Local Self Government Department (Rural), *ex-officio* ;"

4. *Amendment of section 14.*—In section 14 of the principal Act,—

(i) in clause (x) the word "and" at the end shall be omitted ;

(ii) after clause (x), the following clauses shall be inserted, namely :—

"(xa) making provision for manufacture and marketing of packed water, mineral water, aerated water or any other processed water and of goods or articles necessary for water supply and sewerage ;

(xb) any other matter supplemental, incidental or consequential to any of the above functions of the Authority; and"

5. *Amendment of section 15.*—In sub-section (2) of section 15 of the principal Act, after clause (viii), the following clause shall be inserted, namely :—

"(viiiia) to invest funds, with the previous approval of the Government, in any public sector undertakings or companies that are involved in the production of goods or articles utilized for the functions of the Authority."

6. *Insertion of new section 15A.*—After section 15 of the principal Act, the following section shall be inserted, namely :—

"15A. *Manufacture and marketing of packed water, mineral water etc.*—Notwithstanding anything contained in any other provisions of this Act, the authority shall have the power to manufacture, market and sell packed water, mineral water, aerated water or any other processed water and goods or articles necessary for the water supply and sewerage in such manner as may be provided by regulations."

7. *Amendment of section 33.*—For section 33 of the principal Act, the following section shall be substituted, namely :—

“33. *Meter rent.*—The Authority may charge meter rent for the meters provided by the Authority at such rates as may be provided by regulations.”

8. *Amendment of section 38.*—In section 38 of the principal Act,—

(i) for sub-sections (1), (2) and (3) the following sub-section shall be substituted, namely :—

“(1) The Authority shall on an application made to it by the owner of any premises or by the occupier with the consent in writing of the owner thereof, grant supply of water for domestic purposes on such terms and conditions as may be provided by regulations.”

(ii) sub-sections (4), (5) and (6) shall be re-numbered as sub-sections (2), (3), and (4) respectively.

(iii) after sub-section (4) so re-numbered, the following sub-section shall be inserted, namely :—

“(5) The ownership and control over the pipe line up to the meter point shall vest with the Authority even though the cost of any connection or part thereof has been borne by the applicant”.

9. *Insertion of new sections 38A and 38B.*—After section 38 of the principal Act, the following sections shall be inserted, namely :—

“38A. *Water supply to flats and multi-storied buildings.*—(1) Notwithstanding anything contained in this Act, and subject to sub-section (2), the Authority may supply water through cisterns, tanks, sumps and ground level reservoirs to multi-storied buildings and flat type buildings, subject to such terms and conditions, as may be provided by regulations.

(2) The supply of water referred to in sub-section (1) shall not be made from a distribution main having diameter of 150 mm or less.

38B. *Control over water supply connections.*—All water connections, irrespective of ownership shall be under the control of the Authority and shall be maintained properly and altered or repaired only in such manner as may be provided by regulations.”

10. *Amendment of section 40.*—In section 40 of the principal Act, after sub-section (4a), the following sub-sections shall be inserted, namely :—

“(5) The water from any public hydrant shall not be used for any non-domestic purpose.

(6) No external instruments or pipes or hose or other devices shall be connected to any public hydrants for taping water.

(7) No cleaning or washing of any animal, vehicle, cloth, utensil or any other materials shall be done under or near any public hydrants."

11. *Insertion of new section 40A.*—After section 40 of the principal Act, the following section shall be inserted, namely :—

"40A. *Punishment for illegal use of public hydrants.*—Any person who unlawfully draw off or take or use water from a public hydrant shall be punishable with fine extending to ten thousand rupees and with imprisonment for a term not exceeding six months or with both."

12. *Amendment of section 42.*—For section 42 of the principal Act, the following sections shall be substituted, namely :—

"42. *Provision of water meters.*—(1) The consumer shall provide a water meter and attach the same to the service pipes in his premises connected with the water works of the Authority after obtaining approval from the Authority.

(2) The consumer shall repair or replace water meters installed in his premises, at his own cost whenever required to do so by the Authority.

(3) Notwithstanding anything contained in sub-section (1), the Authority shall have the power to install its own water meters to any connection wherever the Authority deems fit.

(4) The provision of water meters and the transfer of connection thereto, the use, maintenance, and testing of such meters and the expense of installation thereof and their rents and the furnishing of security, if any, in connection therewith shall be regulated by regulations.

42A. *Presumption as to correctness of meters.*— Whenever water is supplied under this Act through a meter, it shall be presumed that the quantity indicated by the meter has been consumed, until the contrary is proved."

13. *Amendment of section 43.*—For section 43 of the principal Act, the following section shall be substituted, namely :—

"43. *Works relating to water connection to be done by licensed plumbers and as per specifications etc.*—(1) No person other than a plumber licensed by the Authority or person duly authorized by it shall execute any work relating to a water connection, not being a work of a trivial nature and no person shall permit any such work to be executed by a person other than such a person ;

(2) Every person who employs a licensed plumber to execute any such work shall when so required furnish the details of work executed or to be executed in such manner as may be provided by regulations ;

(3) No licensed plumber shall contravene any of the specifications or standards relating to execution of such works provided in the regulation or specified by the Authority or execute such works using sub-standard materials, appliances or fittings ;

(4) Where any such work is executed in contravention of sub-sections (1), (2) and (3), such connection is liable to be refused or disconnected ;

(5) The Authority may, from time to time, fix the charges to be paid to licensed plumbers for each such kind of work through regulations ;

(6) No licensed plumber shall, demand or receive charge for any such work in excess of the rate fixed by the Authority under sub-section (5) ;

(7) If any licensed plumber executes any such works in contravention of the provisions of this section or the regulations, his license shall be suspended or cancelled irrespective of the fact whether any criminal proceedings is taken against him or not.”

14. *Insertion of new section 43A.*—After section 43 of the principal Act, the following section shall be inserted, namely :—

“43A. *Offences by licensed Plumbers.*— Whoever, being a licensed plumber, contravenes sub-section (3) or sub-section (6) of section 43, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to ten thousand rupees or with both.”

15. *Insertion of new section 45A.*—After section 45 of the principal Act, the following section shall be inserted, namely :—

“45A. *Non-liability of the Authority to pay penalty or damages.*—The Authority shall not be liable in any way for any loss or damage or sufferings caused to any person by the cutting off the supply of water due to drought or accidents or works relating to re-laying or repairing of any water works or other unavoidable causes.”

16. *Amendment of section 46.*—In clause (c) of sub-section (1) of section 46 of the principal Act, after the words “water is supplied” the words “with or without any mechanical or other device” shall be inserted.

17. *Insertion of new sections 46A, 46B, 46C, 46D and 46E.*— After section 46 of the principal Act, the following sections shall be inserted, namely :—

“46A. *Prohibition of construction of buildings etc., over land, pipes etc.*— (1) No person shall without permission of the Authority construct any

private street, building, wall, fence or other structure over any land or pipes or mains belonging to the Authority.

(2) If any private street is constructed or any building, wall, fence or other structure is erected on any land or pipes or mains belonging to the Authority, the Authority may remove or otherwise deal with the same as it thinks fit.

(3) The expenses incurred by the Authority in so doing shall be paid by the owner of the private street or of the building, fence, wall or other structure or as the case may be, by the person offending and shall be recoverable as an arrear of charges under this Act.

46B. *Punishment for tapping or making illegal connection.*—Whoever, with intent to commit theft of water, taps or makes or causes to be made any connection with the mains or service pipes of the Authority without obtaining prior permission of the Authority shall be punishable,—

(i) on first conviction with fine which may extend to ten thousand rupees and in the event of a second or subsequent conviction with imprisonment for a term not exceeding six months and with fine which may extend to twenty-five thousand rupees, if the water is intended to be used for domestic purpose ;

(ii) on first conviction with fine which may extend to fifty thousand rupees and in the event of a second or subsequent conviction imprisonment for a term not exceeding two years and with fine which may extend to one lakh rupees, if the water is intended to be used for non domestic purpose.

46C. *Punishment for certain other illegal activities.*—Whoever, being a consumer, with intent to commit theft of water, damages or tampers a water meter, or installs or uses a tampered water meter or uses any device or method which interferes with the accurate and proper metering of the water supply, shall be punishable,—

(i) on first conviction with fine which may extend to ten thousand rupees, and in the event of a second or subsequent conviction with imprisonment for a term not exceeding six months and with fine which may extend to twenty-five thousand rupees, if he is a domestic consumer ;

(ii) on first conviction with fine which may extend to fifty thousand rupees, and in the event of a second or subsequent conviction imprisonment for a term not exceeding two years and with fine which may extend to one lakh rupees, if he is a non-domestic consumer.

46D. *Assessment of water charges in the case of unauthorized use, theft etc.*—(1) If on inspection of any place or premises or water meters or any other devices, or any record maintained by any person, the authorized officer of the Authority comes to the conclusion that any consumer is indulging in unauthorized use or theft of water, he shall, notwithstanding any criminal proceedings that may be taken against the consumer, provisionally assess to the best of his judgment the water charges payable on account of such unauthorized use or theft of water.

(2) The order of provisional assessment shall be served to the consumer in such manner, as may be provided by regulations.

(3) The consumer to whom a notice has been served under subsection (2) shall be entitled to file objection, if any, against the provisional assessment before the authorized officer of the Authority who may, after affording a reasonable opportunity of hearing to such consumer, pass a final order of assessment of the water charges payable by such consumer.

(4) Any consumer served with the order of provisional assessment may accept such assessment and deposit the assessed amount with the officer designated for the purpose within seven days of service of such provisional assessment order upon him.

(5) If the assessing officer arrives at the conclusion that unauthorized use or theft of water has taken place, it shall be presumed that the unauthorized use has been continuing since the date of starting of the construction, in case the unauthorized use is for construction purpose or from a date which the assessing officer deems that the unauthorized use has been continuing in case the unauthorized use is for other purpose or in case of theft from a date of previous inspection or from a date which the assessing officer deems that the theft has been continuing :

Provided that the period of the unauthorized use, theft etc. considered for assessment shall not be less than six months immediately preceding the date of inspection unless the onus is rebutted by the consumer.

(6) The assessment shall be based on the plinth area of the building, in case of unauthorized use for construction purpose or based on the number of inhabitants, in case of domestic purpose or based on the probable quantity, in case of other purposes.

(7) The water charges under this section shall be assessed in accordance with the guidelines as may be provided by regulations.

46E. *Appeals and Appellate Authority*.—(1) Any person aggrieved by the final order passed under section 46D may, within thirty days of the said order, prefer an appeal to the Superintending Engineer of the Authority having jurisdiction over the area, in such form and in such manner and accompanied by such fee as may be prescribed by the Government.

(2) No appeal against an order of assessment passed under sub-section (1) shall be entertained unless an amount equal to one third of the assessed amount is deposited within the period prescribed for the purpose.

(3) The appellate authority referred to in sub-section (1) shall dispose of the appeal within thirty days after hearing the parties.

(4) The orders of the appellate authority passed under sub-section (3) shall be final."

18. *Amendment of section 47*.— In section 47 of the principal Act, after clause (b), the following proviso shall be inserted, namely :—

"Provided that nothing in this section shall entitle any person to discharge directly or indirectly into any sewer of the Authority any trade effluent from any trade premises except in the manner and subject to such conditions as may be provided by regulations."

19. *Insertion of new sections 47A and 47B*.—After section 47 of the principal Act, the following sections shall be inserted, namely :—

"47A. *New premises not to be erected without drains*.—(1) In areas where sewers of the Authority are available within a distance of 50 meters, it shall not be lawful to construct or reconstruct any building or other structure unless a drain is constructed of such size, materials and descriptions, at such level and with such fall as may be provided by regulations.

(2) The drain so constructed shall be connected with the sewer of the Authority in such manner and subject to such terms and conditions and payment of such fees as may be provided by regulations.

47B. *Work relating to sewer to be done by Licensed Plumber and as per specifications etc*.— (1) No person other than a plumber licensed by the Authority or a person duly authorized by it shall execute any work relating to any domestic or non-domestic sewer connecting to a sewer of the Authority and no person shall permit any such work to be executed by a person other than such a person.

(2) Every person who employs a licensed plumber to execute any such shall, when so required furnish the details of such work executed or to be executed, in such manner, as may be provided in the regulations.

(3) No licensed plumber shall contravene any specifications or standards relating to the execution of such works, provided in the regulations or specified by the Authority or execute such work using sub-standard materials, appliances or fittings.

(4) Where any such work is executed in contravention of sub-sections (1), (2) and (3), such connection is liable to be refused or disconnected.

(5) The Authority may, from time to time, fix the charges to be paid to licensed plumbers for each such kind of work, by regulations.

(6) No licensed plumber shall demand or receive charge for any such work in excess of the rate fixed by the Authority under sub-section (5).

(7) If any licensed plumber executes any such work in contravention of the provisions of this section or the regulations his license shall be suspended or cancelled irrespective of the fact whether any criminal proceedings is taken against him or not."

20. *Insertion of new section 49A.*—After section 49 of the principal Act, the following section shall be inserted, namely :—

"49A. *Certain matters not to be passed into Authority Sewers.*—(1) No person shall throw, empty, or turn into any Authority sewer or into any drain or sewer communicating with the Authority sewer,—

(a) any matter likely to damage the sewer or to interfere with the free flow of its contents or to affect prejudicially the treatment and disposal of its contents ; or

(b) any chemical refuse or waste steam or harmful liquid provided in the regulations as damaging the sewerage or causing nuisance or harmful to health ; or

(c) any dangerous petroleum ; or

(d) any other liquids or other materials, the discharge of which is prohibited by the regulations.

Explanation:—In this section, the expression "dangerous petroleum" as the same meaning as in the Petroleum Act, 1934 (Central Act 30 of 1934)".

21. *Insertion of new section 50A.*—After section 50 of the principal Act, the following section shall be inserted, namely :—

"50A. *Prohibition of certain Acts.*—No person shall,—

(a) wilfully obstruct any person acting under the orders or directions of the Authority in setting out the lines of any sewerage or put up or remove any

pillar, post or stake fixed in the ground for the purpose of setting out such lines or deface or destroy any works made for the same purpose ; or

(b) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe or other apparatus of any sewerage of the Authority ; or

(c) unlawfully obstruct the flow of or flush, draw off or divert or take sewage from any sewerage of the Authority ; or

(d) obstruct any officer or other employee of the Authority in the discharge of his duties under this Chapter or deny or refuse for making any entry, inspection, examination or inquiry in relation to any sewerage."

22. *Insertion of new section 52A.*—After section 52 of the principal Act, the following section shall be inserted, namely :—

"52A. *Penalty for the violation of the provisions in this Chapter.*—Any person who contravenes any provisions of this Chapter shall be punishable with fine extending to ten thousand rupees for the first conviction and for the second and subsequent convictions with fine extending to twenty thousand rupees or with imprisonment extending to six months or with both."

23. *Amendment of section 60.*—In section 60 of the principal Act, for the words, "one thousand rupees" and "twenty- five rupees", the words "three thousand rupees" and "one hundred rupees" shall respectively be substituted.

24. *Insertion of new section 61A.*— In the principal Act, after section 61, the following section shall be inserted, namely :—

"61A. *Cognizance of offences.*—No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by the Authority or by an officer not below the rank of an Executive Engineer of the Authority in charge of water supply or sewerage or by any other officer authorized by the Authority for this purpose."

25. *Amendment of section 64.*—In sub-section (2) of section 64 of the principal Act, after clause (g), the following clause shall be inserted, namely :—

"(gg) the form and manner in which an appeal to the Superintending Engineer is to be preferred under sub-section (1) of section 46E and the fee for such appeal."

26. *Amendment of section 65.*—In sub-section (2) of section 65 of the principal Act,—

(i) after clause (g) the following clause shall be inserted, namely :—

“(ga) the manner in which the Authority shall manufacture, market and sell packed water, mineral water etc. and goods and articles relating to water supply and sewerage ;”

(ii) after clause (h), the following clauses shall be inserted, namely :—

“(ha) the terms and conditions subject to which water supply is to be provided to multi-storied buildings and flat type buildings ;

(hb) the manner in which all water connections shall be maintained altered or repaired ;”

(iii) after clause (i), the following clause shall be inserted, namely :—

“(ia) the manner in which the details of work executed or to be executed by licensed plumbers are to be furnished to the Authority and the charges to be paid to licensed plumbers for each kind of work relating to water connection and sewer connection;”

(iv) after clause (j), the following clauses shall be inserted, namely :—

“(ja) the manner of serving the order of provisional assessment in the case of unauthorized use or theft of water by the consumer and the guidelines for assessment of water charges in such cases ;

(jb) the manner in which, the details of the works relating to any sewer connected to the sewer of the Authority is executed or to be executed, is to be furnished to the Authority ;

(jc) the liquids and other materials, other than those specified in section 49A, the discharge of which into a sewer is to be prohibited ;”

27. *Repeal and Saving.*—(1) The Kerala Water Supply and Sewerage (Amendment) Ordinance, 2008 (30 of 2008) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

At the time of enactment of the Kerala Water Supply and Sewerage Act, 1986 (Act 14 of 1986) there was not much demand for Water Supply and the Act did not provide for tackling the occurrences of theft and misuse of water, unauthorised connection etc. For want of provisions in the Act, the Kerala Water Authority is not in a position to take effective remedial measure to curb such Acts. Accordingly it is found that the Act requires, certain changes to tackle such alarming situation.

2. Government have also decided for setting up of bottling plants to provide good quality bottled drinking water to the public at reasonable price.

3. As the Legislative Assembly of the State was not in session and the above proposals had to be given effect to immediately, the Kerala Water Supply and Sewerage (Amendment) Ordinance, 2008 was promulgated by the Governor on the 29th day of January, 2008 and the same was published as Ordinance No. 4 of 2008 in the Kerala Gazette Extraordinary No. 226 dated the 29th day of January, 2008.

4. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly during its session, which commenced on the 20th day of February, 2008 and ended on the 19th day of March, 2008.

5. Therefore, in order to keep alive the provisions of Ordinance No. 4 of 2008, the Kerala Water Supply and Sewerage (Amendment) Ordinance, 2008 was promulgated by the Governor on the 1st day of April, 2008 and was published as Ordinance No. 12 of 2008 in the Kerala Gazette Extraordinary No. 652 dated the 1st April, 2008.

6. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly during its session, which commenced on the 23rd day of June, 2008 and ended on the 24th day of July, 2008.

7. Therefore, in order to keep alive the provisions of Ordinance No. 12 of 2008, the Kerala Water Supply and Sewerage (Amendment) Ordinance, 2008 was promulgated by the Governor on the 1st day of August, 2008 and was published as Ordinance No. 30 of 2008 in the Kerala Gazette Extraordinary No. 1676 dated the 2nd August, 2008.

8. The Bill seeks to replace the said Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 15A proposed to be inserted by clause 6 of the Bill seeks to empower the Authority to provide by regulations to manufacture, market and sell packed water, mineral water, aerated water or any other processed water and goods or articles necessary for Water Supply and Sewerage.

2. Section 33 proposed to be substituted by clause 7 of the Bill seeks to empower the Authority to make regulations to fix rates of rent for meter provided by it.

3. Sub-section (1) of section 38 proposed to be substituted by clause 8 of the Bill seeks to empower the Authority to make regulations providing the terms and conditions for grant of supply of water for domestic purposes.

4. Section 38A proposed to be inserted by clause 9 of the Bill seeks to empower the Authority to make regulations providing the terms and conditions for supply of water through cisterns, tanks, sumps and ground level reservoirs to multi-storied buildings and flat type buildings.

5. Section 38B proposed to be inserted by clause 9 of the Bill seeks to empower the Authority to make regulations for maintaining the water connections.

6. Sub-section (4) of section 42 proposed to be substituted by clause 12 of the Bill seeks to empower the Authority to make regulations providing for water meters and transfer of connection thereto, the use, maintenance and testing of such meters and expenses of installations thereof and their rent and furnishing of security thereto.

7. Sub-section (2) of section 43 proposed to be substituted by clause 13 of the Bill seeks to empower the Authority to provide by regulations the manner of furnishing the details of works executed or to be executed and sub-section (5) thereof seeks to empower the Authority to make regulation for fixing charges to be paid to the plumbers for each kind of work.

8. Sub-section (2) of section 46D proposed to be inserted by clause 17 of the Bill seeks to empower the Authority to provide by regulations, the manner of serving the order of provisional assessment and sub-section (7) thereof seeks to empower the Authority to make regulations fixing the guidelines for assessing the water charges on unauthorised use, theft of water.

9. Section 46E proposed to be inserted by clause 17 of the Bill seeks to empower the Government to prescribe the form and manner of preferring an appeal and fee thereof.

10. Sub-section (2) of section 47 A proposed to be inserted by clause 19 of the Bill seeks to empower the Authority to make regulations providing the terms and conditions and fee for sewer connection.

11. Sub-section (2) of section 41B proposed to be inserted by clause 19 of the Bill seeks to empower the Authority to provide by regulations the manner of furnishing the details of work executed or to be executed.

12. Clause (d) of section 49A proposed to be inserted by clause 20 of the Bill seeks to empower the Authority to make regulations to prohibit the discharge into a sewer.

The matters in respect of which rules or regulations to be made are matters of procedure and details and are of routine or administrative in nature. Further the rules are subject to scrutiny of the Legislative Assembly and the regulations are to be made with the previous approval of the Government. The delegation of power is, therefore, of a normal character.

N. K. PREMACHANDRAN.

EXTRACT FROM THE KERALA WATER SUPPLY AND SEWERAGE ACT,
1986

(14 of 1986)

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

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(vii) “domestic sewage” means waste water from any residence boarding or lodging house, hostel, hotel, public place, office or any such establishment as is 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 ;

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(x) “fire hydrant” means hydrant fixed on the water main other than the trunk main for affording supply of water for extinguishing any fire ;

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(xv) “member” means a member of the Authority;

(xxxvi) “water works” includes water channel (including stream, lake, spring, river or canal, well, pump, galleries, reservoir, cistern, tank), duct whether covered or open, treatment units, sluice supply main, culvert, engine, water-truck, hydrants, standpipe, conduit and machinery, land, building or other things for supplying or used for supplying water or for protecting sources of water supply or for treatment of water.

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4. *Constitution of the Authority.*— The Authority shall consist of the following members, namely :—

(a) a Chairman appointed by the Government;

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(c) the Secretary to Government in charge of Public Health Engineering Department or the Kerala Water Authority, *ex-officio* ;

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(e) the Secretary to the Government in charge of Local Administration Department, *ex-officio* ;

(f) the Secretary to Government in charge of Development Department, *ex-officio* ;

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14. *Functions of the Authority.*— The Authority shall perform all or any of the following functions, namely :—

(i) preparation, execution, promotion, operation, maintenance and financing of the schemes for the supply of water and for the disposal of waste water ;

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(x) taking such other measures as may be necessary to ensure water supply in times of emergency, and

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15. *Powers of the Authority.*— (1) The Authority shall, subject to the provisions of this Act, have power to do anything which may be necessary or expedient for carrying out its functions under this Act.

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

(i) to obtain such periodic or specific information from any local body as it may deem necessary ;

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(viii) to grant loans and advances to such persons or authorities as the Authority may deem necessary for performing the functions under this Act;

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33. *Meter rent.* — The Authority may provide water meters and charge such rent for the meter as may be provided in the regulations.

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38. *Supply of water by the Authority.*— (1) The Authority shall on an

application made in that behalf by the owner or occupier of any premises, grant supply of water for domestic purposes for—

(a) any premises situated within a distance of thirty metres from an existing main ; or

(b) any premises situated beyond a distance of thirty metres from an existing main; if the applicant undertakes to bear the cost of extension beyond the distance of thirty metres.

(2) In cases falling under clause (b) of sub-section (1), the Authority shall bear the cost of extension only in respect of so much distance, not exceeding thirty metres as is sufficient to connect the nearest existing main with the outer limit of the premises.

(3) Notwithstanding the fact that the cost of any extension has been borne under clause (b) of sub-section (1) by the person to whom water is supplied, the property therein shall vest in the Authority.

(4) The Authority may on application made in that behalf grant supply of water for any purpose other than domestic purposes.

(5) The supply of water for domestic or other purposes shall be subject to such terms and conditions as may be provided by regulations.

(6) Notwithstanding anything to the contrary contained in the regulations referred to in sub-section (5), the Authority may supply water to the Government or any local authority or other statutory corporation or to any educational or charitable institution on such terms as to payment and as to the period and conditions of supply as may be agreed upon.

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40. *Provision of public hydrants.*— (1) The Authority shall, subject to the payment by a local body, of such charges as the Authority may determine provide supply of wholesome water to the public through the public hydrants with its local area.

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(4a) For schemes operated by the Authority, necessary tariff for street taps may be collected from the local bodies at the rate fixed by the Government. Government may deduct the tariffs from grants due to the local bodies. Where any doubt or dispute arises between the local body and the Authority in regard to the assessment of the tariff such doubt or dispute shall be referred to an appellate authority prescribed by the Government and its decision thereon shall be final.

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42. *Provision of water meters.*— (1) The Authority may provide a water meter and attach the same to the service pipe in premises connected with the water works of the Authority.

(2) The expenses of installation and the rent for the use of water meter referred to in sub-section (1) shall be paid by the consumer.

(3) The provision of water meters and the transfer of connection thereto, the use, maintenance and testing of such meters and the expense of installation thereof and their rents and the furnishing of security, if any, in connection therewith shall be regulated by regulations.

43. *Licensed plumbers.*— (1) No person other than a licensed plumber of the authority or person duly authorised by it shall execute any work in respect of a water connection not being a work of a trivial nature and no persons shall permit any such work to be executed by a person other than a licensed plumber or by a person duly authorised by the Authority.

(2) When any work is executed in contravention of the provisions of sub-section (1), such work shall be liable to be dismantled at the discretion of the Authority.

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45. *Power to cut off water supply.*— (1) The Authority may cut off the water supply from any premises,—

(a) if any tax, fee, rental, cost of water or any charge or other sum due under this Act, is not paid within a period of thirty days after service of a bill for the same ; or

(b) if after the receipt of written notice from the Authority requiring him to refrain from so doing, the consumer continues to use the water or to permit the same to be used in contravention of the provisions of this Act or any rule or regulations made thereunder ; or

(c) if the consumer damages or causes to be damaged the water meter or any connection pipe or ferrule ; or

(d) if the consumer refuses to admit any officer or servant of the Authority duly authorised in this behalf into the premises which he proposes to enter for the purpose of executing any work or placing or removing any apparatus or of making any examination or enquiry in connection with the water supply or prevents any such officer or servant from executing any work, or placing or removing any apparatus or making such examination or enquiry ; or

(e) if the service pipe or any tap or other fitting or work connected therewith is found on examination by an officer or servant of the Authority duly authorised in that behalf to be out of repair, to such an extent as to cause wastage or contamination of water and immediate prevention thereof is necessary ; or

(f) if the consumer causes or allows to be caused the service pipe or any tap or other fitting or work connected therewith to be placed, removed, repaired or otherwise interfered with, in contravention of the provisions of this Act or of the rules or regulations made thereunder; or

(g) if by reason of leakage in the service pipe or any tap or other fitting or work, damage is caused to a public street and immediate prevention thereof is necessary.

(2) No action taken under or in pursuance of this section shall relieve a person from any penalty or liability which he may otherwise have incurred.

(3) The Authority may re-connect the supply of water disconnected under sub-section (1) on payment of such charges and on such terms and conditions as may be provided by regulations;

46. *Prohibitions of certain acts.*— (1) No person shall—

(a) wilfully obstruct any person acting under the orders of the Authority in setting out the lines of any work or pull up or remove any pillar, post or stay fixed in the ground for the purpose of setting out the lines of such works, or deface or destroy any works made for the same purpose ; or

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

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

(d) obstruct any officer or other employee of the Authority in the discharge of his duties under this Chapter or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any water works ; or

(e) bathe in, at or upon any water works, or wash or throw or cause to enter therein any animal, or throw any rubbish, dirt or filth into any water works or wash or clean therein any cloth, wool or leather or the skin of any

animal, or cause water of any sink, or drain or any steam engine or boiler or any polluted water to turn or be brought into any water works or do any other act whereby the water in any water works is fouled or likely to be fouled.

(2) Nothing in clause (b) of sub-section (1) shall apply to a consumer closing the stop-cock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

CHAPTER VII

SEWERAGE

47. *Right of owner or occupier to obtain sewer connection.*— The owner or occupier of any premises shall be entitled to empty sewage of the premises into a sewer of the Authority provided that before doing so he—

(a) obtains written permission of the Authority and pays connection fee in accordance with the regulations.

(b) complies with such other conditions as may be provided by the regulations.

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

50. *Prohibition of construction of buildings, etc., over sewer.*— (1) No person shall without the permission of the Authority construct any private street, building, wall fence or other structure on any sewer of the Authority.

(2) If any private street be constructed or any building, wall, fence or structure erected on any sewer as aforesaid without the written permission of the Authority, the Authority may remove or otherwise deal with the same as it thinks fit.

(3) The expenses incurred by the Authority in so doing shall be paid by the owner of the private street or of the building, fence, wall or other structure or as the case may be, by the person offending and shall be recoverable as an arrear of charges payable under this Act.

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52. *Power to examine and test sewer etc., believed to be defective.*— (1) Where it appears to the Authority that there are reasonable grounds for believing that a private sewer or cess-pool is in such condition as to be prejudicial to public health or to be a public nuisance or that a private sewer communicating directly or indirectly with a sewer of the Authority is so defective as to admit sub-soil water or grit or other material, it may examine its condition and for that purpose may apply any test, not being a test by water under pressure and if it deems necessary, open the ground.

(2) if on examination, the sewer or cess-pool is found to be In proper condition. the Authority shall as soon as possible, reinstate any ground which has been opened by it.

(3) If, the sewer or cess-pool so examined is found to be defective, the Authority may forthwith stop its functioning or disconnect it from the sewer of the Authority, or require the owner or occupier to take remedial action, as directed and within such time as may be specified by the Authority and in any such event the Authority may recover the cost incurred by it from the owner or occupier, as the case may be.

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60. *General penalty.*—Whoever, in any case in which a penalty is not expressly provided by this Act or any rule or regulations made thereunder, contravenes the provisions of this Act or of any rule or regulation made thereunder or fails to comply with any notice, order or requisition issued under this Act or any rule or regulation made thereunder shall be punishable with fine which may extend to one thousand rupees and in the case of a continuing failure or contravention, with an additional fine which may extend to twenty-five rupees for every day on which such contravention or failure continues after the first conviction.

61. *Offences by companies.*—(1) If the person committing any offence under this Act is a company, the company as well as every person in charge of and responsible to the company for the conduct of its business at the time of commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

(2) Notwithstanding anything contained in sub-section (1), where any

offence under this Act, has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any Director, Manager, Secretary or other officer of the company, such Director, Manager, Secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purpose of this section—

(a) 'company' means any body corporate and includes a firm or other association of individuals; and

(b) 'director', in relation to a firm, means partner in the firm.

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

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the salaries and allowances and other conditions of service of officers and employees of the Authority other than such officers and employees employed on contract basis ;

(b) the manner of operation of funds by the Authority under sub-section (4) of section 22 ;

(c) the manner of making provision for Depreciation Reserve and for its utilisation ;

(d) the powers of the Auditor under sub-section (2) of section 29 ;

(e) the manner in which the accounts of the Authority shall be published ;

(f) the procedure in respect of surcharge under section 30 including the provision of appeal, if any, in respect thereof ;

(g) the extent of contributions and manner of making such contributions by local bodies under section 40 ;

(h) any other matter which is to be or may be prescribed.

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65. *Regulations.*— (1) The Authority may, with the previous approval of the Government make regulations not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Authority.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

(a) the summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of persons necessary to form a quorum thereat;

(b) the power and duties of the employees of the Authority ;

(c) the management of property of the Authority ;

(d) the execution of contracts and assurance of property on behalf of the Authority ;

(e) the limits upto which the Managing Director shall be competent to incur recurring or non-recurring expenditure in any financial year without such expenditure being included in the statement under sub-section (1) of section 28 ;

(f) the maintenance of accounts and the preparation of annual statement of accounts and balance sheet by the Authority ;

(g) the procedure for carrying out the functions of the Authority;

(h) the terms and conditions for supply of water for domestic or other purpose ;

(i) the installation of meters or transfer of their connection and use, maintenance, testing, disconnection and reconnection, the fees, the rent and other charges in respect thereof including the furnishing of security by the consumer and matters connected therewith ;

(j) the fee to be paid for connection with a sewer of the Authority and other terms and conditions for such connections ;

(k) any other matter for which provision is to be or may be made in regulations.

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