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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : : LEGISLATIVE BRANCH

NOTIFICATION

The 9th January 1987

No.LGL.111/85 139.—The following Act of the Assam Legislative Assembly which received the assent of the President is hereby published for general information.

ASSAM ACT II OF 1987

(Received the assent of the President on 25th Dec. 1986)

THE ASSAM URBAN WATER SUPPLY AND SEWERAGE
BOARD ACT, 1985

An

Act

to provide for the establishment of an Urban Water Supply and Sewerage Board for the development, maintenance and regulation of the Water Supply, Sewerage and sewage disposal works and for matters connected therewith in the Urban areas of the State of Assam.

Preamble. Whereas it is expedient to provide for the establishment of an Urban Water Supply and Sewerage Board for the development, maintenance and regulation of the Water Supply, Sewerage facilities in the Urban areas of the State of Assam and for matters connected therewith ;

Be it enacted by the Assam State Legislature in the Thirty-sixth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title,
extent and
commence-
ment.

(1) This Act may be called the Assam Urban Water Supply and Sewerage Board Act, 1985.

(2) It shall extend to all urban areas in Assam but excluding the cantonment areas.

(3) It shall come into force on such date or dates as the State Govt. may, by notification, appoint and different dates may be appointed for different areas.

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

(1) "Appointed day" in relation to any local area means the date of notification relating to that local area under Section 18.

(2) "Board" means the Assam Urban Water Supply and Sewerage Board, constituted under Section 4.

(3) "Bye-laws" means bye-laws made under this Act.

(4) "Chairman" means the Chairman of the Board.

(5) "Committee" means any committee appointed under Section 13.

(6) "Catchment areas" means all land through or under which any water flows, runs or percolates directly or indirectly into any reservoir erected or used by the Board in connection with water supply or drainage.

(7) "Cess pool" includes a settlement tank or other tank for the reception or disposal of fluid foul matter from any premises ;

(8) "Director" means the Director of the Board and includes the Chairman and the Managing Director ;

(9) "Drain" includes a sewer, tunnel, pipe, ditch gutter or channel or a cistern, flush-tank, septic tank or other device or carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, rain water or sub-soil water and also includes any culvert, ventilation shaft or pipe or other appliance or fitting connected with such drain, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place ;

(10) "Drainage" means device for carrying sewage, offensive matter, polluted water, waste water, rain water or sub-soil water;

(11) "Domestic Purposes" supply of water for domestic purposes shall mean supply for any purpose except (i) for trade, manufacture, business, gardens or irrigation ; (ii) for building purposes and construction of roads ; (iii) for fountains, swimming pools, public baths or tanks or for ornamental or mechanical purpose ; (iv) for animals, where they are kept for sale or hire or sale of their produce ; (v) for consumption and use at a restaurant or by inmates of a hotel, boarding house or residential club ; (vi) for consumption and use by persons resorting to theatres and cinemas ; (vii) for watering streets ; (viii) for washing vehicles where they are kept for sale or hire.

(12) "Government" means the State Government.

(13) "House-drain" means any drain of and used for the drainage of, one or more premises.

(14) "Local area" means the area falling within the jurisdiction of a Local body ;

(15) "Local Authority" means a Municipal Corporation, Municipal Board, Town Committee, Development Authority or any other local authority as specified by the State Government.

(16) "Land" includes (besides land) benefits arising out of land, houses and things attached to the earth or permanently fastened to anything attached to the earth and also land covered by water ;

(17) "Main" means a pipe laid by the Board for the purpose of giving a general supply of water as distinct from a supply to individual consumers, and includes any appliances and appurtenances used in connection with such a pipe ;

(18) "Notification" means a notification published in the official Gazette ;

(19) "Occupier" in relation to any premises includes :—

(i) any person for the time being paying or liable to pay rent or any portion thereof to the owner in respect of these premises ;

(ii) an owner who is in occupation of those premises.

(iii) a tenant of those premises who is exempted from payment of rent.

(iv) a licensee who is in occupation of those premises ; and

(v) any persons, who is liable to pay damages to the owner in respect of use and occupation of the premises.

(20) "Owner" in relation to any premises, means the persons 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 :—

(i) an agent or trustee who receives such rent on account of the owner ;

(ii) an agent trustee who receives the rent of, or is entrusted with the management, of any premises devoted to religious or charitable purposes ;

(iii) a receiver, administrator or manager appointed by any court of competent jurisdiction to have the charge of or to exercise the rights of an owner of, the said premises ; and

(iv) a mortgagee-in-possession.

(21) "Premises" means any land or building or part of a building and includes—

(a) the garden, ground and out houses if any appertaining to a building or part of a building ; and

(b) any fittings affixed to a building or part of a building for the more beneficial enjoyment hereof ;

(22) "Prescribed" means prescribed by rules ;

(23) "Prescribed Authority" means an authority appointed by the State Government by notification in the official Gazette to perform all or any of the functions of the prescribed authority in one or more local areas ;

(24) "Private street", "public street" and "Street" in relation to any local area, have the same meanings as in the law relating to the local body having jurisdiction over that local area ;

(25) "Rules" means the rules made under this Act;

(26) "Regulation" means regulation made under this Act;

(27) "Sewerage" means any device for carrying of sewage, offensive matter, polluted water, waste water, rain water or sub-soil water;

(28) "Scheme" means any scheme relating to the provision of drinking water and collection and disposal of storm and waste water;

(29) "Sewage" means night-soil and other contents of water-closets, latrines, privies, urinals, cesspool or drains and polluted/waste water from sinks, bath-rooms, stables, cattle-sheds, and other like places, and includes trade effluents and discharges from manufacturing industries of all kinds;

(30) "Sewer" means a closed conduit for carrying sewage, offensive matter, polluted water, waste water or sub-soil water laid through, under or upon any street or land whether public or private;

(31) "Sewerage system" means a sewerage system provided by the Board and includes the sewer to which this Act extends and all treatment works, pumps, pumping stations and machinery, fittings and things connected therewith and all land acquired, held or used by the Board for the purpose of this Act, in relation to sewerage;

(32) "Urban" means and includes the areas declared or included in a Municipality or a Municipal Corporation under the provisions of the Assam Municipal Act, 1956 (Assam Act No. XV of 1957) and the Guwahati Municipal Corporation Act, 1969 (Assam Act 1 of 1973) or any other Municipal Corporation Act which may come into force from time to time or any other area to which the services of the Board are extended as specified by the State Government;

(33) "Water Connection" includes:—

- (i) a tank, cistern, hydrant, stand pipe, meter or tap situated on any private property and connected with a main or other pipe belonging to the Board; and
- (ii) the water pipe connecting such a tank, cistern, hydrant, stand-pipe, meter or tap with such main or pipe:

(34) "Water Works" includes water channel (including stream, lakes spring, river or canal), well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, supply main, culvert, engine, water truck, hydrant, stand pipe conduit and machinery, land, buildings or other thing for supplying or used for supplying water or for protecting source of water supply.

(35) "Year" means the financial year.

(36) The expressions "building", "house-gully", "offensive matter" and any other term used in this Act, shall unless defined here and unless there is anything repugnant in the subject or context, have the same meaning as in the Assam Municipal Act, 1956, and the Guwahati Municipal Corporation Act, 1969 as amended upto date.

CHAPTER—II
Constitution of the Board

Creation
and incor-
poration of
the Board.

3. (i) The State Government shall, by notification in the official Gazette, and with effect from a date to be specified herein, constitute a Board to be called "The Assam Urban Water supply and Sewerage Board". The duty of carrying out the provisions of this Act, shall subject to the restriction, conditions, and limitations, therein contained be vested in the said Board.
- (ii) The Board shall be a body corporate by the said name having perpetual succession and a common seal and shall have power to acquire, hold or dispose of property.
- (iii) The Board shall for the purpose of this Act be deemed to be a local authority.
- (iv) The Board shall have its head office at Guwahati and may have offices at such other places as it may consider necessary.
- (v) The conduct of business of the Board shall be regulated by such rules as may be framed by the Government from time to time.

Constitution
of the Board,

4. (1) (a) The Board shall consist of a Chairman, who shall be the Minister in-charge of the Department.

(b) There shall be a Vice-Chairman with the status of a Director to be appointed by the State Government, besides the Director specified under sub-section (2).

(2) The Directors other than the Chairman and the Vice-Chairman shall be as follows, namely:—

(a) A Managing Director to be appointed by the State Government.

(b) Secretary to the Government of Assam, Municipal Administration Department (ex-officio)

(c) Secretary to the Government of Assam, Finance Department (ex-officio).

(d) Director, Municipal Administration, Assam (ex-officio).

(e) Town Planner, Government of Assam (ex-officio).

(f) Chief Public Health Engineer, Assam (ex-officio).

(g) Chief Engineer, P.W.D. (Roads) (ex-officio)

(h) Commissioner, Guwahati Municipal Corporation (ex-officio).

(i), (j), (k) Three elected Mayor/Chairman of the Urban Local Authorities to be appointed by the Government.

(l), (m), (n) Three other persons to be nominated by the State Government.

(3) The appointment of the Vice-Chairman, the Managing Director and other Directors, shall be made by the Government and notified in the official Gazette.

(4) A Director referred to in clause (b) & (c) of subsection (2) may, instead of attending a meeting of the Board himself, depute an officer not below the rank of Deputy Secretary, to attend the meeting. The officer so deputed shall have the right to take part in the proceeding of the meeting and shall also have the right to vote.

(5) The Vice-Chairman and the Managing Director shall possess the prescribed qualifications.

(6) The Managing Director shall be the Chief Executive of the Board and be a whole time officer to be appointed by the State Government and shall possess such qualifications as may be prescribed by the State Government.

Term of office and condition of service of the Directors.

5. (1) All Directors including the Vice-Chairman and the Managing Director shall hold office during the pleasure of the Government.

(2) The Managing Director of the Board shall hold office for three years unless his term is determined earlier by State Government by notification in the official Gazette, and shall be eligible for re-appointment.

(3) The person appointed as Directors under clause (i), (j), (k), (l), (m), (n) of sub-section (2) of Section 4 shall, unless his term is determined earlier by State Government, hold office for a period of 3 years or until the expiry of his term of office as elected head of the local body concerned, whichever is earlier, but shall be eligible for re-appointment.

(4) Any Director may by writing, addressed to the Government resign his office and such resignation takes effect when accepted by Government.

(5) The conditions of the service of the Directors shall be such as may be prescribed.

(6) Any vacancy in the office of the Directors may be filled by the Government by appointing a person possessing the appropriate qualification specified in Section 4.

Disquali-
fication for
appoint-
ment as
Director of
the Board.

6: (1) A person shall be disqualified for being appointed as, and for being, a Director of the Board, if he,—

(a) has been sentenced for any offence involving moral turpitude, such sentence not having been reserved;

(b) is an undischarged insolvent;

(c) is of unsound mind;

(d) is an officer or servant of the Board;

(e) has directly or indirectly, by himself or by any partner, employer or employee, any share or interest in any contract or employment with, by or on behalf of, the Board;

(f) is a Director or a Secretary, Manager or other Officer of any incorporated company which has any share or interest in any contract or employment with, by or on behalf of the Board.

(2) A person shall not be disqualified under clause (e) or clause (f) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of those clauses, by reasons only of his or the incorporated company of which he is a Director, Secretary, Manager or the Officer, having a share or interest in,—

(i) any sale, purchase, lease or exchange of immovable property or any agreement for the same;

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the Board is inserted;

(iv) the occasional sale to the Board, if the sum paid as consideration does not exceed two thousand rupees in any year, of any article in which he or the incorporated company regularly trades.

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

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

Explanation—For the purposes of clause (d) of sub-section (1) the Chairman or the Managing Director or any Director shall not be deemed to be an officer or employee of the Board.

Removal of the Vice-Chairman and other non-official Directors. 7. (1) If at any time it appears to the Government that the Vice-Chairman has shown himself to be unsuitable for his office, or has been guilty of any misconduct or neglect which renders his removal expedient, it shall by notification remove him from office after giving him a reasonable opportunity of showing cause.

(2) The Government may, by notification, remove any non-official Director from office after giving him a reasonable opportunity of showing cause,—

(a) If he has, without the permission of the Board, been absent in three consecutive meetings reckoned from the date of the commencement of his term of office, or of the last meeting which he attended, as the case may be;

(b) if he, being a legal practitioner, acts or appears on behalf of any person other than the Board in any civil, criminal or other legal proceedings in which the Board is interested, either as a party or otherwise; or

(c) if he, in the opinion of the Government, is unsuitable or has become incapable of acting as a Director or has so abused his position as a Director as to render his continuance as such Director detrimental to public interest

3. A non-official Director removed under any of the provisions of clauses (a) and (b) of sub-section (2) shall unless otherwise directed by the Government as disqualified for appointment as a Director for a period of three years from the date of his removal.

4. A non-official Director removed under clause (c) of sub-section (2) shall not be eligible for re-appointment until he is declared by an order of the Government to be no longer eligible.

CHAPTER—III

Officers and Members of the Staff of the Board.

8. The Board may appoint a Secretary, a Chief Engineer, an Accounts officer and such other officers and Employees as it considers necessary for the efficient performance of its functions :
Appointment of Secretary, Chief Engineer, Chief Accounts Officer and other Officers and employees of the Board

Provided that the appointment of the Secretary, Chief Engineer and the Chief Accounts Officer shall be made with the previous approval of the Government.

Provided further that in case of emergency,—

(a) the Managing Director may appoint, temporarily for a period not exceeding three months such Officers or Employees as may, in his opinion, be required for the purpose of this Act, and the employment of whom for any particular work had not been prohibited by any resolution of the Board; and

(b) every appointment made under clause (a) shall be reported by the Managing Director to the Board at the next meeting.

9. (1) The Board shall prepare and maintain a schedule of establishment showing the number, designation and grades of the Officers and Employees (other than the employees who are paid by the day or whose pay is charged to temporary works), whom it considers necessary and proper to employ for the purpose, of this Act, and also the amount and the nature of the salary, fees and allowances to be paid to each such Officer or employee.

(2) The Schedule referred to in sub-section (1) shall be revised every year before the first May of that year and shall contain the particulars mentioned in that sub-section, of the Officers and employees of the Board, employed on the 31st March immediately preceding.

Control by the Managing Director. 10. Subject to such regulations as may be framed by the Board, the Managing Director shall exercise supervision and control over the Acts and proceedings of all the Officers and employees of the Board.

CHAPTER IV

Conduct and Business of the Board

Meeting of the Board.

11. (1) The Board shall meet at such times and places and shall, subject to the provisions of sub-section (2) and (3) observe such rules of procedure in regard to transaction of business at its meeting including the quorum at meetings as may be prescribed by regulations :

Provided that the Board shall meet at least once in three months.

(2) The Chairman or in his absence the Vice-Chairman or in absence of both, any other Director, elected by simple majority votes of the Directors present and voting, shall preside at a meeting of the Board.

(3) All questions at any meetings of the Board shall be decided by a majority of the votes of the Directors present and voting and in the case of an equality of votes the Chairman, Vice-Chairman or in their absence the elected Chairman presiding, shall have and exercise a second or casting vote.

Temporary association of persons with Board for particular purposes

12. (1) The Board may associate with itself in such manner and for such purposes as may be determined by regulations, any person whose assistance or advice it may desire in performing any of its functions under this Act :

Provided that the number of persons so associated shall not be more than four.

(2) The Board may invite any person to offer his views on any subject discussed at any meeting of the Board.

(3) A person associated with the Board under sub-section (1) or invited for any discussion under sub-section (2) for any purposes shall have the right to take part in the discussions of the Board relevant to that purpose, but shall not have the right to vote at a meeting of the Board.

Appointment and function of committees.

13. (1) The Board may from time to time, appoint committees consisting of such number of persons as it may thing fit, for the purpose of discharging such duties or performing such functions and on such terms and conditions as may be prescribed by regulations.

(2) The Chairman, the Vice-Chairman or such other Director as the Chairman may nominate in this behalf shall be the president of the committee and the committee shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed by regulations.

(3) All proceedings of the committee shall be subject to confirmation by the Board.

Acts of Board not to be invalidated by informality or Vacancy.

14. No act done or proceedings taken under this Act by the Board or any Committee shall be invalidated merely on the ground—

(a) of any vacancy or defect in the constitution of the Board or the Committee; or

(b) of any defect or irregularity in the appointment of a person acting as a Director thereof or

(c) of any defect or irregularity in such Act or proceeding not affecting the merits of the case.

CHAPTER—V

Functions and Powers of the Board

Functions of the Board,

15. The function of the Board shall be the following namely:—

- (1) The promotion and operation of schemes for—
 - (i) Supply of Water;
 - (ii) Sewerage;
 - (iii) Sewage treatment and its disposal;
 - (iv) Storm Water drainage.

(2) Functions connected with or incidental to the functions mentioned in clause (1).

(3) any other functions entrusted to the Board by the State Government or a Local Authority:

Provided that the Board shall perform only such of the above functions as are notified from time to time in the official Gazette.

Power of the Board.

16. (1) The Board, shall, subject to the provisions of this Act, have power to do such things which may be necessary or expedient for performing the function under this Act.

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

- (i) to take over all the existing responsibilities, powers, controls, facilities, services and administration within the urban areas to which this Act applies,

from the local bodies having jurisdiction over such areas relating to water supply, sewerage and sewage disposal and to manage them so as to provide the people of those areas whole some water, efficient sewerage and storm drainage services.

(ii) to extend, expand and develop the existing facilities and to provide, maintain and operate facilities for supply of water and for providing sewerage and storm drainage services in urban areas in consultation with the local bodies;

(iii) to establish, maintain and operate laboratories and experimental and research station;

(iv) to establish in-service training course and provide other training for its personnel;

(v) to investigate, plan and prepare schemes for water supply, sewerage and storm drainage services in urban areas in consultation with the local authorities and carry out their execution;

(vi) to regulate the drilling of tube-wells, public or private and to control the drawal of underground water in notified urban areas;

(vii) to enter into contract or arrangement with any person as the Board may deem necessary for performing its functions under this Act;

(viii) to determine levy and collect fees and charges ;

(ix) to borrow moeay, issue debentures and manage its own funds; and

(x) to incur expenditure and to grant loans and advances to such persons or authorities as the Board may deem necessary for performing its functions under this Act ;

(xi) to entrust execution and maintenance of works to any local authority.

Power of the Board to undertake execution of schemes at the instance of others.

17. (1) The Board may undertake the execution or further execution of any scheme or work of water supply, sewerage or storm drainage on behalf of any local body, central or State Government Departments, Statutory bodies, Public or Private undertakings etc., whose water supply, sewerage and storm drainage services have not vested in and stood transferred to the Board under sub-section (1) of Section 18 on such terms and conditions as may be agreed upon between such other party and the Board.

(2) The Board for the purpose of removing any difficulty particularly in relation to the provisions of the Act or any difficulty in respect of proper functioning of the Board may approach State Government from time to time for such help as deemed necessary for removal of difficulties and difference.

CHAPTER VI

Vesting of Existing Water Supply and Sewerage Services.

Transfer of existing Services from Local Bodies to Board.

18. (1) The State Government may, for public purposes by notification in the official Gazette, declare in respect of any Urban area that as from a date to be specified there-in—

(i) all the existing water supply and sewerage services sewage works and sewage firms, including all plants, machineries, water works, pumping stations, filter beds, water mains and public sewers in along, over or under any public street, and all buildings and other works, materials, stores and things appertaining thereto, belonging to or vested in any local body and/or under execution and/or maintenance by the State Public Health Engineering Organisation for and on behalf of the local body concerned.

(ii) So much of the sub-soil appertaining to the said water mains and sewers as may be necessary for the purpose of enlarging, deepening or otherwise repairing or maintaining any such water mains and sewers or any pipes and other appliances and fittings connected with such water supply and sewerage services and sewage works and sewage firms, and

(iii) All rights, liabilities and obligations relating to the things mentioned in clauses (i) and (ii) including the right to recover arrears of water tax and sewerage tax and of any cost or fees relating to water supply and sewerage services, and also including liabilities arising from any loans advanced by the State Government to any local body for the things aforesaid other than loans diverted to or utilised for other purposes shall vest in and stand transferred to the Board and be subject to its control.

(2) Where any doubt or dispute arises as to whether any property, interest or asset 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 or under Section 19, such doubt or dispute shall be referred to the State Government in connection with the concerned departments whose decision shall be final and binding on the Board and the Local Body or the Public Health Engineering Organisations as the case may be.

Board to assume obligations of local authority in respect of matters to which this Act applies.

19. All debts and obligations incurred, all contracts entered into, all matters and things engaged to be done by, with or for any urban local body in respect of any of the functions specified in Section 15 before the appointed day, shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Board, and all suits or other legal proceedings instituted or which might, but for the issue of the notification under sub-section (1) of Section 18, have been instituted by or against the Urban local body or Public Health Engineering Organisation, may be continued or instituted by or against the Board.

CHAPTER VII

Transfer of Assets and Liabilities of the Public Health Engineering Organisation and the Urban Local Bodies to the Board.

Transfer of assets and liabilities of the Public Health Engineering Organisation and the Urban Local Bodies to the Board.

20. All the assets and liabilities of the Public Health Engineering Organisation of the State Government and of the Urban Local Bodies in relation to any urban area, except the assets and liabilities which the Government may by general or special order, specify in this behalf, shall subject to such directions as they may specify in such order, vest in the board.

Transfer of property to the Board.

21. (1) The State Government may transfer to the Board any building, land or other property movable or immovable, for the use of, and management by the Board on such conditions and subject to such limitations as may be imposed by the Government.

(2) If any question arises as to the grant of compensation to the urban local bodies consequent upon the taking over of their existing water supply, sewerage services, sewage work and sewage firms under Section 18 then an amount not exceeding rupee one shall be payable.

Transfer of employees.

22. (1) Save as otherwise provided in Section 8, persons who were either employed in the Public Health Engineering Organisation of Government of Assam or under a local body, exclusively in connection with Urban Water supply or sewerage services or sewage works or sewage farms, shall from the appointed day (hereinafter in this section referred to as the said date), be transferred to the Board and they shall hold their offices or services therein by the same terms at the same remuneration, and upon the same other terms and conditions and with the same rights and privileges as to pension, gratuity and other matters as they would have held the same on the said day if this Act had not come into force or, as the case may be the aforesaid water supply and sewerage service, sewage works and sewage farms had not been transferred to and vested in the Board, and shall continue to do so until their employment in the Board, is terminated or until their remuneration or other terms conditions of services are revised and altered by the Board under or in pursuance of any by law or under any rule made in this behalf under Sections 115, 116 of this Act.

Provided that a permanent employee of the State Government, whose services have been transferred to the Board, shall hold lien under the State Government and the period spent in the services of the Board shall be reckoned for increment, pension, and other terms and conditions of the State Government rules in the event of his returning back to the State Government service.

(2) Every Officer or employee of the State Government whose services have been transferred to the Board, shall intimate the State Government in writing within two years from the date of transfer of his services to the Board.—

(i) that he may be permitted to retire from service and thereupon he shall be permitted to retire from Government service and he will be entitled to compensation

pension, gratuity and any other benefits permissible to him to the maximum possible limit under the rules, or

- (ii) that he should be absorbed substantively in the service of the Board and then the Board will absorb him substantively in service and thereupon the services rendered by him under the State Government shall be treated as services rendered under the Board and he shall be entitled to have such rights or to such similar rights in the changed situation with regard to remuneration, leave and pension as will not be less favourable to the service conditions, agreements and rights as he would have been entitled to before he was employed in the Board, or,
- (iii) that he may be permitted to revert to the Government service and he will be allowed to do so on the same terms and conditions as were applicable just before his services were transferred to the Board and he will be deemed to have remained always in the Government service under the same terms and conditions.

(3) If any Officer or employee do not give such intimation within the above specified period it will be deemed that he has opted for being absorbed substantively in the service of the Board under the terms and conditions specified by it.

(4) Notwithstanding anything contained in subsection (1), but subject to any express agreement to the contrary, any person referred to therein, other than a workman as defined in the Industrial Disputes Act, 1947 (Act. XIV of 1947) who becomes an employee of the Board shall be liable to be transferred from any establishment or undertaking in which he was employed immediately before the said date to any other establishment or undertaking belonging to the Board on the same

remuneration and on the same terms and conditions as governed him immediately before such transfer.

(5) If any question arises as to whether any person was exclusively employed in connection with the aforesaid water supply and sewerage services sewage works and sewage farms under a local body immediately before the said date, it shall be decided by the State Government and the decision of the State Government shall be final.

(6) The sums standing to the credit of the employees referred to in sub-section (1) in any pension fund, provident fund, gratuity fund or other like fund constituted for them shall be transferred by the State Government or the local body concerned, as the case may be, to the Board along with any accumulated interest due till the said date and with the accounts relating to such fund and the Board shall to the exclusion of the State Government and of any local body, be liable for payment of pension, provident fund gratuity or other like dues as may be payable to such employees at the appropriate time in accordance with the conditions of their service.

(7) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (Act. XIV of 1947) or in any other law for the time being in force the transfer of any employee to the Board under sub-section (1) shall not entitle any such employee to any compensation under that Act or such other law and no such claim shall be entertained by any court, tribunal or authority.

(8) Every permanent or temporary employee of the Public Health Engineering Organisation of the State Government or of a local body becoming an employee of the Board under sub-section (1) shall, on and from the said date, be a permanent or temporary employee of the Board, as the case may be, against a permanent or temporary post, which shall stand created in the establishment of the Board with effect from the said date.

(9) Any employee referred to in the proviso to sub-section (1) shall be deemed to have continued to be in the service of the State Government or the local body concerned, as the case may be, between the said date and the date of abolition of the posts under sub-section (2) but the State Government or the local body, as the case may be, shall be entitled to reimbursement of the remuneration paid by it to such employee for that period and also of the compensation referred to in the second proviso to that sub-section.

CHAPTER VIII

PROPERTY CONTRACT FINANCE ACCOUNT AND AUDIT

Power to
acquire land
Execution
and
Registration
of contracts
etc.

23. (1) Every contract or assurance of property on behalf of the Board shall be in writing and executed by such authority and in such manner as may be determined by the Board.

(2) Notwithstanding anything contained in the Indian Registration Act, 1908 (Act, XIV of 1908) it shall not be necessary for the Secretary or any other Officer of the Board to authorise to execute on behalf of the Board any agreement or other instrument to appear in person or by agent at any registration office in any proceedings connected with the registration of any such agreement or instrument or to sign as provided in Section 58 of that Act:

Provided that the Registering Officer to whom such instrument is presented may, if he thinks fit, refer to the Secretary or such other officer for information regarding the same and shall, on being satisfied of the execution thereof, register the instrument.

Board's
Fund.

24. (1) The Board shall have its own fund which shall be deemed to be a local fund and to which shall be credited all moneys received by or on behalf of the Board.