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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT DOMESTIC WATER SUPPLY (PROTECTION) BILL,

2019.

GUJARAT BILL NO. 24 OF 2019.

A BILL

to prevent unauthorized or excessive drawl of water, damage to water supply infrastructure; and to protect domestic water supply system in the State of Gujarat and for the matters connected therewith or incidental thereto.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

- (1) This Act may be called the Gujarat Domestic Water Supply (Protection) Act, 2019.
- (2) It extends to whole of the State of Gujarat.

Short title, extent and commencement.

- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint; and different dates may be appointed for different provisions of this Act.

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

- (a) “Authority” means a public water distribution authority as specified in section 4;
- (b) “Board” means the Gujarat Water Supply and Sewerage Board established under section 3 of the Gujarat Water Supply and Sewerage Board Act, 1978;
- (c) “bulk pipeline system” means any pipe line, size of which is more than 300mm diameter or such lower size of pipeline which feeds water to storage reservoir or Water Treatment Plants and includes open conveyance channels water storage systems, and valves or attachments on such pipeline;
- (d) “connecting pipe” means a pipe connecting distribution line to the user’s house or premises through which he receives water;
- (e) “distribution pipeline” means pipelines other than used in bulk pipeline system;
- (f) “domestic water” means water used for consumption by human beings for drinking or other domestic purposes such as cooking, bathing, washing, cleaning and other day-to-day activities; and includes consumption of water for live-stock.
- Explanation:** For the purpose of this Act, the supply of water for domestic purposes shall also include supply of water among others to commercial units, industrial establishments or institutions by the Authority;
- (g) “group residential connection” means a water connection to a user who owns or occupies more than four dwelling units for residential purposes and water is used for household purpose only;
- (h) “GWIL” means the Gujarat Water Infrastructure Limited, a

Guj. 18 of 1979.

18 of 2013.

Government company incorporated under the Companies Act, 2013;

(i) "local authority" for the purpose of this Act means-

Bom.LIX
of 1949.

(i) a municipal corporation, constituted under the Gujarat Provincial Municipal Corporations Act, 1949;

Guj.34 of
1964.

(ii) a municipality, constituted under the Gujarat Municipalities Act, 1963;

Guj.18 of
1993.

(iii) a village panchayat, constituted under the Gujarat Panchayats Act, 1993;

41 of
2006.

(iv) a Cantonment area, constituted under the Cantonment Act, 2006;

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

(k) "public domestic water source" means a source of water which is reserved for domestic purposes fully or partially;

(l) "public water distribution system" means a water supply system as provided under section 3; and includes source, conveyance system including bulk and distribution pipe lines, valves and fixers, storage or cisterns, electrical installations, pumping stations, water meter, treatment plant, stand posts or taps and all other equipments, attachments or accessories connected thereto, through which water is supplied;

(m) "regular connection size" means size of the connecting pipe which is normally granted by the Authority to a user in the public water distribution system;

(n) "residential connection" means a water connection granted to a user who owns or occupies a dwelling unit for residential purpose and water is used for residential use only;

(o) "residential use" means use of water from public water distribution system for the household purpose only;

(p) "Schedule" means Schedule appended to this Act;

(q) "user" means a person having a valid water connection for receiving domestic water supply from the public water distribution system.

**Public Water
Distribution
System.**

3. A public water distribution system is a water supply system laid or owned by an Authority for supplying water, for domestic purposes to users.

**Public Water
Distribution
Authority.**

4. (1) No authority other than a local authority, the Board or GWIL shall lay or own a public water distribution system in the State:

Provided that the State Government may, in public interest, by a notification in the *Official Gazette*, authorize any other agency to lay or own a public water distribution system for such area, as it may deem fit.

(2) The jurisdiction of the local authority shall be its local limits and the jurisdiction of the Board and GWIL shall be whole of the State:

Provided that where a local authority or an agency has laid a part of the public water distribution system outside its limits or area, the same shall be deemed to be within its jurisdiction for the purposes of this Act:

Provided further that the Board may, on a request made by a local authority, lay and operate public water distribution system within the limits of such local authority.

**Powers and
Functions of
Public Water
Distribution
Authority.**

5. (1) The Authority shall have following powers and functions, namely:-

I. Relating to water source –

- (a) to own a water source;
- (b) to get user right of a source from the Government or any other person;
- (c) to get water reserved or allocated from a source;
- (d) to procure water;
- (e) to develop a water source;
- (f) to get water from any source for its domestic use;

II. Relating to distribution system –

- (a) to plan, design, execute, operate, manage or maintain a public water distribution system;

III. Relating to water connection –

- (a) to grant or disconnect water connection;
- (b) to lay down size of connecting pipe to be granted to a user normally, and different sizes can be fixed different kinds of users;
- (c) to lay down terms and conditions for grant of water connection including residential connections or disconnection thereof; and different norms or terms and conditions may fixed for different kind of users; and
- (d) to fix water charges for different category of users subject to the condition that such charges shall not be less than the charges fixed by the State Government for that category of users;

IV. Relating to protection of public water distribution system-

- (a) to prevent theft of water from public water distribution system;
- (b) to prevent misuse and wastage of water;
- (c) to prevent damage to the public water distribution system, its parts or components;
- (d) to prevent tampering, obstruction, diversion, break or interference with flow of water or defacing of public water distribution system;
- (e) to prevent unauthorized drawl of water;
- (f) to prevent excess drawl of water; and
- (g) to take such other measures to protect public water distribution system as may be required.

(2) The Authority shall, subject to the provisions of this Act, have such other powers and functions to do a thing which may be necessary or expedient for carrying out the purposes of this Act.

(3) It shall be the responsibility of the Authority to ensure or take adequate measures for protection of public water distribution system including prevention of damage or obstruction to the system or for prevention of unauthorized or excess drawl of water.

**Reservation
of Public
Domestic
Water
Sources.**

6.(1) The Authority may apply to the State Government for reservation of water from a source in the manner as may be prescribed.

(2) The State Government may, by an order, reserve a water source or such quantity from a water source, for such period and for such Authority or Authorities as it may consider necessary. The State Government may allocate water from a source either fully or partially, to different Authorities keeping in view the demands and requirements of the Authorities as it may deem fit:

Provided that the State Government may, while making an order under sub-section (2), specify whether such reservation is of permanent nature or for a specific period as maybe expedient.

(3) The reservation of water for an Authority may be renewed by an order of the State Government.

(4) Notwithstanding anything contained in section 5 or sub-sections (1) to (3) of this section, the State Government or owner of the water source, as the case may be, shall be responsible for the protection of water source, and shall exercise all powers and functions as may be required.

**Water
Connection.**

7. (1) A person or an Authority desirous of having a water connection shall make an application in such form, with such fees and along with such documents as may be prescribed by the rules, bye-laws or regulations of the Authority, to the concerned Authority having jurisdiction for the purpose of granting water supply connection.

(2) On receipt of an application made under sub-section (1), the Authority shall scrutinize the same and if it is satisfied, shall grant the water connection subject to sub-section (4) and on such terms and conditions as it may specify. The conditions may include the terms of supply, quantum of water, usage,

accessories as may be required, pricing, metering, conditions for protection of water supply system and such other conditions as it may deem fit.

(3) The Authority shall grant connection subject to the rules, bye-laws or regulations made by it for the purpose:

Provided that such rules, bye-laws or regulations may provide for different conditions for different category or class of users while granting water connection.

(4) The Authority shall grant water connection to a user from such distribution pipeline as it may decide depending upon the availability of infrastructure in the public water distribution system and its operational requirements. The decision of the Authority in this regard shall be final.

8. (1) A water meter shall be installed at the source from where an Authority is authorized to draw water. The record of water drawl shall be submitted by the Authority at such interval to the State Government as it may direct.

**Water
Meter.**

(2) The Authority may provide a water meter or ask user to put a water meter and attach the same to connecting pipe joined with the distribution system of the Authority in the premises of user or outside, subject to the rules, regulations or bye-laws made by the Authority for the purpose.

9. (1) An annual water audit shall be carried out for a water source used for the purpose of domestic supply by the State Government or an agency which owns such water source.

**Water
Audit.**

(2) An annual water audit shall be carried out by each of the Authorities for the public water distribution system laid or owned by it.

- (3) The manner and scope of the water audit shall be such as may be prescribed by the State Government.

**Prohibition
of certain
Acts.**

10. (1) No person in relation to public water distribution system shall-

- (i) damage, destroy, deface or tamper with the system;
- (ii) tamper valves, or similar devices to change the flow of water;
- (iii) tamper with flow measurement devices including water meters;
- (iv) obstruct, divert, break or interfere flow of water or impede operation or maintenance of system;
- (v) draw water from a public distribution system by connecting or joining a pipe or any other attachment directly or indirectly or by any means, for any purpose without an authorized connection having been obtained from the Authority;
- (vi) draw water in excess of permitted quantity directly or indirectly by tampering the system, use of wrongful means or in contravention of terms and conditions on which connection has been granted by the Authority; and
- (vii) use the water other than the purpose for which the connection is granted by the Authority.

(2) No person shall take away in an unauthorized manner or indulge in the theft of material, equipment or device, used or stocked for the purpose of being laid in public water distribution system.

**Offences and
Penalties.**

11. (1) Whoever in contravention of the provisions of section 10,

- (i) damages, destroys or defaces a public water distribution system shall be punishable with imprisonment for a term which may extend to two years or with fine, which may extend to rupees one

lakh or equal to the amount of damage caused to the system or loss suffered by the Authority, whichever is higher, or with both;

- (ii) tampers a public water distribution system to disturb working of system, tampers valves or similar devices to change the flow, tamper with flow measurement devices including water meter shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to rupees fifty thousand or with both;
- (iii) obstructs, diverts, breaks or interferes with flow of water; or impedes operations or maintenance of system shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to rupees twenty thousand or with both.

(2) Whoever in contravention of the provisions of section 10 draws water from a public distribution system by connecting or joining a pipe or any other attachment directly or indirectly, or by any means, for any purpose without an authorized connection obtained from the authority shall be punishable with such punishment as provided in Schedule I.

(3) Whoever in contravention of the provisions of sub-clauses (i) to (vi) of subsection (1) of section 10 draws water in excess of permitted quantity directly or indirectly by tampering the system, use of wrongful means or in contravention of terms and conditions on which water connection has been granted by the Authority, shall be punishable with such penalty as provided in Schedule II.

(4) Whoever other than a user who has a residential connection, in contravention of the provisions of section 10 uses the water other than the purpose for which the water connection is granted shall be punishable with a fine which may extend to rupees twenty thousand.

(5) A person taking away in an unauthorized manner or indulging in the theft of material, equipment or device used or stocked for the purpose of public water distribution system shall be punishable with imprisonment for a term which may extend to three years or with fine, which may extend to rupees one lakh or with both.

(6) Whoever abets any offence specified in sub-sections (i) to (v) of sub-section (1) of section 10 shall be punished with the punishment provided for the offence in the relevant sub-section of this section:

Provided that whenever such an offence is abetted by an employee, officer, office bearer or an agency engaged by the Authority, the abettor shall be punished with imprisonment or fine provided for the offence which shall be double the amount specified in the relevant sub-sections, or with both.

**Obstructing
an Employee
or Authorised
Officer in
Discharge of
his Duties.**

12. (1) No person shall obstruct or interfere in discharge of the duties and functions by an employee, officer or a person authorized by the Authority under the provisions of this Act or the rules made thereunder.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to rupees ten thousand or with both.

**Power to
Search,
Inspect
and
Seizure.**

13. (1) Any person or officer of the Authority authorized in this behalf by the Authority may -

(a) enter and inspect at any time in any premises where water is supplied by the Authority or any components of public water distribution system lies, if it appears necessary to him for ascertaining proper functioning of the system or to inquire whether any activity has been carried or is being carried out in contravention of the provisions of this Act or an act has been or is being committed which is prohibited under the Act;

- (b) search, seize and remove all such devices, instruments or any other articles which has been, or is being, or is likely to be used for contravention of the provisions of this Act or for committing an act which is prohibited;
- (c) examine or seize any books of accounts, materials or documents, equipment or devices which in his opinion shall be useful as evidence for or relevant to, any proceedings in respect of an offence under section 10 and allow the person from whose custody such books of accounts, materials or documents, equipment or devices are seized to make copies thereof or take extracts there from in his presence.

(2) The owner or occupant of the place or premises of search or any person on his behalf shall be allowed to remain present, as far as possible, during the search and a list of all the things seized in the course of such search shall be prepared and delivered to such occupant or person who shall sign the list.

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(3) The provisions of the Code of Criminal Procedure, 1973 relating to search and seizure shall apply, to searches and seizures carried out under this sub-section.

(4) Where, during an inspection or search of any place or premises under sub-section (1), a user or a person is found to have committed an offence under section 10, the authorized officer may disconnect the water supply to such place or premises immediately without any notice.

14. (1) Any person or officer of the Authority authorized referred to in sub-section(1) of section 13, who has entered, searched or inspected any premises and has reason to believe that an offence is committed under clause (v), (vi) or (vii) of sub-section (1) of section 10, shall prepare a report along with evidences gathered and submit the same with his findings to the Assessing

Assessment
of Loss.

Officer (hereinafter referred to as "Assessing Officer") for the assessment of loss or damage suffered.

(2) Subject to such criteria and the manner as may be prescribed, the Assessing Officer shall assess the loss or damage caused to the Authority on account of unauthorized or excess drawl of water or use of water for a purpose other than for which connection was granted, on the basis of the report referred to in sub-section (1) of this section or after an enquiry, as may be required, and pass an order of recovery for such loss or damages suffered by the Authority.

(3) The Assessment Officer shall have regard to the following factors while passing an order under sub-section (2);-

- (a) quantity of water drawn in unauthorized manner,
- (b) duration of such activity,
- (c) charge or rate of water supplied,
- (d) quality of water,
- (e) usage of water, and
- (f) any other factors relevant for determination of the cost of water drawn in unauthorized.

(4) The Assessing Officer shall be appointed by the Authority in such manner as may be prescribed.

(5) The amount assessed under sub-section (2) shall be recoverable in the same manner as an arrear of land revenue.

Appeal. 15. (1) A person or user aggrieved by an order of the Assessing Officer made under section 14, may prefer an appeal to the Appellate Officer within a period of thirty days from the date of the order along with such fees and such documents as may be prescribed.

(2) The Appellate Officer shall after examining the records and giving an opportunity of being heard, pass an order as it deem fit.

(3) The Appellate Officer shall be appointed by the State Government in such manner as may be prescribed.

16. (1) A person aggrieved by an order of the Appellate Officer made under section 15, may prefer a second appeal within a period of 30 days from the date of the order passed by the Appellate Officer, along with such fees and such documents as may be prescribed, to the Water Appellate Authority constituted under section 17.

**Water
Appellate
Authority**

(2) The Water Appellate Authority shall after examining the record and following such procedure as may be prescribed by the State Government in consultation with the Water Appellate Authority and pass an order as it may deem fit.

(3) The Water Appellate Authority shall have same powers as that a civil court.

17. (1) The State Government shall, by notification in the *Official Gazette*, constitute a Water Appellate Authority for the purpose of deciding appeals filed against an order passed by the Appellate Officer.

**Constitution
of
Water
Appellate
Authority**

(2) The Water Appellate Authority shall consist of a Chairman and such members as the State Government may specify.

(3) The terms and conditions of the Chairman and Members, and the procedure to be followed by the Authority shall be such as may be prescribed.

18. (1) The Authority or any officer authorized by it in this behalf may by general or a special order, either before or after the institution of the proceedings for any offence punishable under this Act, accept from a user or a person penalized with the offence by the way of compounding of the offence a sum equivalent to double the maximum amount of fine prescribed in the relevant sub-sections of section 11.

**Compounding
Offence**

(2) The State Government may, by notification in the *Official Gazette*, specify such reduced sum, for such offences, at which the Authority may compound the offence. Further, the Authority shall not compound any offence on payment of

sum below the limit fixed for the purpose of that offence by the State Government.

(3) When an offence has been compounded under sub-section (1), the offender, shall be discharge and no further proceedings shall be made against him in respect of the offence compounded, and if the offender is in custody, he shall be discharged.

**Bar of
Jurisdiction
of
Civil Court.**

19. No civil court shall have the jurisdiction to deal with or decide any question which the Assessing Officer or Appellate Officer, as the case may be, the Water Appellate Authority empowered to deal with or decide with by or under this Act and no injunction shall be granted by any civil court in respect of any action taken or to be taken in pursuance of any of the provisions of this Act.

**Act to have
overriding
effect and
effect of other
laws.**

20. (1) The provisions of this Act shall have effect notwithstanding anything containing any other law for the time being enforce, in so far as the provisions relating to public domestic water supply.

(2) Notwithstanding anything contained in any other law for the time being in force, when anything in relation to water supply measures are required to be done or approved under this Act, such things shall not be deemed to have been unlawfully done or approved by reason only of the fact that permission, approval or sanction required under such other law has not been obtained.

**Cognizance
of offence.**

21. No court shall take cognizance of an offence punishable under this Act or the rules made thereunder except on a complaint made by the Authority or any officer authorized in this behalf by the Authority, as the case may be.

**Designation
of Special
Court.**

22. For the purpose of providing speedy trial of the offences under this Act, in any district or metropolitan area in the State, the State Government may, after

consultation with the High Court by notification in *Official Gazette*, designate one or more courts of Judicial Magistrate of First Class or, as the case may be, of Metropolitan Magistrate in such district or metropolitan area.

23. (1) The State Government may, by notification in *Official Gazette*, delegate any of its powers, except the power of making rules, exercisable by it under this Act or the rules, to the Board in such matters and subject to such terms and conditions, if any, as may be specified in such notification.

Delegation of power.

(2) The Board may with prior permission of the State Government issue such guidelines and advisory to the local authorities in respect of execution of this Act.

24. The State Government may give, from time to time, such directions to the authorities or the Board as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of such authority or the Board to comply with such directions.

Power to give directions.

25. No suit or prosecution proceedings shall lie against any person for anything done in good faith or intending to be done under this Act or the rules made thereunder.

Protection of action taken in good faith.

26. (1) The State Government may, by notification in the *Official Gazette*, make rules not inconsistent with this Act, for carrying out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:-

(a) the manner of making application by a public water distribution authority, to the State Government for reservation of water from a source under sub-section (1) of section 6;

(b) the manner and scope of water audit under sub-section (3) of section 9;

- (c) The criteria and the manner for assessing the loss or damage caused to the Authority under sub-section (2) of the section 14;
- (d) the manner of appointment of Assessing Officer under the sub-section (4) of the section 14;
- (e) the fees payable and documents to be attached with the appeal sub-section (1) of section 15;
- (f) the manner of appointment of Appellate Officer under the sub-section (3) of the section 15;
- (g) the fees payable and documents to be attached with the appeal under sub-section (1) of section 16;
- (h) the procedure for examining the appeal by the Water Appellate Authority under sub-section (2) of section 16;
- (i) The terms and conditions of the Chairman and Members, and the procedure to be followed by the Water Appellate Authority under sub-section (3) of section 17;
- (j) any other matter which is required to be, or may be, prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and thereupon take effect.

**Power to
remove
difficulties.**

27. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may issue an order not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the date of coming into force of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made before the Legislature.

SCHEDULE I

(See sub-section (2) of section 11)

Nature of offence and punishment for unauthorized connection of water depending upon pipeline from which water is drawn, nature of connection, usage of water and size of connecting pipe:

| Sr. No. | Nature of Connection | Usage of water | Size of connecting pipe | Punishment |
|--|---|----------------------------|-------------------------------------|------------------------------------|
| (1) | (2) | (3) | (4) | (6) |
| A. Pipeline from which water is drawn: Distribution Line | | | | |
| 1. | Residential Connection and Group Residential Connection | Residential Use | Regular Connection Size | Fine not exceeding rupees 3,000/- |
| 2. | Residential Connection and Group Residential Connection | Residential Use | Bigger than Regular Connection Size | Fine not exceeding rupees 5,000/- |
| 3. | Other than Residential Connection | Other than Residential Use | Regular Connection Size | Fine not exceeding rupees 5,000/- |
| 4. | Other than Residential Connection | Other than Residential Use | Bigger than Regular Connection Size | Fine not exceeding rupees 20,000/- |
| B. Pipeline from which water is drawn: Bulk pipeline system | | | | |
| 5. | Residential Connection and Group Residential Connection | Residential Use | Regular Connection Size | Fine not exceeding rupees 5,000/- |

| | | | | |
|---|-----------------------------------|----------------------------|-------------------------------------|--|
| 6. | Residential Connection | Residential Use | Bigger than Regular Connection Size | Fine not exceeding rupees 20,000/- |
| 7. | Group Residential Connection | Any Use | Bigger than Regular Connection Size | Imprisonment up to one month or penalty not exceeding rupees 20,000/- or with both |
| 8. | Other than Residential Connection | Other than Residential Use | Regular Connection Size | Imprisonment up to one month or penalty not exceeding rupees 50,000/- or with both |
| 9. | Other than Residential Connection | Other than Residential Use | Bigger than Regular Connection Size | Imprisonment up to three months or penalty not exceeding rupees 1,00000/- or with both |
| C. In case of any other offence, which is not covered in entry 1 to 9, shall be punished with imprisonment of term not exceeding 3 months or a fine, which shall not exceed rupees 100,000/- or with both. | | | | |

SCHEDULE II
(See sub-section(3) of section 11)

Nature of offence and punishment for unauthorized drawl of water from valid connection depending upon nature of connection; usage of water and whether the connecting pipe has been tampered with.

| Sr. No. | Nature of Connection | Usage of water | Punishment |
|--|-----------------------------------|----------------------------|------------------------------------|
| (1) | (2) | (3) | (4) |
| A. Unauthorized drawl of water without tampering with connecting pipe | | | |
| 1. | Residential Connection | Residential Use | Fine not exceeding rupees 2,000/- |
| 2. | Other Than Residential Connection | Other than Residential Use | Fine not exceeding rupees 3,000/- |
| B. Unauthorized drawl of water by tampering with connecting pipe, and/or joining a connecting pipe bigger than regular connection size pipe | | | |
| 3. | Residential Connection | Residential Use | Fine not exceeding rupees 5,000/- |
| 4. | Other than Residential Connection | Other than Residential Use | Fine not exceeding rupees 20,000/- |

STATEMENT OF OBJECTS AND REASONS

Water is essential for life. Water is required for basic human need and for the socio-economic development of the society. Gujarat is traditionally a water scarce State and has been facing recurrent droughts. The problem in the State is further accentuated due to uneven distribution of water, wherein, major water sources are located in Central and South Gujarat regions.

Looking to the need of water, particularly in Saurashtra, Kachchh and North Gujarat region, Government has planned and executed extensive Water Grid, wherein, the water travels from dams of Central Gujarat to the arid zones of North and Western parts of the State. Due to this Water Grid, the people in these areas have received water to cater to their needs and thus drinking water security has been achieved to a large extent. The Government have invested heavily in the Water Grid to take water to the coastal areas and scarcity affected areas of Saurashtra and Kachchh regions, where, drinking water scarcity has been a regular phenomenon. The water grid has its extensive presence over these areas spanning hundreds of kilometres of conveyance network including canals, bulk pipelines and distribution network.

It is important that discipline is maintained in the operation of water distribution and water reaches the end users in a regular manner within the distribution system. Also, water needs to be distributed evenly within in a village or city in order to reach to the end users properly. Unfortunately, certain water users draw water illegally from the pipelines or over- draw water if they have a valid connection. There are also instances, wherein water distribution systems has either been contaminated, damaged or tampered with affecting system of regular water supply. In such a scenario, water availability to the tail end users reduces and they are deprived off water security. This situation calls for urgent and strong measures to curb this kind of practices, wherein, normal operation of water distribution system is disturbed and water security is jeopardized. It is therefore proposed to enact a law for protection of domestic water supply.

Any person, who damages, tampers or illegally draws water, is sought to be punished so as to deter the people from doing such activities. The Act provides for penalties and recovery of loss suffered by the water distribution authorities on account of illegal drawl of water to prevent such activities. In addition, the Bill provides for a mechanism to reserve water for domestic purposes. It is expected that the Bill will prevent such disruptions leading to better water security and safeguard people's interest to receive safe drinking water in a regular manner enhancing their quality of life and usher a better socio-economic future to the people of the State.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, the important provisions of the Bill:-

Clause 1.-This clause provides for short title, extent and commencement of the Act.

Clause 2.-This clause provides for certain terms used in the Act.

Clause 3.-This clause provides that a public water distribution system shall be laid by a public water distribution authority for supplying water for domestic purposes to users.

Clause 4.- This clause provides for laying of public water distribution system by the local authority, the Gujarat Water Supply and Sewerage Board and Gujarat Water Infrastructure Limited, in the State and jurisdiction of respective authority; and also provides for laying of public water distribution system by any agency as may be authorized by the State Government.

Clause 5.- This clause provides for powers and functions of public water distribution authority which are mainly related to procurement and development

of water sources, allocation of water; and to plan, design, execute, operate and maintain distribution system, to grant of water connection and to prevent theft, misuse and wastage of water supply project, to prevent damages to the water infrastructure and unauthorized drawl of water.

Clause 6.-This clause provides for making an application by a public water distribution authority to the State Government for reservation of water from a source. It also provides for the powers of the State Government to reserve the water sources for such period and purposes and such authorities and allocation of water from the source.

Clause 7.-This clause provides for manner of grant of water connection by the local authority subject to such conditions as prescribed under the rules, regulations or by-laws made by the respective authority.

Clause 8.-This clause provides for installation of water meter at the water source from where a public water distribution authority is authorizes to drawl water. it also provide for providing water meter by the authority to users.

Clause 9.-This clause provides for water audit to be carried out by the authority who owns a water source used for domestic purpose and also for public water distribution authority for the water distribution system laid by it.

Clause 10._ This clause provides for prohibition of certain acts, by any person in relation to public water distribution system, such as use of water, damage, destroy, tamper with the public water distribution system, tampering with the with the measurement devises of flow of water, unauthorized drawl of water, abstraction, diversion, interference, etc. with the maintenance of water supply system.

Clause 11.-This clause provides for penalties for contravention of prohibitions of acts provided in section 10 of the Act.

Clause 12.-This clause provides that no person shall obstruct or interfere in discharge of duties to any employee, officer or authorized person of the authority, and punishment there for.

Clause 13.-This clause provides for power of any authorized officer of the authority for search, seizure and inspection of any premises where water is supplied by the authority, if he has reason to believe that any activities has been or being carried out in contravention of the provisions of the Act or the rules and also to disconnect the water supply if a user or a person is found to have committed offence under section 10.

Clause 14.-This clause provides for assessment of loss or damaged caused to the authority by the act of any person in contravention of provisions of clause (v), (vi) or (vii) of sub-section (1) of section 10 and submission a report; and recovery of loss on account of damage caused to the authority. It also provides for recovery of loss as an arrear of land revenue.

Clause 15.-This clause provides for manner of preferring appeal to the appellate officer against the order of recovery of loss passed by the assessing officer.

Clause 16. - This clause provides manner of preferring second appeal to the Water Appellate Authority against the order of Appellate Officer.

Clause 17.-This clause provides for constitution of the Water Appellate Authority by the State Government consisting of the Chairman and other members. It also provides for terms and conditions of appointment of Chairman and Members and procedure for deciding the appeal.

Clause 18.-This clause provides for compounding of offences by the authority or such authorized officer, on payment of double the amount of penalty prescribed in relevant clause.

Clauses 19 to 21.-These clauses provide for Bar of Jurisdiction of civil court, overriding effect of this Act over other laws and cognizance of offence.

Clause 22. - This clause provides that the State Government may, by notification in the *Official Gazette* designate one or more courts of Juridical Magistrate of First Class or of Metropolitan Magistrate in consultation with the High Court of Gujarat as designated court for speedy trial of the offences under this Act.

Clause 23.-This clause provides for the power of State Government to delegate any of its powers except the power of making rules, by notification in the *Official Gazette*, to the Board in such matter and subject to such terms and conditions as may be specified in such notification.

Clause 24.-This clause provides for the power of the State Government to give directions to the local authorities or the Board as it may deem fit for giving effect to the provisions of this Act.

Clause 25.-This clause provides for the usual indemnity for acts done in good faith.

Clause 26.-This clause empowers the State Government to make rules generally for carrying out the purposes of this Act and particularly for the matters specified in sub-section (2).

Clause 27.-This clause provides for the power of the State Government to remove, by an order, any the difficulty or do anything not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient within a period of three years from coming into force of this Act.

KUNVARJIBHAI BAVALIYA,

FINANCIAL MEMORANDUM

As the Act would be implemented by the Authority of the State thus, there is no proposal to create new posts in the State. Therefore, if this Bill is enacted and brought into force, there would not be any additional expenditure, recurring or non-recurring, from the Consolidated Fund of the State.

KUNVARJIBHAI BAVALIYA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

Clause 1.-Sub-clause (3) of this clause empowers the State Government by notification in the Official Gazette, to appoint the date on which this Act shall come into force; and different dates may be appointed for different provisions of this Act.

Clause 4.-Proviso to this clause empowers the State Government, by notification in the Official Gazette, to authorize any other agency to lay a public water distribution system for such area as it may deem fit.

Clause 6.-Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the manner in which the Authority may apply to the State Government for reservation of water from a source.

Clause 7.- Sub-clause (1) of this clause empowers the State Government and the concerned authority to prescribe by rules or bye laws or regulations as the case may be, the form in which, the fee with which, and the documents alongwith which a person or an Authority desirous of having a water connection shall make an application.

Clause 9.- Sub-clause (3) of this clause empowers the State Government to prescribe by rules, the manner and scope of water audit.

Clause 14.-(i) Sub-clause (2) of this clause empowers the State Government to prescribe by rules, the criteria and the manner subject to which the Assessing Officer shall assess the loss or damage caused to the Authority on account of unauthorized or excess drawl of water or use of water for a purpose other than for which connection was granted.

(ii) Sub-clause (4) of this clause empowers the State Government to prescribe by rules, the manner in which the Assessing Officer shall be appointed by the Authority.

Clause 15.-(i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the fees and the documents alongwith which a person or user aggrieved by an order of the Assessing Officer made under section 14, may prefer an appeal to the Appellate Officer within a period of thirty days from the date of the order.

(ii) Sub-clause (2) of this clause empowers the State Government to prescribe by rules, the manner in which the Appellate Officer shall be appointed by the State Government.

Clause 16.-(i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the fees and the documents alongwith which a person or user aggrieved by an order of the Assessing Officer made under section

15, may prefer a second appeal to the Water Appellate Authority constituted under section 17, within a period of thirty days from the date of the order.

- (ii) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the procedure followed by which the Water Appellate Authority shall pass an order after examining the record.

Clause 17.-(i) Sub-clause(1) of this clause empowers the State Government by notification in the *Official Gazette*, to constitute the Water Appellate Authority consisting of the Chairman and members as may be specified therein.

- (ii) Sub-clause (3) of this clause empowers the State Government to prescribe by rules, the terms and conditions of the Chairman and members the Water Appellate Authority; and also empowers to prescribe the procedure to be followed by the Water Appellate Authority.

Clause 18 - Sub-clause (2) of this clause empowers the State Government by notification in the *Official Gazette*, to prescribe such reduced rate for such offences at which the Authority or any other officer authorized by it shall compound the offence.

Clause 22. - This clause empowers the State Government by notification in the *Official Gazette*, in consultation of the High Court, to designate one or more Courts of the Judicial Magistrate of First Class or Metropolitan Magistrate, in the district or metropolitan area, as the case may be as designated court for speedy trial of offences under this Act.

Clause 23. - sub-clause(2) of this clause empowers the State Government, by notification in *Official Gazette*, to delegate any of its powers, except the power of making rules, exercisable by it under this Act or the rules, to the

Board in such matters and subject to such terms and conditions, if any, as may be specified in such notification.

Clause 24.-This clause empowers the State Government, by notification in the *Official Gazette*, to issue, from time to time, directions to the local authorities or the Board as it may deem fit for giving effect to the provisions of this Act.

Clause 26.- This clause empowers the State Government, by notification in the *Official Gazette*, to make rules not inconsistent with this Act for carrying out the purposes of this Act.

Clause 27.- This clause empowers the State Government by an order, to remove any difficulty arises in giving effect to the provisions of this Act, or do anything not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient within a period of three years.

The delegation of legislative power as aforesaid is necessary and of a normal character.

Dated the 22nd July, 2019.

KUNVARJIBHAI BAVALIYA.

By order and in the name of the Governor of Gujarat.

K. M. Lala,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar,
Dated the 22nd July, 2019.