



The Uttar Pradesh Water Supply and Sewerage (Amendment) Act, 1997

Act 16 of 1998

Keyword(s):

Water Supply, Sewerage, Jal Sansthan, Local Area, City, Sewerage Tax, Levy of Taxes

Amendments appended: 16 of 1999, 2 of 2002

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THE UTTAR PRADESH WATER SUPPLY AND SEWERAGE
(AMENDMENT) ACT, 1997

(U. P. ACT No. 16 OF 1998)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

further to amend the Uttar Pradesh Water Supply and Sewerage Act, 1975.

IT IS HEREBY enacted in the Forty-eighth Year of the Republic of India as follows :—

1. This Act may be called the Uttar Pradesh Water Supply and Sewerage (Amendment) Act, 1997.

2. After section 100 of the Uttar Pradesh Water Supply and Sewerage Act, 1975, the following section shall be inserted, namely :—

“100-A (1)—Notwithstanding anything contained in this Act or in any other law for the time being in force, where the State Government is satisfied that it is expedient in the public interest so to do, it may, by notification dissolve a Jal Sansthan constituted under this Act with effect from such date as may be specified in the notification.

(2) On and from the date a Jal Sansthan is dissolved under sub-section (1),—

(a) all properties and assets vested in and all dues recoverable by the Jal Sansthan shall vest in, and may be realised by such local body as exercised jurisdiction in the local area immediately before the constitution of such Jal Sansthan hereinafter referred to as the local body;

(b) all rights, liabilities and obligations of the Jal Sansthan, whether arising out of any contract or otherwise pertaining to Jal Sansthan shall be the rights, liabilities and obligations of the local body;

(c) all suits and legal proceedings instituted or which might, but for such vesting and transfer, have been instituted by or against a Jal Sansthan may be continued or instituted, as the case may be, by or against the local body;

(d) all existing water and sewerage services rights, liabilities and obligations thereto, mentioned in section 33 of the Act, vested in or belonging to a Jal Sansthan, shall vest in and stand transferred to the local body and the provisions of section 33 shall, *mutatis mutandis*, apply to such transfer to or vesting in the local body as they applied on transfer to or vesting in the Jal Sansthan;

(e) Save as otherwise provided, every employees appointed under section 27 of this Act or absorbed in the service of Jal Sansthan under sub-section (1) of section 38 of the Act shall become employee of the local body and the provisions of section 33 shall, *mutatis mutandis*, apply in respect of his transfer to the service of the local body as they applied in respect of transfer from local body to the Jal Sansthan;

(f) employees governed by the Uttar Pradesh Palika Jal Kai and Jal Sansthan Abhiyantran (Kendriyat) Sewa Niyamawali, 1986 or working on deputation in Jal Sansthan shall continue to be members of their parent service and shall revert to the said service;

(g) the enactments referred to in section 100 shall continue to have effect in the same manner as they applied before the constitution of the Jal Sansthan.”

Short title

Insertion of new section 100-A in U. P. Act No. 43 of 1975

By order,
Y. R. TRIPATHI,
Vishesh Sachiv.

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No. 783 (2)/XVII-V-1—1 (KA) 16-1999

Dated Lucknow, March 26, 1999

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Jal Sambharan Tatha Sewar Vyawastha (Sanshodhan) Adhiniyam, 1999 (Uttar Pradesh Adhiniyam Sankhya 16 of 1999) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 25, 1999.

THE UTTAR PRADESH WATER SUPPLY AND SEWERAGE
(AMENDMENT) ACT, 1999
(U. P. ACT No. 16 OF 1999)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Water Supply and Sewerage Act, 1975.

IT IS HEREBY enacted in the Fiftieth-Year of the Republic of India as follows :—

Short title

1. This Act may be called the Uttar Pradesh Water Supply and Sewerage (Amendment) Act, 1999.

2. In section 52 of the Uttar Pradesh Water Supply and Sewerage Act, 1975, hereinafter referred to as the principal Act,—

Amendment of
section 52 of
U. P. Act no. 43
of 1975

(a) In sub-section (2), for the words "shall be levied" the words "shall, in a local area other than a city, be levied" shall be substituted.

(b) after sub-section (2), the following sub-section shall be inserted, namely :—

"(3) The taxes mentioned in sub-section (1), shall, in a city, be levied at such rate which in the case of water tax shall not be less than 7.5 percent and not more than 12.5 percent and in the case of sewerage tax shall not be less than 2.5 percent and not more than 5 percent of the annual value of the premises determined under the Uttar Pradesh Municipal Corporations Act, 1959, as the State Government may, from time to time, after considering the recommendation of the Nigam, by notification in the Gazette, declare."

(c) after sub-section (3) as so inserted the following explanation shall be inserted, namely :—

"Explanation :—for the purposes of this section—

(i) the expression "city" shall have the meaning assigned to it in the Uttar Pradesh Municipal Corporations Act, 1959; and

(ii) the expression "sewerage tax" shall have the same meaning as the "drainage tax" has been assigned in the Uttar Pradesh Municipal Corporations Act, 1959."

3. In section 53 of the principal Act,—

Amendment of
section 53

(a) in sub-section (1), for the words and figure "section 52", the words and figures "sub-section (2) of section 52" shall be substituted;

(b) in sub-section (2), for the words and figure "levy of taxes mentioned in section 52", the words and figures "levy of taxes under sub-section (2) of section 52" shall be substituted."

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.

No. 1610 (2)XVII-V-1-1 (KA)-17-2002

Dated Lucknow, September 2, 2002

In pursuance of the provisions of clause (3) of article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Jal Sambharan Tatha Sewer Vyawastha (Sanshodhan) Adhiniyam, 2002 (Uttar Pradesh Adhiniyam Sankhya 2 of 2002) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 31, 2002 :—

THE UTTAR PRADESH WATER SUPPLY AND SEWERAGE

(AMENDMENT) Act, 2002

(U.P. Act no. 2 of 2002)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Water Supply and Sewerage Act, 1975.

IT IS HEREBY enacted in the Fifty-third Year of the Republic of India as follows:—

1.(1) This Act may be called the Uttar Pradesh Water Supply and Sewerage (Amendment) Act, 2002.

Short title and Commencement

(2) It shall be deemed to have come into force on June 27, 2002.

2. In section 4 of the Uttar Pradesh Water Supply and Sewerage Act, 1975, hereinafter referred to as the principal Act,—

Amendment of section 4 of U.P. Act no. 43 of 1975

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

“(a) a Managing Director to be appointed by the State Government”;

(ii) after sub-section (2) the following sub-section shall be inserted, namely:—

“(2-A) Notwithstanding anything contained in the Uttar Pradesh State Control Over Public Corporations Act, 1975 or in any direction issued thereunder, the member referred to in clause (a) of sub-section (2) shall be appointed from amongst the persons possessing such qualifications and experience and in accordance with such manner as may be prescribed.”

3. Notwithstanding anything contained in any judgement, decree or order of any court, the provisions of the principal Act as amended by this Act, shall apply also in respect of a vacancy in the post of Managing Director, existing from before the commencement of this Act.

Provisions with respect to existing vacancy

*Explanation:—*The expression “Managing Director” shall have the meaning assigned to it in the principal Act.

Repeal and saving

4. (1) The Uttar Pradesh Water Supply and Sewerage (Amendment) Ordinance, 2002 is hereby repealed.

U. P.
Ordinance
no. 9 of
2002

(2) Notwithstanding such repeal anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,

A.B. SHUKLA,

Pranukh Sachiv.

STATEMENT OF OBJECTS AND REASONS

Section 4 of the Uttar Pradesh Water Supply and Sewerage Act, 1975 (U. P. Act no. 43 of 1975) provides for the constitution of the Uttar Pradesh Jal Nigam and the appointment of the Chairman and the members thereof. Clause (a) of sub-section (2) of the said section empowered the State Government to appoint a qualified engineer having experience in administration and water supply and sewerage works as the Managing Director but neither the qualifications and the manner of appointment to the post of the Managing Director was provided in the said Act nor the State Government was specifically empowered to make rules with respect thereto. It was, therefore, decided to amend the said Act to empower the State Government to prescribe qualifications, experience and the manner of appointment of the Managing Director notwithstanding anything contained in the Uttar Pradesh State Control Over Public Corporations Act, 1975 or in any direction issued thereunder.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Water Supply and Sewerage (Amendment) Ordinance, 2002 (U. P. Ordinance no. 9 of 2002) was promulgated by the Governor on June 27, 2002.

This Bill is introduced to replace the aforesaid Ordinance.

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