

Passed on 21-06-18

THE KERALA IRRIGATION AND WATER CONSERVATION
(AMENDMENT) BILL, 2018

(As passed by the Assembly)

A

BILL

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

Preamble.—WHEREAS, it is expedient further to amend the Kerala Irrigation and Water Conservation Act, 2003 for the purposes hereinafter appearing;

BE it enacted in the Sixty-ninth Year of the Republic of India as follows:—

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

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

2. *Amendment of section 37.*—In the Kerala Irrigation and Water Conservation Act, 2003 (31 of 2003) (hereinafter referred to as the principal Act), in section 37, after sub-section (3), the following sub-section shall be inserted, namely:—

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

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

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

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

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

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

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

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

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

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

8. *Repeal and saving.*—(1) The Kerala Irrigation and Water Conservation (Amendment) Ordinance, 2018 (21 of 2018) is hereby repealed.

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