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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 IRRIGATION AND DRAINAGE (AMENDMENT) BILL, 2019.

GUJARAT BILL NO. 23 OF 2019.

A BILL

further to amend the Gujarat Irrigation and Drainage Act, 2013.

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

1. (1) This Act may be called the Gujarat Irrigation and Drainage (Amendment) Act, 2019. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Substitution
of section 37
of Guj. 6 of
2013.

2. In the Gujarat Irrigation and Drainage Act, 2013 (hereinafter referred to as "the principal Act"), for section 37, the following section shall be substituted, namely:-

Guj. 6 of 2013.

Penalty for
damaging
canal etc.

“37. (1) Whoever voluntarily or without proper authority,-

(i) passes or causes animals in canal shall be punished with imprisonment for a term which may extend to three months or with fine up to ten thousand rupees or with both;

(ii) causes or knowingly and willfully permits cattle to graze or tethers upon any canal or dam or causes knowingly and willfully permits cattle to tether upon any such canal or dam, or roots up any grass or other vegetation or any way injures or causes to be removed, cut or otherwise injures any tree, bush, grass or hedge without permission shall be punished with imprisonment for a term which may extend to three months or with fine upto ten thousand rupees or with both;

(iii) draws more water or takes water for time which is more than that permitted by the Canal Officer or takes water unauthorized through canal shall be punished with imprisonment for a term which may extend to three months or with fine up to ten thousand rupees or with both;

(iv) by any means raises or lowers the level of water by putting obstruction of any materials or takes water unauthorized by putting an engine or other instrument without damaging canal shall be punished with imprisonment for a term which may extend to six months or with fine upto twenty thousand rupees or with both;

(v) interfere with arrangement of regulating or controlling canal water flow or interfere in arrangement for that or damages/removes apparatus or structures constructed for water management shall be

punished with imprisonment for a term which may extend to one year or with fine up to fifty thousand rupees or with both;

(vi) pollutes the canal water or releases liquid waste or solid waste shall be punished with imprisonment for a term which may extend to one year or with fine upto fifty thousand rupees or with both.

(2) Over and above the punishment as referred to in clause (iv) of sub-section (1), the canal officer may confiscate the engine or pipeline or any other instrument used for drawing canal water unauthorizedly and such instruments shall be returned back by paying penalty up to one lakh rupees to canal officer.”.

3. In the principal Act, for section 38, the following section shall be substituted, namely:-

Substitution
of section 38
of Guj. 6 of
2013.

Penalty for
endangering
stability of
canal, etc.

“38. (1) Whoever, without proper authority, -

(i) makes any embankment or creates obstruction by any means for the purpose of diverting flow of a river or damages flood-embankment or carryout activity which leads to damage of flood embankment or refuses or neglects to remove any such embankment or obstruction when lawfully required so to do shall be punished with imprisonment for a term which may extend to one and half years or with fine up to one lakh rupees or with both;

(ii) pierces or cuts through canal or attempts to pierce or cut through canal or insert pipe by piercing or cutting canal or put engine or any other instrument in canal by damaging canal or canal lining or otherwise damage, destroy or endanger the stability or safety of canal or attempt to so shall be punished with imprisonment for a term which may extend to two years or with fine up to two lakhs rupees or with both;

(2) Over and above the punishment as referred to in clause (ii) of sub-section (1), the canal officer may confiscate the engine or pipeline or any other instrument used for drawing canal water unauthorizedly and such instruments shall be returned back by paying penalty up to one lakh rupees to canal officer.”.

STATEMENT OF OBJECTS AND REASONS

The availability of water is getting dwindled day to day and it is need of the hour to conserve and save water and put the available water in an economic manner otherwise it may happen that some areas of the State may go without sufficient water for irrigation and domestic use. Water is necessary for the sustenance of human life. While the supply seems abundant, water is not a limitless resource, particularly the fresh potable water most necessary to human survival. Without conservation efforts and efficient water distribution this vital supply of water may be exhausted.

It is also known that the canal system is complex and open and therefore, the water released from dam reaches the tail end areas after a long time. The water used for the irrigation purposes is about 80 to 85 % of the available quantum of water and as the canals are open, it at times occurs that there are regular incidents of water thefts or unauthorized use. It is well known that unscrupulous persons uses various methods for water thefts or polluting water and the water is stolen by damaging the canals passing through their areas or uses more water than their requirement. Various means like using the engines, electric motors for lifting the canal water are deployed for their evil intentions which results in a situation where even though sufficient quantity of water is available, it is not possible to supply water to the rightful persons for irrigation or domestic purposes.

It is therefore, becomes necessary that water is to be conserved and equitable distribution of available water is to be done. It is also considered necessary that in order to check the water thefts or wastage of water, the punishments and the fine which are already provided in the Gujarat Irrigation and Drainage Act, 2013 are increased to cause deterrence so that unscrupulous persons do not indulge in their evil acts of water thefts or wastage of water.

It is therefore, considered necessary and expedient to amend sections 37 and 38 of the said Act to provide for increase in the quantum of punishment and fine.

The Bill seeks to amend the Gujarat Irrigation and Drainage Act, 2013 to achieve the aforesaid objects.

SAURABH PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 1.— Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Dated the 22nd July, 2019.

SAURABH PATEL.

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

Gandhinagar,

Dated the 22nd July, 2019.

K. M. Lala,

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