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LEGISLATIVE SUPPLEMENT

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PART – I**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 7th December, 2020

No. Leg. 39/2020.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 26th November, 2020 and is hereby published for general information :—

HARYANA ACT No. 29 of 2020**THE HARYANA WATER RESOURCES (CONSERVATION, REGULATION AND MANAGEMENT) AUTHORITY ACT, 2020**

AN

ACT

to establish the Haryana Water Resources (Conservation, Regulation and Management) Authority for conservation, management and regulation of water resources i.e. ground water and surface water within the State of Haryana for ensuring the judicious, equitable and sustainable utilization, management, regulation thereof, fix the rates for use of water and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Seventy-first Year of the Republic of India as follows:—

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|---|--|
| <p>1. (1) This Act may be called the Haryana Water Resources (Conservation, Regulation and Management) Authority Act, 2020.</p> <p>(2) It extends to the whole of the State of Haryana.</p> <p>(3) It shall come into force on the date of its publication in the Official Gazette.</p> | <p>Short title, extent and commencement.</p> |
| <p>2. In this Act, unless the context otherwise requires,-</p> <p>(a) “Authority” means the Haryana Water Resources (Conservation, Regulation and Management) Authority established under section 3;</p> <p>[(ab) “bulk water” means surface water or treated waste water supplied volumetrically whether for the purpose of irrigation or for any other purpose;]¹</p> <p>(b) “Bulk Water Entitlement” means the volumetric entitlement to a share of the surface water resources produced by a project, river system or storage facility, for a specific category or categories of use, and deliverable within a specific period of time as specifically provided in the order granting the entitlement;</p> <p>(c) “category of usage” means the use of water resources for different purposes such as drinking, domestic, irrigation, industrial or commercial purposes and includes such other purposes, as may be specified by the Authority;</p> <p>(d) “Chairperson” means the Chairperson of the Authority;</p> <p>(e) “entity” means an organization or authority established under any law, including the Gram Panchayat, Panchayat Samiti, Zila Parishad, Municipality and any other Board or Corporation established by the Union Government or the Government of Haryana or any of its department;</p> <p>(f) “Government” means the Government of the State of Haryana in the administrative department;</p> <p>(g) “groundwater” means water occurring under its natural state, where it exists below the surface in the zone of saturation whereby it can be extracted through wells or any other means or emerges as springs and base flows in streams and rivers;</p> <p>(h) “Member” means a Member of the Authority;</p> <p>(i) “person” includes an individual, a company, a firm, an association of individuals or a body of individuals, whether incorporated or not;</p> <p>(j) “prescribed” means prescribed by the rules made under this Act;</p> <p>(k) “regulations” means the regulations made by the Authority under this Act;</p> <p>[(ka) “retail supply” means supply by any entity to any individual household, industry or commercial establishment;]¹</p> | <p>Definitions.</p> |

¹ Inserted vide The Haryana Water Resources (Conservation, Regulation and Management) Authority (Amendment) Act, 2022.

- (l) "Selection Committee" means the Selection Committee constituted under section 5;
- (m) "State" means the State of Haryana;
- (n) "Sub-surface entitlement" means an individual or Bulk Water Entitlement to a volumetric quantity of water to be extracted in the command area of the irrigation project from a tube well, bore well or other well or by any other means of extraction of sub-surface water or a group or field or wells duly and legally permitted, registered and constructed in accordance with the standards specified by the Authority;
- [(na) "treated waste water" means treated waste water generated from the treatment of sewerage and effluent waste water;]¹
- (o) "volumetric" means a measurement of water on the basis of volume;
- (p) "water" includes surface and groundwater;
- (q) "Water User Entity" means any Water User's Association, Utility, Industrial User's Association, Other User's Association or any other group which is authorized by the Authority to receive and utilize a water entitlement.
- 3.** (1) The Government shall, by notification in the Official Gazette and with effect from such date, as may be specified in the notification, establish, for the purposes of this Act, an Authority to be called the Haryana Water Resources (Conservation, Regulation and Management) Authority.
- (2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property both movable and immovable, and to contract and do all things necessary for the purposes of this Act and shall by the said name, sue or be sued.
- (3) The head office of the Authority shall be at such place, as may be notified by the Government.
- (4) The Authority shall consist of the Chairperson and four Members.
- 4.** (1) The Chairperson shall be a person of ability and integrity who has served as Additional Chief Secretary to Government, Haryana with experience in dealing with management of water resources including science, technology or engineering matters connected with water resource:
- Provided that preference shall be given to a person who has served as Additional Chief Secretary to Government, Haryana, Irrigation and Water Resources Department.
- (2) The Member shall be a person of ability, integrity and standing, who have minimum experience of twenty years in dealing with the management of water resources including science, technology or engineering matters concerned with water resources.
- (3) The Chairperson and Members shall be appointed by the Government on the recommendation of the Selection Committee.
- 5.** (1) The Government shall, by notification in the Official Gazette, for the purpose of appointment of Chairperson and Members, constitute a Selection Committee which shall be headed by the Chief Secretary, Haryana and consist of Administrative Secretary to Government, Haryana, Irrigation and Water Resources Department as Member-Secretary and two other members having knowledge in the fields of science, technology or engineering matters concerned with water resources or management of water resources.
- (2) The Government shall, within one month from the date of occurrence of any vacancy by reason of death, resignation or removal of the Chairperson or Member and six months before the end of tenure of Chairperson or any Member, make a reference to the Selection Committee for filling up of the vacancy.
- (3) The Selection Committee shall recommend to the Government, a panel of at least two names for every vacancy referred to it:
- Provided that the Government may return the panel to the Selection Committee for reconsideration and to recommend the panel afresh.
- (4) No appointment of the Chairperson or Member shall be invalid merely by reason of any vacancy in the Selection Committee.

Establishment and incorporation of Authority.

Qualifications for appointment of Chairperson and Members.

Constitution of Selection Committee.

¹ Inserted vide The Haryana Water Resources (Conservation, Regulation and Management) Authority (Amendment) Act, 2022.

- 6.** (1) No person shall serve as Chairperson or Member after he has attained the age of sixty-five years. Term of office, salary and allowances and other conditions of service of Chairperson and Member.
- (2) The Chairperson and Member shall hold office for a term of three years, from the date on which he enters upon his office:
- Provided that no person shall serve as Chairperson or Member for more than two terms.
- (3) The salary, allowances and other terms and conditions of service of the Chairperson and Members shall be such, as may be prescribed.
- (4) The Chairperson and Member shall, before entering upon his office, make and subscribe to an oath of office and secrecy in such form and in such manner and before such authority, as may be specified by regulations.
- (5) Notwithstanding anything contained in sub-sections (1) and (2), the Chairperson or any Member may,-
- (i) relinquish his office by giving in writing, to the Government, a notice of not less than three months; or
 - (ii) be removed from his office in accordance with the provisions of section 7.
- 7.** (1) The Government may, institute an inquiry and based on findings, by order, may remove from office, the Chairperson or any Member, if the Chairperson or such Member, as the case may be,- Removal of Chairperson or Member.
- (i) has been adjudged an insolvent; or
 - (ii) has been convicted of an offence which, in the opinion of the Government, involves moral turpitude; or
 - (iii) has become physically or mentally incapable of acting as Chairperson or Member; or
 - (iv) has acquired such financial or other interest as is likely to affect prejudicially his function as the Chairperson or Member; or
 - (v) has so abused his position as to render his continuance in office prejudicial to the public interest; or
 - (vi) if a declaration under sub-section (3) is found to be false or untrue; or
 - (vii) any other ground, as may be prescribed:
- Provided that the Chairperson or any Member shall not be removed from his office under clauses (iv) to (vi) without being given a reasonable opportunity of being heard.
- (2) The Government may, during the period of inquiry, as mentioned in sub-section (1), against the Chairperson or any Member, suspend such Chairperson or Member from discharging the duties of his office.
- (3) The Chairperson and Members shall, as soon as may be after appointment and every year thereafter, make a declaration, in such form and manner, as may be specified by regulations, on the extent of his interest, whether direct or indirect and whether pecuniary or otherwise, concerning or related to the affairs of the Authority and the declaration so made shall be placed on the website of the Authority.
- 8.** (1) The Government may, appoint an officer who has served in the State of Haryana, as Secretary of the Authority to exercise such powers and perform such functions, as may be specified by regulations. Staff of Authority.
- (2) The salary, allowances and other terms and conditions of service of the Secretary, shall be such, as may be prescribed.
- (3) The Authority may with the prior approval of the Government, appoint such officers and other staff, in such manner and with such qualifications, as may be specified by regulations.
- (4) The salary, allowance payable to and other terms and conditions of service of officers and other staff of the Authority shall be such, as may be specified by regulations.

(5) The Authority may, with the prior approval of the Government, from time to time, appoint, any Government officer or expert in the field of water sector or administration, as deemed necessary, on temporary basis, as may be specified by regulations.

(6) The Authority may, with the prior approval of the Government, appoint or hire, on such terms and conditions, consultants, Non-Government Organization or third party agencies to assist the Authority to discharge its functions, on temporary basis, as may be specified by regulations.

Proceedings of
Authority.

9. (1) The Authority shall meet at the head office, at such time, as the Chairperson may direct and shall observe such rules of procedure with regard to the transaction of business at its meetings, as may be specified by regulations.

(2) The quorum necessary for the transaction of business at a meeting of the Authority shall be not less than three Members.

(3) The Chairperson, or if he is unable to attend a meeting of the Authority, any other member nominated by the Chairperson in this behalf and, in the absence of such nomination or where there is no Chairperson, any Member chosen by the Members present from amongst themselves, shall preside over the meeting.

(4) All questions which come up before any meeting of the Authority shall be decided by a majority of votes of the Members present and voting, and in the event of an equality of votes, the Chairperson or the person presiding shall have the right to exercise a second or casting vote.

(5) Save as otherwise provided in sub-section (4), every Member shall have one vote.

(6) In case the Chairperson is unable to perform his duties due to illness or otherwise for a period of more than one month, the Government may nominate one of the Members to discharge the duties of the Chairperson till a Chairperson is appointed or he rejoins office, as the case may be.

(7) All orders and decisions of the Authority shall be authenticated by the Secretary or any other officer of the Authority duly authorized by the Chairperson in this behalf.

Vacancy not to
invalidate act or
proceeding.

10. No act or proceedings of the Authority shall be questioned or shall be invalidated merely on the ground of the existence of any vacancy or defect in the constitution of the Authority.

Integrated State
Water Plan.

11. (1) The Authority shall prepare, within one year from the notification issued under sub-section (1) of section 3, and every three years thereafter, an Integrated State Water Plan based on water plans prepared for every block.

(2) The Government may, on the recommendation of the Authority, if deemed necessary, divide the State into different categories based on the stage of groundwater development, the trend of groundwater level depletion, the level of water table, quality of groundwater, availability of surface water or other relevant criteria, as it may deem appropriate in view of the local conditions:

Provided that the categorization shall not take effect unless a notice in this regard is published and objections, if any, are decided in such manner, as may be prescribed.

(3) The Authority may, with prior approval of the Government, conduct or cause to be conducted, annually or at such periods, as the Authority may deem necessary, field studies for the purpose of categorization of the State into zones of ground water resource potential, usage and recharge.

(4) Based on the categorization notified under sub-section (2), the Water Plan for every block or for any area within the block shall be prepared by the Authority, in such manner, as may be prescribed and it shall cover all aspects of demand and supply of water for various purposes.

(5) The Integrated State Water Plan shall be placed before the Government or any authority authorized by the Government in this behalf, which may, with such modifications as deemed necessary, approve it within a period of six months from the date of submission.

(6) The Authority shall review and revise the Integrated State Water Plan after every three years from the date of its approval by the Government.

12. (1) The Authority may, with the prior approval of the Government, issue directions with regard to the development, management and conservation of water resources of the State in accordance with the Integrated State Water Plan.

Powers, functions and duties of Authority.

(2) The Authority may, with the prior approval of the Government, impose restrictions, if any, for categorization water resource potential, usage and recharge across the State.

(3) The Authority shall, prepare and get approved a framework from the Government, for granting permissions under section 16 or to achieve any other purposes of this Act.

(4) The Authority may, with prior approval of the Government, issue directions, by giving notice and inviting objections, if any, in such form and in such manner, as may be prescribed, regarding the development, use, management and conservation of water resources which may include the following, namely:-

- (a) conditions for operation of existing water extracting structures and their regularization;
- (b) restrictions on the utilization of groundwater;
- (c) specifying areas in which the water users including industrial operations or processes utilizing groundwater shall not be carried out or shall be carried out subject to certain conditions and safeguards;
- (d) optimal use of water for domestic, irrigation or industrial use;
- (e) drilled or already dug structures for extraction of groundwater without registration;
- (f) users drawing groundwater to register the extraction structure with the Authority or with such entity, as may be specified by the Authority within a given period;
- (g) efficient use of water and to minimize the wastage or misuse of water and to promote recycling and reuse of water;
- (h) installation and maintenance of instruments for measuring the quality and level of ground water and for volumetric measurement of the quantum of ground water extraction;
- (i) promote micro irrigation techniques, sustainable technologies and energy efficient systems with a view to safer environment;
- (j) water conservation and groundwater recharge, including rainwater harvesting;
- (k) to determine the priority of distribution of water resources available in the State and strive for equitable distribution;
- (l) to regulate extraction of groundwater for drinking, domestic, industrial, commercial and agriculture use; and
- (m) any other directions, as may be considered necessary to achieve the objectives of this Act.

(5) The Authority may, from time to time, issue advisories to the Government, regarding effective implementation of policies and programs of the Union Government and Government of Haryana for development, management, and conservation of water resources, as follows:-

- (i) sustainable operation and maintenance of the water infrastructure and water delivery systems within the State;
- (ii) to promote sustainable water regime in the public interest, based on the long-term projection of available resources;
- (iii) to reduce and prevent pollution and degradation of water resources;
- (iv) utilization and storage of surface runoff;

- (v) optimum utilization of the irrigation potential created in the State;
- (vi) fixing priorities for use of canal water for different purposes;
- (vii) adoption of the latest technologies in the water sector;
- (viii) promoting water conservation awareness;
- (ix) facilitating the implementation of the Water Security Plan;
- (x) detection and prevention of contamination of water;
- (xi) increasing water efficiency in agriculture and other sectors;
- (xii) water audit of irrigation, multipurpose water projects, canal systems giving a systematic and scientific water account of the projects and canal system.

(6) The Authority may, publish or cause to be published such reports to disseminate scientific data and information to generate public awareness about water and its management.

(7) The Authority shall make recommendations to the Government for the establishment of a system for enforcement, monitoring and measurement of the quality and type of water use in compliance with the entitlements as issued by the Authority.

(8) The Authority shall publish report with regard to the Ground Water Resources and Surface Water Resources in the State annually.

(9) The Authority shall, make recommendations to the Government, for monitoring and implementation of stipulated quality standards for disposal of wastewater by various water users such that the wastewater is at least of such quality as may be prescribed, so that it may be used for irrigation and take actions against violators.

(10) The Authority shall recommend Bulk Water Entitlements for rural water supply, municipal water supply, irrigation water supply or industrial / commercial water supply.

(11) All orders and decisions of the Authority shall be authenticated by the Chairperson or any other officer of the Authority duly authorized by the Chairperson.

(12) The Authority shall have the power to take *suo-moto* cognizance of any subject dealing or involving water and issue directions with prior approval of the Government.

(13) The Authority shall recommend parameters for the categorization of the blocks or for areas within the block to the Government.

(14) The Authority may, through deployment of modern technological tools, map the aquifer in the State, prepare hydrological map and integrate these inputs in comprehensive water resources plan and impose such restrictions/obligations and mechanisms to make the water regime sustainable in the State.

(15) The Authority may, in consultation with the Government, carry out or cause to be carried out surveys, investigations and research relating to conservation, usage, or quality of water etc.

State
Groundwater
and Surface
Water Plan.

13. (1) The Authority shall, consolidate and prepare State Groundwater and Surface Water Plan, based on the plans received from the District Water Resources Planning Committees, by giving notice and inviting objections, if any, in such form and in such manner, as may be prescribed.

(2) The Authority may, in consultation with the Government, engage experts and consultants, on temporary basis, for formulation of district ground water and surface water plans, input parameters, templates and capacity building.

(3) The Authority shall submit the State Groundwater and Surface Water Plan to the Government for consideration and approval.

District Water
Resources
Planning
Committee.

14. (1) There shall be a District Water Resources Planning Committee, at each district of the State, which shall prepare District Water Resources Plan.

(2) The composition of District Water Resources Planning Committee shall be such, as may be prescribed.

(3) The District Water Resources Planning Committees shall perform the following functions, namely:-

- (i) to prepare District Water Resources Plan comprising of block-wise/ area-wise plans by giving notices and inviting objections, if any, in such form and in such manner, as may be prescribed;
- (ii) to consider and decide, within a period of two months, all objections received against the District Water Resource Plans and finalize the District Water Resource Plan and submit to the Authority;
- (iii) to identify and demarcate such areas which are found affected with water resources quality and pollution hazards for the purpose of prevention and control of water including ground water and surface water pollution in such areas and also to find safe water quality zones for potable water supply.

15. (1) The Authority shall prepare the State Water Security Plan, which shall be finalised after approval by the Government, taking into account progressively available information regarding water resources, including aquifer, in consultation with elected local representatives.

Water Security Plan.

(2) The objectives of the Water Security Plan shall be:-

- (a) attainment of sufficient quantity of safe water for life and sustainable livelihoods;
- (b) ensuring water security even in times of emergencies like droughts, floods and pandemics or any natural calamity etc.

(3) The Water Security Plan shall be prepared at the lowest administrative level, taking into account the fact that where an aquifer does not fall under the jurisdiction of a single Gram Panchayat, block, district, ward or municipality, the plan must integrate inputs at all the levels of the Authority under whose jurisdiction the whole aquifer falls.

16. (1) All permissions to use water other than the permissions granted under the Haryana Canal and Drainage Act, 1974 (29 of 1974), shall be granted by the Authority:

Permissions.

Provided that the Administrative Secretary to Government, Haryana, Irrigation and Water Resources Department, shall grant permissions, under the provisions of this Act, after the notification under sub-section (1) of section 3 and till the Authority is constituted.

(2) Any entity or person, who intends to use water shall apply to the Authority, in such form and in such manner, along with such fee, as may be prescribed, for permissions for construction and installation of any infrastructure or contraption etc., as the case may be.

17. The Government may, in consultation with the Authority, by notification in the Official Gazette, relax any restriction imposed under this Act.

Relaxation of restrictions.

[18. (1) The Authority shall decide tariff for bulk water uses of surface water and of treated waste water on the principles of economy, efficiency, equity and sustainability. The tariff shall be based on volumetric measurements of water consumption and shall be designed reasonably.

Tariff for bulk and treated waste water.

(2) The Authority shall recommend to the Government retail rates of water for individual household, industry or commercial establishment, supplied by concerned entity.]¹

["18 (A) It shall be the duty of the Authority to enforce the policy issued by the Government for re-use of treated waste water from time to time.

Enforcement of Policy

18 (B) An appeal may be preferred to the Government on tariff decided by the Authority under sub-section (1) of section 18, within thirty days from the date of such decision.

Appeal

(2) The appeal under sub-section (1) shall be made in such form and manner, as may be prescribed,"

(3) The Government may, by order reject the appeal or revise the tariff and the decision of the Government shall be final,"]²

1. Substituted vide The Haryana Water Resources (Conservation, Regulation and Management) Authority (Amendment) Act, 2022, for (1) The Authority shall recommend to the Government, tariff for all uses of surface water and use and disposal of treated wastewater. (2) The tariff shall be determined by the Authority and shall be based on the principles of economy, efficiency, equity and sustainability, in such manner, as may be prescribed. As far as possible, the tariff shall be based on volumetric measurements of water consumption and shall be designed reasonably.

2. Inserted vide The Haryana Water Resources (Conservation, Regulation and Management) Authority (Amendment) Act, 2022

19. (1) The Authority may appoint any of its officer or, in consultation with Government, such officer as may be nominated by the Government, as Enquiry Officer for the purposes of making any inquiry under this Act:

Power of Authority to appoint Enquiry Officer.

Provided that nothing in this section shall prevent the Authority to conduct any inquiry on its own.

(2) The Authority or the Enquiry Officer appointed under sub-section (1), shall have the powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) in respect of the following matters, namely:-

- (i) summoning and enforcing the attendance of any person and examining him on oath;
- (ii) requiring the discovery and production of documents;
- (iii) receiving evidence on affidavits;
- (iv) requisitioning any public record or copy thereof from any court or office;
- (v) issuing summons for examination of witnesses.

(3) The Enquiry Officer shall, on conclusion of the inquiry, present his report to the Authority:

Provided that the Enquiry Officer shall, submit interim report to the Authority, as and when required by the Authority.

(4) The Authority may, on the conclusion of the inquiry, made by the Authority or on receipt of the final or interim report from the Enquiry Officer, take such action as it deems fit, subject to the provisions of this Act.

Power of entry and inspection.

20. Any person appointed as Enquiry Officer under section 19 or specially empowered by the Authority in this behalf, shall have the right to enter, at all reasonable times with such assistance, as he may consider necessary, any place for the purpose of determining whether and, if so, in what manner, orders or directions given by the Authority under this Act are being complied with.

Self-regulation, rainwater harvesting, groundwater recharge, re-cycling and re-use, prevention of water logging.

21. (1) The inhabitants of the State shall be encouraged by the Authority for adopting the process of self-regulation.

(2) In order to protect, conserve and regulate ground water and surface water resources in the water stressed areas, the process of self-regulation shall be adopted, in the following manner, namely:-

- (i) the inhabitants shall ensure that by applying desired quantity of irrigation water/number of watering to the crop, as per the requirement of water scientifically recommended for different crops so that the wastage of ground water, surface water and over-irrigation is avoided;
- (ii) the inhabitants of State shall be encouraged to adopt various water conservation/ water saving practices including farm-bunding, farm ponds, use of seeds of low water crops, use of drip and sprinkler irrigation systems and other water saving techniques;
- (iii) every user of water, in both rural and urban areas, shall be encouraged to extract and use ground water and surface water in an economical and efficient way, avoid waste of water, give priority to recycled water, adopt rain water harvesting and recharging methods.

(3) The Authority shall encourage rainwater harvesting and catchment conservation as per geohydrological conditions. The Authority shall sensitise different users of ground water about the suitable technologies of rainwater harvesting structures in stressed urban and rural areas. Users of ground water may obtain suitable technical drawings and design of rain water harvesting system from the Authority.

(4) Notwithstanding anything contrary contained in any other State law for the time being in force, the Authority may recommend conditions stipulated under existing building bye laws for providing roof-top rainwater harvesting structures, duly issued by the Government by notification. Such stipulations shall be binding on concerned Government agencies sanctioning or approving building plans.

(5) The Authority shall ensure catchment conservation which shall include groundwater conservation/ appropriate recharging structures depending on the nature of the terrain soil conditions and geohydrology of the area.

(6) The Authority shall encourage re-cycling and re-use of water for non-potable urban, industrial and agricultural use.

(7) The Authority shall discourage and prevent such activities that are likely to lead to potential water logging of land and shall undertake all possible regulatory measures for the protection of land against water-logging.

(8) The Authority shall encourage water-logging mitigation measures to be adopted by using appropriate processes and technologies in consultation with the concerned departments/ bodies.

22. Whoever fails to comply with or contravenes any direction or order issued under this Act or abets the contravention or non-compliance thereof, shall be deemed to have committed an offence under this Act and shall, on conviction, be punishable,-

Punishment for offences.

- (i) for the first offence, with a fine upto fifty thousand rupees; and
- (ii) for the subsequent offence, with an imprisonment for a term which may extend to six months or with fine which may extend to one lakh rupees, or both.

Offences by companies.

23. (1) Where an offence under this Act has been committed by a company, every person who at the time, when the offence was committed was in charge of and was responsible to the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section-

- (a) “company” means a body corporate and includes a firm or association of persons or body of individuals, whether incorporated or not;
- (b) “director” in relation to a firm, means a partner in the firm and in relation any association of persons or body of individuals, means any member controlling the affairs thereof.

24. No Court shall take cognizance of an offence punishable under this Act except upon a complaint, in writing, made by the Authority or by any officer duly authorized by the Authority.

Cognizance of offences.

25.(1) A person or entity shall be liable for such penalty, as may be prescribed, for unauthorized acts, if such person or entity,- Unauthorized acts.

- (i) constructs or installs new structure or makes alterations in existing structures without permission in such areas where such permission is required under the provisions of this Act;
- (ii) violates any terms and conditions imposed by the Authority under the provisions of this Act;
- (iii) exploits or degrades or pollutes the quality of water or harms or causes to be harmed in order to degrade the quality of water;
- (iv) drills or digs for extraction of groundwater without prior permission;
- (v) causes hindrance or abets hindrance in the works of water infrastructure;
- (vi) damages or caused to be damaged or abet to damage any water infrastructure;
- (vii) commits such acts or violates such conditions, as may be prescribed.

26.(1) The Authority may compound an unauthorized act on payment of such penalty, as may be prescribed. The amount of penalty shall be deposited with the Government. Compounding of unauthorized acts.

(2) On payment of penalty referred to under sub-section (1), no further proceeding shall be taken against the person committing unauthorized acts, in respect of the same act and any proceedings, if already taken or initiated, shall stand abated.

(3) If any person or entity, who has been held liable under section 25 is again found guilty of an unauthorized act involving a contravention of the same nature, shall on the second and on every subsequent conviction be liable to a fine which shall not be less than five times of the penalty prescribed under sub-section (1) of section 25 which may extend upto ten times or to imprisonment not exceeding six months or with both.

Directions
by
Government.

27. (1) The Government may issue to the Authority such general or special directions in writing in the matters of policy involving public interest and the Authority shall be bound to follow and act upon such direction.

(2) If any question arises as to whether any such direction relates to a matter of policy involving public interest, the decision of the Government thereon shall be final.

Chairperson,
Members,
officers and
other staff of
Authority to be
public servants.

28. The Chairperson, Members, officers and other employees of the Authority and every other officer exercising any of the powers conferred by this Act or rules or regulations made thereunder, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

Protection of
action taken
in good faith.

29. No suit, prosecution or other legal proceedings shall lie against any person for anything done or intended to be done in good faith in pursuance of the provisions of this Act or rules or regulations made thereunder.

Power of
Government to
make rules.

30. (1) The Government may, by notification, make rules for carrying out any or all the purposes of this Act.

(2) In particular, and without prejudice to the generality of the forgoing power, such rules may provide for all or any of the following matters, namely:-

- (i) salary, allowances and other terms and conditions of Chairperson and Members under sub-section (3) of section 6;
- (ii) any other ground for removal of Chairperson or Members under clause (vii) of sub-section (1) of section 7;
- (iii) salary, allowances and other terms and conditions of service of Secretary under sub-section (2) of section 8;
- (iv) the form and manner for publication of notice and inviting objections under proviso to sub-section (2) of section 11;
- (v) manner for preparing water plan for every block or any area within block under sub-section (4) of section 11;

- (vi) quality of waste water to be used for irrigation under sub-section (9) of section 12;
- (vii) the form and manner for publication of notice and inviting objections under sub-section (4) of section 12, under sub-section (1) of section 13;
- (viii) the composition of District Water Resources Planning Committee under sub-section (2) of section 14;
- (ix) the form and manner for publication of notice inviting objections with regard to District Water Resources Plan under clause (i) of sub-section (3) of section 14;
- (x) the manner, form and fee for making application for permission under sub-section (2) of section 16;
- (xi) the applicability, quantum and procedure of imposition of tariff under sub-section (2) of section 18;
- (xii) the penalty under sub-section (1) of section 25;
- (xiii) the penalty for compounding unauthorized act under sub-section (1) of section 26;
- (xiv) the manner for appropriation of fund of the Authority under section 34;
- (xv) the form and manner for maintaining proper account and other records under sub-section (1) of section 35;
- (xvi) the form and manner for preparing annual report of full activities and date for submission under sub-section (1) of section 36;
- (xvii) any other matter which has to be or may be prescribed.

(3) Every rule made under this Act shall be laid down, as soon as may be before the State Legislature.

31. The Authority may, by notification, make regulations for all or any of the matters provided under this Act which in the opinion of the Authority, are necessary for the exercise of its powers and the discharge of its functions under this Act. Power of Authority to make regulations.

32. (1) The provision of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other State law for the time being in force. Effect of other laws.

(2) The provision of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

33. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provision not in consistent with the provisions in this Act, as appear to it to be necessary or expedient for removing such difficulties: Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall, as soon as may be, after it is made, be laid before the State Legislature.

34. (1) The fund of the Authority shall consist of the amount to be paid to it by the Government and all other receipts by way of gift, grant, penalties, fee, user charges or otherwise and shall be utilized for making payments and for performing its duties and discharging its functions under this Act. Fund of Authority.

(2) The Authority may receive Corporate Social Responsibility Fund from private organizations. The Authority may release funds to or receive funds from any other Department or any organization of State for implementation of the scheme or programme as a deposit work in such manner, as may be prescribed.

(3) The Authority may keep in saving or deposit account with any scheduled bank or co-operative or other bank approved by the Government in this behalf, such sum of money out of its fund, as it may determine and any money in excess of the said sum shall be invested in such manner, as may be prescribed.

(4) The accounts shall be operated in such manner and by such officer, as may be prescribed.

35. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form and manner, as may be prescribed. Accounts and audit.

(2) The accounts of the Authority shall be subject to audit annually by the Accountant General, Haryana and any expenditure incurred in connection with such audit shall be payable by the Authority.

(3) The Accountant General, Haryana and any person appointed by him in connection with the audit of accounts of the Authority shall have the same rights, privileges and authority in connection with such audit as the Accountant General, Haryana has in connection with the audit of the Government accounts and in particular, shall have right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Authority.

(4) The accounts of the Authority as certified by the Accountant General, Haryana or any person appointed by him in this behalf together with the audit report thereon and an explanatory memorandum on the action so taken or proposed to be taken shall be forwarded annually to the Government and the Government shall cause a copy of the same to be laid before the State Legislature.

(5) The Authority shall cause the accounts of the Authority together with the audit report and the explanatory memorandum to be placed on the website of the Authority after the report has been laid before the State Legislature under sub-section (4).

Annual Report.

36. (1) The Authority shall prepare for every year a report of its activities during that year and submit the annual report to the Government in such form and manner and on or before such date, as may be prescribed and the Government shall cause the report to be laid before the State Legislature.

(2) The report referred to in sub-section (1) shall include an explanatory memorandum on the status of implementation of the annual plan of action on relief measures, schemes implemented along with gaps and shortfalls, if any, in implementation and reasons for such shortfall.

(3) The Authority shall cause the report together with the explanatory memorandum to be placed on the website of the Authority after the report has been laid before the State Legislature under sub-section (1).

BIMLESH TANWAR,
Administrative Secretary to Government,
Haryana, Law and Legislative Department.