

KARNATAKA ACT NO. 15 OF 2010

**THE BANGALORE WATER SUPPLY AND SEWERAGE AND CERTAIN OTHER
LAWS (AMENDMENT) ACT, 2009**

Arrangement of Sections

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STATEMENT OF OBJECTS AND REASONS

Amending Act 15 of 2010.- A Committee constituted under the chairmanship of the Chief Engineer (retired) reviewed the provisions of the Bangalore Water Supply and Sewerage Board Act, 1964 and the provisions of the Water Supply and Sewerage Acts of several cities viz., Chennai, Hyderabad and Delhi with a view to adopt best practices useful to the Board and has made certain recommendations. Considering those recommendations it is considered necessary to amend the Bangalore Water Supply and Sewerage Board Act, 1964 to provide for,-

- (a) extension of the provisions of the Act to whole of the Bruhat Bangalore Mahanagara Palike area;
- (b) enhancement of the maximum number of members of the Board to nine;
- (c) empowering the Board to insist on owners or occupiers to adopt water conservation methods like rain water harvesting and recycling of waste water for non-potable or potable purpose;
- (d) enhancement of penalties on various offences punishable under this Act;
- (e) acquisition of land for the purposes of the Board; and
- (f) certain consequential amendments;

Opportunity is also taken to amend,-

- (i) the Karnataka Municipal Corporations Act, 1976 to exempt property taxes on buildings of the Board; and
- (ii) the Karnataka Ground Water (Regulation for protection of sources of drinking water) Act, 1999 to appoint an officer not below the rank of

Assistant Commissioner belonging to the Bangalore Water Supply and Sewerage Board in respect of Bangalore and an officer of KUWSS Board in respect of areas falling under other Municipal Corporations and Municipal Council to act as appropriate authority under the said Act.

Hence, the Bill.

[L.A. Bill No. 42 of 2009, File No. DPAL 32 Shasana 2009]

[Entry 32 of List II of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT NO. 15 OF 2010

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THE BANGALORE WATER SUPPLY AND SEWERAGE AND CERTAIN OTHER LAWS (AMENDMENT) ACT, 2009

(Received the assent of the Governor on the fourteenth day of April, 2010)

An Act further to amend the Bangalore Water Supply and Sewerage Act, 1964, the Karnataka Municipal Corporations Act, 1976 and the Karnataka Ground Water (Regulation for Protection of Sources of Drinking Water) Act, 1999.

Whereas, it is expedient further to amend the Bangalore Water Supply and Sewerage Act, 1964 (Karnataka Act 36 of 1964), the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and the Karnataka Ground Water (Regulation for Protection of Sources of Drinking Water) Act, 1999 (Karnataka Act 44 of 2003) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixtieth year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Bangalore Water Supply and Sewerage and Certain Other Laws (Amendment) Act, 2009.

(2) It shall come into force at once.

2. Amendment of section 2.- In the Bangalore Water Supply and Sewerage Act, 1964 (Karnataka Act 36 of 1964) (hereinafter referred to as the principal Act), in section 2,-

(a) for clause (1), the following shall be substituted, namely:-

“(1) ‘Apartment’ means a part of the property intended for any type of independent use including one or more room or enclosed spaces located on one or more floors (or part or parts thereof) in a building, intended to be used for residential purposes and with a direct exit to public street, road or highway or a common area leading to such street, road or highway;

(1a) ‘Bangalore Metropolitan Area’ means the area falling within the jurisdiction of the Bruhat Bangalore Mahanagara Palike and includes such other areas adjacent thereto as the State Government may, by notification, from time to time specify; ”

(b) for clause (3), the following shall be substituted, namely:-

“(3) ‘Bruhat Bangalore Mahanagara’ means the areas falling within the jurisdiction of the Bruhat Bangalore Mahanagara Palike constituted under the Karnataka Municipal Corporations Act, 1976;”

(c) for clause (5), the following shall be substituted, namely:-

“(5) ‘Building’ includes a residential building, house, out house, apartment, high rise building, commercial building, temporary structure, industrial building, stable, latrine, urinal, shed, hut or any other structure whether of masonry bricks, wood, mud, metal or other materials but does not include any portable shelter; ”

(d) for clause (7), the following shall be substituted, namely:-

“(7) ‘high rise building’ means buildings having more than four floors i.e., ground floor + 3 floors and above;

Explanation.- Multistoried building is also known in common parlance as high rise building.”

(e) after clause (8), the following shall be inserted, namely:-

“(8a) ‘Mahanagara Palike’ means the Bruhat Bangalore Mahanagara Palike;”

(f) after clause (17), the following shall be inserted, namely:-

“(17a) ‘Pro-rata charges’ means proportionate charges towards cost of improvement of water supply and sewerage systems levied by the Board from time to time payable by owner or occupier or developer of any building; ”

3. Amendment of section 3.- In section 3 of the principal Act,-

(i) for sub-section (2), the following shall be substituted, namely:-

“(2) The Board shall consist of not less than three and not more than nine members appointed by the State Government. ”

(ii) in sub-section (3), in clause (b), for the word “one”, the word “two” shall be substituted;

(iii) for sub-section (5), the following shall be substituted, namely:-

“(5) A person shall be disqualified for being appointed or being a member of the Board if he is a member of the Parliament or of any State Legislature or any local authority.”

4. Amendment of section 12.- For section 12 of the principal Act, the following shall be substituted, namely:-

“12. Appointment of staff.- The Board may appoint a Chief Administrative Officer cum Secretary, Engineer in Chief, Chief Engineers, Sanitary Engineers, Water Supply Engineers and such other Engineers, Officers and servants as may be required to enable the Board to carry out its functions under this Act:

Provided that the appointment of the Chief Administrative Officer-cum-Secretary, Engineer in Chief, Chief Engineers, Additional Chief Engineers, Executive Engineers shall be made with the prior approval of the State Government.”

5. Amendment of section 15.- In section 15, of the principal Act,- (i) after sub-section (5), the following shall be inserted, namely:-

“(6) The Board shall also have power to insist on owner, occupier or builder to adopt water conservation methods like rain water harvesting and recycling of waste water for non potable or potable purposes.

(7) For the efficient discharge of such duties, the Board shall exercise such powers and perform such functions as are conferred or imposed by or under this Act.”

6. Amendment of section 16.- In section 16 of the principal Act, for sub-section (1), the following shall be substituted, namely:-

“(1) For carrying on its operations under this Act, the Board shall levy rates, fees, rentals, prorata charges, deposits, taxes, and other charges and shall vary such rates, fees, rentals, prorata charges, deposits, taxes and other charges from time to time in order to provide sufficient revenue,-

(a) to cover operating expenses, taxes, interest payments and to provide for adequate maintenance and depreciation, contribution to pension fund including all expenses incurred during the year;

(b) to meet repayment of loans and other borrowings;

(c) to finance year to year improvement; and

(d) to provide for such other purposes beneficial to the promotion of water supply and disposal of sewage in the Bangalore Metropolitan area as the Board may determine.”

7. Amendment of section 21.- In section 21 of the principal Act, for sub-section (1), the following shall be substituted, namely:-

“(1) The Board shall not borrow any loan without the prior approval of the State Government.”

8. Insertion of new section 24C.- After section 24B of the principal Act, the following new section shall be inserted, namely.-

“24C. Power to write off irrecoverable amounts.- The Board shall have power to write off any amount or sum due to it, if, in its opinion, such amount or sum is irrecoverable:

Provided that the Board shall, before writing off such an amount exceeding twenty-five thousand rupees, obtain the sanction of the State Government.”

9. Amendment of section 29.- In section 29 of the principal Act, for sub-section (1), the following shall be substituted, namely:-

“(1) No building, wall or other structure shall be erected and no street be constructed over any Board’s water main. Even where structure is built near a pipe line there shall be a minimum clearance of 1.0 meter or half the dia-meter of the pipe line which ever is greater from the edge of the structure to the pipe line or appurtenances on the pipe-line.”

10. Amendment of section 31.- In section 31 of the principal Act, in the proviso, for the words “under section 149A of the city of Bangalore Municipal Corporations Act, 1949”, the words “under the provisions of Karnataka Municipal Corporations Act, 1976” shall be substituted.

11. Amendment of section 32.- In section 32 of the principal Act, for sub-section (3), the following shall be substituted, namely:-

“(3) Where on any land there is a super structure without supply of water from the Boards main for domestic consumption and where such supply can be furnished from the main not more than 35

meters distant from any part of any such super structure, the Board may by notice require the owner, lessee or occupant of the land or super structure to obtain such supply.”

12. Amendment of section 33.- In section 33 of the principal Act, for clause (a), the following shall be substituted, namely:-

“(a) for any trade, manufacture or business including Hospitals, Nursing homes, Educational Institutions and Community Halls; ”

13. Amendment of section 39.- In section 39 of the principal Act, in sub-section (1), for the words “the city of Bangalore Municipal Corporations Act, 1949”, the words “the Karnataka Municipal Corporations Act, 1976 ” shall be substituted.

14. Amendment of section 53.- In section 53 of the principal Act, in sub-section (1), after clause (h), the following shall be inserted, namely:-

“(i) on receipt of requisition from any statutory authority on the ground of violation of any statutory provisions by the owner or occupier or developer of the building:

Provided that the Board shall not cut off the supply of water unless a notice of not less than seven days has been given to the owner or occupier of the premises, except in case involving contamination of water; ”

15. Amendment of section 61.- In section 61 of the principal Act,-

(i) in sub-section (2), in clause (a), after item (ii), the following shall be inserted, namely:-

“(iii) to insist on rain water harvesting system for conservation of water;”

(ii) in sub-section (3), for the words “one hundred rupees” and “ten rupees”, the words “five thousand rupees” and “five hundred rupees” shall respectively be substituted.

16. Amendment of section 62.- In section 62 of the principal Act,-

(i) after the words “shall be punishable”, the words “with imprisonment which may extend to six months; or” shall be inserted;

(ii) in clause (i), after the words “said Table”, the words “or with both” shall be inserted;

(iii) for the Table, the following shall be substituted, namely:-

“TABLE

Provisions of the Act	Subject	Maximum fine which may be imposed	Daily fine which may be imposed
1	2	3	4
Section 28	Trespassing on premises connected with water supply.	1000	-
Section 30	Failure to maintain house connections in conformity with regulations	1000	-
Section 32 Sub-Section (2)	Occupying or allowing occupation of house without proper water supply	1000	-

Section 32 Sub-Section (3)	Failure to comply with requisition to make house connection	1000	100
Section 34	Use for non-domestic purposes of water supplied for domestic purposes	5000	100
Section 49	Waste or misuse of water	5000	-
Section 50	Refusal of admittance, etc	1000	-
Section 52 Sub-section (1)	Laying of water pipes, etc., in a position where the same may be injured or water therein polluted	5000	100
Section 52 Sub-section (2)	Construction of latrines, etc., in a position where pipes may be injured or water therein polluted	5000	100
Section 59 Sub-section (1)	Execution of work by a person other than a licensed plumber	2000	-
Section 59 Sub-section (2)	Failure to furnish when required name of licensed plumber employed	1000	-
Section 59 Sub-section (6)	Licensed plumbers not to demand more than the charges prescribed	1000	-
Section 59 Sub-section (8)	Licensed plumbers not to contravene regulations or execute work carelessly or negligently, etc.,	1000	-
Section 60	Prohibition of willful or neglectful acts relating to water works.	5000	

”

17. Amendment of section 66.- In section 66 of the principal Act, after sub-section (3), the following shall be inserted, namely:-

“(4) Every owner or occupier of a building having sewerage connection shall pay such sewerage charges as may be determined by the Board by regulation from time to time.”

18. Amendment of section 72.- For section 72 of the principal Act, the following shall be substituted, namely:-

“**72. Sewage and rain water drains to be distinct.-** Wherever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Board to require that there shall be one drain for filth and polluted water and connecting to Board sewer and an entirely distinct drain for rain water and unpolluted sub-soil water or both rain water and unpolluted sub-soil water, emptying into rain water harvesting system, Corporation drain or other suitable places.”

19. Insertion of new section 75A.- After section 75 of the principal Act, the following section shall be inserted, namely:-

“75A. Board to cut off sewerage connection.- The Board may cut off sewerage connection to any premises,-

- (a) if the premises are unoccupied;
- (b) if the owner or occupier contravenes the provision of this Act or neglects to comply with any lawful order or requisites regarding water supply or sewerage connection issued by the Board within the period specified therein;
- (c) if any charges or any other sum due for water supply or sewerage connection or the cost of carrying out work or test conducted with water supply or sewerage, chargeable on the owner or occupier under this Act, is not paid within fifteen days after issue of bills for such charges;
- (d) on receipt of requisition from any statutory authority on the ground of violation of any statutory provisions by the owner/occupier/developer of the building.”

20. Amendment of section 76.- In section 76 of the principal Act, for sub-section (1) and (2), the following shall be substituted namely:-

“(1) No private street shall be constructed and no building, wall, fence or other structure shall be erected on any Board sewer constructed or maintained by, or vested in the Board. Even where a structure is built near a sewer there shall be a minimum clearance of 1.0 meter or half the diameter of the sewer (whichever is greater) from the edge of the sewer or manhole on the sewer.

(2) If any private street be constructed or any building, wall, fence or structure erected in contravention of the above, the Board may remove or otherwise deal with the same as it thinks fit.”

21. Amendment of section 84.- In section 84 of the principal Act, in sub-section (3), for the words “one hundred rupees” and “ten rupees”, the words “five thousand rupees” and “five hundred rupees” shall respectively be substituted.

22. Amendment of section 85.- In section 85 of the principal Act,-

- (i) after the words “shall be punishable”, the words “with an imprisonment which may extend to six months, or,-” shall be inserted;
- (ii) in clause (i), after the words “said Table”, the words “or with both” shall be inserted;
- (iii) for the Table, the following shall be substituted, namely:-

“TABLE

Provisions of the Act	Subject	Maximum fine which may be imposed	Daily fine which may be imposed
1	2	3	4
Section 65	Injury to, or interference with free flow of contents of Board sewers or drains or sewers communicating with Board sewers	5000	500

Section 66 Sub-section (2)	Private drain not to be connected with Board sewers without notice	1000	100
Section 67	Non-compliance with requisition for drainage of un-drained premises	2000	200
Section 68	Erection of new premises without drains	5000	-
Section 69	Non-compliance with requisition for maintenance of drainage works for any group or block of premises	5000	
Section 70	Non-compliance with direction to close or limit the use of private drains in certain cases	5000	-
Section 71	Non-compliance with Sanitary Engineer's orders regarding the use of a drain by a person other than the owner thereof	5000	-
Section 72	Non-compliance with requisition for keeping sewage and rain water drains distinct	5000	-
Section 73	Non-compliance with requisition for the pavement of court yard <i>etc.</i> ,	1000	-
Section 75	Connection with Board sewers without written permission	5000	500
Section 78 sub-section (4)	Non-compliance with requisition to close, remove or divert a pipe or drain	5000	500
Section 82 sub-section (1)	Execution of work by a person other than a licensed plumber	5000	
Section 82 sub-section (2) read with section 59(2)	Failure to furnish when required name of licensed plumber employed	1000	
Section 82 sub-section (6) read with section 59(2)	Licensed plumbers not to demand more than the charges prescribed	5000	
Section 82 sub-section (8) read with section 59(2)	Licensed plumbers not to contravene regulations or execute work carelessly or negligently. <i>Etc.</i> ,	5000	
Section 83	Prohibition of willful or neglectful acts relating to sewage works	5000	

23. Amendment of section 88.- In section 88 of the principal Act, in clause (d), for the words “one hundred rupees” and “ten rupees”, the words “five thousand rupees” and “five hundred rupees” shall respectively be substituted.

24. Amendment of section 89.- For section 89 of the principal Act, the following shall be substituted, namely:-

“89. Directions by the State Government.- The State Government may, issue to the Board such directions as it may think necessary for the purpose of carrying out the functions under this Act and the Board shall comply with such directions.”

25. Insertion of new section 107A.- After section 107 of the principal Act, the following new section shall be inserted, namely:-

“107A. Interest on delayed payments.- Any sum due to the Board on account of any charge, costs, expense, fees, rates or rent, prorata charges or any other account under this Act or any rule, regulation or order made there under shall carry interest at the rate fixed by the Board from time to time from the respective due dates till the date of payment or recovery.”

26. Insertion of new sections 108A and 108B.- After section 108 of the principal Act, the following new sections shall be inserted, namely:-

“108A. Theft of water.- (1) Whoever dishonestly obtains water supply through illegal connection or tampers meter or uses tampered meter in any manner resulting in non-recording or wrong recording of consumption of water or damages or destroys water meter/apparatus so as to prevent accurate metering of water consumed, shall be punishable with imprisonment for a term which may extend up to three years or with fine; or with both.

(2) If it is proved that any artificial means or means not authorized by the Board exist for consumption or use of water by the consumer without being recorded by the meter, it shall be presumed that the consumption or use of water has been dishonestly made by such consumer until contrary is proved.

108B. Abetment.- Without prejudice to any penalty or fine which may be imposed or prosecution proceeding which may be initiated under this Act or any other law for the time being in force, whoever including any officer or the employee of the Board or the licensed plumber abets an offence punishable under this Act or enters into or acquiesces in any agreement to do, abstains from doing, permit's, conceals or connives at any act or tiling whereby any theft of water is committed, he shall be punishable with the same punishment provided for the offence in this Act.”

27. Amendment of section 109.- For section 109 of the principal Act, the following shall be substituted, namely:-

“109. General penalty.- Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision of this Act or any rule or regulation or bye-law or otherwise contravenes any of the provisions of this Act or any rule or regulation or bye-law, shall be punishable with imprisonment which may extend to six months or with fine which may extend to five thousand rupees or with both. In the case of a continuing failure or contravention, with an additional fine which may extend to five hundred rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention.”

28. Insertion of new section 109A.- After section 109 of the principal Act, the following new section shall be inserted, namely:-

“109A. Penalty for failure to pay the prorata charges.- Every owner, occupier or builder who fails to pay the assessed prorata charges shall, in addition to other penalty, be liable to pay a penalty up to 25% of prorata charges as may be assessed by the Board in addition to the assessed prorata charges.”

29. Insertion of new section 127A.- After section 127 of the principal Act, the following new section shall be inserted, namely:-

“127A. Acquisition of land.- (1) Subject to the provisions of this Act and with the previous approval of the State Government, the Board may enter into an agreement with the owner of any land or any interest therein situated within or outside the Bangalore Metropolitan area on such terms and at such price as may be approved to purchase and hold such immovable property or any interest therein for the purpose of this Act.

(2) The State Government having powers of acquisition under Land Acquisition Act, 1894 or any other Act for the time being in force may, at the request of the Board procure the acquisition of any immovable property and such acquisition shall be deemed to be for public purpose.

(3) For the purpose of sub-section (2) of section 50 of the Land Acquisition Act, 1894, the Authority shall be deemed to be the Local Authority concerned.

(4) After the land vests with the State Government under section 16 of the Land Acquisition Act, 1894, the Deputy Commissioner shall upon payment of the cost of acquisition and upon the Board agreeing to pay any further costs which may be incurred on account of acquisition transfer the land to the Board and the land shall there upon vest with the Board.”

30. Omission of section 128.- Section 128 of the principal Act shall be omitted.

31. Substitution of expressions.- In the principal Act,-

(i) for the words “City of Bangalore” wherever they occur, the words “Bruhat Bangalore Mahanagara” shall be substituted;

(ii) for the word “Corporation” wherever it occurs, the words “Bruhat Bangalore Mahanagara Palike” shall be substituted.

32. Amendment of the Karnataka Municipal Corporations Act, 1976.- In the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977), in section 110, in sub-section (1), in clause (k), after the words “the Bangalore Development Authority”, the words “the Bangalore Water Supply and Sewerage Board” shall be inserted.

33. Amendment of the Karnataka Ground Water (Regulation for Protection of Sources of Drinking Water) Act, 1999.- In the Karnataka Ground Water (Regulation for Protection of Sources of Drinking Water) Act, 1999 (Karnataka Act 44 of 2003), in section 2, in clause (1), the following proviso shall be inserted at the end, namely:-

“Provided that in respect of the Bangalore Metropolitan area, an officer not below the rank of Assistant Commissioner belonging to the Bangalore Water Supply and Sewerage Board and in respect of other Municipal Corporations, Municipal Councils, Town Panchayats and other areas falling within the Karnataka Urban Water Supply and Sewerage Board, an officer not below the rank of Assistant Commissioner belonging to the Karnataka Urban Water Supply and Drainage Board may be appointed as appropriate authority by the State Government, by notification.”

By Order and in the name of the Governor of Karnataka

G.K. BOREGOWDA

Secretary to Government,

Department of Parliamentary Affairs and Legislation