

THE HIMACHAL PRADESH WATER SUPPLY ACT, 1968

As amended in 1978 and 1983

An
Act

To provide, for the development, Control and management of Water Supply works, in Rural and Urban areas of Himachal Pradesh.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:-

1. (1) This act may be called the Himachal Pradesh
WATER SUPPLY ACT, 1968 short
title
Extent
and commencement.
- (2) It extends to the whole of Himachal Pradesh
- (3) It shall come into force at once.

2. In this act unless there is anything repugnant
in subject or context. Definitions.

- i) "Beneficiary" means, in respect of any Water Supply scheme, any local authority for the time being deriving, or which is to derive, benefit from such scheme;
- ii) "Consumer" means a person who takes water from a beneficiary to whom a water supply scheme may be entrusted or who takes water from a water supply scheme managed directly by the Government. Explanation: Consumer does not include a beneficiary.
- iii) "Co-operative society" means a society registered or deemed to be registered under the provisions of the Himachal Pradesh Co-operative societies Act, 1956, or the Punjab Co-operative Societies Act, 1961, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966;
- iv) "Official Gazette" means the Rajpatra, Himachal Pradesh;
- v) "Government" or State Government means Government of Himachal Pradesh.
- vi) "Gram Panchayat", "Panchayat Samiti", and "Zilla Prishad" have the meanings respectively assigned to these expressions in the Himachal Pradesh Panchayat Raj Act, 1954, or the Punjab Gram Panchayat Act, 1952, or the Punjab Gram Panchayat Act, 1952, or the Punjab Panchayat Samities and Zilla Prishad Act, 1961;

vii) "Local authority means a co-operative society, Gram Panchayat, Panchayat Simiti, Zila Parishad, Municipal Committee or nay other authority entrusted by the Government with the Development or control or management of water supply scheme ;

viii) "Municipal Committee" and "Notified area Committee" have the meanings respectively assigned to these expressions in the Punjab Municipal Act, 1911 as enforce in Himachal Pradesh;

ix) "Prescribed " means "prescribed by rules made under this Act.

x) "Rural Area" means the whole of the territories of Himachal Pradesh with the exclusion of the urban area;

xi) "Schedule" means schedule to this Act;

xii) "Scheme" means a water supply scheme initiated under section 3 ;

xiii) "Urban area" means the towns specified in the Schedule ;

Amend- xiv) "Water rate" means the charge for the time being levied by the State Government
ment 1983 under section 5 or by the local "authority under Sub-section (2) of section 6".

Water 3. The State Government may, from time to time to time initiate drinking water
Supply supply scheme for the benefit of the public in rural and urban areas in Himachal
Scheme Pradesh and may also maintain and improve the existing water supplies.

4. Section omitted in 1983.

5. Levy of water rates

Amend- 1. The State Government shall levy a water rate for water supplied to a consumer ,
ment 1983 by a water supply scheme managed directly by the Government or by the beneficiary
to whom the scheme may be entrusted, at, such rates as may be specified by the State
Government by notification published in the Official Gazette , from time to time .

2. The recovery of the water charges shall be effected from the individuals on the
basis of flat rate or on the basis of metered connections .

3. The water rate levied shall, if not paid when due, be recovered as if it were an
arrear of land revenue. "

6. "Handing over of Water Supply Schemes."

- (1) Where a local authority is prepared to take over and maintain any scheme as a beneficiary, the State Government shall hand over the development, management or control of such scheme to such local authority subject to such conditions as the State Government may deem fit to impose.
- (2) The local authority which takes over a scheme under sub-section (1) of this section, shall fix water rate as it considers necessary and shall be responsible for the efficient management of such scheme.
- (3) The water rate that the local authority may fix shall in no case, exceed the water rate as may be specified by the State Government under section 5.
- (4) The water rate levied by the State Government, if any, shall cease to have effect on the fixation of such rate by the authority.

7. (1) All schemes taken over by beneficiaries under Section 6 shall be subject to the general super-intendance and control of the State Government and the working of the scheme shall be liable to periodical inspection by an agency of the State Government in the prescribed manner.

(2) Should a beneficiary be incompetent to perform or persistently made default in the performance of the duties imposed on it by or under this act, or exceed or abuse its power, or fail or neglect to maintain the scheme in an efficient manner, the State Government may by notification in which the reasons for so doing shall be stated, take back the development management or control of the scheme from the beneficiary ;

Provided that before the notification mentioned in Sub-section (2) is made, the beneficiary shall be given a reasonable opportunity in the prescribed manner of showing cause against the action proposed to be taken.

(3) Then the development management and control is so taken back, the following consequences shall ensue ;

(a) the development management and control of the scheme shall, from the date of notification vest in the State Government ;

E (1) Any consumer who has a water connection registered in his name shall be liable to pay a water rate to the beneficiary in case a scheme has been handed , over to that beneficiary for development, management or control of water supply scheme.

(2) In case there is no beneficiary and a water supply scheme is managed by the State Government directly the consumer shall be liable to pay the water rate to the State Government .

9. The State Government shall have the power to add or amend, vary or rescind the schedule.

10. (1) Whoever , without proper authority , and voluntarily does any of following acts , that is \to say:-

(a) Corrupts or fouls the water of any water supply scheme so as to render it less fit for the purpose for which it is ordinarily used:

(b) Destroys , damages, alters, obstructs or injures, any dam, well , embankment, sluice, reservoir , pipe, tap structure, or other works constructed , maintained or controlled by the State Government , or by a beneficiary for purification, storage of supply of water under a water supply scheme;

(c) Violates any rule made under this Act, for breach where of , a penalty may be incurred , shall be liable on conviction before a Magistrate of such class as the State Government directs in this behalf in the prescribed manner, to a fine not exceeding one month, or to both .

(2) Nothing herein contained shall prevent any person from being prosecuted under any other law or any offence punishable under this Act. Provided that no person shall be punished twice for the same offence.

(3) Nothing herein contained shall prevent the State Government or the beneficiary as the case may be from recovering damages from the person who commits any of the acts mentioned in sub-section (1) of this section.

Power to
make rules

11. (1) The State Government may make rules for carrying out the purposes of this act.

(2) In particular and without prejudice to the generality of the foregoing power such rule may prescribe for :-

(a) The principles and conditions on which the scheme under section 3 shall be initiated;

- (b) the guiding principal to be followed in the fixation of water rate under section 5;
- (c) the conditions subject to which the water supply scheme is to be handed over to a local authority under section 6; and ;and
- Amend- (d) any other matter which is to be or may be, prescribed.
ment 1983.

(3) Every rule made under this act shall be laid as soon as may be after it is made before the legislative Assembly while it is in session for a total period of not less than fourteen 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 session aforesaid, the Assembly makes any modification in the rule of decides that the rule should 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

12. The provisions of this act shall not affect the right of the Municipal Committees enjoyed by them under the Punjab Municipal enjoyed by them under the Punjab Municipal Act, 3 of 1911 as enforce in Himachal Pradesh.

13.(1) The Himachal Pradesh water Supply Act, 1956 as inforce in 15 of the areas comprised in H.P. immediately before 1st November , 1866 is here by repeated.

(2) Notwithstanding the repeal of the Act under Sub-Section (1) anything done any action taken including any orders, notifications issued and rules made in exercise of the powers conferred by or under the said act shall , to the extent of being consistent with the provisions of this Act, be deemed to have been done or taken in exercise of the corresponding powers conformed by of under this Act.

Districts

1. Bilaspur
3. Hamirpur
5. Solan
7. Kullu
9. Shimla
11. Sirmour

SCHEDULE

2. Chamba
4. Kangra
6. Kinnaur
8. Lahaul-Spiti
10. Mandi
12. Una