

THE HIMACHAL PRADESH WATER SUPPLY ACT, 1968
ARRANGEMENT OF SECTIONS

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THE SCHEDULE

THE HIMACHAL PRADESH WATER SUPPLY ACT, 1968
(ACT NO. 8 OF 1969)¹

(Received the assent of the President on the 24th March, 1969 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 11th July, 1969, pp. 643-649)

Amended, repealed or otherwise affected by-

- (i) The Himachal Pradesh Adaptation of Laws (State and Concurrent Subjects) Order, 1973, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 20th January, 1973, pp. 91-112, effective from 25th January, 1971.
- (ii) H.P. Act No. 18 of 1978², assented to by the Governor on the 26th April, 1978, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 29th April, 1978, pp. 402-403, effective from 1st day of April, 1978.

1. For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 13th August, 1968, p. 822.
2. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 22nd April, 1978, p. 384.

- (iii) H.P. Act No. 10 of 1983¹, assented to by the Governor on the 20th April, 1983, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 30th April, 1983, pp. 508-510.

An Act to provide for the development, control and management of the water supply works in rural and urban areas of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Himachal Pradesh Water Supply Act, 1968.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context,-

- (i) 'Beneficiary' means, in respect of any water supply scheme, any local authority for the time being deriving, or which is to derive, benefit from such scheme;
- (ii) 'Consumer' means a person who takes water from a beneficiary to whom a water supply scheme may be entrusted or who takes water from a water supply scheme managed directly by the Government;

*Explanation.-*Consumer does not include a beneficiary.

- (iii) 'Co-operative society' means a society registered or deemed to be registered under the provisions of the Himachal Pradesh Co-operative Societies Act, 1956, (13 of 1956), or the Punjab Co-operative Societies Act, 1961, (25 of 1961) as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, (31 of 1966).
- (iv) 'Official Gazette' means the Rajpatra, Himachal Pradesh;
- (v) 'Government' or 'State Government' means the Government of Himachal Pradesh;
- (vi) ²['Gram Panchayat', Panchayat Samiti' and 'Zila Parishad' have the meanings respectively assigned to these expressions

1. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 19th March, 1983, p. 341.

2. Substituted for the words sign and figures 'Gram Panchayat', Panchayat Samiti' and 'Zila Parishad' have the meanings respectively assigned to these expressions in the Himachal Pradesh Panchayati Raj Act, 1952 (6 of 1953), or the Pradesh Punjab Gram Panchayat, 1952 (4 of 1953) or the Punjab Panchayat Samitis and Zila Parishads Act, 1961 (3 of 1961)" by A.O. 1973.

in the Himachal Pradesh Panchayati Raj Act, 1968 (19 of 1970);]

- (vii) 'Local authority' means a co-operative society, gram panchayat, panchayat samiti, zila parishad, municipal committee or any other authority entrusted by the Government with the development or control or management of a water supply scheme;
- (viii) 'Municipal Committee' and 'Notified Area Committee' have the meanings respectively assigned to these expressions in ¹[the Himachal Pradesh Municipal Act, 1968 (19 of 1968)];
- (ix) 'Prescribed' means prescribed by rules made under this Act;
- (x) 'Rural area' means the whole of the territories of Himachal Pradesh with the exclusion of the urban area;
- (xi) 'Schedule' means schedule to this Act
- (xii) 'Scheme' means a water supply scheme initiated under section 3
- (xiii) 'Urban area' means the towns specified in the schedule;
- ²[(xiv) 'Water rate' means the charge for the time being levied by the Government under section 5 or by the local authority under sub-section (2) of section 6.]

3. Water Supply Scheme.- The State Government may, from time to time, initiate drinking water supply schemes for the benefit of the public in rural and urban areas in Himachal Pradesh and may also maintain and improve the existing water supplies.

³[4. XX]

⁴**5. Levy of water rates.-** (1) The State Government shall levy a water rate for water supplied to a consumer, by a water supply scheme managed directly by the Government or by the beneficiary to whom the scheme may be entrusted, at such rates as may be specified by the State Government, by notification published *in* the Official Gazette, from *time* to time.

(2) The recovery of the water charges shall be effected from the individuals on the basis of flat rate or on the basis of metered connections.

(3) The water rate levied shall, if not paid when due, be recovered as if it were an arrear of land revenue.]

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1. Substituted for the words, sign and figure "the Punjab Municipal Act, 1911 as in force in Himachal Pradesh" vide AO, 1973.
 2. Clause (xiv) substituted vide H.P. Act No. 10 of 1983.
 3. Section 4 omitted vide H.P. Act No. 10 of 1983.
 4. Section 5 amended vide H.P. Act No. 18 of 1978, effective from 1st April, 1978 and substituted vide H.P. Act No. 10 of 1983.

¹**[6. Handing over of water supply schemes.-** (1) Where a local authority is prepared to take over and maintain any scheme as a beneficiary, the State Government shall hand over the development, management or control of such scheme to such local authority subject to such conditions as the State Government may deem fit to impose.

(2) The local authority, which takes over a scheme under sub-section (1) of this section, shall fix water rate as it considers necessary and shall be responsible for the efficient management of such scheme.

(3) The water rate that the local authority may fix shall, in no case, exceed the water rate as may be specified by the State Government under section 5.

(4) The water rate levied by the State Government, if any, shall cease to have effect on the fixation of such rate by the local authority.]

7. General control by the State Government.- (1) All schemes taken over by beneficiaries under section 6 shall be subject to the general superintendence and control of the State Government and the working of the scheme shall be liable to periodical inspection by an agency of the State Government in the prescribed manner.

(2) Should a beneficiary be incompetent to perform, or persistently make default in the performance of the duties imposed on it by or under this Act, or exceed or abuse its powers, or fail or neglect to maintain the scheme in an efficient manner, the State Government may, by notification in which the reasons for so doing shall be stated, take back the development, management, or control of the scheme from the beneficiary:

Provided that before the notification mentioned in sub-section (2) is made, the beneficiary shall be given a reasonable opportunity in the prescribed manner of showing cause against the action proposed to be taken.

(3) When the development, management and control is so taken back, the following consequences shall ensue:-

- (a) the development, management and control of the scheme shall, from the date of the notification, vest in the State Government;
- (b) the water rate levied by the beneficiary shall continue to be operative until substituted by a fresh water rate fixed by the State Government.

(4) The State Government shall review the position, at such intervals as may be prescribed, but which shall not be less than one year, and may, if it shall think fit, at any time, re-entrust the scheme to the beneficiary.

8. Liability of consumer.- (1) Any consumer who has a water connection registered in his name shall be liable to pay a water rate to the beneficiary in case a scheme has been handed over to that beneficiary for

1. Section 6 substituted vide H.P. Act No. 10 of 1983.

development, management or control of a water supply scheme.

(2) In case there is no beneficiary and a water supply scheme is managed by the State Government directly, the consumer shall be liable to pay the water rate to the State Government.

9. Powers of State Government to modify the schedule.- The State Government shall have the power to add to, amend, vary or rescind the schedule.

10. Offences under the Act.- (1) Whoever, without proper authority, and voluntarily, does any of following acts, that is to say:-

- (a) corrupts or fouls the water of any water supply scheme so as to render it less fit for the purpose for which it is ordinarily used;
- (b) destroys, damages, alters, obstructs or injures, any dam, well, embankment, sluice, reservoir, pipe, tap, structure or other works constructed, maintained or controlled by the State Government, or by a beneficiary for purification, storage or supply of water under a water-supply scheme;
- (c) violates any rule made under this Act, for breach whereof, a penalty may be incurred, shall be liable on conviction before a Magistrate of such class as the State Government directs in this behalf in the prescribed manner, to a fine not exceeding five hundred rupees or to imprisonment not exceeding one month, or to both.

(2) Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act, provided that no person shall be punished twice for the same offence.

(3) Nothing herein contained shall prevent the State Government or the beneficiary, as the case may be, from recovering damages from the person who commits any of the acts mentioned in sub-section (1) of this section.

11. Power to make rules.- (1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe for,-

- (a) the principles and conditions on which the scheme under section 3 shall be initiated;
- ¹[(b) the guiding principles to be followed in the fixation of water rate under section 5;
- (c) the conditions subject to which the water supply scheme is to be handed over to a local authority under section 6;]

1. Clauses (b) and (c) substituted for existing clause (b) vide H.P. Act No. 10 of 1983.

¹[(d) any other matter which is to be, or may be, prescribed.]

(3) Every rule made, under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

12. Rights of Municipal Committee.- The provisions of this Act shall not affect the rights of the Municipal Committees enjoyed by them under ²[the Himachal Pradesh Municipal Act, 1968 (19 of 1968)].

13. Repeal and savings.- (1) The Himachal Pradesh Water Supply Act, 1956 (15 of 1956), as in force in the areas comprised in Himachal Pradesh immediately before 1st November, 1966, is hereby repealed.

(2) Notwithstanding the repeal of the Act under sub-section (1), anything done or any action taken, including any orders notifications issued and rules made in exercise of the powers conferred by or under the said Act shall, to the extent of being consistent with the provisions of this Act, be deemed to have been done or taken in exercise of the corresponding powers conferred by or under this Act.

THE SCHEDULE

MAHASU DISTRICT

Theog, Rampur, Solan, Jubbal and Arki.

SIRMUR DISTRICT

Nahan, Sarahan, Paonta Sahib, Majra, and Rajgarh.

CHAMBA DISTRICT

Chamba, Bharmour, Chowari, Tissa and Bhandal

MANDI DISTRICT

Mandi, Jogindernagar, Sarkaghat, Sundernagar and Karsog.

BILASPUR DISTRICT

New Bilaspur Township and Ghumarwin.

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- 1 Clauses (c) and (d) omitted and existing clause (e) renumbered as (c) vide H.P. Act No. 18 of 1978, and again clause (c) was renumbered as clause (d) vide H.P. Act No. 10 of 1983.
 2. Substituted for "the Punjab Municipal Act, 1911, as in force in Himachal Pradesh" by AO. 1973.

KINNAUR DISTRICT

Peo, Karcham, Sangla, Kalpa, Pauri, Pangi and Kanam.

KANGRA DISTRICT

Kangra, Dharamsala, Dehragopipur, Palampur, Baijnath, Una and Nurpur.

SIMLA DISTRICT

Simla, Kandaghat, Nalagarh, Dharampur and Kasauli.

KULU DISTRICT

Kulu, Manali, Banjar, Nirmand, Ani in Outer Seraj.

LAHAUL AND SPITI

Keylong and Kaza.
