

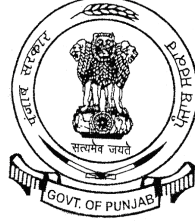


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Punjab Water Resources (Management and Regulation) Act, 2020

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LEGISLATIVE SUPPLEMENT

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PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 12th February, 2020

No.2-Leg./2020.- The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 4th day of February, 2020, is hereby published for general information:-

THE PUNJAB WATER RESOURCES (MANAGEMENT AND REGULATION) ACT, 2020

(Punjab Act No. 2 of 2020)

AN

ACT

to provide for the management and regulation of water resources of the State for ensuring the judicious, equitable and sustainable utilization and management thereof, and for matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Water Resources (Management and Regulation) Act, 2020. Short title extent and commencement.
- (2) It shall extend to the whole of the State of Punjab.
- (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.
2. (1) In this Act, unless the context otherwise requires,- Definitions.
 - (a) "advisory" means a recommendation or advice made under this Act for consideration of the Government and such other entities, as may be specified;
 - (b) "Authority" means the Punjab Water Regulation and Development Authority established under section 3 of this Act;
 - (c) "category of usage" means the use of water for different purposes such as domestic, irrigation, industrial or commercial purposes, including such other purposes as may be determined

by the Authority;

- (d) "Chairperson" means the Chairperson of the Authority;
- (e) "Council" means the Punjab State Council for Water Management and Development constituted under section 13 of this Act;
- (f) "entity" means an organization or authority established under any law or otherwise, including the Gram Panchayats, Panchayat Samitis, Zila Parishads, Municipalities and any other Boards or Corporations established by the Union Government or the Government of Punjab and any of its departments;
- (g) "Government" means the Government of the State of Punjab in the Department of Water Resources;
- (h) "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;
- (i) "Member" means a Member of the Authority and unless the context requires otherwise, includes the Chairperson;
- (j) "person" includes an individual, a company, a firm, an association of individuals or a body of individuals, whether incorporated or not;
- (k) "prescribed" means prescribed by the rules made under this Act;
- (l) "President" means the President of the Council;
- (m) "regulations" means the regulations made by the Authority under this Act;
- (n) "Selection Committee" means a Selection Committee constituted under section 5 of this Act;
- (o) "specified" means specified by the Government through a notification published in the Official Gazette, unless the context requires otherwise;
- (p) "stage of groundwater development" means the ratio of annual groundwater draft and net annual groundwater availability in percentage;

- (q) "State" means the State of Punjab;
- (r) "volumetric" means a measurement of water on the basis of volume; and
- (s) "water" includes surface, sub-surface and groundwater.

(2) The words and expressions used but not defined in this Act, but defined in various irrigation or water resources related laws in the State, shall have the same meanings respectively assigned to them in those laws.

3. (1) The Government shall, by notification in the Official Gazette, establish with effect from such date as may be specified in the notification, an Authority to be known as the Punjab Water Regulation and Development Authority. Establishment and incorporation of Authority.

(2) The Authority shall consist of a Chairperson and two other members to be appointed by the Government.

(3) The Authority established under sub-section (1) shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to contract, acquire, hold and dispose of property, both movable and immovable, and to do all things necessary for the purposes of this Act, and may sue or be sued by its corporate name.

(4) The Head Office of the Authority shall be at such place, as may be notified by the Government.

4. (1) The Chairperson of the Authority shall be a person of ability and integrity with demonstrable experience in the field of water and its management and possessing sound understanding of public administration, law and economics. Qualification for appointment of Chairperson and other Members.

(2) The other Members of the Authority shall be persons of ability, integrity and standing who have an adequate experience and capacity in dealing with the management of Water Resources or are experts in the fields of Water Resources Engineering, Environment, Agriculture, Law, Finance, Management, Administration or Economics.

(3) The Chairperson and other Members of the Authority shall be appointed on the recommendation of the Selection Committee constituted under section 5.

(4) The Chairperson or any other Member of the Authority shall not hold any other office during his tenure as Chairperson or Member.

Constitution and
functions of
Selection
Committee.

5. (1) The Government shall, for the purposes of sub-section (3) of section 4, constitute a Selection Committee which shall be headed by the Chief Secretary, Punjab and consist of at least two other members.

(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 any Member of the Authority, and six months before the superannuation or end of tenure of Chairperson or any Member of the Authority, 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.

(4) Before recommending any person for appointment as the Chairperson or other Member of the Authority, the Selection Committee shall satisfy itself that such person does not have any financial or other interests, which is likely to affect prejudicially his functions as the Chairperson or Member.

(5) No appointment of the Chairperson or other Member of the Authority, shall be invalid merely by reason of any vacancy in the Selection Committee.

Term of office
salary and
allowances and
other conditions
of service of
Chairperson and
Members of the
Authority.

6. (1) No person shall serve as Chairperson or other Member if he has attained the age of seventy years.

(2) Chairperson or other Members shall hold office for a term, as may be specified, but not exceeding five years at a time, from the date on which he enters upon his office:

Provided that, no person shall serve as Chairperson or other Member for more than two terms.

(3) The salary and allowances and other terms and conditions of service of the Chairperson and other Members shall be such as may be specified.

(4) The salary and allowances and other conditions of service of the Chairperson and other Members shall not be varied to their disadvantage after appointment.

(5) The Chairperson and every 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.

(6) Notwithstanding anything contained in sub-section (1), the Chairperson or any Member may,-

- (i) relinquish his office by giving in writing to the Chief Secretary, a notice of not less than three months; or
- (ii) be removed from his office in accordance with the provisions of section 7 of this Act,

7. (1) The Government may, by order, remove from office, the Chairperson or any other Member, if the Chairperson or such other Member, as the case may be,- Removal of Chairperson or Member of Authority.

- (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:

Provided that the Chairperson or Member shall not be removed from his office under clauses (iv) or (v) without an enquiry.

(2) The Government may, during the period of enquiry, as mentioned in sub-section (1), against the Chairperson or any Member, de-bar such Chairperson or Member from participating in the proceedings of the Authority.

8. (1) The Government may appoint a serving or retired officer who has worked on a post equivalent to the rank of Special Secretary to the Government of Punjab or higher, as Secretary of the Authority to exercise such powers and perform such functions, as may be provided by the regulations: Staff of the Authority.

(2) The tenure of the Secretary shall be three years and may be extended by another two years by the Government.

(3) The salary, allowances and other conditions of service of the Secretary shall be such, as may be specified.

(4) The Authority may, with the prior approval of the Government, appoint on contract for a fixed tenure, not exceeding five years, such number of officers and employees, as it considers necessary for the performance of its duties and functions.

(5) The salary, allowances and other conditions of service of the officers

and employees shall be such, as may be determined by the Government.

(6) The Authority may in consultation with the Government, appoint any Government officer or employee on deputation.

(7) The Authority may appoint or hire consultants required to assist the Authority in the discharge of its functions.

Fund of
Authority.

9. (1) The Authority shall have and maintain a separate Fund to be called the Punjab Water Regulation and Development Authority Fund to which, the following shall be credited, namely:-

- (i) any grants and loans made to the Authority by the State Government or Government of India or loans from any financial agency with the prior concurrence of the Government;
- (ii) all fees, charges and fines received by the Authority; and
- (iii) all sums received by the Authority from such other sources, as may be decided by the Government.

(2) The Fund shall be applied for meeting,-

- (i) the salary, allowances and other remuneration of the Chairperson, Members, Secretary, officers and other employees of the Authority;
- (ii) the expenses of the Authority in the discharge of its functions under this Act; and
- (iii) the expenses incurred to achieve the objects and purposes authorized by this Act.

(3) The Government shall prescribe the manner of applying the Fund for meeting the expenses mentioned in clause (ii) and clause (iii) of subsection (2).

(4) The Fund shall be maintained in a scheduled commercial bank at Chandigarh or at any other place, as may be specified.

Proceedings of
Authority.

10. (1) The Authority shall meet at the Head Office or any of its offices 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 provided by regulations.

(2) The quorum necessary for the transaction of business at a meeting of the Authority shall be such, as may be provided by regulations.

(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 other reasons for a period of more than one month, the Government may nominate one of the members to be the officiating Chairperson during the absence of the Chairperson.

(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.

11. 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.

Vacancy etc. not to invalidate act or proceeding.

12. (1) There shall be an Advisory Committee on Water Resources headed by the Chairperson of the Authority to be notified by the Government, consisting of up to five experts having knowledge and experience in the fields of Hydrogeology, Environment, Water Resources, Agriculture, Management or Economics and up to ten ex-officio members from various Government Departments.

Advisory Committee.

(2) The Authority shall consult the Advisory Committee on major questions of policy and regarding regulatory directions proposed to be issued to the general public or to a class of water users:

Provided that the recommendations of the Advisory Committee shall not be binding but in case of disagreement, the Authority shall record reasons for that in writing.

(3) The Advisory committee shall meet at least once every six months.

(4) The ex-officio members of the Advisory Committee shall keep the Authority informed on the proposals and programs of the Government relating

to development, conservation and management of Water Resources.

(5) The Authority may, if required, seek advice on any matter under its consideration from any expert body or set up such committees of experts to be nominated by the Authority, as may be considered necessary.

Punjab State
Council for Water
Management and
Development.

13. (1) The Government shall, by notification in the Official Gazette, constitute a Council to be known as the Punjab State Council for Water Management and Development to facilitate the objectives of this Act.

(2) The Council shall consist of the following, namely:-

- (a) Chief Minister, Punjab; : President
- (b) Minister for Water Resources, Punjab; : Vice-President
- (c) Minister for Agriculture and Farmers' Welfare, Punjab; : Member
- (d) Minister for Water Supply and Sanitation, Punjab; : Member
- (e) Minister for Local Government, Punjab; : Member
- (f) Minister for Industries and Commerce, Punjab; : Member
- (g) Minister for Rural Development and Panchayats, Punjab; : Member
- (h) Minister for Finance and Planning, Punjab; : Member and
- (i) any other Minister or officers that may be co-opted by the President.

(3) The Council shall meet at such time and place, as may be decided by the President and follow such procedure, as may be specified.

(4) The meetings of the Council shall be facilitated and coordinated by the Department of Water Resources, Punjab.

(5) The Council shall be an overarching body to consider and steer the policies and programmes of the State to supply quality water to all persons at affordable costs and prices and ensuring optimal judicious utilization of water resources of the State.

(6) The Council shall discharge the following functions, namely:-

- (i) approve, review or modify the Punjab State Water Policy or policies that impact the development, utilisation, conservation and reuse of water in the State;
- (ii) approve, review or modify the Integrated State Water Plan to be prepared by the Government;
- (iii) recommend, if necessary, financial assistance by way of compensation to a class of consumers in consultation with the Authority for decision of the Government; and
- (iv) refer any matter of immediate or long-term importance related to water or its management to the Authority.

14. (1) The Government shall prepare an Integrated State Water Plan based on water plans prepared for every block. Integrated State Water Plan.

(2) Water Plan for every block shall be prepared in such manner, as may be prescribed and it shall cover all aspects of demand and supply and water for various purposes.

(3) The Integrated State Water Plan shall be placed before the Council, which may, with such modifications as deemed necessary, approve it within a period of six months from the date of submission.

(4) The Integrated State Water Plan may be reviewed after every three years from the date of its approval by the Council.

(5) For the purpose of the Integrated State Water Plan, the Government may 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 in not less than two newspapers, including at least one daily regional language newspaper having wide circulation in the State.

(6) Any person may file written objections against the categorization along with such fee, as may be specified, within one month from the date of publication.

(7) The Government shall within a period of two months, consider and settle all objections received against the proposed categorization and notify the final categorization of the areas from such date, as it may deem fit.

Powers to issue directions and impose restrictions.

15. (1) The Authority shall ensure development, management and conservation of water resources of the State in accordance with the Integrated State Water Plan.

(2) The Authority may issue directions regarding the development, management, or use of water which may include the following, namely:-

- (i) construction and installation of any new structure for extraction of groundwater through energized means;
- (ii) conditions subject to which the construction and installation of any new or existing water extracting structures may be allowed;
- (iii) conditions for operation of existing water extracting structures and their reinstatement;
- (iv) restrictions on the utilization of groundwater;
- (v) 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;
- (vi) specifying areas in which an industrial operation or process or class of industrial operations or processes utilizing groundwater shall not be carried out or shall be carried out subject to certain conditions and safeguards;
- (vii) optimal use of surface water for irrigation, industrial or domestic use;
- (viii) efficient use of water and to minimize the wastage or misuse of water and to promote recycling and reuse of water;
- (ix) water conservation and groundwater recharge, including rain water harvesting;
- (x) drilling or digging of wells for extraction of groundwater without registration with the Authority or with such entity, as may be stipulated by the Authority;
- (xi) users drawing groundwater to register the extraction structure with the Authority or with such entity, as may be stipulated by the Authority within a given period; and
- (xii) any other directions, as may be considered necessary to achieve the objectives of this Act:

Provided that no directions shall be issued for extraction of water for drinking and domestic use.

(3) No direction(s) issued by the Authority under sub-section (2) shall come into force unless a notice in this regard is published in not less than two newspapers, including at least one daily regional language newspaper having wide circulation in the State.

(4) Any person may file written objection(s) against the proposed direction(s) along with such fee, as may be specified, within one month from the date of its publication.

(5) The Authority shall consider and settle all objections received against such direction(s) expeditiously and notify the final directions on such date, as it may deem fit.

(6) Where the direction(s) is issued by the Authority to any specific person, such person shall be bound to implement such direction(s) of the Authority within such time, as may be stipulated by the Authority:

Provided that before issuing any direction(s) to a specific person, the Authority shall give him an opportunity to be heard after a notice of not less than fifteen days.

(7) The Authority may, from time to time, issue advisories to the Government regarding policies and programs for development, management and conservation of water. These may include advisories regarding the following, namely: -

- (i) sustainable operation and maintenance of the water infrastructure and delivery systems within the State;
- (ii) utilization and storage of surface runoff;
- (iii) optimum utilization of the irrigation potential created in the State;
- (iv) fixing priorities for use of canal water for different purposes;
- (v) adoption of the latest technologies in the water sector;
- (vi) promoting water conservation awareness;
- (vii) detection and prevention of contamination of water; and
- (viii) increasing water efficiency in agriculture and other sectors.

(8) 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 after deliberations with the Advisory Committee

Exemption from
ban on extraction
of groundwater.

16. Notwithstanding anything contained in sections 14 and 15 of this Act, the Authority shall not impose any ban on extraction of groundwater for drinking or domestic use.

Tariff for supply
and management
of water.

17. (1) Notwithstanding anything contained in any other law enacted by the Legislature of the State of Punjab, the Authority shall periodically and at such intervals as may be prescribed, issue tariff orders specifying the charges to be imposed by entities supplying water for commercial or industrial use:

Provided, however, that the charges for supplying water by entities for drinking, domestic and agriculture purposes shall be as per the policy of the Government notified from time to time.

(2) The tariff order issued by the Authority shall be duly implemented by the concerned entities within the time stipulated by the Authority.

(3) The Authority may fix different tariff depending on the category of use, location, class of users or other relevant factors, as the Authority may deem fit.

(4) The tariff shall be determined by the Authority in such manner, as may be prescribed, and shall be based on the principles of economy, efficiency, equity and sustainability. As far as possible, the tariff shall be based on volumetric measurement of water consumption and shall be designed to ensure economy in its use.

(5) The Authority may with the approval of the Government, fix charges for extraction of groundwater by any person but no charges shall be levied on extraction of water by households drawing water for their own drinking and domestic purpose through non-energised means or through a pump upto 2 Horse Power from a single tube-well in the household where common piped water supply is not available.

(6) While fixing the tariff, the special requirement of disadvantaged and economically weaker sections of the population of the State shall be duly considered and the policy of Government in this behalf may be adhered.

Procedure for
tariff order.

18. (1) An application for determination of tariff under section 17 shall be made to the Authority by the entity supplying water in such form and manner and within such period, as may be stipulated by the Authority.

(2) The application shall be accompanied by such fee, as may be stipulated by the Authority.

(3) The Authority shall conduct a preliminary scrutiny of the application

to examine as to whether the application is complete and is in the form and manner, as stipulated by the Authority.

(4) In case the Authority finds any modifications are required in the application, the entity shall make such modifications and resubmit the application to the Authority within such time, as may be stipulated by the Authority.

(5) The entity shall publish the application, in not less than two newspapers including at least one daily regional language newspaper having wide circulation in the State, in such abridged form and manner, as may be stipulated by the Authority.

(6) After publication of the application, the public may file objections before the Authority in such manner and within such time, as may be stipulated by the Authority.

(7) After considering the application under sub-section (1) and the objections received by it under sub-section (6), the Authority shall, within such time, as may be provided by the regulations,-

- (a) issue a tariff order accepting the application with such modifications or such conditions, as may be considered appropriate by the Authority; or
- (b) reject the application for reasons to be recorded in writing and issue a tariff order after considering such relevant factors, as the Authority may deem necessary:

Provided that the entity shall be given a reasonable opportunity of being heard before issuing the tariff order:

Provided further that the Authority may hold a common hearing for considering the objections received by it from the public.

(8) Notwithstanding anything contained in this section, the Authority may hold a combined hearing of several entities for determination of tariff and may in its discretion issue a single tariff order for any group or class of entities.

(9) In case an entity supplying water fails to submit an application within the time stipulated by the Authority, the Authority may issue a tariff order in respect of that entity after consulting the Government and considering such relevant factors, as the Authority may deem necessary.

(10) The Authority shall seek the views of the Government on the application received from all such entities which are of statutory nature or are

owned or managed by the State Government, before making tariff order.

(11) The Authority shall, within fifteen days of making the tariff order, send a copy of the tariff order to the concerned entity and the Government.

(12) The tariff order shall, unless amended or revoked, continue to be in force for such period, as may be stipulated in the tariff order. Such an order may be extended by the Authority till a fresh order is passed.

Explanation.- Provisions of this section shall apply even to those entities that are supplying or intend to supply treated waste water to any consumers or group of consumers.

Information and reports.

19. The Authority, in relation to its functions under this Act, may from time to time require any person, Government or other Authority to furnish to it any reports, statistics or other information and such person, Government or other Authority shall be bound to provide the required information within a reasonable time.

Power of Authority to appoint enquiry officer.

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

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

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

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing summons for examination of witnesses; and
- (f) such other matters as may be prescribed.

(3) The Enquiry officer shall on conclusion of the enquiry present his report to the Authority:

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

(4) The Authority may, on the conclusion of the enquiry 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.

21. (1) Any person appointed as Enquiry officer under section 20 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. Power of entry and inspection.

(2) Any person carrying out operations or processes which utilize water or generate wastewater shall be bound to render all assistance without delay for proper inspection of the premises to the person empowered under sub-section (1).

22. The Authority may carry out or cause to be carried out surveys, investigations and research relating to conservation, usage and quality of water. Power to carry out surveys etc.

23. (1) If the Authority, after due enquiry, is satisfied that any person has wilfully failed to comply with the directions issued or conditions imposed under sub-section (2) of section 15 of this Act, the Authority may, by an order, in addition to any other action which may be taken under this Act, ban the operation of machinery using electricity or carrying on of any industrial process which utilizes water in the premises where violation of the directions or conditions imposed has taken place: Action for non-compliance of directions of the Authority.

Provided that before issuing any order under this sub-section, the Authority shall give an opportunity of hearing to the concerned person after a notice of not less than seven days.

(2) The Authority may, after an order under sub-section (1), issue directions to any entity supplying electricity to the premises mentioned in sub-section (1) for stopping of electricity supply to that premises and the entity shall comply with the order of the Authority within twenty four hours of the receipt of the orders and shall not restore the electricity supply till such time, as may be permitted by the Authority.

24. (1) Any person who fails to comply with or contravenes the directions or orders issued by the Authority 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 contravention etc.

-
- (i) for the first offence, with a fine up to 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.

(2) Notwithstanding anything contained in sub-section (1), any person who violates the order issued under section 23 of this Act, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five lakh rupees, or both.

Offences by companies.

25. (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 the business of the company as well as the company, shall be deemed to be guilty of an 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 under this Act, if he proves that the offence was committed without his knowledge or that he exercised 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 that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section,-

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

Cognizance of offence.

26. 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 other officer duly authorised by the Authority for this purpose.

27. (1) The Authority or any officer of the Authority authorised in this behalf, may accept from any person charged with an offence punishable under this Act, by way of composition of the offence, a sum not more than five times the amount of the maximum fine for the offences punishable by or under this Act:

Compounding of offences.

Provided that the person undertakes in writing to comply with the orders issued under this Act:

Provided further that only the Authority shall be authorised to compound an offence of violation of an order issued under section 23 of this Act.

(2) On payment of such sum as may be determined, no further proceedings shall be taken against the accused person in respect of the same offence, and any proceedings if already taken or initiated shall stand abated, and the accused person, if in custody, shall be discharged.

28. (1) The Authority shall adhere to the State policies, as framed and amended from time to time by the State Government, including the Integrated State Water Plan.

Directions and recommendations by Government.

(2) The Government may from time to time make recommendations to the Authority to achieve the objectives of this Act, which shall be duly considered by the Authority.

29. The Government shall render effective assistance to the Authority for implementation of the decisions taken by the Authority under this Act, as and when required by the Authority.

Assistance to Authority by Government.

30. The Members, officers and other employees of the Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act or rules or regulations made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

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

31. No suit, prosecution or other legal proceedings shall lie against the Government or the Authority or any officer of the Government or any Member, officer or other employee of the Authority for anything done or purported to have been done in good faith in pursuance of the provisions of this Act or rules or regulations made thereunder.

Protection of action taken in good faith.

32. (1) The Authority, in the conduct of all proceedings before it and in the exercise of its powers under this Act, shall be guided by the principles of natural justice.

Powers of Civil Court.

(2) The Authority shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, in respect of, -

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents;
- (e) reviewing its decisions;
- (f) dismissing an application for default or deciding it ex-parte, setting aside any order of dismissal or any application for default or any order passed by it ex-parte; and
- (g) any other matters as the Authority may specify by regulations.

(3) Every proceeding before the Authority shall be completed within a period of ninety days of its commencement, except where the time period is extended by the Authority for the reasons to be recorded in writing.

Bar of jurisdiction of courts.

33. No civil court shall have jurisdiction to entertain or decide any suit, appeal or other proceedings in respect of any matter which the Authority is empowered by this Act to determine and no injunction shall be granted by any court, in respect of any action taken or proposed to be taken by the Authority in exercise of the powers conferred by or under this Act.

Bar to claim compensation.

34. No person shall be entitled to claim any damages or compensation from the Government or the Authority or any of its officers for any loss sustained by him by virtue of any action taken in exercise of the powers conferred by or under this Act.

Power to make rules.

35. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section, shall be laid, as soon as may be, after it is made, before the House of the State Legislature while it is in session for a total period of ten 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 successive sessions as aforesaid, the House agrees in making any modification in the rule or the House agrees 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. However, any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

36. (1) The Authority may, with the previous approval of the Government 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.

(2) Pending the making of regulations by the Authority, the rules and procedures applicable to the Government Departments of the State shall be followed by the Authority for carrying out its functions.

37. (1) The Authority shall prepare once every year in such form and at such times, as may be prescribed, an annual report, giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Government. Annual report.

(2) The report received under sub-section (i) shall be laid, within six months, after it is received, before the State Legislature.

38. Notwithstanding anything contained in any other law enacted by the Legislature of the State of Punjab, the provisions of this Act shall have precedence and overriding effect in the matters covered under it. Effect of this Act on other laws.

39. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may by an order published in the Official Gazette remove such difficulty: Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

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

S.K. AGGARWAL,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.