

ACT No. XXIII OF 1926.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 25th March, 1926.)

An Act to provide for the maintenance of the works established to supply drinking water in bulk for the urban area of the city of Delhi, and for that purpose to constitute a Joint Water Board to undertake such maintenance.

WHEREAS it is expedient to provide for the maintenance of the works established to supply drinking water in bulk for the urban area of the city of Delhi, and for that purpose to constitute a Joint Water Board to undertake such maintenance; It is hereby enacted as follows:—

Preliminary.

1. (1) This Act may be called the Delhi Joint Water Board Act, 1926. Short title and commencement.

(2) It shall come into force on the 1st day of April, 1926.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "the Board" means the Delhi Joint Water Board constituted by this Act;

(b) "Chief Commissioner" means the Chief Commissioner of Delhi; and

(c) "constituent body" means any one of the following bodies, namely:—

(i) the Delhi Municipal Committee,

(ii) the Delhi Civil Lines Notified Area Committee,

(iii) the Cantonment Authority, Delhi New Cantonments, and

(iv) the Imperial Delhi Municipal Committee, or such other authority as is for the time being entrusted with the distribution of water in the New Capital area.

3. (1) As

13

Price Anna 1 or 1½d.]

Constitution, property and liabilities of the Board.

Constitution of
the Board.

3. (1) As soon as possible after the commencement of this Act, there shall be constituted a Joint Water Board for Delhi consisting of nine members, of whom—

- (a) one shall be the Chief Commissioner;
- (b) four shall be members of the Delhi Municipal Committee elected by that Committee;
- (c) one shall be a member of the Delhi Civil Lines Notified Area Committee elected by that Committee;
- (d) one shall be a person nominated by the Officer Commanding the Delhi Independent Brigade; and
- (e) two shall be persons nominated by the Governor General in Council.

(2) If any constituent body fails to elect within three months from the commencement of this Act any member who is to be elected by it under sub-section (1), or to fill within three months any vacancy in the office of a member so elected, the Chief Commissioner may nominate to the vacancy any member of that constituent body and the person so nominated shall hold office until the constituent body concerned elects another member in his place.

Incorporation
of the Board.

4. (1) The Board constituted under section 3 shall be a body corporate by the name of the Delhi Joint Water Board, having perpetual succession and a common seal with power to acquire and hold property, both moveable and immoveable, and to contract, and shall by the said name sue and be sued.

(2) The Chief Commissioner shall be *ex-officio* President of the Board.

(3) The Secretary of the Board shall be a person, not being a member of the Board, appointed by the Board.

Property of the
Board.

5. Upon the constitution of the Board there shall be vested in the Board the works and other property specified in Parts A and B of Schedule I which were formerly the property of the Delhi Municipal Committee and of the Government, respectively.

Power to
construct additional
works.

6. If the Board is of opinion that the works and other property for the time being vested in it are inadequate for the purpose of the efficient supply of water under this Act, it may borrow money from the Governor General in Council or, with the sanction of the Governor General in Council and on such terms

terms as he may approve, from any constituent body for the purpose of constructing additional works or of acquiring additional property, and the loan so raised shall be expended in the construction of such works or the acquisition of such property, and any works so constructed or property so acquired shall vest in the Board.

7. The Governor General in Council may direct that any specified work, repair, renewal or replacement which is to be undertaken by or for the Board shall be carried out on behalf of the Board by the Governor General in Council, and the Board shall pay the charges therefor at the rates and subject to the terms for the time being applicable in the case of works constructed by the Governor General in Council on behalf of a local authority.

Employment of Government agency for repairs, etc.

8. (1) The Board shall, for the purpose of the renewal and replacement of the works and property vested in it, maintain a fund in such manner and subject to such conditions as the Auditor General may by rules prescribe.

Renewal and replacement fund.

(2) Without prejudice to the generality of the power of the Auditor General to make rules under sub-section (1), such rules shall provide for the following matters, namely:—

- (a) the amount of the annual payments to be made into the fund,
- (b) the manner in which the balances of the fund shall be invested, and
- (c) the manner in which and the objects upon which the balances and the interest accruing thereon may be expended.

9. In consideration of the transfer to the Board of the works and other property of the Delhi Municipal Committee, specified in Part A of Schedule I, the Board shall be deemed to have taken from the Committee a loan of five lakhs of rupees bearing interest at the rate of six rupees per cent. per annum, and such loan shall be repaid to the Committee in equated half-yearly instalments of principal and interest over a period of fifty years or such shorter period, if any, not being less than thirty years, as the Committee may, before the payment of the first half-yearly instalment becomes due, elect.

Debt of the Board to the Municipal Committee, Delhi.

10. (1) In consideration of the transfer to the Board of the works and other property of the Government specified in Part B of Schedule II, the Board shall be deemed to have taken from

Debt of the Board to the Governor General in Council.

from the Governor General in Council a loan of nineteen lakhs of rupees or of a sum equal to one-half of the capital cost of the works and property specified in that Part, whichever sum is less, and such loan shall bear interest at the rate of six rupees per cent. per annum and shall be repaid to the Governor General in Council in equated half-yearly instalments of principal and interest over a period of fifty years.

(2) For the purposes of this section, the capital cost of the works and other property specified in Part B of Schedule I shall be the amount recorded in the accounts of the Governor General in Council as the capital cost thereof, and, if any question arises as to the capital cost of any such works or property, it shall be referred to the Auditor General, whose decision shall be final.

Supply of water and payment therefor.

Supply of water. 11. The Board shall be bound to supply to each constituent body, at the place or places specified in respect of such body in Schedule II or at such other place or places as may be agreed between the Board and such body, water in bulk up to the amount demanded by such body or, if the total demand of the constituent bodies is in excess of the available supply, up to such proportion in the case of each constituent body as the Board may determine :

Provided that, if the Delhi Municipal Committee by notice in writing to the Board so requires, the amount supplied to the Committee shall not in any one day during such period as may be specified in the notice be less than five-sevenths of the total supply available during that day or seven and a half million gallons, whichever amount is less.

Constituent
bodies to pay
actual cost of
supply of water.

12. (1) Each constituent body shall pay for the water supplied to it the actual cost of supplying such water at a rate in respect of each thousand gallons of water supplied (hereinafter referred to as the final issue rate) calculated in the manner prescribed in this section.

Provided that the Delhi Municipal Committee shall be required to pay, in respect of each financial year, for the actual water supplied to it or for one thousand four hundred and sixty million gallons of water, whichever amount is greater, at the final issue rate or at the rate of three annas per thousand gallons, whichever is less, and any amount by which the price at the final issue rate of the supply actually taken by the
Committee

or 1926.]

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Committee exceeds the sum so payable by the Committee shall be payable to the Board by the Governor General in Council.

(2) The final issue rate shall be calculated for each financial year after the accounts of the year have been closed by dividing the amount of the total expenditure of the Board during the year by the number of thousand gallons supplied by the Board during that year to the constituent bodies.

(3) For the purposes of sub-section (2) there shall be taken into account as expenditure of the Board—

- (a) all establishment charges, including all expenditure upon repairs and maintenance not debitable to the fund established under section 8;
- (b) repayments of principal and payments of interest in respect of any loan taken by the Board under section 6;
- (c) the equated instalments payable to the Delhi Municipal Committee and the Governor General in Council under sections 9 and 10; and
- (d) payments into the fund established under section 8 after deduction of such income, if any, from interest on the balances of the fund as is, under rules made by the Auditor General under that section, to be deemed to be current revenue of the Board.

13. (1) Pending the calculation of the final issue rate for any financial year, payments for water supplied during that year shall be made provisionally at an estimated rate (hereinafter referred to as the collecting rate). Provisional
collecting rate.

(2) The collecting rate shall be calculated at the time of the framing of the budget estimates for the financial year by dividing the sum of the amount of the estimated expenditure of the Board in that year and of an addition of five per cent. of that amount by the number of thousand gallons of water estimated as likely to be supplied during that year.

(3) If any difference of opinion arises as to the supply of water to be estimated for the purposes of the ascertainment of the collecting rate the decision of the President of the Board thereon shall be final.

(4) Each constituent body shall pay on demand after the close of each quarter of each financial year the cost of the water supplied to it in that quarter calculated at the collecting rate:

Provided

Provided that, in the case of the water supplied to the Delhi Municipal Committee, if the collecting rate exceeds the rate of three annas per thousand gallons, the difference between the amount payable at that rate and the amount payable at the collecting rate shall be payable to the Board by the Governor General in Council.

Final settlement
of accounts.

14. (1) If the final issue rate for any financial year exceeds the collecting rate determined for that year, the balance due shall be recovered from each constituent body, or, in the case of an excess over the three annas rate payable by the Delhi Municipal Committee, from the Governor General in Council.

(2) If the final issue rate is less than the collecting rate, the excess collection shall be refunded to the constituent bodies from whom it was collected or, in the case of any amount recovered in excess from the Governor General in Council under sub-section (4) of section 13, to the Governor General in Council.

(3) If the total amount of water supplied during any financial year to the Delhi Municipal Committee is found to have been less than the minimum prescribed in sub-section (1) of section 12, the payment for the deficiency calculated at the final issue rate or at the rate of three annas per thousand gallons, whichever is less, shall be recovered from the Delhi Municipal Committee.

(4) Where any amount has been recovered under sub-section (3) from the Delhi Municipal Committee, then, if any recovery has been made from the Governor General in Council under sub-section (4) of section 13, the amount so recovered from the Committee or such portion thereof as is equal to the amount recovered from the Governor General in Council, shall be refunded to him.

Disputes as to
liability for pay-
ments to or by
the Board.

15. (1) If any dispute arises between the Board and the Governor General in Council or any constituent body as to the liability of the Governor General in Council or the constituent body to pay any sum demanded by the Board or as to the right of the Governor General in Council or the constituent body to any refund, or as to the amount of any refund, from the Board, the Governor General in Council or the constituent body, as the case may be, may require the Board to refer the matter in dispute to the Auditor General, and the decision of the Auditor General thereon shall be final:

Provided

Provided that, where the dispute relates to the liability of the Governor General in Council or a constituent body to make any payment to the Board, the payment shall be made to the Board pending the decision of the Auditor General.

(2) In making any such reference the Board shall furnish to the Auditor General and to the Governor General in Council or the constituent body concerned, as the case may be, a full statement of the grounds of its claim, and the Auditor General shall consider such statement, together with any like statement received from the Governor General in Council or the constituent body, within six weeks from the date of such reference.

16. If any constituent body does not, within one month of the receipt of a demand for any sum claimed by the Board, pay such sum, the Chief Commissioner may, on a requisition from the Board in this behalf,—

Summary recovery of sums due from constituent bodies.

- (a) if the balances of the constituent body are kept in the Government Treasury, order the officer in charge of the Treasury to reduce the balance at the credit of that body by the amount of the sum due and pay that amount to the Board, or
- (b) in any other case, deduct the amount of the sum due from any contribution or sum payable by him on behalf of the Government to the constituent body and pay the amount so deducted to the Board.

Budget and Accounts.

17. The budget estimates of the Board for each financial year shall be presented to the Board before the first day of March in the preceding financial year by the President, and the budget as finally passed shall be subject to the approval of the Governor General in Council, who shall have power to reduce any item in the estimates of expenditure and to restore any provision which he considers to be essential for the safe and efficient conduct of the business of the Board.

Presentation of budget estimates.

18. (1) All monies received by the Board shall be credited into a separate account maintained for the purpose in the Government Treasury or, if the Board so elects, into a banking account kept with the Imperial Bank of India or any other bank approved by the Auditor General in this behalf.

Custody and disbursement of monies.

(2) All

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(2) All funds for disbursement shall be drawn by means of cheques which shall be signed by the President or by such other member of the Board as the President may, with the approval of the Board, authorise in this behalf.

Provisions for audit.

19. The accounts of the Board shall be maintained in such form and shall be subject to such audit by such agency and on such terms and conditions as the Auditor General may prescribe.

Supply of copies of budget and accounts.

20. The Board shall furnish each financial year to the Chief Commissioner and to each constituent body a copy of its budget and of the accounts of the preceding financial year.

Provident Fund.

Provident Fund.

21. (1) The Board shall establish and maintain a Provident Fund for such of its officers and servants as are in receipt of a monthly pay exceeding twenty rupees.

(2) The rules providing for the establishment and maintenance of the Provident Fund established for its officers and servants by the Delhi Municipal Committee shall, with such modifications only as may be necessary to adapt them for the purpose, apply for the purpose of the establishment and maintenance of the Provident Fund referred to in sub-section (1) until such time as the Board may, with the sanction of the Chief Commissioner, make other rules in this behalf.

(3) Contributions made by the Board to the Provident Fund shall be deemed to be establishment charges for the purpose of clause (a) of sub-section (3) of section 12.

Rights of user in property.

Rights of user of property for aqueducts, lines, etc.

22. (1) The Board may place and maintain aqueducts, conduits and lines of mains or pipes over, under, along or across any immovable property without acquiring the same, and may at any time, for the purpose of examining, repairing, altering or removing any aqueduct, conduit or line of mains or pipes, enter on any property over, under, along or across which the aqueduct, conduit or line of mains or pipes has 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 aqueduct, conduit or line of mains or pipes is placed.

(2) The

(2) The powers conferred by sub-section (1) shall not be exercisable in respect of any property vested in or under the control or management of the Government or any local authority or railway administration, save with the permission of the Governor General in Council or the Local Government or the local authority or railway administration, as the case may be, and in accordance with any rules made in this behalf under this Act:

Provided that the Board may, without such permission, repair, renew or amend any existing works of which the character or position is not to be altered if such repair, renewal or amendment is urgently necessary in order to maintain the supply of water without interruption, or is such that delay would be dangerous to human life or property.

23. In the exercise of the powers conferred upon it by section 22, 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. Compensation for damage.

Meters.

24. (1) For the purpose of measuring and recording the amount of water supplied to each constituent body, the Board shall affix meters at the points of junction between the communication pipes of the constituent body and the mains or pipes belonging to the Board, and the cost of such meters shall be borne by the Board. Supply of meters.

(2) It shall be presumed, until the contrary is proved, that the quantity of water supplied through any connection is the quantity indicated by the meter affixed to that connection.

25. (1) If any constituent body desires to have any meter tested, it may make an application in this behalf accompanied by a fee of two hundred and fifty rupees, and, on receipt of such application and fee, the Board shall forthwith cause the meter to be tested at a time and place of which due notice shall have been given to the constituent body. Testing of meters.

(2) If the meter is found on being tested to be incorrect, the Board shall be bound to replace or repair the same and to refund the fee paid under sub-section (1) together with such sum, if any, as is proved to the satisfaction of the Board to have been paid in excess by the constituent body by reason of the incorrectness of the meter.

26. Any

Penalties.

Penalties.

26. Any person who—

- (a) wilfully obstructs any person acting under the authority of the Board in setting out the line of any works, or pulls up or removes any pillar, post or stake fixed in the ground for the purpose of setting out the lines of such works, or defaces or destroys any works made for the same purpose, or
- (b) wilfully or negligently breaks, injures or opens any lock, cock, valve, pipe or other water work belonging to the Board, or
- (c) unlawfully obstructs the flow of, or flushes, draws off, diverts or takes water from, any water work belonging to the Board, or any water or stream by which any such water work is supplied, or
- (d) obstructs any officer or servant of the Board in the discharge of his duties under this Act, or refuses or wilfully neglects to furnish him with the means necessary for making any entry, inspection, examination, or inquiry thereunder in relation to any water work, or
- (e) bathes in, at or upon any water work, or washes, throws or causes to enter therein any animals, or throws any rubbish, dirt, filth or other offensive matter into any water work, or washes or cleans therein any cloth, wool or leather or the skin of any animal, or causes the water of any sink, sewer or drain or of any steam engine or boiler or any other dirty water to turn or be brought into any water work, or does any other act whereby the water in any water work is fouled or likely to be fouled,

shall be punishable with fine which may extend to two hundred and fifty rupees.

Rules and bye-laws.

Power of the Governor General in Council to make rules.

27. (1) The Governor General in Council may, by notification in the Gazette of India, make rules consistent with this Act for the purpose of carrying into effect the provisions thereof.

(2) In

(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) the term of office of members of the Board;
- (b) the circumstances in which and the authority by which any member may be removed;
- (c) the minimum number of meetings of the Board to be held during any year; and
- (d) the conditions subject to which the Board may exercise the powers conferred by section 22 in respect of property of the Government or of a local authority or railway administration.

28. The Board may, with the sanction of the Chief Commissioner, make bye-laws, consistent with this Act and any rules made thereunder, to provide for all or any of the following matters, namely:—

Power to make
bye-laws.

- (a) the manner in which business shall be conducted at meetings of the Board;
- (b) the maintenance by the Board of a record of all business transacted;
- (c) the definition of the powers of the Board to enter into contracts which shall be binding on the Board, and the manner in which such contracts shall be executed;
- (d) the definition of the powers of the Board in respect of the appointment, promotion and dismissal of officers and servants of the Board;
- (e) the grant of pay and leave to officers and servants of the Board, and the payment of leave allowances to such officers and servants, and the remuneration to be paid to any person appointed to act for any officer or servant to whom leave is granted;
- (f) the regulation of the payment of pensions, gratuities, compassionate allowances and travelling allowances to officers and servants of the Board;
- (g) the circumstances in which security may be demanded from officers and servants of the Board and the amount and nature of such security in each case;

(h) The

- (h) the preparation of supplementary estimates of expenditure not included in the budget estimates and the manner in which such estimates shall be presented to the Board and sanctioned;
- (i) the general regulation of all matters incidental to the Provident Fund and the investment thereof; and
- (j) any other matter for which provision is required for the efficient discharge of the duties or business of the Board.

SCHEDULE I.

(See sections 5, 9 and 10.)

LIST OF WORKS AND PROPERTY.

PART A.

LIST OF WORKS TAKEN OVER FROM THE DELHI MUNICIPAL COMMITTEE.

1. At Chandrawal—

- (a) 2 Settling tanks, each 160' × 63'.
- (b) 8 „ „ „ 163' × 60'.
- (c) 8 Filter beds „ 113' × 80'.

(The above tanks have been converted into settling tanks of greater depth by raising the walls and making certain other alterations.)

- (d) 6 Filter beds each 170' × 100' (one of which has been converted into two settling tanks for the Paterson filters).

- (e) The pipe connections to and from the above settling tanks and filter beds.

(f) Pumping Station—

with 80' brick chimney and coal bins and tramway and including the following plant—

- 3 Babcock and Wilcox Boilers Register Nos. D.-65, D.-66 and D.-94,
- 2 Green's Economisers,
- 3 Donkey Pumps,
- 3 Pumping Engines Nos. 2428, 2429 and 2907,
- 2 Travelling cranes.

(g) Workshop

(g) Workshop equipped with—

- 1 Lathe 20' bed,
- 1 Lathe 12' bed,
- 1 Lathe 6' bed,
- 1 Shaping machine,
- 1 Drilling machine,
- 1 Slotting machine,
- 1 Power hammer,
- 2 Hearths,
- 1 Saw Bench,
- 1 Vice Bench with 7 vices,
- 1 Grindstone,
- 1 Double Emery wheel,
- 1 Blower,
- 1 Steam engine with necessary shafting for running the workshop,
- 5 Almirahs for keeping stores,
- Carpenters shop.

(h) Superintendent's Bungalow consisting of 4 main rooms and with 14 servants and staff quarters and the necessary latrines, etc.

(i) Office and Stores, with weighbridge.

(j) Clear water Reservoir, 2 Nos., total capacity 1,200,000 gallons with pipe connections.

2. From Chandrawal to Hindu Rao—

- 1 rising main 18" diameter.
- 1 rising main 20" diameter.
- 1 18" venturi meter.

3. At Hindu Rao—

Reservoir, capacity $2\frac{1}{2}$ million gallons,

Byepass and other pipes at Reservoir.

Valve House including 24" outlet from the Reservoir and 24", 16" and 12" delivery mains at valve house.

Chowkidars' Quarters, 6 Nos.

PART B.

PART B.

LIST OF WORKS TAKEN OVER FROM THE GOVERNMENT.

1. At Wazirabad—

- (a) River training works.
- (b) River Intake.
- (c) Pumping Station with 120' steel chimney, coal store and weighbridge and including the following plant—
 - 2 Babcock and Wilcox Boilers, Register No. D.-152 D.-153 with stoker engine, feed pumps and Economiser complete,
 - 3 Engine and centrifugal pumps, Nos. 2012, 2013, 2014,
 - Travelling crane.
- (d) 2 Settling tanks and filters, and clear water reservoir, and pipe connections.
- (e) 41 Quarters.

2. From Wazirabad to Chandrawal—

- (a) 28" venturi meters.
- (b) Rising main 36" diameter with Nallah crossing.
- (c) Approach Road and Irish Bridge.
- (d) 2 Silt tanks near Shah Alam's Mosque.
- (e) Masonry conduit from silt tanks to Chandrawal.

3. At Chandrawal—

- (a) Alterations to tanks and filters.
- (b) Paterson Filter Plant with the necessary supply and delivery channels, and including—
 - Filter and Chemical House.
 - 4 Coagulating Tanks.
 - 2 Tanks by conversion of 170 × 100 filter bed.
 - 15 Paterson Filters.
 - 1 Paterson chloronome and two weighing machines.
 - 2 Motor driven Air Compressors.
- (c) 1 clear

- (c) 1 clear water reservoir, 1 million gallons capacity.
- (d) Pumping Station with 150' steel chimney and coal store including the following plant—
 - 2 Babcock and Wilcox Boilers, Register No. D.-154 D.-155 with stoker engine and feed pumps and Economiser complete,
 - 2 Engines and Pumps, Nos. 3056 and 3057,
 - Travelling crane.
- 4. *From Chandrawal to Mutiny Memorial—*
 - (a) 24" venturi meter.
 - (b) Rising main 24" diameter.
 - (c) 20" connection from 24" Government main to 20" Municipal main.
 - (d) 16" connection from 24" main to Hindu Rao Reservoir.
 - (e) Mutiny Memorial Reservoir, capacity 1 million gallons with inlet and outlet pipes at site.
 - (f) Gauging Chamber with necessary control valves and inlet and outlet pipes.
- 5. *From Mutiny Memorial to Talkatora—*
 - (a) 26" diameter steel syphon to Idgah.
 - (b) 26" venturi meter with chowkidar's quarter.
 - (c) Idgah Gauging Chamber with inlet and outlet pipes.
 - (d) Masonry conduit from Idgah to Talkatora.
 - (e) Talkatora Reservoir, capacity $2\frac{1}{4}$ million gallons with inlet and outlet pipes and bypass.
 - (f) Quarters, 5 units.
- 6. *From Talkatora to New Cantonments—*
 - (a) Pumping Station with 2 motor driven centrifugal pumps and starters, etc., complete.
 - (b) Rising main 10" diameter.
 - (c) Reservoir capacity 400,000 gallons with inlet and outlet pipes and bypass.
 - (d) Quarters, one unit.
- 7. Any other work constructed as part of the New Capital Project which the Governor General in Council may hand over to the Board.

SCHEDULE II.

SCHEDULE II.

(See section 11.)

**PLACES AT WHICH THE BOARD WILL DELIVER A SUPPLY OF WATER
IN BULK.**

- (a) Hindu Rao Reservoir, for supply to the Delhi Municipal Committee.
- (b) Mutiny Memorial Reservoir, for supply to the Delhi Civil Lines Notified Area Committee.
- (c) Idgah Reservoir, for supply to the Delhi Municipal Committee and for the purposes of the southern and western City Extensions.
- (d) Talkatora Reservoir, for supply to the Imperial Delhi Municipal Committee.
- (e) Cantonment Reservoir, for supply to the Cantonment Authority, Delhi New Cantonments.