

**THE PUNJAB WATER ACT 2019  
(XXI of 2019)**

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**'THE PUNJAB WATER ACT 2019  
(XXI of 2019)**

[13<sup>th</sup> December, 2019]

An  
Act

*to comprehensively manage and regulate water resources in the  
Punjab in the interest of conservation and sustainability.*

It is expedient to provide for comprehensive management of all water resources in the Punjab and to regulate their use in the interest of conservation and sustainability and matters connected with and ancillary thereto.

Be it enacted by Provincial Assembly of the Punjab as follows:

**CHAPTER I  
PRELIMINARY**

**1. Short title, extent and commencement.**— (1) This Act may be cited as the Punjab Water Act, 2019.

- (2) It extends to whole of the Punjab.
- (3) It shall come into force at once.

**2. Definitions.**— In this Act, unless the context otherwise requires, the following expressions shall have the meanings as respectively assigned to them:

- (a) “Act” means the Punjab Water Act, 2019;
- (b) “Authority” means the Punjab Water Services Regulatory Authority established under section 7 of the Act;
- (c) “authorized functionary” means a public servant authorized by the Commission for the purpose of section 17 or 28 of the Act;
- (d) “Commission” means the Punjab Water Resources Commission established under section 3 of the Act;
- (e) “company” means a company established under the Companies Act, 2017 (Act XIX of 2017) or any other law for the time being in force;
- (f) “controlled waters” means the waters as defined in section 49 of the Act;
- (g) “Government” means the Government of the Punjab;
- (h) “local authority” means a:
  - (i) land control authority established by law for the time being in force to regulate or manage land use;

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<sup>1</sup>This Act was passed by Provincial Assembly of the Punjab on 20 November 2019; assented to by the Governor of the Punjab on 10 December 2019; and, was published in the Punjab Gazette (Extraordinary), dated: 13 December 2019, pp.2507-2529.

- (ii) a local government; or
- (iii) company set up by the Government to provide land related services;
- (i) “local government” means a local government established under the Punjab Local Government Act, 2019 (XIII of 2019) or any other law for the time being in force;
- (j) “meter” means any approved apparatus for measuring or showing the volume of water supplied to, or of effluent discharged from any premises;
- (k) “person” includes an undertaker, an authority or a company;
- (l) “prescribed” means prescribed by the rules or the regulations made or framed under the Act;
- (m) “rules” means the rules made under the Act;
- (n) “regulations” means the regulations framed under the Act;
- (o) “technical assessor” means a person appointed as technical assessor under section 53 of the Act;
- (p) “trade effluent” means the effluent from industrial premises as defined in section 34 of the Act;
- (q) “undertaker” means a provider of water or sewerage services or, as the case may be, both services appointed under section 10 of the Act; and
- (r) “wholesome” in relation to water means a water which meets the standards as laid down under section 28 of the Act.

## **CHAPTER II PUNJAB WATER RESOURCES COMMISSION**

**3. Punjab Water Resources Commission.—** (1) As soon as may be, but not later than six months of the commencement of the Act, the Government shall establish the Punjab Water Resources Commission to carry out functions assigned or transferred to it under the Act.

- (2) The Commission shall comprise the following:
- |  |                   |
|--|-------------------|
| (a) Chief Minister   | Chairperson       |
| (b) Minister for Irrigation Punjab;  | Co-Chairperson    |
| (c) Minister for Environment Protection Punjab;  | Member            |
| (d) Minister for Housing, Urban Development and Public Health Engineering Punjab;        | Member            |
| (e) Minister for Agriculture Punjab;   | Member            |
| (f) Minister for Industries, Commerce and Investment Punjab;                             | Member            |
| (g) Minister for Local Government and Community Development Punjab                       | Member            |
| (h) Minister for Forestry, Wildlife and Fisheries Punjab;                                | Member            |
| (i) Chief Secretary Punjab;  | Vice- Chairperson |
| (j) Secretary to the Government, Irrigation Department;                                  | Member            |
| (k) Secretary to the Government Housing, Urban Development and Public Health Engineering | Member            |

	Department;	
(l)	Secretary to the Government, Local Government and Community Development Department;	Member
(m)	Secretary to the Government Environment Protection Department;	Member
(n)	Secretary to the Government, Agriculture Department;	Member
(o)	Secretary to the Government, Primary and Secondary Healthcare Department;	Member
(p)	Secretary to the Government, Forestry, Wildlife and Fisheries Department;	Member
(q)	Secretary to the Government, Industries, Commerce and Investment Department;	Member
(r)	Secretary to the Government, Finance Department;	Member
(s)	two water quality experts to be appointed by the Government;	Members
(t)	one environmental expert to be appointed by the Government;	Member
(u)	one public health expert to be appointed by the Government; and	Member
(v)	Director General of the Commission;	Member/Secretary

(3) All expert members of the Commission shall be appointed in the prescribed manner.

(4) Every member of the Commission shall attend the proceedings of the Commission in person.

**4. Power and duties of the Commission.—** (1) It shall be the duty of the Commission to take all such actions as it may, from time to time, consider necessary or expedient for the purpose of:

- (a) conserving, redistributing or otherwise augmenting water resources in the Punjab;
- (b) allocating water resources for domestic, agricultural, ecological, industrial or other purposes in different areas of the Punjab; and
- (c) of securing the proper use of water resources in the Punjab.

(2) Nothing in this section shall be construed as relieving any water undertaker of the obligations to develop water resources for the purpose of any duty imposed on it by virtue of the Act.

(3) Without any prejudice to the provisions of sub-section (1) above, the Commission shall also:

- (a) maintain, improve and develop wildlife and fisheries in bodies of water from which water is drawn or into which it is discharged;
- (b) establish an Advisory Committee, having such composition as may be prescribed, for advising it on maintenance and development of water resources, wildlife, fisheries, flora and fauna.

(4) Subject to the Act and the rules, the Commission shall determine its own procedure.

**5. Working of the Commission.**— (1) The Commission shall meet at least once every six months.

(2) The meetings of the Commission shall be chaired by the Chairperson and in his absence by the Co-Chairperson or the Vice Chairperson as the case may be.

(3) The Commission shall, on yearly basis, determine the allocation of water for domestic, agricultural, industrial, ecological and other purposes.

(4) The quorum for a meeting of the Commission shall be twelve members out of which at least three shall be the experts.

**6. Director General of the Commission.**— (1) The Commission shall have a Director General who shall be appointed in the prescribed manner.

(2) The Director General shall be responsible for the due discharge of the functions of the Commission under this Act.

(3) The Director General shall be assisted in his work by such number of officers and staff as the Government may, from time to time, determine.

### **CHAPTER III REGULATIONS OF WATER AND SEWERAGE SERVICES**

**7. Punjab Water Services Regulatory Authority.**— (1) As soon as may be, but not later than six months of the commencement of the Act, the Government shall establish Punjab Water Services Regulatory Authority for the purposes of carrying out the functions conferred on it by the Act or by any other law for the time being in force.

(2)	The Authority shall consist of the following:	
(a)	Chief Secretary Punjab	Chairperson
(b)	Secretary to the Government, Housing, Urban Development and Public Health Engineering Department;	Member
(c)	Secretary to the Government, Local Government and Community Development;	Member
(d)	Secretary to the Government, Irrigation Department;	Member
(e)	Secretary to the Government, Environment Protection Department;	Member
(f)	Secretary to the Government, Industries, Commerce and Investment Department;	Member
(g)	Secretary to the Government, Primary and Secondary Healthcare Department;	Member
(h)	a water quality expert;	Member
(i)	a public health expert; and	Member
(j)	Director General of the Authority	Member/Secretary

**8. Duties and powers of the Authority.**— (1) The Authority shall:



- (a) ensure that the undertakers discharge their duties and perform their functions in accordance with the Act or any other law for the time being in force;
- (b) revise tariffs set by water and sewerage undertakers, if deemed necessary, as per the prescribed procedure.

(2) The Authority shall exercise powers and perform duties mentioned in subsection (1) in a well calculated manner which may be prescribed:

- (a) to further the consumer objective;
- (b) to ensure that the functions of water undertaker and of a sewerage undertaker are properly carried out;
- (c) to secure that bodies or companies holding appointments as water undertaker or sewerage undertaker are able to finance the proper carrying out of water and sewerage services under this Act; and
- (d) to ensure that the activities authorized under the license of water abstraction or license of water disposal are properly carried out in addition to any other duty imposed for the said purposes under any other law for the time being in force.

(3) For the purpose of clause (a) of subsection (2), the Authority shall have regard to the interests of among other persons:

- (a) those who are disabled or chronically sick or of an old age;
- (b) those with low incomes;
- (c) those residing in rural areas; and
- (d) customers of companies, holding an appointment of undertaker, whose premises are not eligible to be supplied by a licensed water supplier.

(4) Subject to subsection (2), the Authority shall exercise powers and perform duties mentioned in subsection (1) ) in a well calculated manner which may be prescribed to:

- (a) promote economy and efficiency on the part of bodies or companies holding an appointment as an undertaker;
- (b) secure that no undue preference is shown, and that there is no undue discrimination in the fixing, by such companies, of water and drainage charges;
- (c) ensure that the interests of every person who is a customer or, as the case may be, potential customer are protected as respects the fixing and recovery by that undertaker of:
  - (i) charges in respect of any services provided in the course of carrying out functions of an undertaker; and
  - (ii) amounts of any other description which such an undertaker is authorized by or under any law to require such person to pay; and

- (d) to ensure that the interests of every such person are protected as respects the other terms on which any services are provided and as respects the quality of those services.

**9. Director General of the Authority.**— (1) The Authority shall have a Director General who shall be appointed in the prescribed manner.

(2) The Director General shall be responsible for the due discharge of the work of the Authority.

(3) The Director General shall be assisted in his work by such number of officers and staff as the Government may, from time to time, determine.

#### **CHAPTER IV WATER UNDERTAKERS AND SEWERAGE UNDERTAKERS**

**10. Water Undertakers and Sewerage Undertakers.**— (1) The Commission may appoint a company, a local government or a statutory authority to be the water undertaker or sewerage undertaker for any area.

(2) Where the Commission appoints a company or a statutory authority, not under the control of the relevant local government, to be an undertaker for any area, it shall obtain prior permission from the relevant local government.

(3) Subject to the provisions of sub-section (4) below, the appointment of a company, local government or a statutory authority to be an undertaker shall be by an instrument in writing containing the appointment, including the terms and conditions thereof, and describing the area for which it is made:

(4) No company, local government or statutory authority shall be appointed as an undertaker beyond the area in which it may by law operate.

**11. Enforcement orders.**— (1) Where in the case of any undertaker, the Authority is satisfied that:

- (a) such undertaker is contravening any condition of its appointment or any statutory requirement which is enforceable, and in relation to which it is the enforcement authority; or
- (b) such undertaker has contravened any such condition or requirement and there is an apprehension that such undertaker may repeat the contravention,

the Authority shall by a provisional order make such provisions as may be required for the purpose of securing compliance with that condition or requirement.

(2) Where an order has been passed under subsection (1), and its non-compliance is likely to have a serious impact on the provision of water or sewerage services including impact on health and hygiene of the public, the Authority shall inform the Government of such order and the consequences of its non-compliance.

(3) Before making a final order or confirming a provisional order, the Authority shall give a notice to the undertaker:

- (a) stating that it proposes to make a final order or confirm the provisional order and setting out the effect of the order; and

- (b) setting out:
  - (i) the conditions or requirements for the purpose of securing compliance of such order;
  - (ii) the acts of omission or commission which in its opinion constitute or would constitute contravention of such conditions or requirements; and
  - (iii) any other fact which in its opinion justify the passing of such order.
- (4) A final or provisional order:
  - (a) shall require the undertaker, to which it relates, to do or not to do such things as are specified in the order;
  - (b) shall take effect at such time, being the earliest practicable time, as is determined by or under the order; and
  - (c) may be revoked or modified by the Authority or the Government.

(5) The obligation to undertaker with a final or provisional order shall be a duty owed both to the Authority as well as to any person who may be affected by the contravention of such order.

**12. Register of undertakers.**— The Authority shall, in the prescribed manner, maintain in paper as well as in electronic form, a register of the following information:

- (a) every appointment made under this Chapter;
- (b) every termination of any such appointment;
- (c) every variation of the area for which any undertaker holds any such appointment;
- (d) the conditions of any appointment;
- (e) enforcement orders;
- (f) every undertaking given to and accepted by the Authority or the Government; and
- (g) details of abstraction licenses or disposal licenses granted to water undertakers and sewerage undertakers by the Commission.

**13. Power to assign services.**— (1) Subject to the provisions of subsection (2) below, an undertaker may assign water or sewerage or, as the case may be, both services to a company registered for the purpose of provision of water or sewerage services or a local authority, temporarily or for a specified period, by way of a written agreement executed with the Authority.

(2) An undertaker shall obtain prior permission of the Authority and the relevant local government before making an assignment where the undertaker is not the local government itself.

(3) An assignee shall act on behalf of the undertaker, and the undertaker shall continue to be responsible for the due discharge of services in accordance with the provisions of the Act.

(4) Notwithstanding anything contained in the written agreement, the Authority may require the undertaker to perform the services directly where it determines that the assignee is likely to fail or has failed to act according to the provisions of the Act.

## **CHAPTER V WATER SUPPLY**

**14. Duties of water undertakers.**— (1) Every water undertaker shall develop and maintain an efficient and economical system of water supply within its area and to ensure that all such arrangements have been made for:

- (a) providing supplies of water to premises in that area and for making such supplies available to persons who demand them; and
- (b) for maintaining, improving and extending the water mains and other pipes.

(2) The Commission may, by regulations, prescribe such standards of performance in connection with the provision of water as in its opinion ought to be achieved, and such regulations may provide that if a water undertaker fails to meet a prescribed standard it shall pay such amount, as may be prescribed, to any person who is affected by the failure.

**15. Duty to provide supplies for domestic purposes.**— (1) Every water undertaker shall provide a water main to be used for supplies of water to a premises in a particular locality in its area, if the water undertaker is required to provide such water main, by a notice, served upon the water undertaker by one or more persons who are entitled under subsection (2) to receive water supply through such mains.

(2) The following persons shall be entitled to require the provision of water supply under subsection (1):

- (a) the owner of premises approved by the local authority;
- (b) a housing society duly approved by the local authority;
- (c) the concerned local government; or
- (d) any other person as specified by the regulations.

(3) The water undertaker shall not be in breach of his obligations under subsection (1) if the applicant does not provide an undertaking to pay, to the water undertaker, costs reasonably incurred in providing the main over a prescribed period of time.

(4) Any dispute between a water undertaker and any other person regarding costs to be paid shall be referred to the arbitration of a single arbitrator by agreement between the water undertaker and that person and in default of such agreement the dispute shall be finally and conclusively decided by the Authority.

**16. Supply of water for industrial purposes.**— (1) Every water undertaker shall provide a water main to be used for providing supplies of water to duly approved industrial premises in a particular locality if the water undertaker is required to

provide the main, by a notice, served upon the water undertaker by one or more persons who are entitled under subsection (2) to get water supply through the mains.

(2) The following persons shall be entitled to require the provision of water under subsection (1):

- (a) the owner of an industrial premises duly approved by the local authority;
- (b) an industrial estate established by the Government; and
- (c) the relevant local government.

(3) A water undertaker shall not be required by virtue of this section to provide a new supply to industrial premises if:

- (a) the supply of water requires him to incur unreasonable expenditure in carrying out works;
- (b) it puts at risk the ability of the water undertaker to meet any of its existing or probable future obligations to supply water for domestic or other purposes;
- (c) there is a contravention in relation to the water fittings used or to be used in connection with the supply of water to those premises or with the use of water in those premises; and
- (d) if arrangements of industrial premises for disposal of waste water or trade effluent from such premises are not in accordance with the provisions of this Act or the regulations made thereunder.

(4) The water undertaker shall not be in breach of his obligations under subsection (1) if the applicant does not provide an undertaking to pay, to the water undertaker, costs reasonably incurred in providing the main over a prescribed period of time.

(5) Any dispute between a water undertaker and any other person regarding costs to be paid shall be referred to the arbitration of a single arbitrator by agreement between the water undertaker and that person, and in default of such agreement by the Authority.

**17. Duty to supply water for other public purposes.—** (1) A water undertaker shall, at the request of a sewerage undertaker, local authority, an authorized functionary or the Authority, provide for such of its pipes as are of an appropriate capacity to supply water for cleansing sewers and drains, for cleansing and watering highways, for supplying any public pumps, baths or wash houses, for maintaining parks and green areas and for such other public purposes as may be necessary.

(2) A supply of water provided by a water undertaker under this section shall be provided upon such terms as may be reasonable.

(3) The obligations of a water undertaker under this section shall be enforceable through an enforcement order under section 11 of the Act.

**18. Constancy and pressure of water supplies.—** (1) It shall be the duty of every water undertaker to cause the water in such of its water mains and other pipes, which are used for providing supplies of water for domestic purposes, to be

run with such constancy and at such pressure as shall be required to maintain its wholesomeness or to cause it to reach such height as may be required by the Authority.

(2) Nothing in subsection (1) shall impose any duty on a water undertaker to maintain the constancy or pressure of any supply of water during any period during which it is reasonable for that supply to be cut off or get reduced for the purposes of the carrying out any necessary works.

(3) The obligations of a water undertaker under this section shall be enforceable under section 11 of the Act.

(4) Where a water undertaker is in breach of a duty under this section, the water undertaker shall be guilty of an offence and liable, upon conviction, to a fine which may extend to rupees five hundred thousand.

(5) In any proceedings against any water undertaker for an offence under subsection (4), it shall be a defence for that undertaker to show that it took all reasonable steps and exercised all due diligence to avoid the commission of the offence.

**19. Quality and sufficiency of water supplies.—** (1) It shall be the duty of a water undertaker that:

- (a) while supplying water to any premises for domestic purposes to supply only water which is wholesome at the time of supply; and
- (b) so far as reasonably practicable, to ensure, in relation to each source or combination of sources from which it supplies water to premises for domestic purposes, that there is in general no deterioration in the quality of water.

(2) For the purposes of this section, water supplied by a water undertaker to any premises shall not be regarded as unwholesome at the time of supply where it has ceased to be wholesome only after leaving the pipes laid and maintained by the water undertaker.

(3) The obligations of a water undertaker under this section shall be enforceable under section 11 of the Act.

(4) Where a water undertaker is in breach of a duty under this section, the water undertaker shall be guilty of an offence and liable, upon conviction, to a fine which may extend to rupees five hundred thousand.

**20. Power to require additional measures for ensuring quality of water.—** (1) The Commission may, by regulations, require a water undertaker to take all necessary steps for securing compliance with section 19 of the Act.

(2) Without any prejudice to the generality of the powers conferred under subsection (1), the Commission may impose an obligation on a water undertaker to:

- (a) take all necessary steps for monitoring and recording whether the water which that water undertaker supplies to premises for domestic purposes is wholesome at the time of supply;
- (b) take all necessary steps for monitoring and recording the quality of water from any source, or combination of sources which that

water undertaker uses or is proposing to use for supplying water to any premises for domestic purposes;

- (c) ensure that a source which that water undertaker is using or is proposing to use for supplying water for domestic purposes is not so used until all requirements for establishing the quality of water which may be supplied from that source have been complied with;
- (d) keep records of localities within which all premises supplied with water for domestic purposes by that water undertaker are normally supplied from the same source or combination of sources; and
- (e) analyze water samples and to put in place internal arrangements in this respect and report such analysis.

**21. Power to disconnect service pipes and cut off supplies.**— (1) Subject to the provisions of this section, a water undertaker may disconnect a service pipe, which, for the purposes of providing supply of water to any premises, is connected with any water main of that water undertaker or may otherwise cut off a supply of water to any premises if:

- (a) it is reasonable for the disconnection to be made or the supply of water be cut off for the purposes of carrying out any necessary works;
- (b) the occupier of the premises is liable to pay charges, due to the water undertaker, in respect of the supply of water to such premises and has failed to pay such charges within a period of fifteen days of service of the notice requiring him to pay such charges; or
- (c) the occupier of the premises is found liable for willful waste of water and has failed to adopt remedial measures to rectify the prevailing situation with respect to waste of water within a period of ten days beginning with the day after he is served with the notice requiring him to correct such situation.

(2) Where a water undertaker exercises its power by virtue of clause (a) of sub-section (1), and effects a disconnection for the purpose of carrying out any necessary works, it shall owe a duty to the occupier of the premises to ensure:

- (a) that such necessary works are carried out with reasonable dispatch; and
- (b) that, only after an emergency water supply has been made available, whether or not through pipes, for domestic purposes, and any supply of water to such premises is not interrupted for more than twenty-four hours for the purpose of carrying out of those necessary works.

(3) Where a water undertaker has served a notice under clause (b) of subsection (1) on a person, who within the period of fifteen days of the receipt of such notice, furnishes a reply to such notice disputing his liability to pay the charges demanded, the water undertaker shall not exercise its power to disconnect the water

supply unless so authorized by the Authority after determination of liability or by order of a court.

(4) Where a water undertaker has cut off supply of water under subsection (1)(c), it shall restore such supply upon an undertaking by the occupier of the premises that he was not involved in willful waste of water or, as the case may be, he shall not indulge in willful waste of water in future.

(5) Before restoring a supply under subsection (4), the water undertaker may, after giving him a reasonable notice, make an inspection of the premises of the occupier to assure that sufficient remedial measures have been taken to prevent waste of water.

(6) If a water undertaker disconnects a service pipe or otherwise cuts off supply of water to any premises in a case in which it has no power to do so under this section or fails to connect such service pipe or restore such supply, it shall be guilty of an offence and liable, upon conviction, to a fine which may extend to rupees one hundred thousand.

**22. Offence of supplying water unfit for human consumption.**— (1) Subject to subsection (2), where a water undertaker supplies water by means of pipes to any premises and that water is unfit for human consumption, the water undertaker shall be guilty of an offence and liable, upon conviction, to a fine which may extend to rupees five hundred thousand.

(2) Where a person authorized to stop a supply of water finds that the supply is unfit for human consumption and continues to authorize supply of such unfit water, the person shall be guilty of an offence and liable, upon conviction, to a fine which may extend to rupees fifty thousand or imprisonment which may extend to three months or both.

(3) In any proceedings against a water undertaker for an offence under this section, it shall be a defense for that undertaker to show that it:

- (a) had no reasonable grounds for suspecting that the water was to be used for human consumption; and
- (b) took all reasonable steps and exercised all due diligence in securing that the water was fit for human consumption on leaving its pipes or was not used for human consumption.

**23. Provision of water where piped supplies are insufficient or are unwholesome.**— (1) Where:

- (a) it is not practicable, at reasonable cost, for a water undertaker to provide wholesome water in pipes or to maintain such a supply of wholesome water, to any particular premises in its area as is sufficient for domestic purposes;
- (b) it is practicable, at reasonable cost, for the water undertaker to provide such a supply of wholesome water for domestic purposes to those premises otherwise than in pipes;
- (c) the insufficiency or unwholesomeness of the supply of water for domestic purposes is such as to cause a danger to life or health; and



- (d) the local authority in whose area those premises are situated notify the water undertaker of that danger and require the water undertaker to provide a supply otherwise than in pipes;

it shall be the duty of the water undertaker, for such period as may be required by the local authority and where it is practicable at reasonable cost, to provide water otherwise than in pipes.

(2) In this section, reference to the provision of a supply of water to any premises otherwise than in pipes shall have effect, in a case in which it is practicable for the water undertaker to provide a supply of water, whether or not in pipes, at reasonable cost, to a place within a reasonable distance of those premises, as including reference to the provision of a supply of water to those premises.

**24. Permission to abstract water directly.—** (1) Where:

- (a) it is not practicable, at reasonable cost, for a water undertaker to supply water in pipes;
- (b) ground water is not unwholesome such as to cause any danger to life or health of a person;

the water undertaker may allow a person, through a sub-license, to abstract water from within his premises or from an area in close proximity thereof for his domestic purposes only.

(2) A sub-license issued under subsection (1) shall be granted in accordance with any conditions that the Commission may impose on such sub-licenses specifically or generally.

(3) Water abstracted under a sub-license under subsection (1), shall form part of the overall abstraction limit granted to a water undertaker under an abstraction license issued by the Commission.

**25. Offences of contaminating, wastage and misuse of water.—** (1) If any person who is the owner or occupier of any premises to which a supply of water is provided by a water undertaker, intentionally or negligently, causes or suffers any water fitting for which he is responsible to be or remain so out of order, so in need of repair or so constructed or adapted or to be used:

- (a) that water in a water main or other pipes of a water undertaker or in a pipe connected with such water main or pipe, is or is likely to be contaminated by the return of any substance from those premises to that main or pipe;
- (b) that water that has been supplied by the water undertaker to those premises is or is likely to be contaminated before it is used; or
- (c) that water so supplied is or is likely to be wasted, or having regard to the purposes for which it is supplied, misused or unduly consumed;

that person shall be guilty of an offence and liable, upon conviction, to a fine not exceeding rupees one hundred thousand.

(2) Any person who uses any water supplied to any premises by a water undertaker for a purpose other than the one for which it is supplied shall, unless the other purpose is the extinguishment of fire, be guilty of an offence and liable, upon conviction, to a fine not exceeding rupees two hundred thousand.

**26. Prevention of contamination and waste etc.—** (1) The Commission may, by regulations, make such provisions as it considers appropriate for any of the following purposes:

- (a) securing that water in a water main or other pipes of a water undertaker is not contaminated, and that its quality and suitability for particular purposes is not prejudiced, by the return of any substance from any premises to that main or pipe;
- (b) preventing the wastage, undue consumption and misuse of any water at any time after it has left the pipes of a water undertaker for the purpose of being supplied by that water undertaker to any premises; and
- (c) securing that water fittings installed and used by persons to whom water is or is to be supplied by a water undertaker are safe, minimize wastage and do not cause or contribute to erroneous measurement of any water or the reverberation of any pipes.

(2) Without prejudice to the generality of the power contained in subsection (1), regulations made under this section may also make provision for the following matters:

- (a) forbidding installation, connection or use of pipe related fittings if they have not been approved under the regulations or if they contravene the regulations;
- (b) requiring the fittings for the purpose of provision made by virtue of sub section (2)(a) to be of such a size, nature, strength or workmanship, to be made of such materials or in such a manner or to conform to such standards as may be prescribed or approved under the regulations;
- (c) imposing such other requirements as may be prescribed with respect to the installation, arrangement, connection, testing, disconnection, alteration and repair of the fittings and with respect to the materials used in their manufacture;
- (d) according, refusing and revoking, by authorized persons, of the approvals required for the purposes of regulations; and
- (e) such approvals and revocations as capable of being made under the Act.

(3) Without any prejudice to the provisions of sub section (1) and (2), above, the regulations under this section may also:

- (a) impose separate or concurrent duties with respect to the enforcement of regulations;

- (b) confer powers on a water undertaker or a local authority to carry out works and take other steps, in prescribed circumstances, for remedying any contravention of the regulations;
- (c) provide for the recovery by a water undertaker or local authority of expenses reasonably incurred by the water undertaker or local authority in the exercise of any powers conferred under sub section (3) (b) above;
- (d) provide that contravention of a regulations shall constitute an offence punishable with fine not exceeding rupees one hundred thousand or any other smaller sum;
- (e) require the disputes arising because of application of a regulation be referred to arbitration in suitable cases; and
- (f) provide for a right of appeal in appropriate cases.

**27. Powers to prevent damage, contamination and waste etc.—** (1) Without prejudice to any power conferred upon the water undertaker by regulations made under section 20 of the Act, where a water undertaker providing a supply of water to any premises, has reason to believe that:

- (a) the damage to person or property is being or is likely to be caused by any damage to, or defect in, any water fitting used in connection with the supply of water to those premises which is not a service pipe belonging to the water undertaker;
  - (b) the water in a water main or other pipe of the water undertaker is being or is likely to be contaminated by the return of any substance from those premises to that main or pipe;
  - (c) the water which is in any pipe connected with any such main or other pipe or which has been supplied by the water undertaker to those premises is being or is likely to be contaminated before it is used; or
  - (d) the water which has been or is to be so supplied is being or is likely to be wasted or, having regard to the purposes for which it is supplied, misused or unduly consumed; the water undertaker may exercise the power conferred upon it by subsection (2) in relation to such premises.
- (2) The powers of the undertaker in relation to subsection (1) are:
- (a) where the case constitutes an emergency, power to disconnect the service pipe or otherwise to cut off the supply of water to those premises; and
  - (b) in any other case, power to serve notice on the occupier of the premises requiring him to take such steps as may be specified in the notice as necessary to secure the system of the water undertaker and that damage, contamination, wastage, misuse or undue consumption ceases or, as the case may be, does not occur.

(3) Where a water undertaker, in exercise of the power conferred under clause (a) of subsection (2), disconnects a service pipe to any premises or otherwise cuts off any supply of water to any premises, the water undertaker shall, as soon as reasonably practicable after the supply is disconnected or cut off, serve a notice on the person specifying the steps which that person is required to take before the water undertaker restores the water supply to that premises.

(4) The steps specified in the notice under subsection (3) shall be the steps necessary to secure that, as the case may be:

- (a) the damage, contamination, wastage, misuse or undue consumption; or
- (b) the likelihood of damage, contamination, wastage, misuse or undue consumption, shall not recur if the supply is restored, and a water undertaker which fails, without reasonable excuse, to serve the notice in accordance with the requirements of subsection (4) shall be guilty of an offence and liable, upon conviction through a summary trial, to a fine not exceeding rupees ten thousand.

(5) A notice served for the purposes of clause (b) of subsection (2) shall:

- (a) specify the period, not being less than seven days of the service of the notice, within which the steps specified in the notice are to be taken by the consumer; and
- (b) set out the powers of the water undertaker under subsection (6) and (7).

(6) Where a water undertaker has served a notice under clause (b) of subsection (2) in relation to any premises, and:

- (a) the case becomes an emergency; or
- (b) the premises appears to be unoccupied and the steps specified in the notice are not taken before the expiry of the period so specified;

the water undertaker may disconnect the service pipe to those premises or otherwise cut off the supply of water to those premises; and subsections (3) and (4) shall apply where a water undertaker exercises its power under this subsection as they apply where such an undertaker exercises its power by virtue of under clause (a) of subsection (2).

(7) Where, in a case not falling within clause (a) or clause (b) of subsection (6), any steps specified in a notice served by the water undertaker under clause (b) of subsection (2) have not been taken by occupier of the premises by the end of the period so specified, the water undertaker shall have power to take such steps itself, and subject to subsection (8), to recover any expenses reasonably incurred by the water undertaker in taking those steps from the occupier on whom the notice was served.

(8) Where any steps are taken by virtue of subsection (7) and it is shown that, in the circumstances of the case, those steps were not necessary as mentioned in subsection (2) or, as the case may be, subsection (4), such water undertaker:

- (a) shall not be entitled to recover any expenses incurred by it in taking those steps; and
- (b) shall be liable to pay to any other person who took any of those steps an amount equal to any expenses reasonably incurred by that person in taking any of those steps.

**28. Standards of wholesomeness of water.**— (1) The Commission may, by regulations, make provisions that the water supplied to any premises is or is not to be regarded as wholesome for purposes of this Chapter, if it satisfies or, as the case may be, fails to satisfy such provisions as may be prescribed.

(2) Without prejudice to the generality of subsection (1), regulations under this section may, for the purpose of determining the wholesomeness of any water shall:

- (a) provide general requirements as to the purposes for which the water is to be suitable;
- (b) provide specific requirements as to the substances that are to be present in or absent from the water, and as to the concentrations of substances which are or are required to be present in the water;
- (c) provide specific requirements as to other characteristics of the water;
- (d) provide that the question whether prescribed requirements are satisfied may be determined by reference to such samples;
- (e) enable the Commission to authorize such relaxations of and departures from the requirements referred to in clause (a) above, and to make any such authorization subject to one or more conditions which it considers appropriate, and to modify or revoke any such authorization or conditions; and
- (f) enable the Commission to authorize a local authority, Authority or an authorized functionary to, either instead of the Commission or concurrently with it, to exercise any power conferred on the Commission by regulations framed under clause (e) of subsection (2) above.

**29. Maps of water mains etc.**— (1) Subject to subsection (4), it shall be the duty of the Authority and every water undertaker to keep record of:

- (a) every resource main, water main or discharge pipe used by the water undertaker; and
- (b) any other underground works, other than a service pipe, which are owned or operated by the water undertaker.

(2) It shall be the duty of the Authority and of every water undertaker to ensure that the contents of any records for the time being kept by it under this section are updated and available, at all reasonable times, for inspection by the public free of charge at an office of the Authority or as the case may be of the water undertaker.

(3) Any information which is required under this section to be made available, by the Authority or a water undertaker, for inspection by the public shall be so made available in the form of a map.

(4) For the purposes of determining whether any failure to make a modification of any records kept under this section constitutes a breach of the duty, imposed by sub section (1), above, that duty shall be taken to require any modifications of the records to be made as soon as reasonably practicable after the completion of such works, which make the modification necessary; and where records kept under this section are modified, the date of the modification and of the completion of the works making the modification necessary shall be incorporated in the records.

(5) The duties of a water undertaker under this section shall be enforceable under section 11 of the Act.

## **CHAPTER VI PROVISION OF SEWERAGE SERVICES**

**30. Sewerage functions.**— (1) Every sewerage undertaker shall:

- (a) provide, improve, rehabilitate and extend such a system of public sewers, whether inside its area or elsewhere, and so to cleanse and maintain such sewers as to ensure that such area is and continues to be effectually drained; and
- (b) make provision for the emptying of those sewers and for effectually dealing by means or sewage disposal works or otherwise with the content of those sewers.

(2) In performing its duty under subsection (1), the sewerage undertaker shall have regard to:

- (a) its existing and future obligations to allow discharge of effluent into its public sewers; and
- (b) the need to provide for the disposal of effluent which is so discharged.

**31. Standards of performance.**— (1) The Commission may by regulations prescribe the standards of performance for the provision of sewerage services.

(2) Without prejudice to the generality of the power conferred by subsection (1), the regulations may:

- (a) include in a standard of performance, a requirement for a sewerage undertaker to inform persons of their rights and duties by virtue of any such regulations; and
- (b) provide for any dispute under the regulations to be referred to by either party to the Authority.

**32. Supply of sewerage services for domestic purposes.**— (1) Every sewerage undertaker shall provide a public sewer to be used for drainage of premises in a particular locality in its area if the sewerage undertaker is required to provide the sewer by a notice served on the sewerage undertaker by one or more

persons who are entitled under subsection (2) to require the provision of the sewer for that locality.

(2) The following persons shall be entitled to require the provision of a public sewer for any locality:

- (a) the owner of a premises in that locality;
- (b) a housing authority;
- (c) the concerned local government; and
- (d) any other person as specified by rules.

(3) The sewerage undertaker shall not be in breach of his obligations under subsection (1) if the applicant does not provide an undertaking to pay, to the sewerage undertaker, costs reasonably incurred in providing the main over a prescribed period of time.

(4) Any dispute between a sewerage undertaker and any other person in respect of cost to be paid shall be referred to the arbitration of a single arbitrator by agreement between the sewerage undertaker and that person and in default of such agreement the dispute shall be finally decided by the Authority.

**33. Performance of sewerage functions by local authorities etc.—** (1) A local authority may, in accordance with any arrangement which it has entered into for the purpose with any sewerage undertaker, carry out sewerage functions on behalf of that undertaker in relation to such area comprising the whole or any part of that local authority's relevant area with parts of any adjacent relevant areas of other relevant local authority, as may be specified in the arrangements.

(2) Arrangements entered into for the purposes of this section may contain any such provision as may be agreed between the relevant authority and the sewerage undertaker but shall not affect the availability to any person, other than the relevant authority, of any remedy against the sewerage undertaker in respect of the carrying out of the sewerage undertaker's sewerage functions or of any failure to carry them out.

(3) Where arrangements entered into for the purposes of this section so provide, a relevant authority shall be entitled to exercise on behalf of a sewerage undertaker any power which by or under the Act or any other law for the time being in force is exercisable by the sewerage undertaker for the purposes of, or in connection with, the carrying out of the functions of the sewerage undertaker.

**34. Trade effluent.—** (1) It shall be the duty of every sewerage undertaker to provide a sewer to be used for the drainage of trade effluent to premises in a particular locality in its area if the sewerage undertaker is required to provide the sewer by a notice served on the sewerage undertaker by one or more persons who are entitled under subsection (2) to require the provision of the sewer for that locality.

(2) The following persons shall be entitled to require the provision of a pipe for discharge of trade effluent:

- (a) owner of an industrial premises in a locality duly approved by the local authority; and
- (b) an industrial authority managing industrial estates;

(3) The sewerage undertaker shall not be in breach of his obligations under subsection (1) if:

- (a) the person does not provide an undertaking to pay, to the sewerage undertaker, costs reasonably incurred in providing the main over a prescribed period of time;
- (b) the trade effluent is of a nature that shall make it difficult for the sewerage undertaker to discharge its obligations to domestic consumers; or
- (c) the trade effluent cannot be safely carried in the pipes of the sewerage undertaker or needs to be carried separately for specialized treatment.

(4) Any dispute between a sewerage undertaker and any other person regarding costs to be paid shall be referred to the arbitration of a single arbitrator by agreement between the sewerage undertaker and that person and in default of such agreement the dispute shall be finally decided by the Authority.

**35. Power to disconnect connection for trade effluent.—** (1) A sewerage undertaker may disconnect a pipe which carries trade effluent if:

- (a) it is reasonable for the disconnection to be made for the purposes of carrying out any necessary works; or
- (b) the occupier of the premises is liable to pay charges due to the sewerage undertaker in respect of services to those premises and has failed to pay such charges within fifteen days beginning with the day after he is served with notice requiring him to do so.

(2) Where a sewerage undertaker exercises its power by virtue of clause (a) of subsection (1), it shall owe a duty to the consumer to secure:

- (a) that those works are carried out with reasonable dispatch; and
- (b) that no service is interrupted for more than seven days for the purpose of carrying out of those works.

**36. Permission to dispose of waste water or trade effluent directly.—** (1) Where:

- (a) it is not practicable, at reasonable cost, for a sewerage undertaker to provide sewerage pipes;
- (b) it is practicable and safe for the owner or occupier of industrial premises to drain waste water or trade effluent in pipes not owned or operated by the sewerage undertaker; and
- (c) the local authority in whose area those premises are situated permits the sewerage undertaker to allow discharge of waste water or trade effluent in pipes not owned or operated by the sewerage undertaker.

the sewerage undertaker may allow a person, by a sub-license, to discharge waste water or trade effluent in those pipes.



(2) A sub-license issued under subsection (1) shall be granted in accordance with any conditions that the Commission may impose on such sub-licenses specifically or generally.

**37. Sewer maps.**— (1) Subject to the provisions of subsection (5) below, it shall be the duty of the Authority and every sewerage undertaker to keep records of the location and other relevant particulars of:

- (a) every public sewer or disposal main operated by the sewerage undertaker or other persons with the permission of the sewerage undertaker; and
- (b) any other underground works other than a service pipe which are owned or operated by the sewerage undertaker.

(2) For the purposes of this section, the relevant particulars of a drain, sewer or disposal main, in addition to its location, shall also include particulars as to:

- (a) whether it is a drain, sewer or disposal main and of the description of effluent for the conveyance of which it is or is to be used, and
- (b) whether it is operated by sewerage undertaker or, if it is not, whether it is operated with the permission of sewerage undertaker.

(4) The records kept by a sewerage undertaker under this section shall be kept separately in relation to the area of each local authority within whose area there is any drain, sewer, or disposal main of which that sewerage undertaker is required to keep records

(5) It shall be the duty of every sewerage undertaker to:

- (a) provide to the local authorities, without any fee, the copies of the contents of records kept under this section, and with copies of any modifications of those records, so as to ensure that every local authority to whose area any of the records relate are at all times informed of the contents of the record, for the time being, relating to their area; and
- (b) ensure that the contents of all the records for the time being kept by the sewerage undertaker under this section are available, at all reasonable times, for inspection by the public free of charge at any office of the sewerage undertaker.

(6) Any information which is required to be kept by this section shall be so provided or made available in the form of a map.

(7) For the purposes of determining whether any failure to make a modification of any records kept under this section constitutes a breach of the duty, imposed by sub section (1) above which make the modification necessary; and where records kept under this section are modified, the date of the modification and of the completion of the works making the modification necessary shall be incorporated in the records.

(8) The duties of a sewerage undertaker under this section shall be enforceable under section 11 of the Act.

## **CHAPTER VII CHARGING FOR SERVICES PROVIDED BY UNDERTAKERS**

**38. Powers of the undertakers to charge.**— (1) Subject to the provisions of this chapter, the powers of every undertaker shall include the power to:

- (a) fix charges for any services provided in the course of carrying out its functions and, in the case of a sewerage undertaker, charges to be paid in connection with the carrying out of its trade effluent functions; and
  - (b) demand and recover charges fixed under this section from any person to whom that undertaker provides services or in relation to whom it carries out trade effluent functions.
- (2) The powers conferred under subsection (1) shall be exercisable:
- (a) by undertakers:
    - (i) in the case of supply of water after taking into consideration the cost of abstraction, improvement in quality of water and protection of water from contamination till it is supplied to premises; and
    - (ii) in the case of sewerage or waste water after taking into consideration the cost of carrying it, treating it and protecting soil and water from the waste water till it is treated; or
  - (b) by or in accordance with agreements with persons to be charged.

**39. Liability of occupiers etc. to pay charges.**— Except in so far as provision to the contrary is made by any agreement to which the undertaker is a party:

- (a) supplies of water provided by a water undertaker shall be treated for purposes of this Chapter as services provided to the occupiers, for the time being, of any premises supplied; and
- (b) sewerage services provided by a sewerage undertaker shall be treated for the purposes of this Chapter as provided to the occupiers, for the time being, of any premises which are drained by a sewer or drain connecting, either directly or through an intermediate sewer or drain, with such a public sewer of the sewerage undertaker as is provided for sewerage water or surface water or both.

**40. Provisions relating to charging by volume.**— (1) Where the Authority so requires, the undertakers shall install meters and make other provision in relation to the meters and the premises where these are installed.

(2) The Commission may, by regulations, make such provision as it considers appropriate with respect to the connection, disconnection, use, maintenance, authentication and testing of meters and with respect to any other related matter.

(3) Without prejudice to the generality of subsection (2), the regulations may, among other things:

- (a) address the positioning, whether inside or outside of the building or other premises in relation to which the meter is to be used, of any meter or of any pipes or apparatus appearing to any water undertaker or sewerage undertaker to be required for the purpose of facilitating the use of any meter;
- (b) make any other provision which appears to the Commission to be appropriate with respect to any such pipes or apparatus;
- (c) provide for a reading from a meter to be proved and for a reading from a meter to be such evidence of the volume of water supplied to, or of effluent discharged from, any premises;
- (d) fix the method of determining the amount of the charges to be paid where it appears that a meter has given, or may have given, an incorrect reading;
- (e) require a person who is not an undertaker to pay the expenses incurred by an undertaker in doing anything under the regulations or to pay contributions towards those expenses;
- (f) provide for the payment of compensation in respect of anything done by an undertaker under the regulations; and
- (g) require disputes arising under the regulations to be referred to arbitration.

**41. Power of the Authority to modify charges.**— The Authority may, through a written order, modify the charges fixed or demanded by an undertaker under section 38 of the Act where it finds that an undertaker:

- (a) has not spread costs over a reasonable period of time;
- (b) has charged consumers unfairly;
- (c) has not acted in support of the consumer objective;
- (d) has not applied aquifer charges; and
- (e) has not charged as prescribed or levied by the Government.

**42. Offence of tampering with meters etc.**— (1) If any person:

- (a) so interferes with a meter used by an undertaker in determining the amount of any charges fixed in relation to any premises to prevent the meter from showing or from accurately showing the volume of water supplied to or of effluent discharged from those premises; or
- (b) carries out any works which he knows are likely to affect the operation of such a meter;

he shall be guilty of an offence and liable, on conviction, to a fine not exceeding rupees fifty thousand.

(2) A person shall not be guilty of an offence under subsection (1) in respect of anything done by him with the consent of the undertaker who uses the meter.

## **CHAPTER VIII ABSTRACTION AND DISPOSAL LICENSES**

**43. Abstraction licenses.**— (1) The license to abstract water may be one of the following three types:

- (a) a license to abstract water from one source of supply;
- (b) a license to abstract water from one source of supply for the purpose of transferring to another source of supply; and
- (c) a license to abstract water from one source of supply for the purposes of transferring to the same source of supply at another point.

(2) A license to abstract water from one source of supply shall be of one or more of the following seven types:

- (a) a license to abstract water for supply to consumers by a water undertaker;
- (b) a license to abstract water for agricultural purposes;
- (c) a license to abstract water for domestic purposes;
- (d) a license to abstract water for industrial purposes;
- (e) a license to abstract water for mining purposes;
- (f) a license to abstract water for ecological purposes; and
- (g) a license to abstract water for any purpose not listed above.

(3) No person shall abstract water from controlled waters without a license.

(4) Abstraction licenses shall be granted by the authorities listed in the First Schedule of the Act.

**44. Disposal licenses.**— (1) The license for disposal of water may be one of the following four types:

- (a) a license for disposal of naturally clean water into controlled waters;
- (b) a license for disposal of sewage water into controlled waters;
- (c) a license for disposal of trade effluent into controlled waters; and
- (d) a license for disposal of any other water into controlled waters.

(2) No person shall dispose water into controlled waters without a license.

(3) A disposal licenses shall be granted by the authorities listed in the Second Schedule of the Act.

**45. Terms and conditions of licenses.—** (1) Every abstraction and disposal license under this Act shall be in the prescribed form and shall be valid for a fixed duration of time, which may or may not be extendable.

(2) Every license shall be subject to such terms and conditions as the Commission may prescribe.

(3) Every license shall provide for the point at which abstraction and disposal shall take place.

(4) The fee to be charged for an abstraction and disposal licence shall be such as may be fixed by the Government from time to time.

(5). Notwithstanding anything contained in this section, a disposal license shall include the following conditions that:

(a) the disposed of water shall comply with applicable environmental standards; and

(b) the samples of disposed of water shall be collected and tested at suitable intervals as fixed by the Authority from time to time.

(5) Any person who knowingly contravenes the terms and conditions of a license shall be guilty of an offence and liable, upon conviction, to a fine which may extend to rupees two hundred thousand.

## **CHAPTER IX WATER CONSERVATION DURING DROUGHTS**

**46. Drought orders.—** (1) Where the Commission is satisfied that by reason of an exceptional shortage of rain, a serious deficiency of water in any area exists or is likely to exist then it may, by order, make such provisions as are authorized by this section, which appear to be expedient, with a view to meeting the deficiency.

(2) An order made under this section may contain one or more of the following provisions authorizing:

(a) the Authority, water undertaker or licensee to take water from any source specified in the order subject to any conditions or restrictions specified in it;

(b) the Authority or the sewerage undertaker or licensee to discharge water to any place specified in the order subject to any conditions or restrictions specified in it;

(c) the Authority to prohibit or limit the taking of water by a water undertaker or any other person from a source specified in the order if the Authority is satisfied that the taking of water from that source shall seriously affect the supply of water to the Commission, any water undertaker or any other person;

(d) the Authority to suspend or vary or attach conditions to any consent specified in the order for the discharge of any effluent by any person including any water undertaker or sewerage undertaker; and

- (e) the Authority or water undertaker to prohibit or limit the use of water for such purpose as the Authority or, as the case may be, the water undertaker thinks fit.

**47. Offences with regard to drought orders.—** (1) If any person:

- (a) takes or uses water in contravention of a prohibition or limitation imposed by or under an order referred to in section 46 of the Act or takes or uses water otherwise than in accordance with any condition or restriction so imposed; or
- (b) discharges water otherwise than in accordance with any condition or restriction imposed by or under such an order

he shall be guilty of an offence under this section.

(2) If any person:

- (a) fails to construct or maintain, in good order, a gauge or other apparatus for measuring the flow of water which he is required to construct or maintain under an order referred to in section 48 of the Act; or
- (b) fails to allow some person authorized for the purpose by or under any such order to inspect and examine any such apparatus or any records made thereby or kept by that person in connection therewith or to take copies of any such record;

he shall be guilty of an offence under this section.

(3) In any proceedings against a person for an offence under this section, it shall be a defense for that person to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(4) A person who is guilty of an offence under this section shall be liable, upon conviction, to a fine which may extend to rupees five hundred thousand.

## **CHAPTER X DUTIES WITH REGARD TO ENVIRONMENTAL AND RECREATIONAL PURPOSES**

**48. Environmental and recreational duties.—** (1) It shall be the duty of the Government and every authority established under the Act to formulate or consider any proposal:

- (a) to further the conservation and enhancement of natural beauty and the conservation of flora and fauna and geological or physio-geographical features or special interest;
- (b) to have regard to the desirability of protecting and conserving buildings, sites and objects of archeological, architectural or historic interest;
- (c) to take into account any effect which the proposal would have on the beauty or amenity of any rural or urban area or on any such flora, fauna, features, buildings, sites or objects; and

- (d) to have regard to the desirability of preserving and maintaining for the public freedom of access and visiting any place of natural beauty or building or site or object of archeological, architectural or historic interest.
- (2) Without prejudice to any other duty imposed by this Act, it shall be the duty of every authority to promote:
- (a) the conservation and enhancement of natural beauty; and
  - (b) the conservation of flora or fauna which are dependent on rivers, streams and large bodies of water.

## **CHAPTER XI CONTROLLED WATERS**

**49. Controlled waters.**— The following shall be deemed to be the controlled waters for the purpose of this Act:

- (a) waters in rivers and their tributaries, nullahs and streams flowing in the Punjab;
- (b) canals falling within the definition of the Canal and Drainage Act, 1873 (VIII of 1873);
- (c) waters in lakes or other natural reservoirs, as well as man-made reservoirs with a surface area larger than five square acres;
- (d) ground and subsoil waters;
- (e) storm water in drains; and
- (f) any other water declared as such by the Commission.

**50. Offences relating to controlled waters etc.**— (1) Contravention of this section shall include causing or knowingly permitting:

- (a) any poisonous, noxious or polluting matter or any solid waste matter to enter into any controlled waters;
- (b) any matter to enter controlled waters by being discharged from a drain or sewer without the requisite treatment;
- (c) any trade effluent or sewage effluent to be discharged, in contravention of any relevant prohibition from a building or from any fixed plant onto or into any land; and
- (d) any action which tends, either directly or otherwise, to impede the proper flow of the waters including flood waters.

(2) A person who contravenes any provision of this section shall be guilty of an offence and liable, upon conviction, to imprisonment which may extend to three months or to a fine which may extend to rupees five hundred thousand or both.

(3) A person shall not be guilty of an offence under subsection (1) if the entry occurs or the discharge is made in accordance with the terms of a license for disposal of water.

**51. Water protection zones.**— (1) The Government may declare a particular area as water protection zone to:

- (a) prevent or control the entry of any poisonous, noxious or polluting matter into the controlled waters;
- (b) prohibit or restrict the carrying on in a particular area of activities which it may consider likely to result in the pollution of any such waters.

(2) The Commission may by regulations determine the circumstances in which the carrying on of any activities is prohibited or restricted and to determine the activities to which any such prohibition or restriction applies.

**52. Offences related to deposits and vegetation.**— (1) A person shall be guilty of an offence under this section if he, without the approval of the respective Canal Officer, removes from any river, nullah, stream, lake, canal, reservoir or any other water body, except a water body which is privately owned.

(2) A person shall be guilty of an offence under this section if without consent of the Canal Officer he causes or permits a substantial amount of vegetation to be cut or uprooted in any river, nullah, stream, lake, canal, reservoir or any other water body except a water body which is privately owned or to be cut or uprooted adjacent to any such water body.

(3) The Government may by rules determine conditions and manner in which approval may be granted by a Canal Officer under this section.

## **CHAPTER XII MISCELLANEOUS**

**53. Power to investigate.**— (1) The Authority may appoint one or more persons as technical assessors for the purpose of conducting an investigation as to whether any duty or other requirement imposed on an undertaker by or under this Act is being, has been or is likely to be contravened.

(2) It shall be the duty of every undertaker to provide such assistance as may be required by a technical assessor for the purposes of an investigation under this section.

(3) Any technical assessor may, for the purpose of this section:

- (a) enter any premises;
- (b) carry out such inspections, measurements and tests on premises and take away such samples of water or of any land and such fittings and other articles as may be required; and
- (c) at any reasonable time require any water undertaker to supply him with copies of, or extracts from the contents of any record kept for the purpose of complying with any duty or other requirement imposed on that undertaker.

(4) Any undertaker which fails to comply with the duty imposed under subsection (2) above shall be guilty of an offence and liable, upon conviction to a fine which may extend to rupees two hundred thousand.



**54. Prosecution of offences.**— (1) Offences under this Act shall be cognizable on the complaint of the persons mentioned in the Third Schedule of the Act.

(2) A prosecution for an offence under this section shall not be instituted except by the public prosecutor.

**55. Amendments.**— The provisions contained in other laws mentioned in the Fourth Schedule shall stand amended as indicated therein.

**56. Rules.**— The Government may by notification in the official Gazette make rules for carrying out the purposes of the Act.

**57. Regulations.**— Subject to the provisions of the Act and the rules, the Commission may by notification in the official Gazette make regulations for carrying out the purposes of the Act.

**58. Removal of difficulties.**— The Chief Minister may make such provisions and pass such orders as may be necessary or expedient for removal of any difficulty or doubt in giving effect to the provisions of the Act.

**First Schedule  
(see section 43)**

<b>Sr. No.</b>	<b>Licenses</b>	<b>Body empowered to grant License</b>
1.	A license to abstract water from one source of supply for the purpose of transferring to another source of supply	Authority
2.	A license to abstract water from one source of supply for the purposes of transferring to the same source of supply at another point	Authority
3.	A license to abstract water for supply to consumers by a water undertaker	Authority
4.	A license to abstract water for agricultural purposes	Canal Officer of the area in consultation with the Deputy Director of the Agriculture Department
5.	A license to abstract water for domestic purposes	Water Undertaker in whose area the abstraction will take place; where no undertaker is appointed, by the Punjab Water Resources Commission
6.	A license to abstract water for industrial purposes	Authority
7.	A license to abstract water for mining purposes	Authority
8.	A License to abstract water for ecological purposes	Authority in consultation with the Forest Department
9.	A license to abstract water for other purposes	Commission

**Second Schedule  
(see section 44)**

<b>Sr. No.</b>	<b>Licenses</b>	<b>Body empowered to grant License</b>
1.	A license for disposal of clean water into controlled waters	Authority
2.	A license for disposal of sewage water into controlled waters	Authority
3.	A license for disposal of trade effluent into controlled waters	Authority
4.	A license for disposal of any other water into controlled water	Authority

**Third Schedule  
(See section 54)**

<b>Section</b>	<b>Person on whose complaint the offence is cognizable</b>
18	Punjab Water Services Regulatory Authority
21	Punjab Water Services Regulatory Authority Person who has been supplied unfit water
24	Punjab Water Services Regulatory Authority, Office authorized by the Punjab Water Resources Commission
35	Punjab Water Services Regulatory Authority
43	Officer authorized by the Punjab Water Resources Commission
40	Officer authorized by the Punjab Water Resources Commission
41	Water undertaker
44	Person who has granted the license
45	Canal Officer Wildlife Officer
46	Officer authorized by the Punjab Water Resources Commission
49	Canal officers authorized by the Irrigation Department
52	Punjab Water Services Regulatory Authority

**Fourth Schedule  
(see section 55)**

<b>Sr. No.</b>	<b>Law</b>	<b>Section/clause</b>	<b>Amendment</b>
1.	The Lahore Development Authority Act, 1975 (XXX of 1975)	29	To stand repealed
2.	The Punjab Development of Cities Act, 1976 (XIX of 1976)	28	To stand repealed