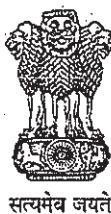


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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 29th March, 2010 by Shri Govindbhai Patel M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

Gujarat Bill No.19 OF 2010.

THE GUJARAT PREVENTION OF THE PEOPLE FROM ILLEGALLY PULLING OUT WATER FROM THE GOVT. NETWORK OF WATER SUPPLY BILL, 2010.

A BILL

To prevent the people from illegally pulling out water from the network of water supply which is made by the State Govt. in the whole State for the arrangements of water distribution under the Water Supply Scheme and to enact an effective law against such people.

It is hereby enacted in the sixty first year of the Republic of India as follows :

(1) This Act may be called the Gujarat Prevention of the people short title from illegally pulling out Water from Govt. Network of Water extent and Supply Act, 2010. commencement

(2) It extends the whole of the State of Gujarat.

(3) It shall come into force at once.

2. Definitions

Definitions

In this Act, unless the context otherwise requires-

(1) 'Canal' includes -

All canals, channels constructed, maintained or controlled by Govt. for the supply of storage of water.

(2) 'Water-course' means a channel constructed and maintained at the cost of the Govt, to supply water from an outlet.

- (3) 'Field-channel' means any channel or pipe constructed and maintained by the holder of land either by himself or jointly.
- (4) 'Outlet' means an opening which is constructed by the State Government.
- (5) 'Collector' includes any officer appointed by the State Govt. to exercise all or any of the powers of a Collector under this Act.
- (6) 'Canal officer' means any officer lawfully appointed or invested with powers.
- (7) 'Owner' includes every person having a joint interest in the ownership of the thing specified.
- (8) 'Prescribed' means prescribed by rules made under this Act.
- (9) 'The Land Acquisition Act' means the Land Acquisition Act, 1894.
- (10) 'The Land Revenue Code' means the Bombay Land Revenue Code Act, 1879.

Appointment of Canal officers 3. The State Govt. may appoint any officer with such powers and duties under this Act.

Power to cut-off water supply 4. The Canal officer after due consideration with the authority may cut-off the water supply.

Power of canal officers 5. Any Canal officer may enter on any land, remove any obstruction, close any channel for the purpose of preventing people from illegally pulling out water from the Government Network of Water Supply.

Entry for Enquiry And prosecution 6. Any Canal officer may enter upon such land as he may think necessary for the purpose and stop the people from illegally pulling out water from Govt. network of water supply and do all other things necessary for the prosecution of such inquiry.

Liability When Water Runs to waste 7. If water supplied through a field channel be suffered to run to waste, and if, after inquiry, the person through whose act or neglect such water was suffered to run to waste was not be discovered, the person or all the persons chargeable in respect of the water supplied through such field channel shall be liable, or jointly liable as the case may be, for the charges which shall be made in respect of the water so wasted, under the rules prescribed by the State Government.

Punishment By Civil Judge 8. Any person who found guilty of illegally pulling out water from the Govt. network of water supply shall be punished by Civil Judge with simple imprisonment for a term which may be extend to six months or with fine which may extend to five thousand rupees or with both.

Appeals 9. Any person aggrieved by an order of the Civil Judge may prefer an appeal to the appellate court against such order within the prescribed time limit.

Protection of acts Done in Good faith 10. No suit, prosecution or other legal proceeding shall lie against the state govt. or any officer or servant of State Government in respect of anything done in good-faith or intended to be done in pursuance of the Act or any rules or orders made thereunder.

Power to Make rules 11. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

- (2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to such rescission or modification as the State Legislature may make during the session in which they are so laid or the session immediately following.
- (3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon takes effect.

GANDHINAGAR,

Dated the 15th March, 2010.

GOVINDBHAI PATEL,

M.L.A.

STATEMENT OF OBJECTS AND REASONS

The Government has enacted the Act, namely: The Bombay Irrigation Act, 1879 by which the Government of Gujarat has made provision for the Construction, maintenance and regulation of canals, for the supply of water there from and for the levy of rates for water so supplied, but there is no effective law to stop the people from illegally pulling out water from the network of water supply which is made by the State Government in the whole State for arrangements of water distribution under the water supply scheme and therefore it is necessary to enact effective new law.

This Bill seeks to achieve the above objects.

GANDHINAGAR,

Dated the 15th March, 2010

GOVINDBHAI PATEL,

M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause-10 of the Bill empowers the State Government to make rules for carrying out the purposes of this Act.

The delegation of legislative powers as aforesaid is essential and of normal character.

GANDHINAGAR,

Dated the 15th March, 2010

GOVINDBHAI PATEL,

M.L.A.

Gandhinagar,

Dated : 29th March, 2010.

D.M.PATEL,

Secretary,

Gujarat Legislative Assembly.