

# THE KERALA WATER SUPPLY AND SEWERAGE

## (AMENDMENT) ACT, 1993 [1]

### (ACT 6 OF 1993)

[1] Received the assent of the Governor on 2 March 1993 and published in the Kerala Gazette Extraordinary No. 227 dated 2 March 1993.

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

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

BE it enacted in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.* —(1) This Act may be called the Kerala Water Supply and Sewerage (Amendment) Act, 1993.

(2) It shall be deemed to have come into force on the 30th day of December, 1992.

2. *Amendment of Section 4.*—In the Kerala Water Supply and Sewerage Act, 1986 (14 of 1986) (hereinafter referred to as the principal Act), in section 4,—

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

"(h) two members appointed by the Government, one of whom shall be a member belonging to a Scheduled Caste or Scheduled Tribe;"

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

"(j) An Accounts Member, who shall be a qualified Chartered Accountant having a minimum of fifteen years of experience in responsible position in a reputed commercial organisation or public sector undertaking or who shall be a member of the Accounts Service of the Central Government, appointed by the Government."

3. *Amendment of Section 6.*—In section 6 of the principal Act, in sub-section (1), for the words, letter and brackets "or clause (i)" the words, letters and brackets "clause (i) or clause (j)" shall be substituted.

4. *Amendment of Section 7.*— In section 7 of the principal Act, for the words "and the Technical Member" the words "the Technical Member and the Accounts Member" shall be substituted.

5. *Insertion of new Section 18A.* —After section 18 of the principal Act, the following section shall be inserted, namely:—

*"18A. Power of Government to retransfer certain Water Supply and Sewerage Services.* —(1) Notwithstanding anything contained in this Act, on a request by a resolution passed in this behalf, by the local body which has its own electricity distribution system, the Government may, if they consider it necessary so to do, by notification in the Gazette declare that the water supply and sewerage services and other items mentioned in clauses (a) and (b) of sub section (1) of section 18, which had been vested in the Authority under the said section shall, on and from the date specified in the notification, revest in and stand retransferred to such local body, subject to such terms and conditions as may be

mentioned therein and thereupon the local body shall exercise all powers and perform all functions relating thereto.

- All rights, liabilities and obligations relating to the water supply and sewerage services revested under sub-section (1), including the right to recover arrears of water charges, meter hire and of any cost or fees which were due to the Authority immediately before such revesting, shall vest in and stand transferred to the local body.

- Where any doubt or dispute arises as to whether any property or asset has revested in such local body under sub section (1) or any right, liability or obligation has become the right, liability or obligation of the local body under this section, such doubt or dispute shall be referred to the Government whose decision thereon shall be final and binding on the Authority and the local body concerned.

(4) The Authority shall lend the services of such number of employees as may be necessary, to do the work in connection with the water supply or sewerage services or sewerage works revested in the local body under sub-section (1) and the salary, allowances, and contributions, if any, due to such employees shall be paid by the local body".

6• *Amendment of Section 22.* —In the principal Act, in section 22, in clause (d) of sub-section (4), before the words "in any Nationalised Banks", the words "in any Scheduled Bank as defined in the Reserve Bank of India, Act, 1934 (Central Act 2 of 1934) or in any Co-operative Bank or" shall be inserted.

7• *Repeal and saving.*— (I) The Kerala Water Supply and Sewerage (Amendment) Ordinance, 1992 (11 of 1992) is hereby repealed.

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