

The Haryana Rural Sanitation Board Act, 1972
Haryana Act No. 7 of 1972

hl622

Received the assent of the Governor of Haryana on the 4th February, 1972, and first published in the Haryana Government Gazette (Extraordinary) of February 9, 1972.

An Act to provide for the establishment of a Rural Sanitation Board for arranging Water supply and preparing and executing sanitation schemes in Sabha areas in the State of Haryana.

Be it enacted by the Legislature of the State of Haryana in the Twenty second Year of the Republic of India as follows :-

CHAPTER I

Preliminary

1. Short title extent and commencement. - (1) This Act may be called the Haryana Rural Sanitation Board Act, 1972.

(2) It extends to all Sabha areas in the State of Haryana.

(3) It shall come into force on such date as the Government may be notification appoint in this behalf.

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

(a) "Board" means the Rural Sanitation Board, Haryana, established and constituted under Section 3 of this Act;

(b) "bye-laws" means bye-laws made under Section 10 of this Act;

(c) "Chairman" means the chairman of the Board;

(d) "Fund" means the Rural Sanitation Board Fund constituted under Section 22 of this Act;

(e) "Government" means the Government of the State of Haryana;

(f) "Gram Panchayat" means a Gram Panchayat established and constituted under Section 5 of the Gram Panchayat Act, 1952;

(g) "member" means a member of the Board and includes the Chairman;

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

(i) "regulations" means regulations made under Section 8 of this Act;

(j) "Sabha area" means the Sabha area as defined in Section 4 of the Punjab Gram Panchayat Act, 1952 (4 of 1953); and

(k) "Secretary" means the Secretary of the Board.

CHAPTER II

Establishment and Constitution of the Board

3. Establishment and Constitution of the Board. - (1) With effect from such date as the Government may by notification appoint in this behalf, there shall be established for carrying out the purposes of this Act a Board to be known as "the Rural Sanitation Board, Haryana", consisting of a Chairman and such number of members, if any not exceeding ten, as may be fixed by the Government, from time to time, with headquarters at such place as the Government may specify.

(2) The Board shall be a body corporate having perpetual succession and a common seal and shall sue or be sued and do all such things as are necessary for carrying out the purposes of this Act.

4. Terms of office and conditions of service. - (1) Every member shall hold office during the pleasure of the Government.

(2) The conditions of service of the members shall be such as may be prescribed.

(3) The salary and allowances to the members shall be paid out of the Fund.

(4) A member may at any time resign his office by submitting his resignation to the Government :

Provided that the resignation shall not take effect until it is accepted.

5. Ad-hoc Chairman during leave. - During the absence of the Chairman on leave or otherwise the Government may appoint any person to act as Chairman and the person so appointed shall be deemed to be the Chairman for all purposes of this Act.

6. Filling of vacancies. - If a vacancy occurs in the office of the Chairman or member by death, resignation, removal or otherwise, it shall be filled by the Government by appointing a new Chairman or member, as the case may be.

7. Proceedings presumed to be valid. - No defect in the appointment of any person acting as Chairman or member shall be deemed to vitiate any act or proceedings of the Board if such act or proceedings are otherwise in accordance with the provisions of this Act.

8. Staff of the Board. - (1) The Board may, with the prior approval of the Government, appoint necessary staff for the performance of the functions assigned to it under this Act :

Provided that the Board may with the prior approval of the Government appoint officers in the service of the Government to attend to the functions of the Board in addition to their duties under the Government.

(2) The staff appointed under sub-section (1) shall be paid from the Fund of the Board such remuneration as the Board may, with the prior approval of the Government, fix from time to time.

(3) The Board may, by regulations to be made with the previous sanction of the Government, prescribe conditions of service of the staff.

9. General disqualifications of officers and servants. - No person who has directly or indirectly any share or interest in any contract, by or on behalf of the Board, or in any employment under, by or on behalf of the Board, otherwise than as an employee thereof, shall be appointed or retained as an employee of the Board.

10. Power to make bye-laws. - (1) The Board may make bye-laws, not inconsistent with this Act and the rules made thereunder, prescribing the procedure for holding its meetings, for transaction of business thereof and such other matters which may be necessary or expedient for the purpose of carrying out its duties and functions under this Act and submit the same for approval of the Government.

(2) The Government may approve the bye-laws with or without modifications.

(3) All bye-laws approved by the Government shall be published in the Official Gazette.

11. Power to make contract. - The Board may enter into and perform or require the performance of all such contracts as it may consider necessary or expedient for carrying out the purposes of this Act.

12. Execution of contracts. - (1) Every contract shall be made in the name of the Board and shall be signed for and on behalf of the Board by the Chairman :

Provided that no contract involving an expenditure or property of the value of five lakh rupees or more shall be made without the previous sanction of the Government.

(2) Every contract shall, subject to the provisions of this section, be entered into in such manner and form as may be prescribed.

(3) A contract not made or executed as provided in this section and the rules made thereunder shall not be binding on the Board.

13. Delegation of Board's powers. - The Board may delegate its powers to the Chairman, member or any other employee with the prior approval of the Government.

CHAPTER III

Functions and Duties of the Board

14. Functions and Duties of the Board. - (1) It shall be lawful for the Board to arrange for the execution of any of the following types of schemes in a Sabha area, namely :-

- (a) water supply schemes;
- (b) sewerage schemes :

Provided that before arranging for the execution of any scheme within a Sabha area, the Board shall consult the Gram Panchayat of the area concerned and obtain its concurrence to the scheme.

(2) Any Gram Panchayat may request the Board to arrange for the execution of any of the schemes referred to in sub-section (1) within its area and the Board may, subject to availability of funds, make reasonable provision for executing such scheme.

15. Preparation and submission of programme, budget and establishment schedule. - (1) Before the first day of December in each year, the Board shall prepare and forward to the Government in such form as may be prescribed -

- (i) a programme for the next year;
- (ii) a budget for the next year, and
- (iii) a Schedule of the staff already employed and to be employed during the next year.

(2) The programme shall contain such particulars, as may be prescribed, of schemes which the Board proposes to execute whether in part or whole during the next year.

(3) The budget shall contain a statement showing the estimated receipts and expenditure on capital and revenue accounts for the next year.

16. Sanction of programme, budget and establishment schedule. - The Government may sanction the programme, budget and the Schedule of the Staff forwarded to it with such modifications, if any, as it deems fit.

17. Supplementary programme and budget. - The Board may, at any time, during the year in respect of which a programme has been sanctioned under Section 16, submit a supplementary programme and budget and an additional Schedule of the staff, if any, to the Government and the provisions of Section 16 shall apply to such supplementary programme and budget and additional Schedule of the staff.

18. Variation of programme. - The Board may, any time, vary any programme sanctioned by the Government or part thereof :

Provided that no such variation shall be made if it involves an expenditure in excess of ten per centum of the amount as originally sanctioned for the execution of any scheme included in such programme or affects its scope or purpose.

19. Execution of schemes. - The schemes of the Board shall be executed through the Haryana Public Works Department, Public Health Branch.

20. Recovery of cost of scheme. - (1) It shall be lawful for the Board to recover from a Gram Panchayat, in such annual instalments as may be decided upon by agreement with the Gram Panchayat concerned, the whole

or any portion of the expenditure incurred by the Board in the execution of any of the schemes under this Act within the Sabha area of the Gram Panchayat concerned.

(2) If any Gram Panchayat fails to pay the amount as decided upon, it shall be recoverable from the Gram Panchayat in the manner laid down in the Local Authorities Loans Act, 1914.

21. Adjudication of disputes. - If any dispute arises between the Board and a Gram Panchayat in respect of the matters provided for in this Act, such dispute shall be referred to the Secretary to Government, Haryana, in the Local Government Department whose decision thereon shall be final.

CHAPTER IV

Finance, Accounts and Audit

22. Board's Fund. - (1) The Board shall have a fund called the Rural Sanitation Board Fund.

(2) The Board may accept grants, subventions, denotations and gifts from the Central Government or State Government or a local authority or any individual or body, whether incorporated or not, for all or any of the purposes of this Act.

(3) All moneys received by or on behalf of the Board under this Act, shall be credited to the Fund.

(4) Except as otherwise directed by the Government, all moneys and receipts specified in the foregoing provisions and forming part of the Fund shall be deposited in the State Bank of India or in any Schedule Bank or a Co-operative Bank or invested in such securities as may be approved by the Government and shall be operated by such officers as may be authorised by the Board.

Explanation. - For the purpose of this section, a Scheduled Bank means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934.

23. Application of the Fund. - All property vesting in the Board including the Fund and all other assets shall be held and applied for carrying out the purposes of this Act.

24. Expenditure in case of urgency, etc. - (1) Where in the opinion of the Board circumstances of extreme urgency have arisen, it shall be lawful for the Board to incur for carrying out the purposes of this Act in any year, an expenditure of such amount as may be prescribed, notwithstanding the fact that such expenditure has not been included in its programme or supplementary programme sanctioned by the Government or the variation of the programme made under Section 18.

(2) Where any sum is expended under sub-section (1), a report thereof indicating the source from which the expenditure is met shall be made by the Board as soon as practicable to the Government.

(3) The Board may, within the budget sanctioned by the Government approve appropriation from one head to another and from one minor head to another under the same major head not exceeding such amount as may be prescribed and submit a statement of such appropriation to the Government.

25. Subventions and loans to Board. - The Government may, from time to time, make subventions or advance loans to the Board on such terms and conditions, not inconsistent with the provisions of this Act, as the Government may determine.

26. Power of Board to borrow. - (1) The Board may, from time to time, with the previous sanction of the Government and subject to the provisions of this Act and such conditions as may be prescribed in this behalf, borrow any sum required for carrying out the purposes of this Act, by the issue of debentures or otherwise.

(2) All debentures issued by the Board shall be in such form as the Board may with the sanction of the Government determine from time to time.

(3) Every debenture shall be signed by the Chairman and one other member, if there is any.

(4) Loans borrowed and debentures issued under this section along with interest, may be guaranteed by the Government.

27. Board to be a local authority. - The Board shall be deemed to be a local authority for the purposes of the Local Authorities Loans Act, 1914.

28. Accounts and audit. - (1) The Board shall cause to be maintained proper books of accounts and such other books as the rules made under this Act may require and shall prepare in accordance with such rules an annual statement of accounts.

(2) The Board shall cause its accounts to be audited annually by such person or agency as the Government may direct.

(3) As soon as the accounts of the Board have been audited, the Board shall send a copy thereof together with a copy of the report of the auditor thereon to the Government; and shall cause the accounts to be published in the prescribed manner and put on sale copies thereof at cost price.

(4) The Board shall comply with such directions as the Government may, after perusal of the report of the auditor, think fit to issue.

29. Concurrent and special audit of accounts. - (1) Notwithstanding anything contained in Section 28, the Government may order that there shall be concurrent audit of the accounts of the Board by such person or agency as it thinks fit. The Government may also direct a special audit to be made by such person or agency as it thinks fit of the accounts of the Board relating to any particular transaction or a class of series of transactions or to a particular period.

(2) Where an order is made under sub-section (1), the Board shall present or cause to be presented for audit such accounts and shall furnish to the person or agency appointed under sub-section (1) such information as he or it may require for the purpose of audit.

30. Transfer of assets and liabilities. - (1) The Government may transfer to the Board on such terms and conditions as the Government may deem fit to impose, building, land or any other property, movable or immovable, for use and management by the Board for the purposes of this Act.

(2) The Government may transfer to the Board for the purposes of this Act, subject to such terms and conditions as the Government may deem fit to impose such schemes or works in progress, with all their assets and liabilities as are run or managed by the Government.

CHAPTER V

Miscellaneous

31. Reports, statistics, return and statement. - The Board shall submit to the Government such reports, statistics, returns or statements of such matters and in such form and manner as may be prescribed or as the Government may from time to time direct.

32. Notice of suit against Board. - No person shall institute any suit against the Board or against any officer or servant of the Board or any person acting under the orders of the Board, for anything done or purporting to have been done in pursuance of this Act, without giving to the Board, officer or servant or person concerned two month's previous notice in writing of the intended suit and of the cause thereof.

33. Members, Officers and Servants of Board to be public servants. - All members, officers and servants of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of Section 21 of the Indian Penal Code.

34. Indemnity. - No suit, prosecution or legal proceedings shall lie against any person for anything which is in good faith done or purported to be done under this Act.

35. Power of entry. - The Chairman may authorise in writing, any person either generally or specifically to enter into or upon any land, in order to -

- (a) make inspection, survey, measurement, valuation or inquiry;
- (b) take levels;
- (c) dig or bore into the sub-soil;
- (d) set up boundaries and intended lines of work;
- (e) cut trenches; or

(f) do any other thing, whenever it is necessary to do so, for any of the purposes of this Act or any rules made or scheme sanctioned thereunder :

Provided that -

- (i) no such entry shall be made between sunset and sunrise;
- (ii) no dwelling house and no public building which is used as a dwelling place, shall be so entered, except with the consent of the occupier thereof, and without giving the said occupier at least twenty-four hours' notice to make such entry;
- (iii) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment occupied by women to remove themselves to some part of the premises where their privacy will not be disturbed;
- (iv) due regard shall always be had, so far as may be compatible with the exigencies of the purposes for which the entry is made, to the social and religious usages of the occupants of the premises entered.

36. Power of Government to give direction to Board. - The Government may give to the Board such directions as in its opinion are necessary or expedient for carrying out the purposes of this Act. After giving an opportunity to the Board to state its objections, if any, and after considering the said objections, the Government may drop, modify or confirm the directions whereafter it shall be the duty of the Board to comply with such directions.

37. Default in performance of duty. - (1) If the Governor is satisfied that the Board has defaulted in performing any duty or function imposed on it by or under this Act, it may fix a period for the performance of such duty or function by the Board.

(2) If in the opinion of the Government the Board fails or neglects to perform such duties or functions within the period so fixed, it shall be lawful for the Government, to supersede and reconstitute the Board.

(3) After the supersession of the Board and until it is reconstituted, the powers, duties and functions of the Board and the Chairman under this Act shall be carried on by the Government or by such officer or officers as the Government may appoint in this behalf.

38. Power to make rules. - (1) The Government may, by notification and subject to the condition of 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 be made for all or any of the following purposes, namely :-

- (a) the salary, allowances and conditions of service of members under Section 4;
- (b) the manner and form in which contracts shall be entered into under Section 12;
- (c) the forms of annual programme, budget and schedule of staff of officers and servants, particulars of schemes and other particulars to be contained in the programme under Section 15;
- (d) the conditions subject to which the Board may borrow any sum under Section 26;
- (e) the manner of preparation, maintenance and publication of accounts under Section 28;
- (f) the form and manner in, and the matters on which reports, statistics, returns or statements shall be submitted under Section 31; and
- (g) any other matter which is to be or may be prescribed under this Act.

(3) Every rule made under this section shall be laid, as soon as may be, after it is made, before the State Legislature while it is in session for a total period of ten 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 successive session aforesaid, the Legislature agrees in making any modification in the rule or the legislature agrees that the rule shall 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.

39. Registration of documents executed on behalf of Board. - (1) Notwithstanding anything contained in the Indian Registration Act, 1908 (Central Act XVI of 1908), it shall not be necessary for the Chairman to appear in person or by agent at any registration office in any proceedings connected with registration of any instrument executed by him in his official capacity on behalf of the Board or to sign as provided in Section 58 of that Act.

(2) Where any instrument is so executed, the registration officer to whom such instrument is presented for registration may, if he thinks fit, refer to the Chairman for information regarding the same and on being satisfied of the execution thereof, shall register the instrument.

40. Dissolution of Board. - (1) The Government may by notification dissolve the Board from such date as may be specified by notification.

(2) With effect from the date specified by notification under sub-section (1),

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- (a) all properties, funds and dues which are vested in and realizable by the Board shall vest in and be realized by the Government; and

(b) all liabilities shall be enforceable against the Government to the extent of the properties, the Fund and dues vested in and realized by the Government.

(3) Nothing in this section shall effect the liability of the Government in respect of loans or debentures guaranteed under sub-section (4) of Section 26, or the interest thereon.

41. Power to remove difficulties. - If any difficulty arises in giving effect to the provisions of this Act, the Government may by order do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.