



The Gujarat Government Gazette
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. LX |

THURSDAY AUGUST 22, 2019/ SRAVANA 31, 1941

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

PART IV

**Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 20th August, 2019 is hereby published for general information.

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

GUJARAT ACT NO. 22 OF 2019.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 22nd August, 2019).

AN ACT

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. (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;

18 of 2013.

- (h) "GWIL" means the Gujarat Water Infrastructure Limited, a Government company incorporated under the Companies Act, 2013;
- (i) "local authority" for the purpose of this Act means-

- (i) a municipal corporation, constituted under the Gujarat Provincial Municipal Corporations Act, 1949; **Bom.LIX of 1949.**
- (ii) a municipality, constituted under the Gujarat Municipalities Act, 1963; **Guj.34 of 1964.**
- (iii) a village panchayat, constituted under the Gujarat Panchayats Act, 1993; **Guj.18 of 1993.**
- (iv) a Cantonment area, constituted under the Cantonment Act, 2006; **41 of 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.
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 System.**
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: **Public Water Distribution Authority.**

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.

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

**Reservation
of Public
Domestic
Water
Sources.**

(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.

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

**Prohibition
of certain
Acts.**

- (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.

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.

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

(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.

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

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

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.

(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.

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Assessment
of Loss.

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 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) anyother 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.

15. (1) A person or user aggrieved by an order of the Assessing Officer made **Appeal.** 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.

**Water
Appellate
Authority**

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.

(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.

**Constitution
of Water
Appellate
Authority**

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.

(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.

**Compounding
Offence**

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.

(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.

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.

**Bar of
Jurisdiction
of
Civil Court.**

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

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

(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.

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.

**Cognizance
of offence.**

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.

**Designation of
Special Court.**

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

**Delegation of
power.**

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.

(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.

Power to give directions.

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.

Protection of action taken in good faith.

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.

Power to make rules.

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.

(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.

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:

**Power to
remove
difficulties.**

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)	(5)
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

Sr. No.	Nature of Connection	Usage of water	Size of connecting pipe	Punishment
(1)	(2)	(3)	(4)	(5)
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 1,00,000/- 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/-