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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 3rd March, 2023 by Shri Mahesh Kasawala, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 6 OF 2023.

THE GUJARAT PREVENTION OF PEOPLE FROM ILLEGALLY PULLING OUT WATER FROM THE GOVERNMENT NETWORK OF WATER SUPPLY BILL, 2023.

A BILL

To prevent people from illegally pulling out water from the network of Government water supply and to enact an effective law against such illegal pulling.

It is hereby enacted in the Seventy fourth year of the Republic of India as follows:

1. (1) This Act may be called the Gujarat Prevention of people from illegally pulling out water from Government Network of Water Supply Act, 2023.
- (2) It extends the whole of the State of Gujarat.
- (3) It shall come into force at once.

**Short title,
Extent and
Commencement.**

- Definitions.** 2. In this Act, unless the context otherwise requires-
- (1) 'Canal' includes all canals, channels constructed, maintained or controlled by the Government for the supply and storage of water.
 - (2) 'Water-course' means a channel constructed and maintained at the cost of the Government 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, for domestic Supply of water to people.
 - (5) 'Collector' means an officer or any other officer appointed by the State Government to exercise all or any of the powers of a Collector under this Act.
 - (6) 'Owner' includes every person having a joint interest in the ownership of the thing specified.
 - (7) 'Prescribed' means prescribed by rules made under this Act.
 - (8) 'The Land Revenue Code' means the Gujarat Land Revenue Code, 1879.
- Appointment, Powers and Duties of officer.** 3. The State Government may appoint as many officers as it deems fit to be Collector and confer him such powers and duties to carry out the objects of this Act.
- Power to cut off Water Supply.** 4. The officer empowered to prevent illegal Pulling out of water may after due consideration and after giving opportunity of being heard to the affected person cut off water supply.
- Power to enter buildings.** 5. An officer appointed under section 3 may enter on any land or buildings to remove any obstruction or close any channel for the purpose of preventing people from illegally pulling out water from the Government Network of Water Supply and do all other things necessary for the prosecution against such person.
- Liability When Water runs to waste.** 6. If water supplied through a field channel or for the domestic use 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 is not found the person or all the persons chargeable in respect of the water supplied 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.
- Power to Punish.** 7. Any person who found guilty of illegally pulling out water from the Government Network of water supply shall be punished with simple imprisonment for a period of one year which may extend to six months or with fine not exceeding ten thousand rupees or with both.
- Protection of acts done in good faith.** 8. No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or employee of the State Government in respect of anything done in good-faith or intended to be done in pursuance of the Act any rules or orders made thereunder.
- Power to make rules.** 9. (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 6th February, 2023

MAHESH KASAWALA,
M.L.A.

STATEMENT OF OBJECTS AND REASONS

for the effective supply of drinking water as well as water for farming and maintenance of canals, water works and supply of water therefrom is done by the Government. However, there is no effective law to prevent people from illegally pulling out water from the network of water supply which is made by canal network or water supply scheme. Therefore, it is necessary to enact a law for this purpose of preventing people from illegally pulling out water from the Government Network of water supply.

This Bill seeks to achieve the aforesaid object.

GANDHINAGAR,
Dated the 6th February, 2023.

MAHESH KASAWALA,
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause-9 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 6th February, 2023.

MAHESH KASAWALA,
M.L.A.

Dated the 3rd March, 2023.
Gandhinagar.

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.

