

THE KARNATAKA CINEMAS (REGULATION) ACT, 1964
ARRANGEMENT OF SECTIONS

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SCHEDULE.

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STATEMENTS OF OBJECTS AND REASONS

I

Act 23 of 1964.- At present there are different laws in force in the different areas of the State as noted below relating to the regulation of the exhibition by means of cinematographs and the licensing of places in which cinematograph films are exhibited. With a view to have a uniform law applicable to the whole of the new State of Mysore this Bill is brought forward.

- (1) The Mysore Cinemas (Regulation) Act 1952, as in force in the Mysore Area;
- (2) The Madras Cinemas (Regulation) Act, 1955, as in force in the Madras Area;
- (3) The Bombay Cinemas (Regulation) Act, 1953, as in force in the Bombay Area;
- (4) The Hyderabad Cinemas (Regulation) Act, 1952, as in force in the Hyderabad Area;
- (5) Part III of the Cinematograph Act, 1952 (Central Act XXXVII of 1952), as in force in the Coorg District.

The main features of the Bill are—

Under clause 3 the District Magistrate is the licensing authority unless Government appoints any other authority for this purpose. Clause 4 prohibits the exhibition of cinematograph films elsewhere than in a place licensed under this Act. Sub-clause (1) of clause 6 specifies the matters to be considered by the licensing authority while deciding the grant or refusal of licence and also empowers the licensing authority to limit the number of places in any area in respect of which licence may be granted. The licence issued under the Act is made personal under clause 8 to the person to whom it is granted. A transfer is invalid unless approved by the licensing authority who in granting or refusing such approval is to consider the matters specified in clause 6. Orders under clause 4 and clause 8 are appealable to the prescribed authority. Clause 10 requires the taking of permission from the licensing authority for the use of any place for the exhibition of cinematograph films, for the construction or reconstruction of buildings for exhibition of films, for the use of any site for constructing a building thereon for the exhibition of films and for the installation of any machinery in any place where cinematograph exhibitions are proposed to be given. Clause 14 gives power to the licensing authority to suspend exhibition of films in certain cases. Clause 15 prescribes penalties for contravention of certain provisions of the Act and power is given in clause 16 for revoking licence when the holder is convicted of certain offences. Clause 19 gives power to Government to exempt any cinematograph exhibition or class of such exhibitions or any place from the provisions of the Act, if such exemption is found to be necessary or expedient in public interest.

(Published in the Karnataka Gazette, Part IV-2A dated 16th August 1962 at page. 609-610) (Notification No.6110-LA dated 8th August 1962).

II

Amending Act 36 of 1976.- With a view to augment the revenues of the State, it is proposed to levy an Additional Tax on entertainments on the value of tickets (inclusive of Entertainment Tax and Surcharge).

It is further proposed, in order to effectively check evasion to increase the fines leviable under the Act and to provide for imprisonment as an alternative penalty.

It is also proposed for the same reason to amend the Karnataka Cinemas Regulation Act to enable revocation or suspension of the cinema licence even when offences under the Act are compounded.

Incidental amendments providing for rounding off the tax to the nearest multiple of five paise, refund of tax in case of power failure or mechanical breakdown etc., are also proposed to be made.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 30th March 1976 as No. 1744 at page. 8.)

III

Amending Act 13 of 1998.- It is considered necessary to amend the Karnataka Cinemas (Regulation) Act, 1964 (Karnataka Act 23 of 1964),—

(1) to provide for restriction on the licencing authority not to grant a licence for exhibition of Cinematograph films unless the applicant has paid the amount of entertainment tax or other dues if any payable by him.

(2) to empower the licencing authority to revoke or suspend the licence for exhibition of Cinematograph films if the licensee fails to comply with the conditions of licence or contravenes the provisions of the Act or the rules made thereunder, after giving an opportunity of showing cause.

Hence the Bill.

(Obtained from L.C. Bill No. 3 of 1977 in File No. SAMVYASHAE 33 SASANA 96).

IV

Amending Act 22 of 2000.- Note.- By this Act certain obsolete and spent Acts were repealed and some minor and consequential amendments are made to some Acts including Act 23 of 1964.

(Obtained from L.A. Bill No. 17 of 2000)

¹[KARNATAKA]¹ ACT No. 23 OF 1964

(First published in the ¹[Karnataka Gazette]¹ on the Twenty-eighth day of May, 1964.)

THE ¹[KARNATAKA]¹ CINEMAS (REGULATION) ACT, 1964.

(Received the assent of the President on the Tenth day of April, 1964.)

(As Amended by Karnataka Act 36 of 1976, 13 of 1998 and 22 of 2000)

An Act to provide for regulating exhibition by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the ¹[State of Karnataka]¹.

WHEREAS it is expedient to provide for regulating exhibitions by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the ¹[State of Karnataka]¹ and for other matters hereinafter appearing;

BE it enacted by the ¹[Karnataka State]¹ Legislature in the Fourteenth Year of the Republic of India as follows:-

1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 01.11.1973.

1. Short title, extent and commencement.- (1) This Act may be called the ¹[Karnataka]¹ Cinemas (Regulation) Act, 1964.

1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 01.11.1973.

(2) It extends to the whole of the ¹[State of Karnataka]¹.

(3) It shall come into force on such 2[date]2 as the State Government may, by notification, appoint.

1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 01.11.1973.

2. Act has come into force w.e.f. 15.03.1971 by notification. Text of the notification is at the end of the Act.

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

(1) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;

(2) "licensing authority" means the authority empowered under section 3 to grant licences under this Act;

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

(4) "place" includes a house, building, tent, enclosure, and any description of transport, whether by water, land or air;

(5) "prescribed" means prescribed by rules made under this Act.

3. Licensing authority.- The authority having power to grant licences under this Act shall, in every district be the District Magistrate.

Explanation.- In this section, "District Magistrate," means the Deputy Commissioner exercising the powers of a District Magistrate or an Additional District Magistrate.

4. Cinematograph exhibitions to be licensed.- Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act, or otherwise than in compliance with any conditions and restrictions imposed by such licence.

5. Licence for exhibition of cinematograph films.- (1) Any person, who intends to give exhibition by means of a cinematograph in a place shall make an application in writing to the licensing authority for a licence therefor, together with such particulars as may be prescribed.

(2) The licensing authority may, thereupon, after consulting such authority or officer as may be prescribed and subject to the provisions of this Act, and the rules made thereunder, grant the licence to such person and on such terms and conditions and subject to such restrictions as it may determine.

(3) Where the licensing authority refuses to grant the licence, it shall do so by an order communicated to the applicant, giving the reasons for such refusal.

6. Matters to be considered by licensing authority.- The licensing authority shall, in deciding whether to grant or refuse a licence, have regard to the following matters, namely:-

- (a) the interest of the public generally;
- (b) the suitability of the place where the cinematograph exhibitions are proposed to be given;
- (c) the adequacy of existing places for the exhibition of cinematograph films in the locality; and
- (d) the benefit to any particular locality or localities to be afforded by the opening of a new place of cinematograph exhibition;

and shall also take into consideration any representations made by persons already giving cinematograph exhibitions in or near the proposed locality or by any local authority or police authority within whose jurisdiction the place proposed to be licensed is situated or by any association interested in the giving of cinematograph exhibition.

7. Power of licensing authority to limit number of places that can be licensed in any area.- The licensing authority may, after consideration of the matters set forth in section 6, and subject to such rules as may be prescribed, by order, limit the number of places in any area in respect of which licences under this Act may be granted.

8. Restriction on powers of licensing authority.- The licensing authority shall not grant a licence unless it is satisfied that,-

(a) the rules made under this Act have been substantially complied with;

¹[(aa) the applicant has paid the entire amount of tax or other dues payable by him under the Karnataka Entertainments Tax Act, 1958 (Karnataka Act 30 of 1958):]¹

1. Inserted by Act 13 of 1996 w.e.f. 11.05.1998.

(b) adequate precautions have been taken in the place in respect of which the licence is to be granted, to provide for the safety, convenience and comfort of the persons attending exhibitions therein; and

(c) the limit regarding the number of places for the area, determined under section 7, is not exceeded.

9. Licence personal to the grantee and not transferable except with the permission of licensing authority.- Every licence under this Act shall be personal to the person to whom it is granted and no transfer or assignment thereof whether absolute or by way of security or otherwise shall be valid unless such transfer or assignment is made with the approval in writing of the licensing authority.

10. Appeal against decisions under sections 5 and 9.- Any person aggrieved by the decision of the licensing authority under section 5 or section 9 may, within thirty days from the date on which such decision was communicated to him, and subject to such conditions as may be prescribed, appeal to the prescribed authority and where no such authority is prescribed, to the State Government. The decision of the appellate authority on the appeal shall be final.

11. Construction or reconstruction of buildings or use of places for exhibition of cinematograph films only to be made after obtaining permission of licensing authority.- (1) Any person, who intends,-

- (a) to use any place for the exhibition of cinematograph films; or
- (b) to use any site for constructing a building thereon for the exhibition of cinematograph films; or
- (c) to construct or reconstruct any building for such exhibition; or
- (d) to instal any machinery in any place where cinematograph exhibitions are proposed to be given;

shall make an application in writing to the licensing authority for permission therefor, together with such particulars as may be prescribed.

(2) No provision contained in the enactments specified in the Schedule or any other law for the time being in force regulating the erection or construction of buildings, or in the rules or bye-laws made under any such enactment or law shall apply to an

application under sub-section (1) in so far as such provision relates to any of the matters specified in the said sub-section.

(3) The licensing authority shall, thereupon, after consulting such authority or officer as may be prescribed, grant or refuse permission and the provisions of section 6, section 8 and section 10 relating to licences shall, so far as may be, apply to permission under this section.

12. Power of State Government to issue directions.- (1) The State Government may, from time to time, issue directions to any licensee or to licensees generally, requiring the licensee or licensees to exhibit,-

(a) such film or class of films having a scientific or educational value;

(b) such films dealing with news and current events;

(c) such documentary films, indigenous films, or such other films having special value to the public, as may have been approved by the State Government in that behalf from time to time.

(2) Where any directions have been issued under sub-section (1), such directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted:

Provided that no direction issued under this section shall require the licensee to exhibit any such film or films exceeding two thousand feet at, or for more than one-fifth of the entire time taken for, any one show.

13. Power of licensing authority to issue directions.- The licensing authority may, from time to time, issue directions to any licensee or licensees generally, requiring the licensee or licensees to exhibit in each show such slides of public interest as may be supplied by that authority:

Provided that no direction issued under this section shall require the licensee to exhibit more than three such slides at, or for more than four minutes in, any one show.

14. Power of State Government to issue orders and directions of a general character in respect of matters relating to licences.- The State Government may, subject to the provisions of this Act, and the rules made thereunder, issue to licensing authorities such orders and directions of a general character as it may consider necessary in respect of any matter relating to licences for the exhibition of cinematograph films; and every licensing authority shall give effect to such orders and directions.

15. Power of State Government or licensing authority to suspend exhibition of films in certain cases.- (1) The State Government in respect of the whole of the State or any part thereof, and the licensing authority in respect of the area within its jurisdiction, may, if it is of opinion that any film, which is being or is about to be publicly

exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of such film; and during the period of such suspension no person shall exhibit such film or permit it to be exhibited in any place in the State or any part or area thereof, as the case may be.

(2) No order shall be issued under sub-section (1) until the person concerned has been given a reasonable opportunity of showing cause against the order proposed to be issued in regard to him; unless owing to emergency or for some other reason, to be recorded in writing, the State Government or the licensing authority is satisfied that it is not reasonably practicable to give that person an opportunity of showing cause:

Provided that a copy of the reasons recorded by the State Government or the licensing authority for issuing the order shall be communicated to the person concerned as soon as it becomes reasonably practicable to communicate the reason to him.

(3) If any question arises whether it is reasonably practicable to give to any person an opportunity of showing cause under sub-section (2), the decision thereon of the State Government or the licensing authority, as the case may be, shall be final.

(4) Where an order under sub-section (1) has been issued by the licensing authority, a copy thereof together with a statement of the reasons therefor, shall forthwith be forwarded by him to the State Government and the State Government may, on a consideration of all the facts of the case, either confirm or vary or cancel the order.

(5) An order issued under sub-section (1) shall remain in force for a period of two weeks from the date thereof, but the State Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period or periods not exceeding two months in the aggregate, as it thinks fit:

Provided that the State Government or the licensing authority may, at any time review its own order.

16. Penalties.- (1) If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits or suffers that place to be used, in contravention of the provisions of this Act, or of the rules made thereunder, or of any of the conditions and restrictions upon or subject to which any licence or permission has been granted under this Act, or of any conditions or restrictions specified in an order under section 20, or if any person contravenes the provisions of section 11, or any other provision of this Act or rule made thereunder, he shall, on conviction, be punished with fine which may extend to one thousand rupees or in the case of a continuing offence, with a further fine, which may extend to one hundred rupees for each day during which the offence continues.

(2) Where, after a prosecution for an offence under sub-section (1) has been commenced, the licensing authority has reason to believe that the holder of the licence is again committing the offence or continues to commit it, the licensing authority may, by notice, warn the holder of the licence not to continue the offence. If the holder of the licence shall persist in committing the offence, the licensing authority may suspend the licence, pending the result of the prosecution.

17. Power to revoke or suspend a licence.- (1) Where the holder of a licence has been convicted of an offence under section 16 of this Act; or section 7 of the Cinematograph Act, 1952 (Central Act 37 of 1952), or ¹[section 12 or has compounded an offence under section 13]¹ of the ²[Karnataka]² Entertainments Tax Act, 1958 (²[Karnataka]² Act 30 of 1958), the licensing authority may, by an order in writing, revoke the licence or suspend it for such period as it may think fit.

1. Substituted by Act 36 of 1976 w.e.f. 1.4.1976.

2. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 01.11.1973.

¹[(1A) If the licensing authority is satisfied that the holder of a licence has, without reasonable cause, failed to comply with the conditions subject to which, licence has been granted or has contravened any of the provisions of this Act or the rules made thereunder, it may, after giving the holder of the licence an opportunity of showing cause, by an order in writing, revoke the licence or suspend it for such period as it may think fit.]¹

1. Inserted by Act 13 of 1996 w.e.f. 11.05.1998.

(2) Any person aggrieved by an order under sub-section (1) ¹[or sub-section (1A)]¹ may within thirty days from the date on which the order was communicated to him, and subject to such conditions as may be prescribed, appeal to such authority as may be prescribed and where no authority is prescribed, to the State Government.

1. Inserted by Act 13 of 1996 w.e.f. 11.05.1998.

18. Revisional powers of State Government.- The State Government may call for and examine the record in respect of any original order passed under the provisions of this Act against which no appeal lies under section 10 or 17, for the purpose of satisfying itself as to the legality or propriety of such order, and may pass such order in reference thereto, as it thinks fit:

Provided that no order shall be passed under this section without giving an opportunity to show cause against such order to the party who may be affected by such order.

19. Power to make rules.- (1) The State Government may, by notification, after previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,-

(a) the particulars to be given in an application for a licence and the terms, conditions and restrictions, subject to which a licence may be granted under this Act and the fees to be paid in respect of such licence;

(b) the conditions on the basis of which the number has to be determined under section 7;

(c) the limitation of the period for which licences in respect of any place may be granted for touring cinemas, and prescribing the distance from a permanent cinema beyond which licences in respect of any place for touring cinemas may be granted;

(d) the regulation of cinematograph exhibitions for securing public safety;

(e) regulating the means of entrance and exist at places licensed under this Act; and providing for prevention of disturbance thereat;

(f) the conditions subject to which an appeal may be preferred under section 10 and sub-section (2) of section 17 and the fees to be paid in respect of such appeals;

(g) (i) the procedure to be followed by persons in respect of applications for permission under section 11;

(ii) the documents and plans to be submitted, together with such application, and the fees to be paid on such application;

(iii) the matters to be considered by the licensing authority before approving the site for the construction of the building or the plans for the construction or reconstruction of the building or the installation of machinery;

(iv) the terms, conditions and restrictions subject to which the licensing authority may accord approval in respect of the matters referred to in sub-clause (iii);

(v) the action to be taken in cases of contravention of the terms, conditions and restrictions subject to which such approval was accorded;

(vi) the procedure to be followed by the licensing authority before granting or refusing permission under section 11 and any other matters incidental thereto;

(h) the procedure for approval of films for the purpose of section 12;

(i) regulating or prohibiting the sale of any ticket or pass for admission by whatever name called to a place licensed under this Act.

(3) Subject to any modification made under section 22, every rule made under this Act shall have effect as if enacted in this Act.

20. Power to exempt.- The State Government may, if it is necessary or expedient in public interests so to do, by order in writing and subject to such conditions and restrictions as may be specified in the order, exempt any cinematograph exhibition or class of cinematograph exhibitions or any place where a cinematograph exhibition is given from any of the provisions of this Act or of any rules made thereunder.

21. Offences by companies.- (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company 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 provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an 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 is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section,-

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

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

22. Rules and orders to be laid before Legislature.- Every rule made under this Act and every order issued under section 20, shall be laid as soon as may be after it is made or issued before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the session or sessions immediately following, both Houses agree in making any modification in the rule or order or both Houses agree that the rule or order should not be made, the rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

23. Repeal and savings.-

(1) The Mysore Cinemas (Regulation) Act, 1952, as in force in the Mysore Area;

(2) the Madras Cinemas (Regulation) Act, 1955, as in force in the ²[Mangalore and Kollegal Area]²;

(3) the Bombay Cinemas (Regulation) Act, 1953, as in force in the ²[Belgaum Area]²;

(4) the Hyderabad Cinemas (Regulation) Act, 1952, as in force in the ²[Gulbarga Area]²;

(5) Part III of the Cinematograph Act, 1952 (Central Act 37 of 1952), as in force in the Coorg District,
are hereby repealed:

Provided that section 6 of the ¹[Karnataka] General Clauses Act, 1899 (¹[Karnataka] Act 3 of 1899), shall be applicable in respect of such repeal and sections 8 and 24 of the said Act shall be applicable as if the said enactments had been repealed and re-enacted by this Act.

1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 01.11.1973.

SCHEDULE

[See section 11]

- ¹[1. The Karnataka Municipalities Act, 1964.
2. The Karnataka Municipal corporations Act, 1976.
3. The Karnataka Pachayat Raj Act, 1993.
4. The Karnataka Improvement Boards act, 1976.
5. The Bangalore Development Authority Act, 1976.
6. The Karnataka Urban Development Authorities Act, 1987.]¹

1. Substituted by Act 22 of 2000 w.e.f. 29.11.2000.

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NOTIFICATION

Bangalore, dated 6th March 1971.[No. HD 50 CNA 62.]

S.O. 479.—In exercise of the powers conferred by sub-section (3) of section 1 of the Mysore Cinemas (Regulation) Act, 1964 (Mysore Act 23 of 1964), the Government of Mysore appoints 15th day of March 1971 as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Mysore,

(MOHD. GHAZI UDDIN KHAN)

Under Secretary to Government, Home Department.

(Published in Karnataka Gazette (Extraordinary) Part-IV 2C(ii), dated 10th March, 1971 as No. 76)

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THE KARNATAKA BORSTAL SCHOOLS ACT, 1963

ARRANGEMENT OF SECTIONS

Statement of Objects and Reasons:

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3. Establishment of Borstal Schools.
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29. Removal of disqualification.
30. Presumption and determination of age.
31. Power to make rules.
32. Repeal and savings.

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STATEMENT OF OBJECTS AND REASONS

Act 24 of 1964.—At present there are different sets of laws in force in the integrated areas of Mysore in regard to the regulation of Borstal Schools as follows:—

1. The Mysore Borstal Schools Act, 1943 (Mysore Act XLVI of 1943);
2. The Hyderabad Borstal Schools Act, 1956 (Hyderabad Act XV of 1956);
3. The Bombay Borstal Schools Act, 1929 (Bombay Act XVIII of 1929);
4. The Madras Borstal Schools Act, 1926 (Madras Act V of 1926).

It has been considered necessary to have a uniform law for the establishment and regulation of Borstal Schools applicable to the entire State of New Mysore and this Bill is accordingly brought forward.

(Obtained from File No. LAW 33 LGN 62 .)

¹[KARNATAKA]¹ ACT No. 24 OF 1964

(First published in the ¹[Karnataka Gazette]¹ on the Twenty-eighth day of May, 1964.)

THE ¹[KARNATAKA]¹ BORSTAL SCHOOLS ACT, 1963.

(Received the assent of the President on the Tenth day of April, 1964.)

An Act to consolidate and amend the law relating to establishment and regulation of Borstal Schools in the ¹[State of Karnataka]¹.

WHEREAS it is expedient to consolidate and amend the law relating to establishment and regulation of Borstal Schools in the ¹[State of Karnataka]¹;

BE it enacted by the ¹[Karnataka State]¹ Legislature in the Fourteenth Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adapatations of Laws Order. 1973 w.e.f. 01.11.1973.

**CHAPTER I
PRELIMINARY**

1. Short title, extent and commencement.—(1) This Act may be called the ¹[Karnataka]¹ Borstal Schools Act, 1963.

1. Adapted by the Karnataka Adapatations of Laws Order. 1973 w.e.f. 01.11.1973

(2) It extends to the whole of the ¹[State of Karnataka]¹.

1. Adapted by the Karnataka Adapatations of Laws Order. 1973 w.e.f. 01.11.1973

(3) It shall come into force on such ¹[date]¹ as the State Government may, by notification, appoint.

1. Act has come into force w.e.f. 8.1.1970 by notification. Text of the notification is at the end of the Act.

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

(a) "Borstal School" means a place in which young offenders whilst detained in pursuance of this Act, are given such industrial training and other instructions and are subject to such other disciplinary and moral influences as will conduce to their reformation and the prevention of crime;

(b) in relation to any area in the State, "Code" means the Code of Criminal Procedure, 1898 (Central Act V of 1898), as in force in such area;

(c) "competent court" means the Court of a District Magistrate or the Court of a Magistrate of the First Class;

(d) "District Magistrate" means an officer in the Judicial Service of the State exercising the powers of a District Magistrate under the Code;

(e) "Inspector-General" means the Inspector-General of Prisons and includes any

officer appointed by the State Government to perform all or any of the duties imposed by this Act, on the Inspector-General;

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

(g) "offender" means a person found guilty of an offence, for which he is liable to be sentenced to imprisonment or is liable to imprisonment for failure to furnish security under Chapter VIII of the Code, whether any previous conviction is proved against him or not;

(h) "prescribed" means prescribed by rules made under this Act;

(l) "prohibited article" means an article the introduction or removal of which into or out of any Borstal School is prohibited by any rule made under this Act;

(j) "young offender" means an offender who is not more than 21 years of age and,-

(i) not less than fifteen years in any area in which the ¹[Karnataka]¹ Children Act, 1963 is not in operation; or

(ii) in other areas not less than sixteen years in the case of a boy and not less than eighteen years in the case of a girl.

1. Adapted by the Karnataka Adaptations of Laws Order. 1973 w.e.f. 01.11.1973.

3. Establishment of Borstal Schools.—(1) For the purpose of this Act, the State Government may establish one or more Borstal Schools.

(2) For every Borstal School a Visiting Committee shall be appointed in such manner as may be prescribed.

4. Application of the Prisons Act and the Prisoners Act.—Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, the ²[Karnataka]² Prisons Act, 1963 and the ²[Karnataka]² Prisoners Act, 1963 and the rules framed thereunder, shall apply in the case of every Borstal School established under this Act, as if it were a prison and the inmates prisoners.

CHAPTER II

COMMITTAL TO BORSTAL SCHOOLS

5. Court may pass order for detention in a Borstal School.—Where it appears to the competent court that an offender before it, is a young offender and that, by reason of his criminal habits or tendencies or association with persons of bad character, it is expedient that he should be subject to detention for such term under such instruction and discipline as appears most conducive to his reformation, such Court may pass, in lieu of a sentence of imprisonment or of an order of imprisonment under section 123 of the Code, an order for the detention of such offender in a Borstal School established under this Act, or subject to the provisions of section 13, in a Borstal School in any other State in India for such term not being less than three years, nor more than five years as the competent court, subject to rules made under this Act,

thinks fit but in no case extending beyond the date on which the offender will, in the opinion of the Court attain the age of twenty-three years:

Provided that before passing such an order, the competent court shall give an opportunity to the parents or the guardians of the said offender to be heard and shall consider any appeal or representation which may be made to it as to the suitability of the case for treatment in such Borstal School and shall be satisfied that the character, state of health and mental condition of the young offender and the other circumstances of the case, are such that such offender is likely to profit by such instruction and discipline, as aforesaid.

6. Power of State Government to exempt.—The State Government may, by rules made under this Act, direct that any class or classes of persons specified in such rules, shall not be ordered to be detained in a Borstal School.

7. Courts empowered to pass orders for detention.—(1) Notwithstanding anything contained in any other law for the time being in force, but save as otherwise expressly provided in this Act, the following Courts shall have power exclusively to pass orders for detention and such other orders that a competent Court is empowered to pass under this Act against young offenders:—

- (a) a Court of the District Magistrate;
- (b) a Court of a Magistrate of the First Class.

(2) The powers conferred on a competent Court by or under this Act shall also be exercised by the High Court and the Court of Session, when the proceeding comes before them in appeal, revision or otherwise.

8. Procedure when Magistrate is not empowered to pass an order for detention under this Act.—(1) When any Magistrate not empowered to pass an order for detention under this Act is of the opinion that an offender before him is a young offender to be detained in a Borstal School, he may, when passing any order, record such opinion and submit his proceedings and forward the offender to the Court of the District Magistrate or to the Court of Session, to which he is subordinate, as the case may be.

(2) The Court of Session to which the proceedings are submitted under sub-section (1) may transfer such proceedings to any competent court to pass an order under this Act.

(3) The Court of the District Magistrate to which the proceedings are submitted under sub-section (1) or the competent court to which the proceedings are transferred under sub-section (2) may make such further inquiry, if any, as it may think fit, and may pass such order for the detention of the offender in a Borstal School, or such other sentence or order as it might have passed if such offender had originally been brought before or tried by it.

9. Limitation on powers conferred by section 5.—Any young offender detained in a Borstal School for failure to furnish security when ordered to do so under section 106 or section 118 of the Code shall be released on furnishing such security or on the passing of an order under section 124 of the Code.

10. Transfer of person from prison to Borstal School.—(1) If the Inspector-General is satisfied that a person imprisoned in consequence of a sentence passed under any law or undergoing imprisonment under an order made under section 123 of the Code, for failure to give security, is a young offender, who, by reason of his criminal habits or tendencies or association with persons of bad character, might with advantage be detained in a Borstal School, the Inspector-General may report the case to the State Government, and if the State Government, after making such inquiry, as it may deem proper or as may be prescribed, is satisfied that the person should, for the reasons mentioned in the report, be detained in a Borstal School, it may, by order in writing, direct such person to be transferred from the prison to a Borstal School established under this Act or subject to the provisions of section 13, to a Borstal School in any other State in India and to be detained in such School, in lieu of the unexpired residence of his sentence or of the period of imprisonment, which he is liable to undergo for failure to furnish security, as the case may be, for such period as together with the period of imprisonment already undergone will not exceed the maximum period for which such person could have been ordered to be detained by a competent Court under section 5:

Provided that such person shall not be directed to be detained in a Borstal School for a period which, including the period of imprisonment undergone, exceeds the period of imprisonment to which such person has been sentenced or the period of imprisonment which he is liable to undergo for failure to furnish security, as the case may be.

(2) A person transferred to a Borstal School under sub-section (1) shall upon transfer to such School, be deemed to be an offender ordered to be detained by a competent Court under the provisions of section 5 and the provisions of this Act shall apply to such person accordingly.

11. Transfer of incorrigibles, etc., to prisons.—(1) Where an offender detained in a Borstal School escapes or is reported to the State Government by the Inspector-General to be incorrigible or to exercise or to be likely to exercise a bad influence on the other inmates of the School or to be more than twenty-one years of age, or where a licence granted under section 15, is revoked by the State Government under clause (ii) of the proviso to sub-section (1) of section 16 or is, in the opinion of the State Government, otherwise unsuitable for training in a Borstal School, the State Government may commute the unexpired residue of the term of detention to such term of imprisonment of either description as it may determine, but in no case

exceeding the shortest of the following three periods, namely:—

- (a) the unexpired residue of the term of detention; or
- (b) the maximum period of imprisonment provided by law for the offence of which the offender was found guilty or for the failure to give security, as the case may be, in consequence of which the offender was ordered to be detained in a Borstal School or ordered to be transferred to and detained in such School by the State Government; or
- (c) the maximum period of imprisonment, which the Court that tried him had authority to award under the Code.

(2) Such offender may be confined in any prison in the 1[State of Karnataka]1 by warrant under the hand of a Secretary to Government, and effect shall be given to such warrant and the sentence of imprisonment passed upon such offender shall be executed in the same manner as if such person had been sentenced by a competent Court of criminal jurisdiction.

1. Adapted by the Karnataka Adapatations of Laws Order. 1973 w.e.f. 01.11.1973.

12. State Government to determine the Borstal School in which a person shall be detained and may order removal.—(1) Every young offender ordered to be detained in a Borstal School shall be detained in such Borstal School as the State Government may, by general or special order, appoint for the reception of persons so ordered to be detained:

Provided that, if accommodation in a Borstal School is not immediately available for such offender, he may be detained in a special ward or such other suitable part of a prison, as the State Government may direct, until he can be sent to a Borstal School and the period of detention so undergone shall be treated as detention in a Borstal School.

(2) The State Government may order the removal of any young offender from any one Borstal School to another Borstal School established under this Act, or to a Borstal School in any other State in India, provided that the whole period of his detention in a Borstal School shall not be increased by such removal.

13. Power to order detention in or removal of offenders to a Borstal School in another State.—(1) No order for the detention in or transfer or the removal to a Borstal School in any other State shall be passed except with the previous concurrence of the officer in charge of such Borstal School and unless the Government of the said State under any law in force therein or by general or special orders has consented or is empowered to receive such offender for detention in such Borstal School.

(2) The officer in charge of a Borstal School established under this Act may, subject to the rules made in this behalf, give effect to any order for detention therein of any person passed by any authority under any enactment in force in any other State in India. A person detained in such Borstal School under this provision shall be deemed

to be an offender ordered to be detained under the provisions of section 5 and the provisions of this Act shall apply to such person accordingly.

14. Removal of persons detained to civil hospital in the State for medical treatment.—(1) If an offender detained in a Borstal School is suffering from any illness and the Inspector-General is satisfied that it is not possible to render to him proper medical care or treatment in the School, the Inspector-General may provide for the removal of such offender to any civil hospital in the State for the purpose of undergoing medical treatment and for his return to the School after such treatment is undergone.

(2) The period during which an offender is absent from a Borstal School under sub-section (1) shall, for the purposes of computing his term of detention in the School, be deemed to be part of that detention.

CHAPTER III RELEASE ON LICENCE

15. Power to release on licence.—(1) Subject to the prescribed conditions, the Inspector-General may, on the recommendation of the Visiting Committee, at any time after the expiration of six months from the commencement of the detention of a young offender in a Borstal School, if he is satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life, discharge him from the Borstal School and grant him a written licence in the prescribed form and on the prescribed conditions, permitting him to live under the supervision and authority of such,-

- (a) officer of Government,
- (b) secular institution,
- (c) religious society, or
- (d) responsible person,

- as may be approved by the Inspector-General and willing to take charge of the offender.

(2) The Inspector-General may, subject to the prescribed conditions, discharge any offender, who had been previously granted a licence, but whose licence was subsequently revoked under section 16 and grant him a fresh written licence and in such case, the provisions of this Act shall apply as if such fresh licence had been granted under sub-section (1).

(3) A licence under this section shall be in force until the expiry of the term for which the offender was ordered to be detained in a Borstal School unless sooner revoked.

(4) The period during which an offender is absent from a Borstal School during the continuance of a licence granted to him under this section shall, for the purpose of computing his term of detention in such school, be deemed to be part of that detention.

16. Revocation of licence.—(1) Subject to the prescribed conditions, the Inspector-General may, at any time and in the case of a request made by the institution, society or person, under whose supervision and authority the offender has by licence been permitted to live, shall, after considering the report of the Investigating Committee submitted to him under section 20, revoke a licence granted under section 15, and upon such revocation, the offender shall be detained in a Borstal School until the expiry of the term for which he was ordered to be detained in such school:

Provided that, if the Investigating Committee reports that the conduct of the offender has been such that he is unfit for detention in a Borstal School, the Inspector-General shall forward the report of the Investigating Committee to the State Government and the State Government may,-

(i) direct the Inspector-General to revoke the licence as provided in this sub-section, or

(ii) itself revoke the licence and commute the unexpired residue of detention of the offender to a term of imprisonment as provided under section 11.

(2) If an offender removes himself from the supervision of the institution, society or person under which he was by licence permitted to live, his licence shall be deemed to have been revoked from the date on which he has so removed himself.

(3) On the revocation of a licence under sub-section (2), the period beginning from the date on which the offender removed himself from supervision till the date on which he is arrested shall, subject to the provisions of section 18, be excluded in computing the period for which he has been ordered to be detained in a Borstal School.

17. Subsequent supervision.—(1) When the Inspector-General and the Investigating Committee report that the conduct or progress of any offender detained in a Borstal School has been such that it is expedient that he shall remain under the supervision for a further period after the end of the term of detention, the State Government may direct that the offender shall, on the expiration of the term of his detention, remain for a further period not exceeding one year under the supervision of such authority, society or person as the Inspector-General, subject to the rules made under this Act, may direct.

(2) The State Government may, after considering the report of the Investigating Committee, forwarded to it under section 20, direct the offender to be produced before the competent court, together with the report, and the court may, after satisfying itself about the accuracy of the report, direct that the offender, who is under supervision in accordance with sub-section (1) shall,-

(a) again be detained in a Borstal School for such period as it may think fit, or

(b) if the court is satisfied that the conduct of the offender has been such that he is unfit for detention in a Borstal School, to undergo imprisonment of such description for

such period as it may direct:

Provided that the total period of supervision, detention and imprisonment, under this section, shall not exceed one year.

18. Period of detention.—No person shall be detained in a Borstal School after he has in the opinion of the State Government, attained the age of twenty-three years, or, if in any particular case, the State Government so directs, after he has attained the age of twenty-five years.

19. Discharge from Borstal School.—The State Government may, at any time, order any person detained in a Borstal School to be discharged from such School, either absolutely or on such condition as it thinks fit to impose.

20. Investigating Committee to investigate into complaints against offenders discharged on probation, etc.—(1) The State Government may, by notification, appoint an Investigating Committee.

(2) The Inspector-General may, by an order in writing, require any offender,-

- (a) who is discharged on licence under section 15 or who is placed under supervision under section 17, and who is reported by the authority, institution, society or person, under whose supervision he has been permitted to live or has been directed to remain, to be of bad behaviour; or,
- (b) who has broken any of the conditions of the licence granted to him under section 15,

-to appear before the Investigating Committee within such time and at such place as may be specified in the order.

(3) The Investigating Committee shall examine the offender and after making such inquiry as it thinks fit, into his conduct, submit its report to the Inspector-General. If the Investigating Committee reports that the conduct of such offender has been such that he is unfit for further detention in a Borstal School and in every case where an offender had been directed to remain under supervision under Section 17, the Inspector-General shall forward a copy of the report of the Investigating Committee to the State Government.

(4) The offender shall, during the period of the proceedings under this section, be detained in a Borstal School or in a special ward or such other suitable part of a prison as the Inspector-General may, by general or special order, direct.

(5) If the offender fails to appear before the Investigating Committee in accordance with the order made under sub-section (2) or escapes while detained under sub-section (4), he may, on the request of the Inspector-General, or any officer authorised by him in this behalf, be arrested by any officer of Police without a warrant and without any order of a Magistrate and brought before the Investigating Committee or sent under custody to the place of detention under sub-section (4), as the case may be.

(6) The period beginning from the date on which the order under sub-section (2) is passed by the Inspector-General and ending with the day on which the order is passed under section 16 or section 17, shall be excluded in computing the total term of his detention in a Borstal School or in computing the period of one year referred to in section 17.

21. Arrest of offender escaping from Borstal School or escaping from supervision.—Any offender, who, in contravention of the provisions of this Act, has escaped from a Borstal School or has escaped from a civil hospital to which he was removed for treatment under section 14 or has escaped from the supervision of any authority, institution, society, or person under whose supervision he has been directed to remain or has been permitted to live by licence under section 15, or has committed a breach of any of the conditions imposed under section 19, may be arrested by any officer of the Police without a warrant and without an order of the Magistrate and sent back to the Borstal School or civil hospital or to such authority, institution, society or person, as the case may be.

CHAPTER IV

CONTROL AND MANAGEMENT OF BORSTAL SCHOOLS

22. Management of Borstal Schools.—Subject to the general control and superintendence of the Inspector-General and subject to the rules made under this Act, the control and management of every Borstal School shall vest in a Superintendent appointed by the State Government.

23. Constitution, powers and duties of Visiting Committees.—(1) Every Visiting Committee appointed under sub-section (2) of section 3 shall consist of the Sessions Judge, the District Magistrate, the District Educational Officer within whose respective jurisdictions the Borstal School is situated, and four non-official members appointed by the State Government.

(2) The non-official members shall hold office for a period of two years, but shall be eligible for reappointment on the expiry of such period.

(3) It shall be the duty of the Visiting Committee and its members,—

(a) to visit the Borstal School either individually or collectively on such occasions as may be prescribed;

(b) to make such suggestions for the improvement of the training therein as are considered necessary and to report to the State Government or to the Inspector-General from time to time any matter, which, in their opinion, should receive attention and annually on the progress of the school;

(c) to interview the inmates immediately after their arrival and to make suggestions, if any, as to the special training which each should receive;

(d) to consider cases of release on licence, under sub-section (1) of section 15, placed before them by the Superintendent.

(e) to consider such action as may be necessary in regard to the inmates whose control and detention is about to expire.

(4) Every member of the Visiting Committee shall, subject to rules made in this behalf, under this Act, be entitled to call for information, from the Superintendent, to examine the records of the Borstal School and to take such action as he deems necessary for due discharge of his duties.

24. Classification of inmates.—(1) The inmates of a Borstal School shall be divided by the Superintendent according to their industry and good conduct into four grades, namely:—

- (a) the penal grade,
- (b) the ordinary grade,
- (c) the star grade, and
- (d) the special star grade.

(2) The privileges of each grade shall be higher than those of the grade preceding, if any.

(3) Every inmate shall, on reception in a Borstal School, be placed in the ordinary grade.

(4) Subject to the general instructions of the Visiting Committee, the Superintendent may promote or reduce any inmate from one grade to another in accordance with the provisions of sub-section (5), and the rules, if any, made under this Act.

(5) Promotions and reductions shall be regulated by a close personal observation of the inmates and shall depend specially on their general behaviour, amenability to discipline and attention to instruction, both literary and industrial.

25. Punishment for offences.—(1) The punishment which may be inflicted on an inmate of a Borstal School for offences specified in the 1[Karnataka]1 Prisons Act, 1963, and the rules made thereunder shall be in the following forms and in no other:—

- (i) formal warning;
- (ii) extra drill;
- (iii) deprivation of any of the privileges of the grade;
- (iv) reduction in grade.

1. Adapted by the Karnataka Adaptations of Laws Order. 1973 w.e.f. 01.11.1973.

(2) No punishment shall be awarded to any inmate by an official of the Borstal School, except by the Superintendent, or in his absence, the official exercising the

functions of a Superintendent.

26. Penalty for introduction or removal of prohibited articles.—(1) Whoever, contrary to any rule under this Act,—

(a) introduces or removes, or attempts by any means whatever to introduce into or remove from any Borstal School, or

(b) supplies or attempts to supply to any inmate outside the limits of such school any prohibited article, or

(c) being an officer of a Borstal School, knowingly suffers any such article to be introduced into or removed from any Borstal School to be possessed by any inmate or to be supplied to any inmate outside the limits of the Borstal School, or

(d) communicates or attempts to communicate with any inmate.

-shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees or with both.

(2) Whoever abets any offence punishable under sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees or with both.

27. Limitation of hours of work.—No inmate of Borstal School shall be made to work for more than eight hours a day:

Provided that extra drill awarded as a punishment under sub-section (1) of section 25 shall not be deemed, for the purpose of this section, to be work.

CHAPTER V MISCELLANEOUS

28. Appeals and revision.—(1) For the purposes of appeal and revision under the Code, an order of detention under section 5 of this Act shall be deemed to be a sentence of imprisonment for the same period.

(2) Any person aggrieved by an order of the Inspector-General under any provision of this Act, may, subject to the prescribed conditions, appeal to the State Government and the orders of the State Government on such appeal shall be final.

29. Removal of disqualification.—The State Government may, on the recommendation of the Inspector-General and the Visiting Committee or otherwise remove any disqualification incurred by an offender ordered to be detained in a Borstal School on account of such detention.

30. Presumption and determination of age.—(1) Where it appears to a competent Court that a person brought before it under any of the provisions of this Act, is a young offender, such Court shall make due enquiry as to the age of that person and for that purpose, shall take such evidence as may be forthcoming and shall record

a finding whether a person is a young offender or not, stating his age as nearly as may be.

(2) No order of a competent Court shall be deemed to have become invalid merely by any subsequent proof that the person in respect of whom the order has been made is not a young offender and the age recorded by the competent Court to be the age of the person so brought before it, shall for the purposes of this Act, be deemed to be the true age of that person.

31. Power to make rules.—(1) The State Government may, by notification, after previous publication, make rules to carry 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) regulation, control and management of any Borstal School established under this Act;

(b) the appointment, powers and duties of officials in such Schools;

(c) the constitution, power and duties of Visiting Committees;

(d) the classification, control, discipline, training, instruction and treatment of young offenders ordered to be detained in a Borstal School and for the temporary detention of such offenders until arrangements can be made for sending them to such school;

(e) the regulation of visits to, and communications with offenders detained in such school;

(f) the restriction or prohibition of the supply to or possession by offenders detained in such school of any specified articles or kinds of articles;

(g) the period for which offenders or any class or classes of offenders may, within the limits fixed by this Act, be ordered to be detained in such school;

(h) the class or classes (if any) of offenders, who shall not be ordered to be detained in such school;

(i) the removal of offenders to Borstal Schools in other States and the reception and detention in a Borstal School established under this Act of offenders transferred from other States in India;

(j) the form and conditions of licences granted under section 15;

(k) the supervision of offenders after the expiration of the term of their detention;

(l) the transfer of incorrigible offenders from a Borstal School to a prison;

(m) the conditions on which an offender may be discharged under section 19;

(n) the constitution, procedure, powers and duties of Investigating Committees;

(o) the manner of detention of an young offender under arrest or remanded or committed for trial.

(2) Every rule made under this section be laid as soon as may after it is made, before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

32. Repeal and savings.—The Mysore Borstal Schools Act, 1943 (Mysore Act XLVI of 1943), as in force in the Mysore Area, the Hyderabad Borstal School Act, 1956 (Hyderabad Act XV of 1956), as in force in the 1[Gulbarga Area]1, the Bombay Borstal Schools Act, 1929 (Bombay Act XVIII of 1929), as in force in the 1[Belgaum Area]1, and the Madras Borstal School Act, 1926 (Madras Act V of 1926), as in force in the 1[Mangalore and Kollegal Area]1, are hereby repealed:

Provided that section 6 of the 1[Karnataka]1 General Clauses Act 1899 (1[Karnataka]1 Act III of 1899), shall be applicable in respect of such repeal and section 8 and section 24 of the said Act shall be applicable as if the said enactments are repealed and re-enacted by this Act.

1. Adapted by the Karnataka Adapatations of Laws Order. 1973 w.e.f. 01.11.1973.

* * * *

NOTIFICATION

Bangalore, dated 31st December, 1969 [No. HD 8 PRH 66]

S.O. 62.—In exercise of the powers conferred under sub-section (3) of Section (1) of the Mysore Borstal Schools Act, 1963, (Mysore Act No. 24 of 1964), the Government of Mysore hereby appoints 8th January, 1970 as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Mysore,

(N. K. SRINIVASAMURTHY)

Under Secretary.

(Published in the Karnataka Gazette, PART IV—2-C(ii), dated 8th January 1970, at page. 159.)

THE KARNATAKA BORSTAL SCHOOLS ACT, 1963 has been amended by the following Acts, namely.-

Amendments (Chronological)

Sl. No.	Act No. and Year	Sections Amended	Remarks
1	24 of 1964	-	The Act has come into force from 8.1.1970 vide notification No. HD 8 PRH 66 dated 31.12.1969.
2	KAL Order, 1973	Title, Preamble, 1(1)(2)(3)(j)(l), 4, 11(2), 25, 32	

Amendments (Section-wise)

Sections	No and Year of the Act	Remarks
Title, Preamble	KAL Order, 1973	w.e.f. 01.11.1973
1(1)(2)(3)(j)(l)	KAL Order, 1973	w.e.f. 01.11.1973
4	KAL Order, 1973	w.e.f. 01.11.1973
11(2)	KAL Order, 1973	w.e.f. 01.11.1973
25	KAL Order, 1973	w.e.f. 01.11.1973
32	KAL Order, 1973	w.e.f. 01.11.1973

सत्यमेव जयते

THE KARNATAKA PRISONERS ACT, 1963

ARRANGEMENT OF SECTIONS

Statement of Object and Reasons

Sections:

1. Short title, extent and commencement.
2. Definitions.
3. Officers in charge of prisons to detain persons duly committed to their custody.
4. Officers in charge of prisons to return writs, etc., after execution or discharge.
5. Power for officers in-charge of prisons to give effect to sentences of certain courts.
6. Warrant of officer of such court to be sufficient authority.
7. Procedure where officer in-charge of prison doubts the legality of warrant sent to him for execution.
8. Removal of prisoners.
9. Lunatic prisoners how to be dealt with.
10. Appointment of places for confinement of persons under sentence of imprisonment for life and removal thereto.
11. Release on recognizance by order of High Court, of prisoner recommended for pardon.
12. Repeal and savings.

* * * * *

STATEMENT OF OBJECTS AND REASONS

Act 25 of 1964.- There are at present four different sets of laws in several integrated areas of the State, as noted below, for the execution of various types of punishments awarded by Courts:-

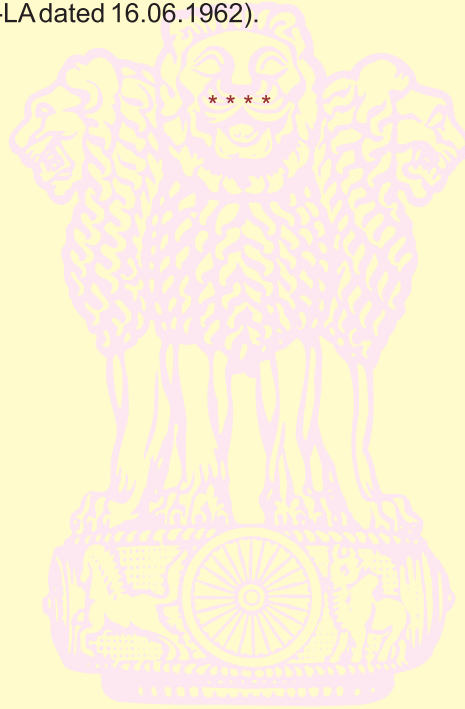
1. The Prisoners Act, 1900 (Central Act III of 1900), as in force in the Bombay Area, Madras Area, and the Coorg District;
2. The Hyderabad Prisoners Act, 1954 (Hyderabad Act XXV of 1954), as in force in the Hyderabad Area;
3. The Mysore Transfer of Prisoners Act, 1954 (Mysore Act XXX of 1954), as in force in the Mysore Area;

4. Section 57-A of the Mysore Prisons Act, 1943 (Mysore Act XLIV of 1943), as adapted by the Mysore Adaptation of Laws Order, 1956, as in force in the Mysore Area.

It is considered necessary to have a uniform law for the execution of various types of punishments awarded by Courts, as applicable to the entire State of new Mysore.

This Bill is accordingly brought forward.

(Published in the Karnataka Gazette, Part IV-2A, dated 21st June 1962, (Notification No.4317-LA dated 16.06.1962).



सत्यमेव जयते

¹[KARNATAKA ACT]¹ No. 25 OF 1964

(First published in the ¹[Karnataka Gazette]¹ on the Twenty-fifth day of June, 1964.)

THE ¹[KARNATAKA]¹ PRISONERS ACT, 1963

(Received the assent of the President on the Fourteenth day of May, 1964.)

An Act to make certain provisions relating to prisoners confined by order of a court in the ¹[State of Karnataka]¹.

WHEREAS it is expedient to make certain provisions relating to prisoners confined by order of a court in the ¹[State of Karnataka]¹;

BE it enacted by the ¹[Karnataka State]¹ Legislature in the Fourteenth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the ¹[Karnataka]¹ Prisoners Act, 1963.

(2) It shall extend to the whole of the ¹[State of Karnataka]¹;

(3) It shall come into force on such ²[date]² as the State Government may, by notification, appoint.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

2. Notification bringing the Act into force is not available.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) "court" includes any officer lawfully exercising civil, criminal or revenue jurisdiction;

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

(c) "prison" includes any place which has been declared by the State Government, by general or special order, to be a subsidiary jail.

(2) In sections 5 to 9 (both inclusive), references to prisons or to imprisonment or confinement shall be construed as referring also to reformatories, Borstal institutions, junior and senior certified schools and other institutions of like nature, or to detention therein.

3. Officers in charge of prisons to detain persons duly committed to their custody.—The Officer in-charge of a prison shall receive and detain all persons duly committed to his custody under this Act or otherwise, by any court, according to the exigency of any writ, warrant or order by which such person has been committed, until such person is discharged or removed in due course of law.

4. Officers in-charge of prisons to return writs, etc., after execution or discharge.—The officer in-charge of a prison shall forthwith, after the execution of every such writ, warrant or order as aforesaid, other than a warrant of commitment for

trial or after discharge of the person committed thereby, return such writ, warrant or order to the court by which the same was issued or made together with a certificate, endorsed thereon and signed by him showing how the same has been executed or why the person committed thereby has been discharged from custody before execution thereof.

5. Power of officers in-charge of prisons to give effect to sentences of certain courts.—Officers in-charge of prisons in the State may give effect to any sentence or warrant or order for the detention of any person passed or issued by any court or tribunal acting, whether within or without the State, under the general or special authority of the Central Government, or of any State Government in India.

6. Warrant of officer of such court to be sufficient authority.—A warrant under the official signature of an officer of such court or tribunal as is referred to in section 5 shall be sufficient authority for holding any person in confinement, or for sending any person for imprisonment for life in pursuance of sentence passed on him.

7. Procedure where officer in-charge of prison doubts the legality of warrant sent to him for execution.—(1) Where an officer in-charge of a prison doubts the legality of a warrant or order sent to him for execution or the competency of the person whose official seal or signature is affixed thereto, to pass the sentence and issue the warrant or order, he shall refer the matter to the State Government and the prisoner shall be dealt with in accordance with such order as the State Government may make on such reference.

(2) Pending orders on a reference made under sub-section (1), the prisoner shall be detained in such manner and with such restrictions and mitigations as may be specified in the warrant or order.

8. Removal of prisoners.—(1) The State Government may, by general or special order, provide for the removal of any person confined in a prison,—

- (a) under a sentence of death, or
- (b) under or in lieu of a sentence of imprisonment for life, or
- (c) in default of payment of a fine, or

(d) in default of giving security for keeping the peace or maintaining good behaviour to any other prison in the ¹[State of Karnataka]¹.

(2) Subject to the orders and under the control of the State Government, the Inspector-General of Prisons may, in like manner, provide for the removal of any prisoner confined as aforesaid in a prison in the ¹[State of Karnataka]¹, to any other prison in the State.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

9. Lunatic prisoners how to be dealt with.—(1) Where it appears to the State Government that any person detained or imprisoned under any order or sentence of

any court is of unsound mind, the State Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a mental hospital or other place of safe custody within the ¹[State of Karnataka]¹, there to be kept and treated as the State Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiry of that term it is certified by a Medical Officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care, or treatment, then until he is discharged according to law.

(2) Where it appears to the State Government that the prisoner has become of sound mind, the State Government shall, by a warrant, directed to the person having charge of the prisoner if still liable to be kept in custody, remand him to the prison from which he was removed or to any other prison within the ¹[State of Karnataka]¹, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3) The provisions of the Indian Lunacy Act, 1912 (Central Act IV of 1912), so far as they can be made applicable, shall apply to every person confined in a mental hospital or other place of safe custody under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a prisoner is confined in a mental hospital or other place of safe custody under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the court to undergo.

(4) In any case in which the State Government is competent under sub-section (1) to order the removal of the prisoner to a mental hospital or other place of safe custody within the ¹[State of Karnataka]¹, the State Government may order his removal to any such hospital or place in any other State by agreement with the Government of such other State; and the provisions of this section respecting the custody, detention, remand, and discharge of a prisoner removed under sub-section (1) shall, so far they can be made applicable, apply to a prisoner removed under this sub-section.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f.
1.11.1973

10. Appointment of places for confinement of persons under sentence of imprisonment for life and removal thereto.—(1) The State Government may appoint places within the ¹[State of Karnataka]¹ to which persons under sentence of imprisonment for life shall be sent; and the State Government or any officer duly authorised in this behalf by the State Government shall give orders for the removal of such person to the place so appointed, except when sentence of imprisonment for life is passed on a person already undergoing imprisonment for life under a sentence previously passed for another offence.

(2) In any case in which the State Government is competent under sub-section (1) to appoint places within the State and to order the removal thereto of persons under

sentence of imprisonment for life, the State Government may appoint such places in any other State by agreement with the Government of such State and may, by like agreement, give orders or duly authorise any officer to give orders for the removal thereto of such persons.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

11. Release on recognizance by order of High Court, of prisoner recommended for pardon.—The High Court may, in any case in which it has recommended to the State Government, the granting of a free pardon to any prisoner, permit him to be at liberty on his own recognizance.

12. Repeal and savings.—The Prisoners Act, 1900 (Central Act III of 1900), as in force in the ¹[Belgaum Area]¹, the ¹[Mangalore and Kollegal Area]¹ and in the Coorg District, the Hyderabad Prisoners Act, 1954 (Hyderabad Act XXV of 1954), as in force in the ¹[Gulbarga Area]¹, and the Mysore Transfer of Prisoners Act, 1954 (Mysore Act XXX of 1954), and section 57-A of the Mysore Prisons Act, 1943 (Mysore Act XLIV of 1943), as adapted by the Mysore Adaptation of Laws Order, 1956, as in force in the Mysore Area, are hereby repealed:

Provided that section 6 of the ¹[Karnataka]¹ General Clauses Act, 1899 ¹[Karnataka]¹ Act III of 1899), shall be applicable in respect of such repeal and section 8 and section 24 of the said Act shall be applicable as if the said enactments had been repealed and re-enacted by this Act.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973



**THE KARNATAKA PREVENTION OF COW SLAUGHTER AND CATTLE
PRESERVATION ACT, 1964****ARRANGEMENT OF SECTIONS**

Statement of Object and Reasons

Sections:

1. Short title, extent and commencement.
2. Definitions.
3. Appointment of competent authority.
4. Prohibition of slaughter of cow or calf of she-buffalo.
5. Prohibition against slaughter of animals without certificate from competent authority.
6. Power of revision.
7. Slaughter to be in places specified.
8. Restriction on transport of animal or cow for slaughter.
9. Prohibition of sale, purchase or disposal of cow or calf of she-buffalo for slaughter.
10. Power to enter and inspect.
11. Penalties.
12. Offences under the Act to be cognizable.
13. Abetment.
14. Persons exercising powers under the Act deemed to be public servants.
15. Protection of persons acting in good faith.
16. Exemptions.
17. Delegation of powers.
18. Establishment of institutions for taking care of cows or other animals.
19. Power to make rules.
20. Repeal.

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STATEMENTS OF OBJECTS AND REASONS

I

Act 35 of 1964.—The laws regulating preservation of animals in force in the State of Mysore are, the Mysore Prevention of Cow Slaughter Act, 1948, in force in the Mysore Area, and the Bombay Animal Preservation Act, 1954, in force in the Bombay Area. Under section 2 of the Mysore Act, "cow" is defined to include bull, bullock,

buffalo, and calf, and section 3 of the Act imposes a ban on the slaughter of cows except when certified by a qualified veterinarian to be affected with rabis. In view of the decision of the Supreme Court in "Mohammed Hanif Quareshi vs. the State of Bihar" and of the decision of the Mysore High Court in "Quareshi and others vs. the State of Mysore", it is considered necessary to have a uniform law for the whole State in conformity with those decisions.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A dated 20th November 1963 as No. 144 at page. 9.)

II

Amending Act 24 of 1966.—Section 16 of the Mysore Prevention of Cow Slaughter and Cattle Preservation Act, 1964, lays down that the Act shall not apply to any cow or animal operated upon for vaccine lymph, serum or for any experimental or research purpose, or any cow or animal, slaughter of which is certified by a Veterinary Officer to be necessary in the interest of the public health, or which is suffering from any disease which is certified by a Veterinary Officer as being contagious and dangerous to other animals. The Government of India have stated that the regulations for the Army contain provisions for the destruction of Army cattle when they have been certified by a Veterinary Officer as suffering from an incurable disease or injury. They have requested that in order to enable destruction of such animals suitable provision may be made in the Mysore Act.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 21st July 1966 as No. 122 at page. 3.)

III

Amending Act 26 of 1975.—Under clause (c) of section 16 of the Act a cow or animal belonging to the Central Government in the Ministry of Defence, slaughter of which is certified by a Veterinary Officer of the Indian Army to be necessary on the ground that it is suffering from incurable disease or injury is exempt from the provisions of the Act. It is considered that similar exemption should also be made applicable in the case of slaughter of a cow or animal certified by a Veterinary Officer authorised by State Government as one suffering from an incurable disease or injury.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 26th February 1973 as No. 178 at page. 3.)

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¹[KARNATAKA]¹ ACT No. 35 OF 1964

(First published in the ¹[Karnataka Gazette]¹ on the Twenty-seventh day of August, 1964.)

THE ¹[KARNATAKA]¹ PREVENTION OF COW SLAUGHTER AND CATTLE PRESERVATION ACT, 1964.

(Received the assent of the President on the Fourteenth day of August, 1964.)

(As amended by Karnataka Acts 24 of 1966 , 26 of 1975)

An Act to provide for the prevention of slaughter of cows, calves of cows and calves of she-buffaloes and for the preservation of other cattle in the State.

WHEREAS it is expedient to provide for the prevention of slaughter of cows, calves of cows and calves of she-buffaloes and for the preservation of other cattle in the State;

BE it enacted by the ¹[Karnataka State]¹ Legislature in the Fifteenth Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

1. Short title, extent and commencement.—(1) This Act may be called the ¹[Karnataka]¹ Prevention of Cow Slaughter and Cattle Preservation Act, 1964.

(2) It shall extend to the whole of the ¹[State of Karnataka]¹.

(3) It shall come into force at once.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

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

(i) "animal" means bull, bullock, buffalo-male or female, or calf of she-buffalo whether male or female;

(ii) "competent authority" means a person or a body of persons appointed to perform the functions of a competent authority under this Act;

(iii) "cow" includes calf of a cow, whether male or female;

(iv) "notification" means a notification published in the official Gazette; and

(v) "prescribed" means prescribed by rules made under this Act.

3. Appointment of competent authority.—The State Government may, by notification, appoint a person or a body of persons to perform the functions of a competent authority under this Act for such local area as may be specified in such notification.

4. Prohibition of slaughter of cow or calf of she-buffalo.—Notwithstanding any law, custom, or usage to the contrary, no person shall slaughter or cause to be

slaughtered, or offer or cause to be offered for slaughter or otherwise intentionally kill or offer or cause to be offered for killing any cow or calf of she-buffalo.

5. Prohibition against slaughter of animals without certificate from competent authority.—(1) Notwithstanding any law, custom, or usage to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any animal, other than a calf of she-buffalo, unless he has obtained in respect of such animal a certificate in writing from the competent authority appointed for the area that the animal is fit for slaughter.

(2) A certificate under sub-section (1) shall be granted by the competent authority, after it has, for reasons to be recorded in writing, certified that,—

(a) the animal is over the age of twelve years; or

(b) the animal has become permanently incapacitated for breeding, draught or giving milk due to injury, deformity or any other cause.

(3) No certificate under sub-section (1) shall be granted if the animal is suffering from any disease which makes its meat unwholesome for human consumption.

(4) A certificate under this section shall be granted in such form and on payment of such fee as may be prescribed.

6. Power of revision.—(1) The State Government may, at any time, for the purpose of satisfying itself as to the legality or propriety of any order passed by a competent authority, granting or refusing to grant any certificate under section 5, call for and examine the records of the case and may pass such order in reference thereto as it thinks fit.

(2) Subject to the provisions of sub-section (1) any order passed by the competent authority granting or refusing to grant a certificate, and any order passed by the State Government under sub-section (1), shall be final and shall not be called in question in any court.

7. Slaughter to be in places specified.—No animal in respect of which a certificate has been granted under section 5, shall be slaughtered in any place other than a place specified by such authority or officer as the State Government may appoint in this behalf.

8. Restriction on transport of animal or cow for slaughter.—No person shall transport or offer for transport or cause to be transported any animal or cow from any place within the State to any place outside the State, for the purpose of its slaughter in contravention of the provisions of this Act or with the knowledge that it will be or is likely to be, so slaughtered.

9. Prohibition of sale, purchase or disposal of cow or calf of she-buffalo for slaughter.—No person shall purchase, sell or otherwise dispose of or offer to

purchase, sell or otherwise dispose of or cause to be purchased, sold or otherwise disposed of, cows or calves of she-buffaloes for slaughter or knowing or having reason to believe that such cattle shall be slaughtered.

10. Power to enter and inspect.—(1) For the purposes of this Act, the competent authority or any person authorised in this behalf by the competent authority (hereinafter referred to as the "authorised person") shall have power to enter and inspect any premises where the competent authority or the authorised person has reason to believe that an offence under this Act has been or is likely to be committed.

(2) Every person in occupation of any such premises shall allow the competent authority or the authorised person such access to the premises as may be necessary for the aforesaid purpose and shall answer to the best of his knowledge and belief any questions put to him by the competent authority or by the authorised person.

11. Penalties.—Whoever contravenes any of the provisions of this Act, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

12. Offences under the Act to be cognizable.—All offences under this Act, shall be cognizable.

13. Abetment.—Whoever abets any offence punishable under this Act or attempts to commit any such offence, shall be punished with the punishment provided in this Act for such offence.

14. Persons exercising powers under the Act deemed to be public servants.—All persons exercising powers under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

15. Protection of persons acting in good faith.—No suit, prosecution or other legal proceedings shall be instituted against the competent authority or any person exercising powers under this Act for anything which is in good faith done or intended to be done under this Act or the rule made thereunder.

16. Exemptions.—Subject to such conditions as may be prescribed, this Act shall not apply to,—

(a) any cow or animal operated upon for vaccine lymph, serum or for any experimental or research purpose at an institution established, conducted or recognised by the State Government; or

(b) any cow or animal,—

(i) slaughter of which is certified by a Veterinary Officer authorised by the State Government, to be necessary in the interest of the public health;

(ii) which is suffering from any disease which is certified by a Veterinary Officer authorised by the State Government as being contagious and dangerous to other

animals.

¹[(c) any cow or animal, slaughter of which is certified to be necessary on the ground that it is suffering from an incurable disease or injury,—

(i) in the case of a cow or animal belonging to the Central Government in the Ministry of Defence, by a Veterinary Officer of the Indian Army;

(ii) in the case of any other cow or animal, by a Veterinary Officer authorised by the State Government.]¹

1. Substituted by Act 26 of 1975 w.e.f. 5.6.1975

17. Delegation of powers.—The State Government may, by notification, delegate,—

(i) to any local authority, its powers and functions under section 3, within the local area subject to the jurisdiction of such local authority;

(ii) to any officer of the State Government its powers and functions under sub-section (1) of section 6.

18. Establishment of institutions for taking care of cows or other animals.—(1) The State Government may establish, or direct any local authority or society registered under the ¹[Karnataka]¹ Societies Registration Act, 1960, or any association or body of persons to establish institutions at such places as may be deemed necessary for taking care of cows or other animals sent thereto.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

(2) The State Government may provide by rules for the proper management of such institutions for the care of cows or other animals therein and also for the class or variety of cows or other animals that may be admitted herein.

(3) The State Government or subject to the previous sanction of the State Government, the local authority, society or body of persons or association establishing an institution under sub-section (1), may levy such fees as may be prescribed for the maintenance of such institutions.

19. Power to make rules.—(1) The State Government may by notification, after previous publication, 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,—

(a) the powers and duties of competent authority, in addition to those provided in this Act;

(b) the form of the certificate under section 5;

(c) the amount of the fee to be paid under section 5;

(d) the conditions subject to which this Act shall not apply to any animal under section 16;

(e) the management of Institutions established under section 18 and the fee to be levied for their maintenance; and

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

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

20. Repeal.—The Bombay Animal Preservation Act, 1954 (Bombay Act LXXII of 1954), the Bombay Essential Commodities and Cattle (Control) Act, 1946 (Bombay Act XXII of 1946) and the Mysore Prevention of Cow Slaughter Act, 1948 (Mysore Act L of 1948) are hereby repealed: Provided that section 6 of the ¹[Karnataka]¹ General Clauses Act, 1899 (¹[Karnataka]¹ Act III of 1899) shall be applicable in respect of such repeal and sections 8 and 24 of the said Act shall be applicable as if the said enactments had been repealed and re-enacted by this Act.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

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सत्यमेव जयते

THE BANGALORE WATER SUPPLY AND SEWERAGE ACT, 1964

ARRANGEMENT OF SECTIONS

Statement of Objects and Reasons: Sections :

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SCHEDULE.

Summary of Amendments

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STATEMENTS OF OBJECTS AND REASONS

I

Act 36 of 1964.—At present the Head-works and the Rising Main of the Bangalore Water Supply Scheme are under the control of Government while the distribution of water is under the control of the Bangalore Municipal Corporation. The present water supply being inadequate, Government have sanctioned the Cauvery Water Supply Scheme at an estimated cost of Rs. 26 crores. It will be necessary to change the present distribution system wherever necessary to suit the proposed water supply. As the supply of water from the new scheme will be adequate, it will be necessary to improve the present underground drainage system to make use of the water to the maximum extent. It is, therefore, necessary to entrust the administration of water supply and sewerage to the same Authority. The World Bank Authorities who will be financing the Water Supply Scheme have desired that the administration of both the Water Supply and Drainage in Bangalore be entrusted to an independent and autonomous body. The proposed Board will be solely in charge of the Water Supply and Underground drainage in Bangalore. The present Bill provides for constitution of Water Supply and Sewerage Board for Bangalore.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 25th June 1964 as No. 166 at page. 86.)

II

Amending Act 6 of 1966.—At present the Bangalore Water Supply and Sewerage Board maintains the water supply and sewerage system in Bangalore and it will shortly embark upon large scale developments in connection with the long range Water Supply and Sewerage Project involving very heavy financial commitments. In order to effectively carry out the functions and responsibilities entrusted to it, the Board will have to be given a larger measures of autonomy than is now contemplated by the Bangalore Water Supply and Sewerage Act, 1964. It is also considered that the accounting system of the Board should be based on commercial principles in order to provide information required by an undertaking of this character, with provision for depreciation as a charge against revenues every year. Statutory provision is necessary to enable the Board to pay to Government interest on the value of the assets transferred to it by the Government. Certain other minor amendments to improve the working of the Board are also found desirable.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 12th October 1965 as No. 192A at page. 14.)

III

Amending Act 10 of 1966.—It is considered necessary to amend the Bruhat Bangalore Mahanagara Municipal Bruhat Bangalore Mahanagara Palike Act, 1949, in certain respects, in order to afford more amenities to the public, to augment the resources of the corporation and to streamline the administration of the Bruhat Bangalore Mahanagara Palike by avoiding delays.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 23rd February 1966 as No. 30 at page. 18.)

IV

Amending Act 18 of 1984.—The Public Accounts Committee has suggested that in order to have better financial control and with a view to further streamline its accounts procedures, the audit of the Bangalore Water Supply and Sewerage Board could be entrusted to the Comptroller and Auditor General of India, Accordingly section 25 of the Bangalore Water Supply and Sewerage Board Act is proposed to be amended, empowering Government to appoint auditors of its choice.

Section 32 of the Act provides for supply of water for domestic purposes. Section 33 specifies that the supply of water for flushing latrines or drains and for all baths other than swimming baths or public baths shall be deemed to include the supply of water for domestic purposes. Section 35 provides for supply of water for non-domestic purposes. The water that is being supplied to hotels in Bangalore City are charged at the rates prescribed for non-domestic purposes. Hence in writ petitions Nos. 6160 of 1974 and others filed by some hotels, the Hon'ble High Court of Karnataka had directed the Board to determine the percentage of water utilised for domestic and non-domestic purposes respectively, in respect of each of the petitioners' establishments from the date of the writ petition. Since the hotels are being run on commercial lines, it is necessary that the entire water supply should be charged at the non-domestic rates and to validate the collections already made at these rates.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 18th January 1984 as No. 48 at page. 4.)

V

Amending Act 19 of 2009.— It is considered necessary to provide for making it mandatory to build rainwater harvesting structure by households in order to preserve

the groundwater by amending the Bangalore Water Supply and Sewerage Act, 1964. Hence the Bill. (LA Bill No.27 of 2009, File No. DPAL 6 Shasana 2009) [Entry 5 and 17 of List II of the Seventh Schedule to the Constitution of India.]

VI

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.]

VII

Amending Act 32 of 2010.- In Government Order No.UDD 27 MNI 2000, dated:26-12-2003, Water Supply and Sewerage Project was sanctioned for implementation in seven city municipal councils of Bommanahalli, Byatarayanapura, K.R.Puram, Mahadevapura, Rajarajeshwari Nagara, Dasarahalli, Yelahanka and one

town municipal council of Kengeri of the Bangalore Metropolitan Area, at a total cost of Rs.658.65 crores.

In Govt. order No.UDD 36 MNI 2004, dated:13-02-2004 the structure for the collection of beneficiary capital contribution from different categories of properties in the 7 CMC's and one TMC under reference has been approved. It has also been ordered that the Beneficiary capital contribution collected by the Urban Local Bodies should be kept in greater Bangalore water supply and sanitation policy, beneficiary capital account to be held jointly by the concerned Urban Local Bodies and Karnataka Urban infrastructure Development Finance Bruhat Bangalore Mahanagara Palike for further transfer to the Bangalore Water Supply and Sewerage Board.

But, this Government order was challenged by a petitioner in writ petition No. 322/2008 in the High Court of Karnataka, on the ground that the said Government order to collect beneficiary capital contribution are not supported by Law. Therefore, the Bangalore Water Supply and Sewerage Board was not able to defend the impugned Government orders in the above writ petition.

Therefore, it is considered necessary to amend the Bangalore Water Supply and Sewerage Act, 1964 to provide for empowering the Government to issue directions to the Bangalore Water Supply and Sewerage Board to levy and collect the beneficiary capital contribution through Local bodies towards the water supply and sanitation projects. And also to validate the beneficiary capital contribution collected with effect from 1st January 2003, by the Local authority in accordance with Government order referred above.

Hence the Bill,

[L.A. Bill No. 16 of 2010, File No. DPAL 54 Shasana 2009]

[Entries 17 and 32 of List II of the Seventh Schedule to the Constitution of India.]

VIII

Amending Act 05 of 2011.- It is considered necessary to provide for making it mandatory to build rainwater harvesting structure by households in order to preserve the groundwater by amending the Bangalore Water Supply and Sewerage Act, 1964.

Hence the Bill.

[L.A. Bill No.7 of 2011, File No. Samvyashae 34 Shasana 2010]

[Entries 5 and 32 of List II of the Seventh Schedule to the Constitution of India.]

¹[KARNATAKA]¹ ACT No. 36 OF 1964

(First published in the ¹[Karnataka Gazette]¹ on the Tenth day of September, 1964.)

THE BANGALORE WATER SUPPLY AND SEWERAGE ACT, 1964

(Received the assent of the President on the Twenty-seventh day of August, 1964.)

(As amended by Karnataka Acts 6 of 1966, 10 of 1966, 18 of 1984, 19 of 2009, 15 of 2010, 32 of 2010 and 5 of 2011)

An Act to make provision for water supply, sewerage and sewage disposal in Bangalore Metropolitan area and for matters connected therewith.

WHEREAS it is expedient to make provision for water supply, sewerage and sewage disposal in Bangalore Metropolitan area and for matters connected therewith;

BE it enacted by the ¹[Karnataka State]¹ Legislature in the Fifteenth Year of the Republic of India as follows:—

1. Adopted by the Karnataka Adaptation of laws order 1973 w.e.f. 1.11.1973.

**CHAPTER I
PRELIMINARY**

1. Short title and commencement.—(1) This Act may be called the Bangalore Water Supply and Sewerage Act, 1964.

(2) Chapters I, II, III and VI of this Act shall come into force at once, and Chapter IV and Chapter V of this Act shall respectively come into force on such ¹[dates]¹ as the State Government may by notification in the official Gazette, appoint.

1. Chapter 4 came into force w.e.f. 1.12.1964 and Chapter 5 w.e.f. 2.12.1964.

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

¹[(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;]¹

1. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

(2) 'Board' means the Bangalore Water Supply and Sewerage Board constituted under this Act;

¹[(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;]¹

1. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

¹[(3A) "bye-laws" means bye-laws made by the Board under this Act;]¹

1. Inserted by Act 6 of 1966 w.e.f. 17.3.1966.

(4) 'Chief Engineer' means the officer appointed or authorised by the Board to perform the functions of the Chief Engineer under this Act and includes an officer placed in additional charge of the duties of the Chief Engineer;

¹[(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;]¹

1. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

(6) 'communication pipe' means,—

(a) where the premises supplied with water abut on the part of the street in which the main is laid, and the service pipe enters those premises otherwise than through the outer wall of a building on the street and has a stopcock placed in those premises and as near to the boundary of that street as is reasonably practicable, so much of the service pipe as lies between the main and that stopcock;

(b) in any other case, so much of the service pipe as lies between the main and the boundary of the street in which the main is laid, and includes the ferrule at the junction of the service pipe with the main, and also,—

(i) where the communication pipe ends at a stopcock, that stopcock; and

(ii) any stopcock fitted on the communication pipe between the end thereof and the main;

¹[(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.]¹

1. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

(8) 'drain' includes sewer, tunnel, a culvert, a ditch, a channel and any other device for carrying off sewage, offensive matter, polluted water, waste water, rain water or sub-soil water;

¹[(8a) 'Mahanagara Palike' means the Bruhat Bangalore Mahanagara Palike;]¹

1. Inserted by Act 15 of 2010 w.e.f. 16.04.2010.

(9) 'land' includes benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by law over any street;

(10) 'licensed plumber' means a person licensed under the provisions of this Act as a plumber;

(11) 'main' means a pipe laid '[x x x]'¹ for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe;

1. Omitted by Act 6 of 1966 w.e.f. 17.3.1966.

(12) 'notification' means a notification published in the official Gazette;

(13) 'occupier' includes,—

(a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;

(b) an owner in occupation of, or otherwise using his land or building;

(c) a rent-free tenant of any land or building;

(d) a licensee in occupation of any land or building; and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(14) 'owner' includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building whether on his own account or on account of himself and others or as an agent, trustee, guardian or receiver for any other person or who should so receive the rent or be entitled to receive it if the land or building or part thereof were let to a tenant;

(15) '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 thereof;

(16) 'prescribed' means prescribed by rules or regulations as the case may be made under this Act;

(17) 'prescribed officer' means the officer prescribed by regulations made under this Act;

¹ [(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;]¹

1. Inserted by Act 15 of 2010 w.e.f. 16.04.2010.

(18) 'regulations' means regulations made by the Board under this Act;

(19) 'rules' means rules made by the State Government under this Act;

(20) 'Sanitary Engineer' means the officer appointed by the Board to be the Sanitary Engineer and includes any officer placed in additional charge of the duties of the Sanitary Engineer;

(21) 'service pipe' means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main, or would be so subject but for the closing of some tap;

(22) 'sewage' means night soil and other contents of latrines, urinals, cesspools or drains, and polluted water from sinks, bathrooms, stables, cattle sheds and other like places, and includes trade effluents and discharges from manufactories of all kinds;

(23) 'sewer' means a closed conduit for carrying off sewage, offensive matter, polluted water, waste water or sub-soil water;

(24) 'shed' means a slight or temporary structure for shade or shelter;

(25) 'street' includes any way, road, lane, square, court, alley, gully, passage, whether a throughfare or not and whether built upon or not, over which the public have a right of way and also the roadway or footway over any bridge or causeway;

(26) 'supply pipe' means so much of any service pipe as is not a communication pipe;

(27) 'trade effluent' means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of any trade or industry carried on at trade premises, and in relation to any trade premises means any such liquid as aforesaid which is so produced in the course of any trade industry carried on at those premises, but does not include domestic sewage;

(28) 'trade premises' means any premises used or intended to be used for carrying on any trade or industry;

(29) 'trade refuse' means the refuse of any trade or industry;

(30) 'trunk main' means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk from one part of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk;

(31) 'vehicle' includes a carriage, cart, van, dray, truck, hand-cart, bicycle, cycle-rikshaw, auto-rikshaw, motor vehicle and every wheeled conveyance which is used or is capable of being used on a street;

(32) 'water course' includes any river, stream or channel whether natural or artificial;

(33) 'water fittings' includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water;

(34) 'Water-Supply Engineer' means the officer appointed by the Board to be the Water-Supply Engineer, and includes any officer placed in additional charge of the duties of the Water Supply Engineer;

(35) 'water works' includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, water trucks, sluices, mains, pipes, culverts, hydrants, stand pipes and conduits and all lands, buildings, machinery, bridges and things used for, or intended for the purpose of, supplying water.

CHAPTER II

ESTABLISHMENT OF THE BOARD

3. Constitution and composition of the Bangalore Water Supply and Sewerage Board.—(1) The State Government shall as soon as may be after the commencement of this Chapter, constitute by notification in the official Gazette a Board by the name of "The Bangalore Water Supply and Sewerage Board".

¹[(2) The Board shall consist of not less than three and not more than nine members appointed by the State Government.]¹

1. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

(3) Of the members,—

(a) one shall be a person who has experience of, and has shown capacity in commercial matters and administration;

(b) ²[two]² shall be ¹[a person with wide experience of civil engineering works preferably in the field of public health engineering with reference to water supply, sewerage and sewage disposal and industrial wastes]¹; and

1. Substituted by Act 6 of 1966 w.e.f. 17.3.1966.

2. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

(c) one shall be a person who has experience of accounting and financial matters in a public utility undertaking, preferably a water supply or sewage disposal undertaking.

(4) One of the members possessing any of the qualifications specified in sub-section (3) shall be appointed by the State Government to be the Chairman of the Board.

¹[(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.]¹

1. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

(6) No act done by the Board shall be called in question on the ground only of the existence of any vacancy in, or defect in the constitution of, the Board.

4. Term of office and conditions for re-appointment of members of Board.—The Chairman and other members of the Board shall hold office for such period, and shall be eligible for re-appointment under such conditions, as may be prescribed by the rules.

5. [Disqualification for becoming a member of the Board.]¹—¹[(1) A person shall be disqualified for being appointed as a member of the Board, and for being a member thereof, if, save as hereinafter provided, he has directly or indirectly by himself or his partner any share or interest in any work done by order of the Board or in any contract or employment with, or under, or by, or on behalf of, the Board.]¹

1. Substituted by Act 6 of 1966 w.e.f. 17.3.1966.

(2) Nothing contained in sub-section (1) shall prevent a member from acquiring or holding any share or interest in any firm or company¹[x x x]¹:

1. Omitted by Act 6 of 1966 w.e.f. 17.3.1966.

Provided that if the Board has entered into, or is about to enter into any contract or agreement with any such firm or company in which a member holds any share or interest, he shall disclose the fact and nature of such interest and he shall not be entitled to vote on any decision of the Board relating to such contract or agreement.

(3) A disclosure referred to in the proviso to sub-section (2) shall forthwith be recorded in the minutes of the Board and communicated to the State Government and the State Government may thereupon give such directions as it may deem proper.

6. Removal or suspension of members.—(1) The State Government may suspend from office for such period as it thinks fit or remove from office any member of the Board who,—

(a) is of unsound mind and stands so declared by a competent court; or

(b) is an undischarged insolvent; or

¹[(c) becomes subject to any disqualification specified in sub-section (1) of section 5.]¹

1. Substituted by Act 6 of 1966 w.e.f. 17.3.1966.

(d) becomes or seeks to become a member of Parliament or any State Legislature or any local authority; or

(e) in the opinion of the State Government,—

- (i) has refused to act; or
- (ii) has become incapable of acting; or
- (iii) has so abused his position as a member as to render his continuance on the Board detrimental to the interests of the general public; or
- (iv) is otherwise unfit to continue as a member; or
- (f) is convicted of an offence involving moral turpitude.

(2) The State Government may suspend any member pending an inquiry against him.

(3) No order of removal shall be made under this section unless the member concerned has been given an opportunity to submit his explanation to the State Government and when such order is passed, the seat of the member removed shall become vacant and another member may be appointed under section 3 to fill up the vacancy.

(4) A member who has been removed shall not be eligible for re-appointment as member or in any other capacity to the Board.

(5) If the Board fails to carry out its functions, or refuses or fails to follow 1[the directions issued by the State Government under section 89]1, the State Government may remove the Chairman and the members of the Board and appoint a Chairman and members in their places.

7. Power of State Government to declare certain transactions void.—(1) The State Government may declare void any transaction in connection with which a member has been removed under 1[x x x]1 clause (e) of sub-section (1) of section 6 after considering the report on the facts of the case made to it by a District Judge nominated by it in this behalf.

1. Omitted by Act 6 of 1966 w.e.f. 17.3.1966.

(2) A District Judge nominated under sub-section (1) shall, before making his report under that sub-section to the State Government in relation to any transaction, give all parties interested in the transaction a reasonable opportunity of being heard.

(3) Where a transaction is declared void under this section it shall not be enforceable by any party to the transaction but the provisions of section 65 of the Indian Contract Act, 1872, shall, so far as may be, apply to such transaction as they apply to an agreement which is discovered to be void or a contract which becomes void.

(4) The decision of the State Government declaring any transaction void under this section shall be final and shall not be called in question in any Court.

8. Temporary absence of members.—If the Chairman or any other member of the Board is by infirmity or otherwise rendered temporarily incapable of carrying out

his duties or is absent on leave or otherwise in circumstances not involving the vacation of his appointment, the State Government may appoint another person to officiate for him and carry out his functions under this Act or any rule or regulation made thereunder.

9. Incorporation of Board.—(1) The Board shall be a body corporate having perpetual succession and a common seal, with power subject to the provisions of this Act and the rules made thereunder, to acquire and hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

(2) For the purposes of this Act and the Land Acquisition Act, 1894, the Board shall be deemed to be a local authority.

10. Authentication of orders and other instruments of the Board.—All orders and decisions of the Board shall be authenticated by the signature of the Chairman or any other member authorised by the Board in this behalf and all other instruments issued by the Board shall be authenticated by the signature of such member or officer of the Board as may in like manner be authorised in this behalf.

11. Meetings of the Board.—(1) The Board shall hold ordinary meetings at such intervals as may be provided in the regulations; and a meeting may be convened by the Chairman at any other time for the transaction of urgent business.

(2) The number of members necessary to constitute a quorum at a meeting shall be such as may be provided in the regulations.

¹[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.]¹

1. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

13. Appointment of ¹[consultants]¹.—The Board may, subject to such conditions as may be prescribed by ¹[regulations]¹, from time to time, appoint qualified persons to be ¹[consultants]¹ to the Board and pay them such remuneration as it thinks proper.

1. Substituted by Act 6 of 1966 w.e.f. 17.3.1966.

14. Consultative Committee.—(1) The State Government shall constitute a Consultative Committee consisting of members of the Board and such other persons being not less than three and not more than nine as the State Government may appoint after consultation with such representatives or bodies representative of the following interests as the State Government thinks fit, that is to say, the Municipal

Bruhat Bangalore Mahanagara Palike of the Bruhat Bangalore Mahanagara, the Bangalore City Improvement Trust Board and consumers of water.

(2) The Chairman of the Board shall be ex-officio Chairman of the Consultative Committee.

(3) The Consultative Committee shall meet at least once in every three months.

(4) The functions of the Consultative Committee shall be as follows:—

- (i) to advise the Board on major questions of policy and major schemes;
- (ii) to review the progress and the work of the Board from time to time;
- (iii) to consider such other matters as the Board may place before it; and
- (iv) to consider such matters as the State Government may by rules prescribe.

(5) The Board shall place before the Consultative Committee the annual financial statement and supplementary statement, if any, before submitting such statement to the State Government under section 17 together with copies of the report and proceedings.

15. General duties of the Board.—(1) The Board shall be charged with the general duty of providing a supply and improving the existing supply of water in the Bangalore Metropolitan Area and of making adequate provision for the sewerage and the disposal of the sewage in the Bangalore Metropolitan Area and for the efficient discharge of such duty the Board shall exercise such powers and perform such functions as are conferred or imposed by or under this Act.

(2) Without prejudice to the provisions of sub-section (1), it shall be the duty of the Board to take steps from time to time,—

(a) for ascertaining the sufficiency and wholesomeness of water supplies within the Bangalore Metropolitan Area;

(b) for preparing and carrying out schemes ¹[x x x]¹ for the supply of wholesome water for domestic purposes within the Bangalore Metropolitan Area;

1. Omitted by Act 6 of 1966 w.e.f. 17.3.1966.

(c) for preparing and carrying out schemes ¹[x x x]¹, for the proper sewerage of, and the disposal of the sewage of, the Bangalore Metropolitan Area.

1. Omitted by Act 6 of 1966 w.e.f. 17.3.1966.

¹[Provided that no scheme under clause (b) or (c) estimated to cost more than a crore of rupees shall be carried out by the Board except with the approval of the State Government.]¹

1. Inserted by Act 6 of 1966 w.e.f. 17.3.1966.

(3) A scheme under clause (b) of sub-section (2) shall inter alia make provision,—

(a) for a supply of wholesome water in pipes to every part of the Bangalore Metropolitan Area in which there are houses, for the domestic purposes of the occupants thereof, and for taking the pipes affording that supply to such point or points as will enable the houses to be connected thereto at a reasonable cost, so however, that this clause shall not require the Board to do anything which is not practicable at a reasonable cost or to provide such a supply to any part of the Bangalore Metropolitan Area where such a supply is already available at such point or points aforesaid;

(b) for a supply, as far as possible, of wholesome water otherwise than in pipes in every part of the Bangalore Metropolitan Area in which there are houses, for the domestic purposes of the occupants thereof, and to which it is not practicable to provide a supply in pipes at a reasonable cost, and in which danger to health arises from the insufficiency or unwholesomeness of the existing supply and a public supply is required and can be provided at a reasonable cost, and for securing that such supply is available within a reasonable distance of every house in that part.

(4) If any question arises under clause (a) of sub-section (3) as to whether anything is or is not practicable at a reasonable cost or as to the point or points to which pipes must be taken in order to enable houses to be connected to them at reasonable cost, or under clause (b) of the said sub-section, as to whether a public supply can be provided at a reasonable cost, the State Government shall determine that question and thereupon the Board shall give effect to that determination.

(5) Without prejudice to the provisions of sub-sections (1), (2) and (3), the Board shall, for the purposes of securing, as far as is reasonably practicable, that every house has a sufficient supply of wholesome water for domestic purposes, exercise its powers under this Act of requiring the owners of houses to provide a supply of water thereto.

¹[(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.]¹

1. Inserted by Act 15 of 2010 w.e.f. 16.04.2010.

CHAPTER III THE BOARD'S FINANCE, ACCOUNTS AND AUDIT

¹[16. General principles for Board's finance.— 2 [(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.]²

(2) No part of the revenues of the Board, after meeting the expenses referred to in clauses (a), (b) and (c) of sub-section (1) shall be used to augment the reserves of the Board other than the reserves referred to in sections 24 and 24-A or for the general purposes of the Board including expenses in connection with capital works, other than improvement works.]¹

1. Subsection 1 and 2 Substituted by Act 6 of 1966 w.e.f. 10.9.1964.

2. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

17. Annual financial statement.—(1) In February of each year the Board shall submit to the State Government a statement in the form prescribed by ¹[regulations]¹ of the estimated capital and revenue receipts and expenditure for the ensuing year.

(2) The said statement shall include a statement of the salaries of members, officers and servants of the Board and of such other particulars as may be prescribed by rules.

(3) The State Government shall as soon as may be after receipt of the said statement cause it to be laid on the table of both Houses of the State Legislature; and the said statement shall be open to discussion therein, but shall not be subject to vote.

(4) The Board shall take into consideration any comments made on the said statement in the State Legislature.

(5) The Board may at any time during the year in respect of which a statement under sub-section (1) has been submitted, submit to the State Government a supplementary statement, and all the provisions of this section shall apply to such statement as they apply to the statement under the said sub-section.

18. Restriction on unbudgeted expenditure.—(1) Save where in the opinion of the Board circumstances of extreme urgency have arisen, no sum exceeding ¹[one lakh of rupees]¹ on account of recurring expenditure or exceeding ¹[five lakhs of rupees]¹ on account of non-recurring expenditure shall be expended by the Board in any year of account unless such sum has been included in a statement submitted under sub-section (1) or sub-section (5) of section 17.

1. Substituted by Act 6 of 1966 w.e.f. 17.3.1966.

(2) Where any such sum is expended under circumstances of extreme urgency, a report thereon indicating the source from which it is proposed to meet the expenditure shall be made so soon as practicable to the State Government.

19. Subventions to the Board.—The State Government may, with the approval of the State Legislature from time to time make subventions to the Board for the purposes of this Act on such terms and conditions as the State Government may determine.

20. Loans to the Board.—The State Government may, from time to time, advance loans to the Board on such terms and conditions, not inconsistent with the provisions of this Act, as the State Government may determine.

21. Power of Board to borrow.—¹[(1)The Board shall not borrow any loan without the prior approval of the State Government.]¹

1. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

(2) Rules made by the State Government for the purposes of this section may empower the Board to borrow by the issue of bonds or stocks or otherwise and to make arrangements with bankers.

(3) The maximum amount which the Board may at any time have on loan under sub-section (1) shall be ten crores of rupees, unless the State Government by notification fixes a higher maximum amount.

(4) Stock issued by the Board under this section shall be issued, transferred, dealt with and redeemed in such manner as may be prescribed by rules.

22. Guarantee of loans.—The State Government may guarantee in such manner as it thinks fit the payment of the principal and interest of any loan proposed to be raised by the Board or of either the principal or the interest:

Provided that the State Government shall, so long as any such guarantees are in force, lay before both Houses of the State Legislature in every year during the budget session a statement of the guarantees, if any, given during the current financial year of the State, and an up-to-date account of the total sums, if any, which have been paid out of State revenues by reason of any such guarantees or paid into State revenue towards repayment of any money so paid out.

1[23. x x x]1

1. Omitted by Act 6 of 1966 w.e.f. 17.3.1966.

24. Depreciation reserve.—(1) The Board shall create a depreciation reserve and, 1[x x x]1 shall, at the end of every year, credit to such reserve from its revenue, such amount as would if made annually throughout the preserved period of assets specified in the Table appended to the Schedule to this Act and accumulated at compound interest at the rate of three per cent per annum produce by the end of the prescribed period an amount equal to ninety per cent of the original cost of the assets

after taking into account the sums already written off and set aside in the books of the Board.

1. Omitted by Act 6 of 1966 w.e.f. 17.3.1966.

(2) The amount to be credited every year to the depreciation reserve under sub-section (1) shall consist of the incremental deposit plus interest on the accumulated balance in the reserve:

Provided that the contribution in respect of any asset to the depreciation reserve under this section shall cease at the end of such period as may be prescribed by ¹[regulations]¹ or when the asset ceases to be used by the Board, whichever is earlier:

1. Substituted by Act 6 of 1966 w.e.f. 17.3.1966.

¹[Provisos x x x]¹

1. Omitted by Act 6 of 1966 w.e.f. 17.3.1966.

¹[24A. Improvement reserve.]—The Board shall create a reserve for improvement works and shall, at the end of every year, credit to such reserve from its revenue such percentage of the balance remaining after meeting its operating, maintenance and management expenses and after adequate provision is made for depreciation, taxes, interest and amortization payments on loans and other borrowings as the Board may determine, taking into consideration the improvement works which the Board will have to execute in order to provide adequate water supply and sewage disposal services in the Bangalore Metropolitan Area.

1. Section 24A and 24B inserted by Act 6 of 1966 w.e.f. 10.9.1964.

24B. Payment of interest to Government.—In respect of assets of the Government which vest in the Board by virtue of the provisions of this Act, the Board shall pay interest on the cost of such assets at such rate as may, from time to time, be fixed by the Government in consultation with the Board and such interest shall be deemed to be a part of the expenditure of the Board.]¹

¹[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.]¹

1. Inserted by Act 15 of 2010 w.e.f. 16.04.2010.

25. Accounts and audit.—(1) The Board shall cause proper accounts and other records in relation thereto to be kept, including the proper system of internal check and prepare an annual statement of accounts, including the income and expenditure account and the balance sheet in such form as may be prescribed by ¹[regulations]¹ ²[x x x]².

1. Substituted by Act 6 of 1966 w.e.f. 17.3.1966.

2. Omitted by Act 18 of 1984 w.e.f. 21.4.1984..

(2) The accounts of the Board shall be audited by ¹[such auditors as may be appointed by the Government]¹ and any expenditure incurred ²[x x x]² in connection with such audit shall be payable by the Board ²[x x x]².

1. Substituted by Act 18 of 1984 w.e.f. 21.4.1984.

2. Omitted by Act 18 of 1984 w.e.f. 21.4.1984.

(3) The ¹[auditor appointed by the Government]¹ shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts and in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Board.

1. Substituted by Act 18 of 1984 w.e.f. 21.4.1984.

(4) The accounts of the Board as certified by the ¹[auditor]¹ together with the audit report thereon shall be forwarded annually to the State Government and the State Government may issue such instructions to the Board in respect thereof as it deems fit and the Board shall comply with such instructions.

1. Substituted by Act 18 of 1984 w.e.f. 21.4.1984.

(5) The State Government shall,—

(a) cause the accounts of the Board together with the audit report thereon forwarded to it under sub-section (4) to be laid annually before the State Legislature; and

(b) cause the accounts of the Board to be published in the manner prescribed by ¹[regulations]¹ and make available copies thereof on sale at a reasonable price.

1. Substituted by Act 6 of 1966 w.e.f. 17.3.1966.

CHAPTER IV WATER SUPPLY

26. Vesting of works in Board.—On and from the date of coming into force of this Chapter, all public reservoirs, tanks, cisterns, fountains, wells, pumps, pipes, taps, conduits and other works connected with the supply of water to the ¹[Bangalore Metropolitan Area]¹ including the headworks and reservoirs at Tippagondanahalli and Hesarghatta and the rising mains whether made at the cost of the Government, the Bruhat Bangalore Mahanagara Palike or otherwise and all bridges, buildings, machinery, works, materials and other things connected therewith and all land (not being private property) adjacent and appertaining to the same shall vest in the Board and be subject to its control.

1. Substituted by Act 6 of 1966 w.e.f. 17.3.1966.

27. Construction of water works.—(1) The Board may construct, lay, or erect filtration plants, reservoirs, machinery conduits, pipes or other works in any place in the State for supplying the Bangalore Metropolitan Area with water, and may provide tanks, reservoirs, machinery, mains, fountains and other conveniences within the Bangalore Metropolitan Area for the use of the inhabitants.

(2) The Board may cause existing water works to be maintained and supplied with water or it may close any such works and substitute other such works and may cause them to be maintained and supplied with water.

28. Trespass on water supply premises.—No person shall except with permission duly obtained from the Board or the Water Supply Engineer enter on land vested in the Board along which a conduit or pipe runs or on any premises connected with the water supply.

29. Prohibition of building over water mains.—¹[(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.]¹

1. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

(2) If any building, wall or other structure be so erected or any street be so constructed, the Water Supply Engineer may cause the same to be removed or otherwise dealt with as the Water Supply Engineer deems fit and the expenses thereby incurred shall be paid by the persons contravening the provisions of sub-section (1).

30. Control over house connections.—All house connections, whether within or without the premises to which they belong, with the water-supply mains shall be under the control of the Board, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which they belong, or for the use of which they were constructed, and in conformity with the regulations made in that behalf.

31. Payment to be made for water supplied.—Notwithstanding anything contained in section 127 or any law, contract or other instrument, for all water supplied under this Act, payment shall be made at such rates, at such times and under such conditions as may be specified by regulations, and different rates may be prescribed for supply of water for different purposes.

¹[Provided that where an arrangement has been entered into with the Bruhat Bangalore Mahanagara Palike ² [under the provisions of Karnataka Municipal Corporations Act, 1976,]² water shall be supplied by the Board in accordance with such arrangement to the inhabitants of the City.]¹

1. Inserted by Act 10 of 1966 w.e.f. 31.3.1966.
2. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

32. Private water supply for domestic consumption.—(1) The Water Supply Engineer may, on application by the owner or occupier of any building, arrange, in accordance with the regulations, to supply water thereto for domestic consumption and use.

(2) It shall not be lawful for the owner of any dwelling house which may be constructed or re-constructed after the commencement of this Act to occupy it or cause or permit it to be occupied until he has obtained a certificate from the Board that there is provided within, or within a reasonable distance of the house such supply of wholesome water as appears to the Board to be sufficient for the domestic consumption and use of the inmates of the house.

¹[(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.]¹

1. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

33. Supply of water for domestic purpose not to include any supply for certain specified purposes.—The supply of water for domestic purposes under this Act shall not be deemed to include any supply,—

¹[(a) for any trade, manufacture or business including Hospitals, Nursing homes, Educational Institutions and Community Halls;]¹

1. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

(b) for gardens or for purposes of irrigation;

(c) for building purposes;

(d) for fountains, swimming baths, public baths or tanks or for any ornamental or mechanical purpose;

(e) for animals, where they are kept for sale or hire or for the sale of their produce or any preparation therefrom;

(f) for the consumption and use by the inmates of hotels, boarding houses and residential clubs;

(g) for the consumption and use by the persons resorting to theatres and cinemas;

(h) for constructing or for watering streets; or

(l) for washing vehicles where they are kept for sale or hire; ¹[x x x]¹

1. Omitted by Act 18 of 1984 w.e.f. 1.12.1964.

34. Water supply for domestic purposes not to be used for non-domestic purposes.—No person shall, without the written permission of the Board, use or allow to be used for other than domestic purposes water supplied for domestic purposes.

35. Power to supply water for non-domestic purposes.—(1) The Chief Engineer may, with the sanction of the Board, supply water for any purpose other than a domestic purpose on such terms and conditions consistent with this Act and the regulations made thereunder on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2) When an application under sub-section (1) is received, the Chief Engineer may, subject to such charges and rates as may be fixed by the regulations, lay or allow to be laid the necessary pipes and water fittings of such dimensions and description as may be prescribed by the regulation and may arrange for the supply of water through such pipes and fittings.

36. Supply of water to the Bruhat Bangalore Mahanagara Palike and other local authorities.—The Board may supply water to the Government, Bruhat Bangalore Mahanagara Palike or any other local authority on such terms as to payment and as to the period and the conditions of supply as shall be determined by the Board.

37. Use of water for extinguishing fire.—Water may be used for extinguishing fire without payment.

38. Public water supply.—(1) The Board may, subject to the payment by the Bruhat Bangalore Mahanagara Palike of such charges as the Board may determine, provide gratuitous supply of wholesome water to the public within the Bruhat Bangalore Mahanagara and may, for that purpose, erect public hydrants or other conveniences.

(2) The Water-Supply Engineer may, in consultation with the Commissioner of the Bruhat Bangalore Mahanagara Palike, close a public hydrant or other convenience when it is no longer required for the supply of wholesome water to the public.

39. Power to lay mains.—(1) Notwithstanding anything contained in 1[the Karnataka Municipal Corporations Act, 1976] 1 or any other law for the time being in force, the Board may lay a main whether within or without the local limits of the Bangalore Metropolitan Area,—

- (a) in any street or any land vested in the Government, the Bruhat Bangalore Mahanagara Palike or any other local authority or any Corporation owned or controlled by the Government;
- (b) with the consent of every owner and occupier of any land not forming part of a street, in, over or on that land,

and may, from time to time, inspect, repair, alter or renew or may at any time remove any main so laid whether by virtue of this section or otherwise:

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

1. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

(2) Where the Board, in exercise of the powers under this section, lays a main in, over or on any land not forming part of a street or land referred to in clause (a) of sub-section (1), or inspect, repair, alter, renew or remove a main so laid down in, over or on any such land, it shall pay compensation to every person interested in that land for any damage done to, or injurious affection of that land by reason of the inspection, laying, repair, alteration, renewal or removal of the main.

40. Power to lay service pipes, etc.—(1) The Board may, in any street or any land referred to in clause (a) of sub-section (1) of section 39, whether within or without the local limits of the Bangalore Metropolitan Area, lay such service pipes with such stopcocks and other water fittings as it may deem necessary for supplying water to premises and may, from time to time, inspect, repair, alter or renew and may, at any time, remove any service pipe laid in such street or land whether by virtue of this section or otherwise.

(2) Where a service pipe has been lawfully laid in, over, or on the land not forming part of a street or land referred to in sub-section (1), such officers as the Board may authorise may from time to time enter upon that land and inspect, repair, alter, renew or remove the pipe or lay a new pipe in substitution thereof but shall pay compensation for any damage done in the course of such action.

41. Provision of fire hydrants.—(1) The Water-Supply Engineer shall fix hydrants on water mains (other than trunk mains) at such places as may be most convenient for affording a supply of water for extinguishing any fire which may break out and shall keep in good order and from time to time renew every such hydrant.

(2) To denote the situation of every hydrant placed under this section, letters, marks or figures shall be displayed prominently on some wall, building or other structure near such hydrant.

(3) As soon as any such hydrant is completed, the Water-Supply Engineer shall deposit a key thereof at each place where a public fire engine is kept and in such other places as he deems necessary.

(4) The Board may, at the request and expense of the owner or occupier of any factory, workshop, trade premises or place of business situated in or near a street in which a pipe is laid (and not being a trunk main and being of sufficient dimensions to carry a hydrant), fix on the pipe and keep in good order and from time to time renew

one or more fire hydrants, to be used only for extinguishing fires as near as conveniently may be to that factory, workshop, trade premises or place of business.

(5) The Board shall allow all persons to take water for extinguishing fires from any pipe on which a hydrant is fixed without any payment.

42. Power to require owners of premises to set up pumps, etc.—The owner of every premises connected with the Board water works shall, when so required by the Board, provide a sump and set up electric pumps or other contrivances whereby water may be caused to reach to the top of the top-most storey of such premises.

43. Supply of water.—The Water-Supply Engineer may permit the owner, lessee or occupier of any premises to connect the premises by means of supply pipes for conveying to the premises a supply of water for his domestic purposes from the Board water works subject to the requirements specified in section 44 and the conditions, if any, laid down in the rules made in this behalf.

44. Laying of supply pipes, etc.—(1) An owner, lessee or occupier of any premises, who desires to have a supply of water for his domestic purposes from the Board water works, shall comply with the following requirements, namely:—

(a) he shall give to the Board fourteen days' notice of his intention to lay the necessary supply pipe; and

(b) he shall lay the supply pipe at his own expense, having first obtained, as respects any land not forming part of a street, the consent of the owners or occupiers thereof:

Provided that where any part of the supply pipe is to be laid in a street, he shall not himself break open the street or lay that part of the pipe.

(2) Upon the receipt of such a notice as is referred to in sub-section (1), the Board shall '[if in its opinion there is no objection]¹ lay the necessary communication pipe and any part of the supply pipe which is to be laid in a street and shall connect the communication pipe with the supply pipe.

1. Inserted by Act 6 of 1966 w.e.f. 17.3.1966.

(3) The expenses, reasonably incurred by the Board in executing the work which it is required or authorised by this section to execute, shall be repaid to it by the person by whom the notice was given and may be recovered from such person as an arrear of water rate under this Act:

Provided that if '[the Board considers it necessary to lay]¹ a main in lieu of a supply pipe, the additional cost incurred in laying the main instead of a supply pipe shall be borne by him.

1. Substituted by Act 6 of 1966 w.e.f. 17.3.1966.

(4) Notwithstanding anything contained in the foregoing provisions of this section, the Board may, within a reasonable time after the service of the notice upon him, require the person giving the notice either to pay to it in advance, the cost of the work as estimated by the Board or to give security for payment thereof to its satisfaction.

(5) If any payment made to the Board under sub-section (4) exceeds the expenses which it would be entitled to recover from the person giving the notice, the excess shall be repaid by it and if and so far as those expenses are not covered by the payment, the Board may recover the balance from such person as an arrear of water rate under this Act.

45. Power to require separate service pipes.—(1) The Board may require the provision of a separate service pipe for each of the premises supplied or to be supplied by it with water.

(2) If, in the case of any premises already supplied with water but not having a separate service pipe, the Board gives notice to the owner of the premises requiring the provision of such a pipe, the owner shall, within three months, lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a street, and the Board shall, within fourteen days after the owner has done so, lay so much of the required pipe as will constitute a communication pipe or a supply pipe to be laid in a street and make all necessary communications.

(3) If an owner upon whom a notice has been served under sub-section (2) fails to comply therewith the Board may itself execute the work which the owner was required to execute and recover the expenses reasonably incurred by it in executing the work as an arrear of water rate under this Act.

46. Stopcocks.—(1) On every service pipe laid after the date of coming into force of this Chapter, the Board shall, and on every service pipe laid before such date the Board may fit a stopcock enclosed in a cover box or a pit of such size as may be reasonably necessary.

(2) Every stopcock fitted on a service pipe after the date of coming into force of this Chapter shall be placed in such position as the Board deems most convenient:

Provided that,—

(a) a stopcock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters those premises; and

(b) a stopcock in a street shall be placed as near to the boundary thereof as is reasonably practicable.

47. Power to provide meters.—(1) The Board may provide a water-meter and attach the same to the service pipe in premises connected with Board water works.

¹[(2) The cost of meters, the expense of their installation, and the rent payable for use of meters, shall be such as may be prescribed by regulations, and shall be paid by the owner of the premises.]¹

1. Substituted by Act 6 of 1966 w.e.f. 17.3.1966.

¹[(3) The use, maintenance and testing of meters shall be regulated by bye-laws made in this behalf.]¹

1. Substituted by Act 6 of 1966 w.e.f. 17.3.1966.

48. 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.

49. Prohibition of waste or misuse of water.—(1) No person shall wilfully or negligently cause or suffer any water fitting which he is liable to maintain,—

(a) to be or remain so out of order or so in need of repair, or

(b) to be or remain so constructed or adapted or to be so used,

- that the water supplied to him by the Board is or is likely to be wasted, misused or unduly consumed, or contaminated before use, or that foul air or any impure matter is likely to return into any pipe belonging to, or connected with, a pipe belonging to the Board.

(2) If any water fitting which any person is liable to maintain is in such a condition, or so constructed or adapted as aforesaid, the Board, without prejudice to any action against the person under any other provision of this Act, may require that person to carry out any necessary repairs or alterations and if he fails to do so within forty-eight hours, may itself carry out the work and recover from him the expenses reasonably incurred by it in so doing, as an arrear of water-rates payable under this Act.

50. Power to enter premises to detect waste or misuse of water.—The Water-Supply Engineer or any officer authorised by the Board may, between sunrise and sunset, enter any premises supplied with water by the Board in order to examine if there be any waste or misuse of such water and the Water-Supply Engineer or such officer shall not be refused admittance to the premises nor shall he be obstructed by any person in making his examination.

51. Power to test water fittings.—The Board may test any water fitting used in connection with water supplied by the Board.

52. Water pipes, etc., not to be placed where water will be polluted.—(1) No water pipes shall be laid in a drain or on the surface of an open channel or house gully or within six meters of a cesspool or in any position where the pipe is likely to be injured or the water therein polluted; and except with the approval of the Board no cistern shall be constructed within six meters of a latrine, or cesspool.

(2) No latrine, or cesspool shall be constructed or made within six meters of any water pipe or cistern or in any position where the pipe or cistern is likely to be injured or the water therein polluted.

53. Power to cut off water supply.—(1) The Board may cut off the supply of water from any premises,—

- (a) if the premises are unoccupied;
- (b) if the owner or occupier neglects to comply with any lawful order or requisition regarding water supply issued by the Board within the period specified therein;
- (c) if any charges or any other sum due for water or for the cost of making a connection or the hire of a meter or the cost of carrying out any work or test connected with the water supply which is chargeable to any person by or under this Act is not paid within fifteen days after a bill for such charges or sums has been presented or served;
- (d) if after receipt of a notice from the Board requiring him to refrain from so doing, the owner or occupier continues to use the water or to permit it to be used in contravention of the provisions of this Act or any rule made there-under;
- (e) if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying water;
- (f) if the owner or occupier refuses to admit the Board or any person authorised by it in this behalf into the premises which it or he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connection with the water supply or prevents the Water Supply Engineer or any person authorised by the Board doing such work, from placing or removing such apparatus or making such examination or inquiry;
- (g) if any pipes, taps, works or fittings connected with the water supply are found on examination by the Board or any person authorised by it to be out of repair to such an extent as to cause waste or contamination of water;
- (h) if the owner or occupier causes pipes, taps, works or fittings connected with the Board water supply 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:

Provided that the Board shall not cut off the supply of water unless notice of not less than three days has been given to the owner or occupier of the premises.

¹[(1) 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;]¹

1. Inserted by Act 15 of 2010 w.e.f. 16.04.2010.

(2) (a) The owner and the occupier of the premises shall be jointly and severally liable for the payment of all the sums referred to in clause (c) of sub-section (1).

(b) The sums referred to in clause (a) shall be a charge on the premises.

(3) The expenses of cutting off the supply shall be payable by the owner and occupier of the premises jointly and severally.

(4) In case under clause (c) of sub-section (1) as soon as any money for non-payment of which water has been cut off, together with the expenses of cutting off the supply, has been paid by the owner or occupier, the Board shall cause water to be supplied as before on payment of the cost of re-connecting the premises with the water works.

(5) Action taken under this section against any person shall be without prejudice to any penalties to which he may otherwise be liable.

54. Joint and several liability of owners and occupiers for offence in relation to water supply.—If any offence relating to water supply is committed under this Act on any premises connected with the Board water works, the owner, the person primarily liable for the payment of the charges for water, and the occupiers of the said premises shall be jointly and severally liable for such offence.

55. Non-liability of Board when supply reduced or not made in certain cases.—The Board shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water in the case of unusual drought, other unavoidable cause or accident, or the necessity for relaying or repairing pipes.

56. Rights of user of conduits, lines, etc.—(1) The Board may place and maintain conduits and lines of mains or pipes over, under, along or across any immovable property whether within or without the local limits of the Bangalore Metropolitan Area without acquiring the same, and may at any time for the purpose of examining, repairing, altering or removing any conduits or lines of mains or pipes, enter on any property over, under, along or across which the conduits or lines of mains or pipes have been placed:

Provided that the Board shall not acquire any right other than a right of user in the property over, under, along or across which any conduit or line of mains or pipes is placed.

(2) In the exercise of the powers conferred upon it by this section, the Board shall cause as little damage and inconvenience as may be possible, and shall make full compensation for any damage or inconvenience caused by it.

57. Power of owner of premises to place pipes through land belonging to other persons.—(1) If it appears to the Board that the only or most convenient means of water supply to any premises is by placing or carrying any pipe over, under, along or across the immovable property of another person, it may, by order in writing, authorise the owner of the premises to place or carry such pipe, over, under, along or across such immovable property:

Provided that before making any such order the Board shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be prescribed by regulations made in this behalf as to why the order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such pipe is placed or carried.

(2) Upon the making of an order under sub-section (1), the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe over, under, along or across such immovable property or for the purpose of repairing the same.

(3) In placing or carrying a pipe under this section, as little damage as possible shall be done to the immovable property and the owner of the premises shall,—

- (a) cause the pipe to be placed or carried with the least practicable delay;
- (b) fill in, re-instate and make good at his own cost and with the least practicable delay, and land opened, broken up or removed for the purpose of placing or carrying such pipe; and
- (c) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the placing or carrying of such pipe.

(4) If the owner of the immovable property, over, under, along or across which a pipe has been placed or carried under this section whilst such immovable property was not built upon, desires to erect any building on such property, the Board shall, by notice in writing, require the owner of the premises to close, remove or divert the pipe in such manner as shall be approved by him and to fill in, re-instate and make good the immovable property as if the pipe had not been placed or carried over, under, along or across the same:

Provided that no such requisition shall be made unless in the opinion of the Board it is necessary or expedient for the construction of the proposed building or the safe enjoyment thereof that the pipe should be closed, removed or diverted.

58. Power to execute work after giving notice to the person liable.—(1) When under the provisions of this Chapter any person may be required or is liable to execute

any work, the Board may, in accordance with the provisions of this Act and of any rule or regulation made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by it for this purpose.

(2) The expenses incurred or likely to be incurred by the Board in the execution of any such work shall be payable by the said person and the expenses incurred by the Board in connection with the maintenance of such work shall be payable by the person or persons enjoying the amenities and conveniences rendered possible by such work.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefor as an arrear of charges payable under this Act.

59. Work to be done by licensed plumber.—(1) No person other than a licensed plumber shall execute any work described in this Chapter and no person shall permit any such work to be executed except by a licensed plumber:

Provided that if, in the opinion of the Water Supply Engineer, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(2) Every person who employs a licensed plumber to execute any work shall, when so required, furnish to the Water Supply Engineer the name of such plumber.

(3) When any work is executed except in accordance with the provisions of sub-section (1), such work shall be liable to be dismantled at the discretion of the Board without prejudice to the right of the Board to prosecute under this Act the person at whose instance such work has been executed.

(4) The Board may make regulations for the guidance of licensed plumbers and a copy of all such regulations shall be attached to every licence granted to a plumber by the Board.

(5) The Board may, from time to time, prescribe the charges to be paid to licensed plumbers for any work done by them under or for any of the purposes of this Chapter.

(6) No licensed plumber shall, for any work referred to in sub-section (5), demand or receive more than the charges prescribed therefor under that sub-section.

(7) The Board shall make regulations providing for,—

- (a) the exercise of adequate control on all licensed plumbers;
- (b) the inspection of all works carried out by them; and

(c) the hearing and disposal of complaints made by the owners or occupiers of premises with regard to the quality of work done, material used, delay in execution of work, and the charges made, by a licensed plumber.

(8) No licensed plumber shall contravene any of the regulations made under this

section or execute carelessly or negligently any work under this Act or make use of bad materials, appliances or fittings.

(9) If any licensed plumber contravenes sub-section (8), his licence may be suspended or cancelled whether he is prosecuted under this Act or not.

60. Prohibition of certain acts.—(1) No person shall,—

(a) wilfully obstruct any person acting under the authority of the Board in setting out the lines of any works or pull up or remove any pillar, post or stake fixed in the ground for the purpose of setting out the lines of such work, 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 Board; or

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

(d) obstruct any officer or other employee of the Board 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 work; or

(e) bathe in, at or upon any water work or wash or throw or cause to enter therein any animal, or throw any rubbish, dirt or filth into any water work 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 work, or do any other act whereby the water in any water work is fouled or likely to be fouled.

(2) Nothing in clause (b) of sub-section (1) shall apply to a consumer closing the stopcock 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.

¹61. Regulations regarding water supply.—(1) The Board may, with the previous approval of the State Government, make regulations to carry out the purposes of this Chapter.

1. Section 61 and 61A Substituted by Act 6 of 1966 w.e.f. 17.3.1966.

(2) In particular and without prejudice to the generality of the foregoing provisions, such regulations may provide for,—

(a) the power of the Board,—

(i) to stop the supply of water, whether for domestic purpose, or not, or for gratuitous use; and

(ii) to prohibit the sale and use of water for the purpose of business;

1[(iii) to insist on rain water harvesting system for conservation of water;]¹

1. Inserted by Act 15 of 2010 w.e.f. 16.04.2010.

(b) the power of the Board to take charge of private connections;

(c) the prohibition of fraudulent and unauthorised use of water and the prohibition of tampering with meters;

(d) the licensing of plumbers and fitters, and for the compulsory employment of licensed plumbers and fitters.

(3) In making any regulation under this section, the Board may provide that a breach thereof shall be punishable with fine which may extend to '[five thousand rupees]¹ and in case of continuing breach with an additional fine which may extend to '[five hundred rupees]¹ for every day during which the breach continues after the receipt of a notice from the Board to discontinue such breach.

1. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

61A. Bye-laws regarding water supply.—Subject to the provisions of the rules and the regulations, the Board may after previous publication, make bye-laws to provide for,—

(a) the connection of water supply pipes for conveying to any premises a supply of water from Board Water Works;

(b) the making and renewing connections with Board Water Works;

(c) the power of the Board to alter the position of connections;

(d) the equitable distribution of water supplied to occupiers;

(e) the size, material, quality, description and position of the pipes and fittings to be used for the purpose of any connection with or any communication from any Board Water Works and the stamping of pipes and fittings and fees for such stamping;

(f) the size, material, quality and description of pipes, cisterns, and fittings which are found on an examination under the provisions of the Act to be so defective that they cannot be effectively repaired;

(g) the provision and maintenance of meters when water is supplied by measurement;

(h) the maintenance of pipes, cisterns and other water works.]¹

62. Punishment for certain offences.—Whoever,—

(a) contravenes any of the provisions of this Act mentioned in the first column of the following Table; or

(b) fails to comply with any order or direction lawfully given to him or any requisition lawfully made upon him under any of the said provisions,

shall be punishable, ¹[with imprisonment which may extend to six months; or] ¹

1. Inserted by Act 15 of 2010 w.e.f. 16.04.2010.

(i) with fine which may extend to the amount specified in that behalf in the third column of the said Table; ¹[or with both] ¹ and

1. Inserted by Act 15 of 2010 w.e.f. 16.04.2010.

(ii) in the case of a continuing contravention or failure, with an additional fine which may extend to the amount specified in the fourth column of that Table for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

¹[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	Construction of latrines, etc., in a position where pipes may	5000	100

(2)	be injured or water therein polluted		
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	-

] ¹

1. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

CHAPTER V SEWERS AND SEWERAGE

63. Vesting of sewers, etc., in Board.—(1) On and from the date of coming into force of this Chapter, all public sewers, all sewers in, alongside or under any public street within the Bangalore Metropolitan Area, and all sewage disposal works whether constructed out of the municipal fund of the Bruhat Bangalore Mahanagara Palike of the Bruhat Bangalore Mahanagara or otherwise, and all works, materials and things appertaining thereto, shall vest in the Board.

(2) All public and other sewers which are vested in the Board are hereafter in this Act referred to as Board sewers.

(3) For the purposes of enlarging, deepening or otherwise repairing or maintaining any such sewer or sewage disposal work so much of the sub-soil appertaining thereto as may be necessary for the said purpose shall be deemed also to vest in the Board.

(4) All sewers and ventilation-shafts, pipes and all appliances and fittings connected with the sewerage works constructed, erected or set up out of the municipal fund of the Bruhat Bangalore Mahanagara Palike in or upon premises not belonging to the Bruhat Bangalore Mahanagara Palike whether,—

(a) before or after the commencement of this Act, and
(b) for the use of the owner or occupier of such premises or not,
shall, unless the Bruhat Bangalore Mahanagara Palike has otherwise determined, or does at any time otherwise determine, vest in the Board.

64. Control of sewers and sewage disposal works.—(1) All Government sewers, all sewage disposal works and all works, materials and things appertaining thereto shall be under the control of the Board.

(2) The Board shall maintain and keep in repair all Board sewers and sewage disposal works and shall construct as many new drains and sewage disposal works as may from time to time be necessary for effectual sewerage and sewage disposal of the Bangalore Metropolitan Area.

65. Certain matters not to be passed into Board sewers.—(1) No person shall throw, empty, or turn into any Board sewer or into any drain or sewer communicating with a Board sewer,—

(a) any matter likely to injure 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 any liquid of 1[such temperature as may be specified by notification by the Board]1, being refuse or steam which, or a liquid which when so heated, is, either alone or in combination with the contents of the sewer, dangerous, or the cause of a nuisance, or prejudicial to health; or

1. Substituted by Act 6 of 1966 w.e.f. 17.3.1966.

(c) any dangerous petroleum.

(2) In this section, the expression “dangerous petroleum” has the same meaning as in the Petroleum Act, 1934 (Central Act 30 of 1934).

66. Application by owners and occupiers to drain into Board sewer.—(1) Subject to such conditions as may be prescribed by regulations made in this behalf, the owner or occupier of any premises having a private drain, or the owner of any private drain within the Bangalore Metropolitan Area may apply to the Board to have his drain made to communicate with the Board sewers and thereby to discharge foul water and surface water from those premises or that private drain:

Provided that nothing in this sub-section shall entitle any person to discharge directly or indirectly into any Board sewer,—

(i) any trade effluent from any trade premises except in accordance with the regulations made in this behalf; or

(ii) any liquid or other matter the discharge of which into Board sewers is prohibited by or under this Act or any other law.

(2) Any person desirous of availing himself of the provisions of sub-section (1) shall give to the Board notice of his proposals, and at any time within one month after receipt thereof, the Board may by notice to him refuse to permit the communication to be made, if it appears to it that the mode of construction or condition of the drain is such that the making of the communication would be prejudicial to the sewerage system, and for the purpose of examining the mode of construction and condition of the drain it may, if necessary, require it to be laid open for inspection.

(3) The Board may, if it thinks fit, construct such part of the work necessary for connecting a private drain with a Board sewer as is in or under a public street and in such a case, the expenses incurred by the Board shall be paid by the owner or occupier of the premises, or as the case may be, the owner of the private drain and shall be recoverable from the owner or occupier as an arrear of charges payable under this Act.

¹[(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.]¹

1. Inserted by Act 15 of 2010 w.e.f. 16.04.2010.

67. Drainage of undrained premises.—(1) Where any premises are in the opinion of the Board without sufficient means of effectual drainage and a Government sewer or some place approved by the Board for the discharge of filth and other polluted and obnoxious matter is situated at a distance of not exceeding thirty-five metre from any part of the said premises, it may, by written notice, require the owner of the said premises,—

- (a) to make a drain emptying into such Government sewer or place;
- (b) to construct a closed cesspool or soakage pit and fittings as may appear to the Board necessary for the purpose of gathering and receiving the filth and other polluted and obnoxious matter from and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith;
- (c) to remove any existing drain or other appliance or thing used or intended to be used for drainage which is injurious to health;
- (d) to provide a closed drain in substitution of an open drain or to provide such other appliance or thing either newly or in substitution of any existing appliance or thing or to provide both a closed drain and such other appliance or thing in substitution of the existing open drain and other appliance or thing, which is or is likely to be injurious to health;
- (e) to provide and set up all such appliances and fittings as may appear to the Board to be necessary for the purpose of gathering and receiving the waste water from floors and galleries of buildings when they are washed, and conveying the same

through spouts, by down-take pipes so as to prevent such waste water from discharging directly on streets or inside any lower portion of the premises;

(f) to carry out any work to improve or re-model an existing drain which is inadequate, insufficient or faulty.

(2) Where in any case not provided for in sub-section (1) any premises are, in the opinion of the Board without sufficient means of effectual drainage, it may, by written notice, require the owner of the premises,—

(a) to construct a drain up to a point to be prescribed in such notice but not at a distance of more than thirty-five metres from any part of the premises; or

(b) to construct a closed cesspool or soakage pit and drain or drains emptying into such cesspool or soakage pit.

(3) Any requisition for the construction of any drain under sub-section (2) may contain any of the details specified in sub-section (1).

68. New premises not to be erected without drains.—(1) In areas in which Board sewers are provided it shall not be lawful to erect or to re-erect any premises or to occupy any such premises unless,—

(a) a drain be constructed of such size, materials and descriptions, at such level and with such fall as shall appear to the Board to be necessary for the effectual drainage of such premises;

(b) there have been provided and set up on such premises such appliances and fittings as may appear to the Board to be necessary for the purposes of gathering or receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises and of effectually flushing the drain of the said premises and every fixture connected therewith.

(2) The drain so constructed shall empty into a Board sewer.

(3) The provisions of this section shall be applicable to premises any part of which is situated within a distance of thirty-five metres from a Board sewer.

69. Power to drain group or block of premises by combined operations.—(1) If it appears to the Board that any group or block of premises may be drained more economically or advantageously in combination than separately, and a Board sewer of sufficient size already exists or is about to be constructed within thirty-five metres of any part of that group or block of premises, the Board may cause that group or block of premises to be drained by a combined operation.

(2) The expenses incurred in carrying out any work under sub-section (1) in respect of any group or block of premises shall be paid by the owners of such premises in such proportion as the Board may determine and shall be recoverable from them as an arrear of charges payable under this Act.

(3) Not less than fifteen days before any such work is commenced, the Board shall give to each such owner,—

- (a) written notice of the nature of the proposed work, and
- (b) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.

(4) The Board may require the owners of such group or block of premises to maintain the work executed under this section.

70. Power of Board to close or limit the use of private drains in certain cases.—Where a drain connecting any premises with a Board sewer is sufficient for the effectual drainage of such premises and is otherwise unobjectionable but is not, in the opinion of the Board adapted to the general system of sewerage in the Bangalore Metropolitan Area, it may, by written notice addressed to the owner of the premises, direct,—

- (a) that such drain be closed, discontinued or destroyed and that any work necessary for that purpose be done; or
- (b) that such drain shall, from such date as may be specified in the notice in this behalf, be used for filth and polluted water only or for rain water and unpolluted sub-soil water only:

Provided that,—

- (i) no drain may be closed, discontinued or destroyed by the Board under clause (a) except on condition of its providing another drain equally effectual for the drainage of the premises and communicating with any Board sewer which it thinks fit; and
- (ii) the expenses of the construction of any drain so provided by the Board and of any work done under clause (a) shall be borne by the Board.

71. Use of drain by a person other than the owner.—(1) Where the Board either on receipt of an application from the owner of any premises or otherwise is of the opinion that the only, or the most convenient means of effectual drainage of the premises into a Board sewer is through a drain belonging to another person, the Board may by notice in writing require the owner of such drain to show cause within a period specified in the notice as to why an order under this section should not be made.

(2) Where no cause is shown within the specified period or the cause shown appears to the Board invalid or insufficient, the Board may by order in writing either authorise the owner of the premises to use the drain or declare him to be a joint owner thereof.

(3) An order made under sub-section (2) may contain directions as to,—

- (a) the payment of rent or compensation by the owner of the premises;
- (b) the construction of a drain for the premises for the purpose of connecting it with the aforesaid drain;
- (c) the entry upon the land in which the aforesaid drain is situate with assistants and workmen at all reasonable hours;
- (d) the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the aforesaid drain.

¹[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, Bruhat Bangalore Mahanagara Palike drain or other suitable places.]¹

1. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

¹[72A. Obligation to provide for rain water harvesting structure.- Every owner or occupier of a building having sital area of not less than 2400 square feet or every owner who propose to construct a building on a sital area of not less than 1200 square feet shall provide rain water harvesting structure for storage for use or for ground water recharge within such date as may be notified by the State Government in such manner and subject to such conditions as may be provided in the regulations and guidelines issued by the Board.

Explanation.- For the purpose of this section, -

- (a) "rain water harvesting" means collection and storage of rain water from roof top of a building or from a vacant land for use or for ground water recharge; and
- (b) "ground water recharge" means recharging of open well or the under ground water as the case may be, by use of harvested rain water.]¹

1. Substituted by Act 5 of 2011 w.e.f. 05.02.2011.

73. Power to require owner to carry out certain works for satisfactory drainage.—For the purpose of efficient drainage of any premises, the Board may, by notice in writing,—

- (a) require any courtyard, alley or passage between two or more buildings to be paved by the owner or owners of such buildings with such materials and in such manner as may be approved by the Board, and
- (b) require such paving to be kept in proper repair.

74. Appointment of places for the emptying of sewers and disposal of sewage.—The Board may cause any or all of the Board sewers to empty into, and all sewage to be disposed of at, such place or places as it considers suitable:

Provided that no place which has not been before the commencement of this Chapter used for any of the purposes specified in this section shall, after such commencement be used therefor without the approval of the Board:

Provided further that on and after such date as may be appointed by the Board in this behalf no sewage shall be discharged into any water-course until it has been 1[treated in such manner as may be prescribed in the bye-laws made in this behalf.]¹

1. Substituted by Act 6 of 1966 w.e.f. 17.3.1966.

75. Connection with sewers not to be made without permission.—Without the written permission of the Board, no person shall, for any purpose whatsoever, at any time make or cause to be made any connection or communication with any sewer referred to in section 63 constructed or maintained by, or vested in, the Board.

¹[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.]¹

1. Inserted by Act 15 of 2010 w.e.f. 16.04.2010.

76. Buildings and private streets not to be erected or constructed over sewers without permission.— ¹[(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 dia-meter 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.]¹

1. Substituted by Act 15 of 2010 w.e.f. 16.04.2010.

(3) The expenses incurred by the Board 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.

77. Rights of user of property for sewers.—(1) The Board may place and maintain sewers over, under, along or across any immovable property whether within or without the local limits of the Bangalore Metropolitan Area, without acquiring the same, and may at any time for the purpose of examining, repairing, altering or removing any sewers enter on any property over, under, along or across which the sewers have been laid:

Provided that the Board shall not acquire any right other than a right of user in the property over, under, along or across which any sewer is laid.

(2) In the exercise of the powers conferred upon it by this section, the Board shall cause as little damage as may be possible, and shall make full compensation for any damage caused by it.

78. Power of owner of premises to lay sewer through land belonging to other persons.—(1) If it appears to the Board that the only or most convenient means of sewerage of any premises is by laying any sewer over, under, along or across the immovable property of another person, the Board may, by order in writing, authorise the owner of the premises to lay or carry such sewer over, under, along or across such immovable property:

Provided that before making any such order the Board shall give to the owner of the immovable property a reasonable opportunity of showing cause within such time as may be prescribed by regulations made in this behalf as to why the order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such sewer is laid.

(2) Upon the making of an order under sub-section (1), the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of laying a sewer over, under, along or across such immovable property or for the purpose of repairing the same.

(3) In laying a sewer under this section, as little damage as possible shall be done to the immovable property and the owner of the premises shall,—

- (a) cause the sewer to be laid with the least practicable delay;
- (b) fill in, reinstate and make good at his own cost and with the least practicable

delay, any land opened, broken up or removed for the purpose of laying such sewer; and

(c) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the laying of such sewer.

(4) If the owner of the immovable property, over, under, along or across which a sewer has been laid under this section whilst such immovable property was not built upon, desires to erect any building on such property, the Board shall, by notice in writing, require the owner of the premises to close, remove or divert the sewer in such manner as shall be approved by it and to fill in, reinstate and make good the immovable property as if the sewer had not been laid over, along or across the same:

Provided that no such requisition shall be made unless in the opinion of the Board it is necessary or expedient for the construction of the proposed building or the safe enjoyment thereof that the sewer should be closed, removed or diverted.

79. Power to execute work after giving notice to the person liable.—(1) When under the provisions of this chapter any person may be required or is liable to execute any work, the Board may, in accordance with the provisions of this Act and of any regulations made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by it for this purpose.

(2) The expenses incurred or likely to be incurred by the Board in the execution of any such work shall be payable by the said person and the expenses incurred by the Board in connection with the maintenance of such work shall be payable by the person or persons enjoying such amenities and conveniences rendered possible by such work.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefor as an arrear of charges payable under this Act.

80. Power to affix shafts, etc., for ventilation of sewer or cesspool.—For the purpose of ventilating any sewer or cesspool, whether vested in the Board or not, the Board may, in accordance with regulations made in this behalf, erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as may appear to it to be necessary.

81. Power to examine and test sewers, etc., believed to be defective.—(1) Where it appears to the Board that there are reasonable grounds for believing that a private sewer or cesspool is in such condition as to be prejudicial to health or a nuisance or that a private sewer communicating directly or indirectly with a Board sewer is so defective as to admit sub-soil water, it may examine its condition and for that purpose may apply any test, other than a test by water under pressure, and if it deems it necessary, open the ground.

(2) If on examination the sewer or cesspool is found to be in proper condition, the Board shall, as soon as possible, reinstate any ground which has been opened by it and make good the damage done by it.

82. Work to be done by licensed plumber.—(1) No person other than a licensed plumber shall execute any work described in this Chapter and no person shall permit any such work to be executed except by a licensed plumber:

Provided that if, in the opinion of the Sanitary Engineer, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(2) The provisions of section 59 shall be applicable in respect of any work connected with any drain as they are applicable in respect of any work connected with water supply.

83. Prohibition of certain acts.—No person shall,—

(a) wilfully obstruct any person acting under the authority of the Board in setting out the lines of any works or pull up or remove any pillar, post or stake fixed in the ground for the purpose of setting out lines of such work, 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 work or apparatus belonging to the Board; or

(c) unlawfully obstruct the flow of or flush, draw off, divert or take sewage from any sewage work belonging to the Board; or

(d) obstruct any officer or other employee of the Board 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 sewage work.

84. Regulations regarding sewerage.—(1) The Board may with the previous approval of the State Government may, make regulations to carry out the purposes of this Chapter.

¹[(2) In particulars and without prejudice to the foregoing provision, such regulations may provide for the charges to be paid to the Board by occupiers of trade premises for the reception of trade effluent into Board sewers and disposal thereof.]¹

1. Substituted by Act 6 of 1966 w.e.f. 17.3.1966.

(3) In making any regulation under this section, the Board may provide that a breach thereof shall be punishable with fine which may extend to ¹ [five thousand rupees]¹ and in case of continuing breach with an additional fine which may extend to ¹ [five hundred

rupees]¹ for every day during which the breach continues after receipt of a notice from the Board to discontinue such breach.

1. Substituted by Act 15 of 2010 w.e.f. 16.4.2010.

¹[84A. Bye-laws regarding sewerage.—(1) Subject to the provisions of rules and regulations, the Board may after previous publication make bye-laws to provide for,—

1. Inserted by Act 6 of 1966 w.e.f. 17.3.1966.

(a) the regulation or prohibition of the discharge or deposit of offensive or obstructive matter polluted water or other polluted and obnoxious matter into sewers;

(b) the regulation in any manner not specifically provided for in this Act, of the construction, alteration, maintenance, preservation, cleaning and repairs of sewers, ventilation shafts, pipes, latrines, urinals, cesspools and other sewerage works;

(c) the cleansing of sewers;

(d) the prohibition of erection of buildings over sewers without the permission of the Board;

(e) the connection of private drains with Board sewers;

(f) the location and construction of cesspools;

(g) the covering and ventilation of cesspools;

(h) the period or periods of the day during which trade effluent may be discharged from any trade premises into Board sewers;

(i) the exclusion from trade effluent of all condensing matter;

(j) the elimination from trade effluent, before it enters a Board sewer, of any constituent which in the opinion of the Board would, either alone or in combination with any matter with which it is likely to come into contact while passing through Board sewers, injure or obstruct those sewers or make specially difficult or expensive the treatment or disposal of the sewage from those sewers;

(k) the maximum quantity of trade effluent which may, without any consent or permission, be discharged from any trade premises into Board sewers on any one day and the highest rate at which trade effluent may, without such consent or permission, be discharged from any trade premises into Board sewers;

(l) the regulation of the temperature of trade effluent at the time of its discharge into Board sewers and the securing of the neutrality of trade effluent (that is to say, that it is neither acidic nor alkaline) at the time of such discharge;

(m) the provision and maintenance of such an inspection chamber or manhole as will enable a person readily to take at any time samples of what is passing into Board sewers from trade premises;

(n) the provision and maintenance of such meters as may be required to measure the volume of any trade effluent being discharged from any trade premises into Board sewers, and the testing of such meters.]¹

85. Punishment for certain offences.—Whoever,—

- (a) contravenes any of the provisions of this Act mentioned in the first column of the following Table; or
- (b) fails to comply with any order or direction lawfully given to him or any requisition lawfully made upon him under any of the said provisions,

shall be punishable, 1[with an imprisonment which may extend to six months, or,-]1

1. Inserted by Act 15 of 2010 w.e.f. 16.4.2010.

(i) with fine which may extend to the amount specified in that behalf in the third column of the said Table; 1[or with both]1 and

1. Inserted by Act 15 of 2010 w.e.f. 16.4.2010.

(ii) in the case of a continuing contravention or failure, with an additional fine which may extend to the amount specified in the fourth column of that Table for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

1[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 etc.,	1000	-
Section 75	Connection with Board sewers without written permission	5000	500
Section 78 sub-ti(4) section (4)	Non-compliance with requisition to close, remove ditidi 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. Etc.,	5000	-

Section 83	Prohibition of willful or neglectful acts relating to sewage works	5000	-
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1. Substituted by Act 15 of 2010 w.e.f. 16.4.2010.

CHAPTER VI MISCELLANEOUS

86. Annual reports, statistics and returns.—(1) The Board shall, before such date and in such form as may be prescribed by rules, submit to the State Government an annual report upon such matters as may be prescribed by rules, and the State Government shall cause such report to be published in the official Gazette.

(2) Without prejudice to the provisions of sub-section (1), the Board shall as soon as may be after the end of each financial year, prepare and submit to the State Government in such form as may be prescribed by ¹[regulations]¹ a report giving an account of its activities during the previous financial year and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Board in the next financial year; and the State Government shall cause every such report to be laid before the State Legislature as soon as may be after it is received by the State Government.

1. Substituted by Act 6 of 1966 w.e.f. 17.3.1966.

(3) The Board shall furnish to the State Government at such times and in such form and manner ¹[x x x]¹ as the State Government may direct, such statistics and returns, and such particulars in regard to any proposed or existing scheme, as the State Government may from time to time require.

1. Omitted by Act 6 of 1966 w.e.f. 17.3.1966.

87. Power to make rules.—(1) The State Government may, after previous publication, by notification make rules to give effect to the provisions of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

(a) the powers of the Chairman and the term of office of the Chairman and other members of the Board, the conditions under which they shall be eligible for reappointment and their remuneration, allowances and other conditions of service;

(b) the terms and conditions of appointment of members of the Consultative Committee, the convening of meetings of such Committee and the conduct of business thereat;

(c) the form in which the annual financial statement and supplementary statements under section 17 shall be prepared by the Board, and the particulars to be included therein;

- (d) the conditions subject to which the Board may borrow under section 21;
- (e) the manner in which stock issued by the Board shall be issued, transferred, dealt with and redeemed;
- (f) the manner in which the accounts of the Board shall be published under section 25;
- (g) the form in which and the date by which the annual report of the Board shall be submitted under section 86 and the form and manner of furnishing statistics and returns by the Board under that section.

88. Regulations.—(1) The Board may with the previous approval of the State Government make regulations not inconsistent with this Act and the rules made thereunder to provide for all or any of the following matters, namely:—

- (a) the administration of the funds and other property of the Board and the maintenance of its accounts;
- (b) the summoning and holding of meetings of the Board and the times and places at which such meetings shall be held, and the conduct of business thereat and the number of members necessary to constitute a quorum;
- (c) the duties of officers and servants of the Board, and their salaries, allowances and other conditions of service;

¹[(d) the fine which may be imposed for the breach of any bye-law, which may extend to ²[five thousand rupees]², and in case of continuing breach the additional fine which may extend to ²[five hundred rupees]² for every day, during which the breach continues after receipt of a notice from the Board to discontinue the breach.]¹

1. Substituted by Act 6 of 1966 w.e.f. 17.3.1966.

2. Substituted by Act 15 of 2010 w.e.f. 16.4.2010.

- (e) the procedure to be followed by the Board in inviting, considering and accepting tenders;
- (f) any other matter arising out of the Board's functions under this Act in which it is necessary or expedient to make regulations.

(2) The power to make regulations under this Act is subject to the condition of previous publication.

¹[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.]¹

1. Substituted by Act 15 of 2010 w.e.f. 16.4.2010.

¹[89A. Collection of capital contribution from the beneficiary or borrowing loan etc., in respect of any project.— In furtherance of implementation of any water supply and

sanitation projects, the State Government may issue directions to the Board for making funding arrangements, to collect capital contribution from the beneficiaries of the project or through any Local Authority or to borrow loans from funding agencies or to borrow from the market as per requirements of the projects.]¹

1. Deemed to have been inserted by Act 32 of 2010 w.e.f. 01.01.2003.

90. Licenses and written permissions.—(1) Whenever it is provided in this Act or any rule or regulation made thereunder that a licence or a written permission may be granted for any purpose, such licence or written permission shall be signed by the Water Supply Engineer or the Sanitary Engineer, as the case may be, or by the officer empowered to grant the same under this Act or the rules or regulations made thereunder and shall specify in addition to any other matter required to be specified under any other provision of this Act or any provision of any rule made thereunder,—

- (a) the date of the grant thereof;
- (b) the purpose and the period (if any) for which it is granted;
- (c) restrictions or conditions, if any, subject to which it is granted;
- (d) the name and address of the person to whom it is granted; and
- (e) the fee, if any, paid for the licence or written permission.

(2) Except as otherwise provided in this Act or any rule or regulation made thereunder, for every such licence or written permission, a fee may be charged at such rate as may from time to time be fixed by the Board and such fee shall be payable by the person to whom the licence or written permission is granted.

(3) Save as otherwise provided in this Act or any rule or regulation made thereunder any licence or written permission granted under this Act or any rule or regulation made thereunder may at any time be suspended or revoked by the Board or by the officer by whom it was granted, if it or he is satisfied that it has been secured by the grantee through misrepresentation or fraud or if any of its restrictions or conditions has been infringed or evaded by the grantee, or if the grantee has been convicted for the contravention of any of the provisions of this Act or any rule or regulation made thereunder relating to any matter for which the licence or permission has been granted:

Provided that,—

(a) before making any order of suspension or revocation reasonable opportunity shall be afforded to the grantee of the licence or the written permission to show cause why it should not be suspended or revoked;

(b) every such order shall contain a brief statement of the reasons for the suspension or revocation of the licence or the written permission.

(4) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the grantee shall, for all

purposes of this Act or any rule made thereunder, be deemed to be without a licence or written permission until such time as the order suspending or revoking the licence or written permission is rescinded or until the licence or written permission is renewed.

(5) Every grantee of any licence or written permission granted under this Act shall at all reasonable times, while such licence or written permission remains in force, if so required by the Board or the authority by whom it was granted, produce such licence or written permission.

91. Powers of entry and inspection.—The Chief Engineer, the Water Supply Engineer, the Sanitary Engineer, or any officer authorised by the Board in this behalf or empowered in this behalf by or under the provisions of this Act, may enter into or upon any land or building with or without assistants and workmen,—

(a) for the purpose of ascertaining whether there is or has been on or in connection with the land or building any contravention of the provisions of this Act or any rule or regulation made thereunder;

(b) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the Board or any officer authorised or empowered in this behalf to take action or execute any work under this Act or any rule or regulation made thereunder;

(c) for the purpose of taking any action or executing any work authorised or required by this Act or any rule or regulation made thereunder;

(d) to make any inquiry, inspection, examination, measurement, valuation or survey authorised or required by or under this Act, or necessary for the proper administration of this Act;

(e) generally for the purpose of efficient discharge of the functions by any officer of the Board under this Act or any rule or regulation made thereunder.

92. Power to enter land adjoining land in relation to any work.—(1) The Chief Engineer, the Water Supply Engineer, the Sanitary Engineer or any officer authorised in this behalf by the Board or empowered in this behalf by or under any provision of this Act, may enter on any land within fifty metres of any work authorised by or under this Act with or without assistants and workmen for the purpose of depositing thereon any soil, gravel, stone or other materials or for obtaining access to such work or for any other purposes connected with the execution of the same.

(2) The person so authorised shall, before entering on any such land, state the purpose thereof, and shall, if so required by the owner or occupier thereof, fence off so much of the land as may be required for such purpose.

(3) The person so authorised shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the

Board in accordance with regulations made in this behalf to the owner or occupier of such land or to both for any such damage, whether permanent or temporary.

93. Breaking into buildings.—(1) It shall be lawful for the Chief Engineer, the Water Supply Engineer, the Sanitary Engineer, or any officer authorised in this behalf by the Board or empowered in this behalf by, or under any provision of this Act, to make any entry into any place, and to open or cause to be opened any door, gate or other barrier,—

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent or being present refuses to open such door, gate or barrier.

(2) Before making any entry into any such place or opening or causing to be opened any such door, gate or other barrier, the Chief Engineer, the Water Supply Engineer, the Sanitary Engineer or the person authorised or empowered in this behalf, shall call upon two or more respectable inhabitants of the locality in which the place to be entered into is situate, to witness the entry or opening and may issue an order in writing to them or any of them so to do.

(3) A report shall be made to the Board as soon as may be after any entry has been made into any place or any door, gate or other barrier has been opened under this section.

94. Time of making entry.—Save as otherwise provided in this Act or any regulation made thereunder, no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

95. Consent ordinarily to be obtained.—Save as otherwise provided in this Act or any regulation made thereunder, no entry upon or into any land or building shall be made without the consent of the occupier, or if there is no occupier, of the owner thereof and no such entry shall be made without giving the said owner or occupier, as the case may be, not less than twenty-four hours' written notice of the intention to make such entry.

96. Regard to be had to social or religious usages.—When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

97. Prohibition or obstruction or molestation in execution of work.—No person shall obstruct or molest any person authorised or empowered by or under this Act in the execution of his duty or of anything which he is authorised or empowered or

required to do by virtue or in consequence of any of the provisions of this Act or any rule or regulation made thereunder.

98. Notices, etc., to fix reasonable time.—Where any notice, bill, order or requisition issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rule or the regulation made thereunder, the notice, bill, order or requisition shall specify a reasonable time for doing the same.

99. Signature on notices, etc., may be stamped.—(1) Every licence, written permission, notice, bill, summons or other document which is required by this Act or any rule or regulation made thereunder to bear the signature of the Water Supply Engineer or the Sanitary Engineer or of any officer authorised or empowered to do so shall be deemed to be properly signed if it bears a facsimile of the signature of any such officer stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque.

100. Notices, etc., by whom to be served or issued.—All notices, bills, summons and other documents required by this Act or any rule or any regulation made thereunder to be served upon, or issued to, any person, shall be served or issued by such persons as may be authorised by the Board.

101. Service of notices, etc.—(1) Every notice, bill, summons, order, requisition or other document required or authorised by this Act or any rule or regulation made thereunder to be served or issued on any person shall, save as otherwise provided in this Act or such rule or regulation, be deemed to be duly served,—

(a) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business and is either,—

(i) sent by registered post, or

(ii) delivered at the registered office or at the principal office or place of business of the company;

(b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either,—

(i) sent by registered post, or

(ii) delivered at the said place of business;

(c) where the person to be served is a public body, or a Bruhat Bangalore Mahanagara Palike, society or other body, if the document is addressed to the secretary, treasurer or other head officer of that body, Bruhat Bangalore Mahanagara Palike or society at its principal office, and is either,—

(i) sent by registered post, or

(ii) delivered at that office;

(d) in any other case, if the document is addressed to the person to be served and,—

(i) is given or tendered to him, or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within the 1[State of Karnataka]1, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building, if any, to which it relates, or

1. Adopted by the Karnataka adaptation of laws order 1973 w.e.f. 1.11.1973.

(iii) is sent by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served,—

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any premises the Water Supply Engineer or the Sanitary Engineer or any other officer

authorised or empowered to do so may by notice in writing require the occupier of the premises to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(6) Nothing in sections 99 and 100 and in this section shall apply to any summons issued under this Act by a court.

(7) A servant is not a member of the family within the meaning of this section.

102. Service of bills for charges or notice of demand by ordinary post.—Notwithstanding anything contained in sections 100 and 101 a bill for any charges or a notice of demand may be served by sending it by ordinary post with a prepaid letter under a certificate of posting addressed to the appropriate person

specified in section 101 at his last known place of residence or business and in proving the service of every bill or notice so sent it shall be sufficient to prove that the letter was properly addressed and posted under a certificate of posting.

103. Power in case of non-compliance with notice, etc.—In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act or any rule or regulation made thereunder, requiring such person to execute any work or to do any act it shall be lawful for the authority or officer at whose instance the notice, order or requisition has been issued, whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefor, after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of the act or the work required to be done or executed by such person and all the expenses incurred on such account shall be payable to the Board on demand and if not paid within ten days after such demand, shall be recoverable as an arrear of charges payable under this Act.

104. Liability of occupier to pay in default of owner.—(1) If any notice, order or requisition has been issued to any person in respect of property of which he is the owner, the authority or officer at whose instance such notice, order or requisition has been issued, may require the occupier of such property or of any part thereof to pay to him, instead of to the owner, any rent payable by him in respect of such property, as it falls due up to the amount recoverable from the owner under section 103:

Provided that if the occupier refuses to disclose the correct amount of the rent payable by him or the name or address of the person to whom it is payable, the authority or officer may recover from the occupier the whole amount recoverable under section 103 as an arrear of charges payable under this Act.

(2) Any amount recovered from an occupier instead of from an owner under subsection (1), shall in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been paid to the owner.

105. Execution of work by occupier in default of owner and deduction of expenses from rent.—Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act or any rule or regulation made thereunder, the occupier, if any, of such land or building may, with the approval of the Board, execute the said work and he shall, subject to any contract between the owner and occupier to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in the execution of the work and may deduct the amount thereof from the rent payable by him to the owner.

106. Relief to agents and trustees.—Where any person, by reason of his receiving rent of immovable property as a receiver, agent or trustee, or of his being as a receiver, agent or trustee the person who would receive the rent if the property were let to a tenant, would under this Act or any rule or regulation made thereunder, be

bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had funds in his hands belonging to the owner sufficient for the purpose.

(2) The burden of proving any fact entitling a receiver, agent or trustee to relief under sub-section (1) shall lie upon him.

(3) Where any receiver, agent or trustee has claimed and established his right to relief under this section, the Board may by notice in writing require him, to apply to the discharge of his obligation as aforesaid the first moneys which may come to his hands on behalf, or for the use, of the owner, and on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

107. Compensation to be paid by offenders for damage caused by them.—(1) Any person who has been convicted of an offence against this Act or any rule or regulation made thereunder shall, notwithstanding any punishment to which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to the property of the Board resulting from the said offence as the Board may consider reasonable.

(2) In the event of a dispute regarding the amount of compensation payable under sub-section (1) such amount shall, on application made to him, be determined by the magistrate before whom the said person was convicted of the said offence; and on non-payment of the amount of compensation so determined the same shall be recovered under a warrant from the said magistrate as if it were a fine imposed by him on the person liable therefor.

1[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.] 1

1. Inserted by Act 15 of 2010 w.e.f. 16.4.2010.

108. Mode of recovery of dues.—Any sum due to the Board on account of any charge, costs, expenses, fees, rates or rent or on any other account under this Act or any rule, regulation or order made thereunder may, without prejudice to any other mode of recovery, be recovered from any person from whom such sum is due,—

(a) as if it were an arrear of land revenue; or

(b) on application to any judicial magistrate, by such magistrate as if it were a fine imposed by him.

1[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.]¹

1. Inserted by Act 15 of 2010 w.e.f. 16.4.2010.

¹[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.]¹

1. Substituted by Act 15 of 2010 w.e.f. 16.4.2010.

¹[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.]¹

1. Inserted by Act 15 of 2010 w.e.f. 16.4.2010.

110. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, 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 provided in this Act if he proves that the offence was

committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an 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 is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

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

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

111. Prosecutions.—Save as otherwise provided in this Act, no court shall proceed with the trial of any offence made punishable by or under this Act or any rule or regulation except on the complaint of, or upon information received from, the Water Supply Engineer, the Sanitary Engineer or any officer authorised by the Board by a general or special order in this behalf.

112. Composition of offences.—(1) The Board or any officer of the Board authorised by it by general or special order in this behalf, may, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act:

Provided that no offence shall be compounded which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Board unless and until the same has been complied with so far as such compliance is possible.

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

113. Arrest of offenders.—(1) The Chief Engineer, the Water Supply Engineer, the Sanitary Engineer, any officer authorised in this behalf by the Board or any police officer may arrest any person who commits in his view any offence against this Act or against any rule or regulation made thereunder, if,—

(a) the name and address of such person be unknown to him, and

(b) such person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of the nearest magistrate, for a period

longer than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the court of such magistrate.

114. Duties of police officers and employees of the Bruhat Bangalore Mahanagara Palike.—It shall be the duty of all police officers and employees of the Bruhat Bangalore Mahanagara Palike to give immediate information to the Board or officers of the Board authorised in this behalf, of the commission of, or the attempt to commit, any offence against this Act or any rule or regulation made thereunder and to assist all such officers in the exercise of their lawful authority.

115. Validity of notices and other documents.—No notice, order, requisition, licence, permission in writing or any other document issued under this Act or any rule or regulation shall be invalid merely by reason of defect of form.

116. Admissibility of document or entry as evidence.—A copy of any receipt, application, plan, notice, order or other document or of any entry in a register in the possession of the Board shall, if duly certified by the legal keeper thereof or other person authorised by the Board in this behalf, be admissible in evidence of the existence of the document or entry, and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters and transactions.

117. Evidence of officers of the Board.—No officer or servant of the Board shall in any legal proceedings to which the Board is not a party, be required to produce any register or document the contents of which can be proved under section 116 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein save by order of the court made for special cause.

118. Delegation of powers.—The Board may by notification direct that any power conferred or any duty imposed on the Water Supply Engineer or the Sanitary Engineer by or under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercised or performed also by any other officer or servant of the Board specified in the notification.

119. Chief Controlling Authority.—(1) The Board shall be the Chief Controlling authority in respect of all matters relating to the administration of this Act and for that purpose may exercise all powers necessary in that behalf.

(2) The Chief Engineer or any other officer or officers notified by the Board in this behalf may also exercise any power or perform any function which the Water Supply Engineer or the Sanitary Engineer may exercise or perform under this Act or any rule or regulation made thereunder.

120. Appeals.—Any person aggrieved by any decision or order of the Water Supply Engineer or the Sanitary Engineer or other officer under this Act or any rule or

regulation made thereunder may within a period of sixty days from the date of such decision or order appeal to the authority prescribed by the regulations and subject to revision by the Board, the orders of the appellate authority on such appeal shall be final.

121. Revision.—The Board may call for the records of any proceedings of any officer subordinate to it for the purpose of satisfying itself as to the legality or propriety of any order or proceeding and may pass such order with respect thereto as it thinks fit.

122. Rules and regulations to be laid before State Legislature, etc.—(1) Every rule or regulation made under this Act and every order made under section 129 shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the said period, either House of the State Legislature makes any modification in any rule or regulation or order or directs that any rule or regulation or order shall not have effect, and if the modification or direction is agreed to by the other House, such rule or regulation or order shall thereafter have effect only in such modified form or be of no effect, as the case may be.

(2) A rule or regulation under this Act may be made with retrospective effect and when such a rule or regulation is made the reasons for making the rule or regulation shall be specified in a statement laid before both Houses of the State Legislature. Subject to any modification made under sub-section (1), every rule or regulation made under this Act shall have effect as if enacted in this Act.

123. Provisions as to employees of the Bruhat Bangalore Mahanagara Palike employed in connection with water supply or sewerage undertakings.—(1) With effect from the date on which Chapter IV or Chapter V as the case may be, comes into force, every officer and other employee of the Bruhat Bangalore Mahanagara Palike employed in connection with the Water Supply Undertaking of the Bruhat Bangalore Mahanagara Palike or the Sewage Undertaking of the Bruhat Bangalore Mahanagara Palike, as the case may be, shall stand transferred to and become an officer or other employee of the Board with such designations as the State Government may determine and shall hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if he had continued to be an officer or employee of the Bruhat Bangalore Mahanagara Palike and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Board:

Provided that any service rendered by such officer or employee under the Bruhat Bangalore Mahanagara Palike before such transfer shall be deemed to be service rendered under the Board.

(2) The Board may employ any officer or other employee transferred under sub-

section (1) in the discharge of such functions under this Act as it may think proper and every such officer or other employee shall discharge those functions accordingly.

124. Members, officers and servants of the Board to be public servants.—(1) All members, officers and servants of the Board shall be deemed, when acting or purporting to act in pursuance of the provisions of this Act or any rule or regulation made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860) and the Prevention of Corruption Act, 1947 (Central Act 2 of 1947) for the time being in force.

(2) The words "State Government" and "Government" in section 161 of the Indian Penal Code shall for the purposes of sub-section (1) be deemed to include the Board.

125. Protection of action of the Board, etc.—(1) No suit or prosecution shall be entertained in any court against the Board or against any officer or servant of the Board or against any person acting under the order or direction of the Board or any officer or servant of the Board for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

(2) No suit, prosecution or other legal proceeding shall lie against any officer or servant of the Board for any act done or purporting to be done under this Act or any rule or regulation made thereunder without the previous sanction of the Board.

126. Notice to be given of suits.—(1) No suit shall be instituted against the Board or against any officer or servant of the Board or against any person acting under the order or direction of the Board or any officer or other servant, in respect of any act done, or purporting to have been done in pursuance of this Act or any rule or regulation made thereunder, until the expiration of two months after notice in writing has been left at the office of the Board and, in the case of such officer, servant or person, unless notice in writing has also been delivered to him or left at his office or place of residence, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of residence of the intending plaintiff and unless the plaint contains a statement that such notice has been so left or delivered.

(2) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of institution of the suit.

127. Continuation of appointments, notifications, rules, bye-laws, etc.—(1) With effect from the date on which Chapter IV comes into force,—

(a) any appointment, notification, order, scheme, rule, bye-law, form or notice made or issued, and any licence or permission granted under the Bruhat Bangalore Mahanagara Municipal Bruhat Bangalore Mahanagara Palike Act, 1949, in so far as it relates to the water supply undertaking, shall continue in force and be deemed to have

been made, issued or granted under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, regulation, form or notice made or issued or any licence or permission granted under the provisions of this Act;

(b) all obligations and liabilities incurred, all contracts entered into, all matters and things engaged to be done by, with, or for the Bruhat Bangalore Mahanagara Palike in connection with the water supply undertaking shall be deemed to have been incurred, entered into or engaged to be done by, with, or for the Board;

(c) all property, movable and immovable, and all interests of whatsoever nature and kind therein vested in the Bruhat Bangalore Mahanagara Palike in so far as they relate to the water supply undertaking shall, with all rights of whatsoever description used, enjoyed or possessed by the Bruhat Bangalore Mahanagara Palike in respect of the water supply undertaking, vest in the Board;

(d) all rates, fees, rents and other sums of money due to the Bruhat Bangalore Mahanagara Palike in connection with the water supply undertaking shall be deemed to be due to the Board;

(e) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Bruhat Bangalore Mahanagara Palike, so far as they relate to the water supply undertaking may be continued or be instituted by or against the Board.

(2) With effect from the date on which Chapter V comes into force,-

(a) any appointment, notification, order, scheme, rule, bye-law, form or notice made or issued, and any licence or permission granted under the Bruhat Bangalore Mahanagara Municipal Bruhat Bangalore Mahanagara Palike Act, 1949, in so far as it relates to the sewerage undertaking, shall continue in force and be deemed to have been made, issued or granted under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, regulation, form or notice made or issued or any licence or permission granted under the provisions of this Act;

(b) all obligations and liabilities incurred, all contracts entered into, all matters and things engaged to be done by, with, or for the Bruhat Bangalore Mahanagara Palike in connection with the sewerage undertaking, shall be deemed to have been incurred, entered into or engaged to be done by, with, or for the Board;

(c) all property, movable and immovable, and all interests of whatsoever nature and kind therein vested in the Bruhat Bangalore Mahanagara Palike in so far as they relate to the sewerage undertaking shall, with all rights of whatsoever description used, enjoyed or possessed by the Bruhat Bangalore Mahanagara Palike in respect of the sewerage undertaking, vest in the Board;

(d) all rates, fees, rents and other sums of money due to the Bruhat Bangalore Mahanagara Palike in connection with the sewerage undertaking shall be deemed to be due to the Board;

(e) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Bruhat Bangalore Mahanagara Palike, so far as it relates to the sewerage undertaking may be continued or be instituted by or against the Board.

[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.]¹

1. Inserted by Act 15 of 2010 w.e.f. 16.4.2010.

[128. XXX]

1. Omitted by Act 15 of 2010 w.e.f. 16.4.2010.

129. Orders for bringing this Act into force.—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the State Government may, by order published in the official Gazette, make such provisions as appear to it to be necessary or expedient,—

(a) for bringing the provisions of this Act into effective operation;

(b) for making omissions from, additions to and adaptations and modifications of the rules, bye-laws, notifications and orders referred to in clause (a) of sub-section (1) of section 127 or clause (a) of sub-section (2) of section 127 for purposes of giving effect to the provisions of this Act;

(c) for removing difficulties arising in connection with the transition to the

provisions of this Act including difficulties in the construing of references to the Bruhat Bangalore Mahanagara Palike or other authorities in any law;

(d) for authorising the continued carrying on for the time being by the Board of services and activities carried on by the Bruhat Bangalore Mahanagara Palike; and

(e) so far as it appears necessary or expedient in connection with any of the matters aforesaid, for varying the powers or jurisdiction of any authority and empowering other authorities to exercise such jurisdiction as may be specified in such order.

(2) The provisions made by any order under sub-section (1) shall, subject to the provisions of section 122, have effect as if enacted in this Act, and any such order may be made so as to be retrospective to any date not earlier than the date of commencement of this Chapter:

Provided that no person shall be deemed to be guilty of an offence by reason of so much of any such order as makes any provisions thereof retrospective to any date before the making thereof.

SCHEDULE
(See section 24)
TABLE

Description of asset	Number of Years or period
A. Land owned under full title	Infinite
B. Land held under lease,—	
(a) for investment in the land	The period of the lease or the period remaining unexpired on the assignment of the lease.
(b) for cost of clearing site	The period of the lease remaining unexpired at the date of clearing the site.
C. Assets purchased new,—	
(a) Buildings and civil engineering works of a permanent character, not mentioned above,—	
(i) offices.	Fifty
(ii) temporary erections such as wooden structures.	Five.
(iii) roads other than Kutcha roads.	One hundred.

(iv) others.	Fifty
(b) Self-propelled vehicles.	Seven
(c) (i) Office furniture and fittings.	Twenty.
(ii) Office equipment.	Ten.
D. Assets purchased second-hand and assets not otherwise provided for in this Table.	Such reasonable period as the State Government determines in each case having regard to the nature, age and condition of the asset at the time of its acquisition by the owner.

NOTIFICATION

I

Bangalore, dated the 1st December, 1964 [No. PLM 158 MNY 64]

S.O. 1664.—In exercise of the powers conferred by sub-section (2) of section 1 of the Bangalore Water Supply and Sewerage Act, 1964 (Karnataka Act 36 of 1964), the Government of Karnataka hereby appoints the 1st day of December 1964 as the date on which Chapter IV of the said Act shall come into force.

By Order and in the name of the Governor of Mysore,

(L. A. DHAMANIGI)

Deputy Secretary.

II

Bangalore, dated the 1st December, 1964 [No. PLM 154 MNY 64]

S.O. 1665.—In exercise of the powers conferred by sub-section (2) of section 1 of the Bangalore Water Supply and Sewerage Act, 1964 (Mysore Act 36 of 1964), the Government of Mysore hereby appoints the 2nd day of December 1964 as the date on which Chapter V of the said Act shall come into force.

By Order and in the name of the Governor of Mysore,

(L. A. DHAMANIGI)

Deputy Secretary.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2C (ii) dated 1st December, 1964, as No. 276.)

* * * * *

The Bangalore Water Supply and Sewerage Act, 1964 has been amended by the following Acts, namely.-

Amendments (Chronological)			
Sl.No.	Act No. and year	Sections Amended	Remarks
1.	36 of 1964	2	The Chapter I, II, III, & VI came into force w.e.f.10.9.64 and the chapter IV came into force w.e.f. 1.12.1964 vide Notifn. PLM 158 MNY 64 dt.1.12.64 and Chapter V came into force w.e.f. 2.12.1964 vide Notfn. PLM 154 MNY 64 dt. 1.12.64
2	6 of 1966	2(3A), 2(11), 3(3), 5(1), 6(1), 7(1), 13, 15(2), 16, 18(1), 23, 24(1), 24(2), 24A, 24B, 25(1)(5), 26, 44(2), 44(3), 47(2), (3), 61, 65(1), 74, 84(2), 84A, 86(2)(3), 88(1), 89(1), 109	w.e.f. 17.3.1966 3 10
3	10 of 1996	31(1)	w.e.f. 31.3.1966
4	KAL Order 1973	Preamble, Title, 4, 101(1)	w.e.f. 1.11.1973
5	18 of 1984	25(1)(2)(3)(4), 33	w.e.f. 21.4.1984

Amendments (section-wise)

Sections Amended	Act No. and Year	Remarks
Preamble, Title	KAL Order 1973	w.e.f. 1.11.1973
2	6 of 1966	w.e.f. 17.3.1966
3	6 of 1966	w.e.f. 17.3.1966
4	KAL Order 1973	w.e.f. 1.11.1973
5	6 of 1966	w.e.f. 17.3.1966
6	6 of 1966	w.e.f. 17.3.1966
7	6 of 1966	w.e.f. 17.3.1966
13	6 of 1966	w.e.f. 17.3.1966

16	6 of 1966	w.e.f. 17.3.1966
18	6 of 1966	w.e.f. 17.3.1966
23	6 of 1966	w.e.f. 17.3.1966
24	6 of 1966	w.e.f. 17.3.1966
24A	6 of 1966	w.e.f. 17.3.1966
24B	6 of 1966 6 of 1966	w.e.f. 17.3.1966
25	a) 6 of 1966	w.e.f. 17.3.1966
	b) 18 of 1984	w.e.f. 17.3.1966
26	6 of 1966	w.e.f. 17.3.1966
31	10 of 1966	w.e.f. 31.3.1966
33	18 of 1984	w.e.f. 21.4.1984
44	6 of 1966	w.e.f. 17.3.1966
47	6 of 1966	w.e.f. 17.3.1966
61	6 of 1966	w.e.f. 17.3.1966
65	6 of 1966	w.e.f. 17.3.1966
74	6 of 1966	w.e.f. 17.3.1966
84	6 of 1966	w.e.f. 17.3.1966
84A	6 of 1966	w.e.f. 17.3.1966
86	6 of 1966	w.e.f. 17.3.1966
88	6 of 1966	w.e.f. 17.3.1966
89	6 of 1966	w.e.f. 17.3.1966
101	KAL Order 1973	w.e.f. 1.11.1973
109	6 of 1966	w.e.f. 17.3.1966

KARNATAKA ACT NO. 32 OF 2010

(First published in the Karnataka Gazette Extra-ordinary on the Twenty seventh day of July, 2010)

**THE BANGALORE WATER SUPPLY AND SEWERAGE (AMENDMENT)
ACT, 2010**

(Received the assent of the Governor on the Twenty fourth day of July, 2010)

An Act further to amend the Bangalore Water Supply and Sewerage Act, 1964.

Whereas, it is expedient further to amend the Bangalore Water Supply and Sewerage Act, 1964 (Karnataka Act 36 of 1964), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the sixty First 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 (Amendment) Act, 2010.

(2) It shall come into force at once.

(Section 2 is incorporated in the principal Act)

3. Validation of assessment and collection of capital contribution.- Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other authority to the contrary any direction through an order issued by the State Government to the Board for making funding arrangements, to collect capital contribution from the beneficiaries of any project (hereinafter referred to as capital contribution) or through a Local Authority as per requirements of the project and assessment or collection of any capital contribution from the beneficiaries of the project in accordance with such direction or order of the State Government made or purporting to have been made and any action or thing taken or done (including any notices or orders issued) or assessment made and all proceedings held and any collection of capital contribution or amount purported to have been collected by way of capital contribution in relation to such assessment or collection in respect of such project with effect from 1st January 2003 shall be and shall be deemed to be valid and effective, as if such assessment or collection or action or thing, had been made, taken or done under the principal Act, as amended by this Act and accordingly,-

- (a) all acts, proceedings or things done or any action taken by any Local Authority or as the case may be, the Board or any of its officer in connection with the assessment or collection of such capital contribution in respect of such project for all purposes be deemed to be, and to have always been done or taken in accordance with law;
- (b) no suit or other proceedings shall be maintained or continued in any Court or Tribunal or before any authority for the refund of any such capital contribution; and
- (c) no court shall enforce any decree or order directing the refund of any such capital contribution.
