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കേരള സർക്കാർ
Government of Kerala
2018



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കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA
Law (Legislation-F) Department
NOTIFICATION

No. 24395/Leg. F2/2017/Law.

12th February, 2018

Dated, Thiruvananthapuram, 29th Makaram, 1193

23rd Magha, 1939.

The following Ordinance promulgated by the Governor of Kerala on the 12th day of February, 2018 is hereby published for general information.

By order of the Governor,

B. G. HARINDRANATH,
Law Secretary.

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ORDINANCE No. 19 OF 2018**THE KERALA IRRIGATION AND WATER CONSERVATION
(AMENDMENT) ORDINANCE, 2018**

Promulgated by the Governor of Kerala in the Sixty-ninth Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala Irrigation and Water Conservation Act, 2003.

Preamble.—WHEREAS, the Kerala Irrigation and Water Conservation (Amendment) Ordinance, 2017 (27 of 2017) was promulgated by the Governor of Kerala on the 7th day of December, 2017;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 22nd day of January, 2018 and ended on the 7th day of February, 2018;

AND WHEREAS, under sub-clause (a) of clause (2) of Article 213 of the Constitution of India, the said Ordinance will cease to operate on the 5th day of March, 2018;

AND WHEREAS, difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Irrigation and Water Conservation (Amendment) Ordinance, 2018.

(2) It shall be deemed to have come into force on the 8th day of December, 2017.

2. *Act 31 of 2003 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Irrigation and Water Conservation Act, 2003 (31 of 2003) (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in sections 3 to 8.

3. *Amendment of section 37.*—In section 37 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) No person shall deposit rubbish or filth or excreta in any distributary system or water course or allow to flow waste water into it or pollute the water in any other way.”.

4. *Amendment of section 58.*—In sub-section (1) of section 58 of the principal Act, after clause (j), the following clause shall be inserted, namely:—

“(k) a police officer not below the rank of an Inspector General of Police to be nominated by the Government.”.

5. *Amendment of section 59.*—For sub-section (2) of section 59 of the principal Act, the following sub-section shall be substituted, namely:—

“(2) The quorum for a meeting of the Authority shall be four members including the Chairman.”.

6. *Amendment of section 70.*—For sub-section (3) of section 70 of the principal Act, the following sub-section shall be substituted, namely:—

“(3) Whoever contravenes the provisions of section 7 or sub-section (3) or sub-section (4) of section 37 shall, on conviction, be punished with imprisonment for a term which may extend to three years or with fine which may extend to two lakh rupees or with both.”.

7. *Insertion of new section 70A.*—After section 70 of the principal Act, the following section shall be inserted, namely:—

“70A. *Special jurisdiction of Magistrate.*—Notwithstanding anything contained in sub-section (2) of section 29 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), a Judicial Magistrate of the First Class shall be empowered to impose a fine which may extend to two lakh rupees for the offences punishable under this Act.”.

8. *Amendment of section 72.*—In section 72 of the principal Act, in clause (c), for the words and symbols “two years, but it shall not be less than six months, and with a fine which may extend to thirty-five thousand rupees”, the words and symbols “three years, but it shall not be less than one year, and with fine which may extend to two lakh rupees” shall be substituted.

9. *Repeal and saving.*—(1) The Kerala Irrigation and Water Conservation (Amendment) Ordinance, 2017 (27 of 2017) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

P. SATHASIVAM,
GOVERNOR.