

LAW (LEGISLATIVE DRAFTING) DEPARTMENT

(GROUP-II)

NOTIFICATION

Jaipur, September 25, 2013

No. F.2(28) Vidhi/2/2013.- In pursuance of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorise the publication in the Rajasthan Gazette of the following translation in the English language of the Rajasthan Jal Sansadhan Viniyamak Adhiniyam, 2013 (2013 Ka Adhiniyam Sankhyank 38):-

(Authorised English Translation)

THE RAJASTHAN WATER RESOURCES REGULATORY ACT, 2012

(Act No. 38 of 2013)

[Received the assent of the Governor on the 25th day of September, 2013]

An

Act

to provide for the establishment of the Rajasthan Water Resources Regulatory Authority to regulate water resources within the State of Rajasthan, facilitate and ensure judicious, equitable and sustainable management, allocation and utilization of water resources, fix the rates for use of water for drinking, agriculture, industrial, and other purposes, and matters connected therewith or incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Sixty-third Year of the Republic of India, as follows:-

CHAPTER-I

Preliminary

1. Short title, extent and commencement.- (1) This Act may be called the Rajasthan Water Resources Regulatory Act, 2012.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different areas and for different sections of this Act.

2. Definitions.- (1) In this Act, unless the context otherwise requires,-

- (a) "aggregate bulk water entitlement" means an aggregate of entitlements issued to a group or association of water user entities for the purpose of joint management of the bulk water entitlements;
- (b) "allocation" means the portion or percentage of an entitlement declared annually or seasonally by the prescribed authority to be made available to the holder of an entitlement based upon the availability of water for the period within the sub-basin, river basin, project or storage facility for that season or year; and during water crisis or scarcity on the principle of proportionate entitlement;
- (c) "Authority" means the Rajasthan Water Resources Regulatory Authority established under section 3;
- (d) "Board" means the State Water Board constituted under section 14;
- (e) "bulk water entitlement" shall mean 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;
- (f) "category of use" shall mean use of water for different purposes such as for domestic, agricultural irrigation, agro-based industries, industrial or commercial, environmental, etc., and includes such other purposes as may be prescribed;
- (g) "Chairperson" means the Chairperson of the Authority;
- (h) "Council" means the State Water Council constituted under section 15;
- (i) "entitlement" means any authorization by an authority prescribed by the Authority to use the water for the purposes of this Act;
- (j) "Government" or "State Government" means the Government of Rajasthan;
- (k) "individual water entitlement" means any authorization by the Authority to use the water other than bulk water entitlement or an aggregate bulk water entitlement;
- (l) "Integrated State Water Plan" means a water plan approved by the State Water Council;
- (m) "irrigation project" means a project constructed to provide irrigation facilities to the land situated in the command area in accordance with the project reports or orders in this regard, as revised from time to time;
- (n) "Member" means a Member of the Authority and includes the Chairperson;
- (o) "prescribed" means prescribed by the rules or regulations made under this Act;

- (p) "prescribed authority" means any authority at various levels within the water resource management system that has been duly authorized by the Authority to determine and declare, on an annual or seasonal basis, the quota or amount of water available within a system for use as an allocated percentage of the entitlements duly issued by the Authority;
- (q) "project level entity" means a group of all water user entities, from a common supply source within a water resources project;
- (r) "Primary Dispute Resolution Officer" means any competent officer or officers authorized by the Government by general or special order for each river basin, to resolve the disputes with regard to the issuance or delivery of water entitlement, under this Act;
- (s) "quota" means a volumetric quantity of water made available to an entitlement holder, which is derived by multiplying an entitlement by the annual or seasonal allocation percentage;
- (t) "Selection Committee" means a Selection Committee constituted under section 5;
- (u) "State" means the State of Rajasthan;
- (v) "State Water Policy" means the Water Policy of the State;
- (w) "sub-basin" means a hydrologic unit, or hydrologic sub-unit of a river basin within the State;
- (x) "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 standards prescribed by the Authority;
- (y) "utility" means any water user entity responsible for the management, treatment and distribution of domestic or municipal water supplies including water used for industries;
- (z) "volumetric" means a measurement of water on the basis of volume as per the norms of the Bureau of Indian Standard;
- (za) "water user entity" means any water users' association, utility, industrial users' association, other users' association or any other group which is authorized by the Authority to receive and utilize a water entitlement; and
- (zb) "water users' association" means the Farmers Organizations as defined in clause (f) of section 2 of the Rajasthan Farmers' Participation in Management of Irrigation System Act, 2000 (Act No. 21 of 2000).

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

CHAPTER - II

Rajasthan Water Resources Regulatory Authority

3. Establishment and incorporation of Authority.- (1) The State Government shall within three months from the date of commencement of this Act, by notification in the Official Gazette, establish an Authority to be known as the Rajasthan Water Resources Regulatory Authority to exercise the powers conferred on, and to perform the functions and duties assigned to, it under this Act.

(2) 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.

(3) The head office of the Authority shall be at Jaipur.

(4) The Authority shall consist of a Chairperson and two other Members.

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

4. Qualification for appointment of Chairperson, other Members and special invitees of Authority.- (1) The Chairperson, the Members and special invitees of the Authority shall be appointed as follows:

- (a) The Chairperson shall be a person who has been an officer not below the rank of Principal Secretary to the State Government and has experience of policy formulation and administration in water resources sector;
- (b) one member shall be a person having experience of at least 20 years in water resources sector including experience as Chief Engineer in Water Resources Department of State Government;
- (c) one Member shall be expert from the field of Water Resources economy, agriculture economics, finance or economics;
- (d) three special invitees from major basins of the State, who are having adequate knowledge, experience or proven capacity in dealing with the problems relating to engineering, agriculture, drinking water, industry, law, economics, commerce, finance or management for assisting the Authority in taking policy decisions; and
- (e) two special invitees from amongst elected public representatives from command areas of major projects of the State for assisting the Authority in taking policy decisions.

(2) The Chairperson or any other Member Qf the Authority shall not hold any other office.

5. Constitution and functions of Selection Committee.

(1) The State Government shall, by notification in the Official Gazette, for the purposes of sub-section (5) of section 3, constitute a Selection Committee consisting of,-

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| (a) the Chief Secretary [of the State] | ex-officio Chairperson; |
| (b) the Secretary, Planning Department | ex-officio Member; |
| (c) the Secretary, Water Resources Department | ex-officio Member
Secretary; and |
| (d) two Experts to be nominated by the State Government. One expert shall be from the field Member of water resources engineering and another shall be from the field of water resources economy | |

Explanation.- For the purpose of this sub-section, the expression “Secretary” means the Secretary to the Government in charge of a department and includes an Additional Chief Secretary and a Principal Secretary when he or she is in charge of a department.

(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, and six months before the superannuation or 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 finalize the selection of the Chairperson and Members within one month from the date on which the reference is made to it under sub-section (2).

(4) The Selection Committee shall recommend a panel of three names for every vacancy referred to it.

(5) 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 conflict of financial or other interest which may affect prejudicially, his functions as a Member.

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

6. Term of office, salary and allowances and other conditions of service of Chairperson and Members of Authority.- (1) The Chairperson or other Member shall hold office for a term of three years from the date on which he enters upon his office:

Provided that the Chairperson or the other Member may be reappointed but for not more than two consecutive terms:

Provided further that no Chairperson or other Member shall hold office after he has attained the age of sixty five years.

(2) The salary and allowances payable to and the other terms and conditions of service of, the Chairperson and other Members shall be such as may be prescribed.

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

(4) The Chairperson and every Member shall before entering upon his office make and subscribe to an oath of office and of secrecy in such form and in such manner and before such authority as may be prescribed.

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

- (a) relinquish his office by giving in writing to the Governor notice of not less than three months; or
- (b) be removed from his office in accordance with the provisions of section 7.

(6) The Chairperson or any Member ceasing to hold office as such shall,-

- (a) not be eligible for further employment under the Government for a period of two years from the date he ceases to hold such office; and
- (b) not accept any commercial employment for a period of two years from the date he ceases to hold such office.

Explanation.- For the purposes of this sub-section,

- (i) "employment under the Government" includes, employment under any local or other authority within the territory of Rajasthan or under the control of the Government or under any corporation or society owned or controlled by the Government;
- (ii) "commercial employment" means employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in the Water Resources Sector and also includes a director of a company or a partner of a firm and also includes setting up practice either independently or as a partner of a firm or as an advisor or a consultant.

7. Removal of Member.- (1) Subject to the provisions of sub-section (3), any Member of the Authority shall be removed from his office by order of the Governor on the ground of proved misbehaviour after the State Government, has, on an inquiry, held in accordance with the procedure prescribed in this behalf, reported that the Member, ought on any such ground to be removed.

(2) The Governor may, during the period of inquiry as specified in sub-section (1), against any Member, suspend such Member of the Authority.

(3) Notwithstanding anything contained in sub-section (1), the Governor may, by order, remove from office, the Chairperson or any other Member, if the Chairperson or such other Member, as the case may be,-

- (a) has been adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the Government Involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as Chairperson or Member; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his function as the Chairperson or Member; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(4) Notwithstanding anything contained in sub-section (3), no Member shall be removed from his office on the ground specified in clause (d) or clause (e), unless the Government has, on an inquiry, held by it in accordance with such procedure as prescribed in this behalf by the Government reported that the Member ought on such ground or grounds to be removed.

8. Power of Government to depute officers and employees to Authority and their service conditions.- (1) The Authority may appoint a Secretary to exercise such powers and perform such duties under the control of the Chairperson and as may be specified by regulations.

(2) The Authority may, with the prior approval of the Government, appoint such number of officers and employees as it considers necessary for the performance of its duties and functions.

(3) The salaries and allowances payable to, and other conditions of service of the Secretary, officers and employees shall be such as may be determined by rules made under this Act.

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

(5) The period of deputation of any such officer or employee to the Authority shall be five years except when any such person is required to be repatriated on the grounds, such as promotion, reversion, termination, superannuation or any such other reasons:

Provided that during the period of such deputation all matters relating to the pay, leave, allowances, retirement, pension, provident fund and other conditions of service of the employees on deputation shall be regulated by the Rajasthan Civil Services Rules or such other rules as may, from time to time, be made by the State Government.

(6) No officer or employee on deputation to the Authority shall be entitled to any deputation allowance.

(7) The salaries and allowances of officers or employees on deputation to the Authority shall be paid by the Authority.

(8) Save as otherwise provided in this Section, the terms and conditions of services of employees on deputation to the Authority shall not be less advantageous than those applicable to them immediately before deputation and shall not be varied to their disadvantage except with the previous sanction of the State Government.

(9) The Authority may appoint consultants required to assist the Authority in the discharge of its functions on such terms and conditions as may be determined by regulations.

9. Proceedings of the Authority.- (1) The Authority shall meet at such time and places as the Chairperson may direct and shall observe such rules of procedure in regard to the transaction of business at its meetings including the quorum at its meetings as may be determined by regulations.

(2) The meetings of the Authority shall be presided over by the Chairperson and, in his absence, by such Member as may be chosen by the Members present at such meeting.

(3) All questions that 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.

(4) Save as otherwise provided in sub-section (3), every Member shall have one vote.

(5) 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.

(6) Special Invitee Members may take part in deliberations in a meeting of the Authority but shall not be entitled to vote at such meetings and shall also not form part of the quorum.

(7) The Authority may, with approval of the State Government, constitute committees, with such terms of reference as it may consider necessary, to assist or advise it on specific technical matters.

10. Vacancies, etc. not to invalidate act or proceedings.- No act or proceedings of the Authority shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Authority.

CHAPTER - III

Powers, Functions and Duties of the Authority

11. Powers, functions and duties of the Authority.-The Authority shall exercise the following powers and perform the following functions, namely:

- (a) to determine the distribution of entitlements for various categories of use and the equitable distribution of entitlements of water within each category of use on such terms and conditions as may be prescribed;
- (b) to enforce the decisions or orders issued under this Act;
- (c) to determine the priority of equitable distribution of water available at the water resource project, sub-basin and river basin levels during periods of scarcity;
- (d) to establish a water tariff system, and to fix the criteria for water charges both for irrigation and drinking water after ascertaining the views of the beneficiary public, based on the principle that the water charges shall reflect the full recovery of the cost of the operation and maintenance after duly accounting for the inefficiencies of the delivery system so that the cost of inefficiencies are not passed on to the beneficiary;
- (e) to administer and manage inter-state water resources apportionment on river systems, of the State;
- (f) to review and clear water resources projects proposed at the sub-basin and river basin level to ensure that a proposal is in conformity with Integrated State Water Plan and also with regard to the economic, hydrologic and environmental viability and where relevant, on the State's obligations under Tribunals, Agreements, or Decrees involving inter-state entitlements;
- (g) in the event of water scarcity, the Authority, in compliance with its policy and rules for allocating such scarcity, shall adjust the quantities of water to be made available to all entitlements and shall permit the temporary transfer of water entitlements between users and categories of users;
- (h) to establish regulatory system for the water resources of the State, including surface and sub-surface waters, to regulate the use of these waters, apportion the entitlement to the use of the water of the State between water using categories;
- (i) to establish a system of enforcement, monitoring and measurement of the entitlements for the use of water to ensure that the actual use of water, both in quantity and type of use are in compliance with the entitlements as issued by the Authority;

- (j) to administer the use and entitlement of water resources within the State in a manner consistent with the State Water Policy to ensure the compliance of the obligation of State with regard to the apportionment of inter-state waters between the State and other States;
- (k) to promote efficient use of water and to minimize the wastage of water and to fix reasonable use criteria for each category of use;
- (l) to determine and ensure that cross-subsidies between categories of use, if any, being given by the Government are totally offset by stable funding from such cross-subsidies or Government payments to assure that the sustainable operation and maintenance of the water management and delivery systems within the State are not jeopardized in any way;
- (m) develop the State water entitlement data base that shall clearly record all entitlements issued for the use of water within the State, any transfers of entitlements and a record of deliveries and tses made as a result of those entitlements;
- (n) to facilitate and ensure development, maintenance and dissemination, of a comprehensive hydrometeorological information data base;
- (o) the Authority may review and revise the water charges after every three years;
- (p) the Authority may ensure that the Irrigation Status Report is published by the Government every year. Such report shall contain all statistical data relating to irrigation including details in respect of district-wise irrigation potential created and its actual utilization;
- (q) to prescribe service standards for the service providers of water with prior approval of the Government and ensure compliance of these standards;
- (r) to ensure re-cycling and re-use of water as per prescribed standards; and
- (s) to impose and ensure complete ban on encroachment on water bodies.

12. General policies of the Authority.- (1) The Authority shall work according to the framework of the State Water Policy.

(2) The Authority shall, in accordance with the State Water Policy, co-ordinate with all relevant State agencies to implement a comprehensive hydro-meteorological data system for the State.

(3) The Authority shall, in accordance with the State Water. Policy, promote and implement sound water conservation and management practices throughout the State.

(4) The Authority shall support and aid the enhancement and preservation of water quality within the State in close coordination with the relevant State agencies and in doing so the principle of “polluter pays” shall be followed.

(5) The Authority shall fix the quota at project level, sub- basin level, on the basis of the following principles:

- (a) for equitable distribution of water in the command area of the project, every landholder in the command area shall be given quota to irrigate his land only;
- (b) the quota shall be fixed on the basis of the land in the command area:
Provided that during the water scarcity period each landholder shall, as far as possible, be given quota adequate to irrigate at least one acre of land [.]; and
- (c) in case of existing major projects, the Authority shall not change the water allowance which have already been approved by the State Government, without prior approval of the Government.

(6) The Authority shall ensure that the principle of ‘tail to head” irrigation is implemented by the concerned authorities.

(7) (a) The Authority shall strive to make the water available to the drought prone areas of the State and encourage schemes and technology for recharge of ground water;

(b) The Authority shall ensure that the funds made available to a drought prone district are spent preferably, in the areas, where irrigation facilities are less than the other areas of that district.

13. Powers of Authority and Primary Dispute Resolution Officer.-The Authority and the Primary Dispute Resolution Officer shall for the purposes of making any inquiry or initiating any proceedings under this Act, have the powers as are vested in a civil court, under the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) in respect of the following matters, namely:

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document or other material object producible as evidence;
- (c) the reception of evidence on affidavits;
- (d) the requisition of any public record;
- (e) the issue of commission for examination of witnesses;
- (f) review its decisions, directions and orders; and
- (g) any other matter which may be prescribed.

CHAPTER -IV

State Water Planning

14. State Water Board.- (1) The State Government shall, by notification in the Official Gazette, constitute a Board to be known as the State Water Board for the purposes of this Act.

(2) The Board shall consist, of the following Members, namely;

- (a) the Minister Incharge, Water Resources Department Chairperson;
- (b) the Minister Incharge Indira Gandhi Nahar Department ex-officio Member;
- (c) the Chief Secretary of the State ex-officio Member;
- (d) the Principal Secretary, Planning Department ex-officio Member;
- (e) the Director/Commissioner, Watershed Development Department ex-officio Member;
- (f) the Secretary, Public Health Engineering Department ex-officio Member;
- (g) the Secretary, Command Area Development Department ex-officio Member;
- (h) the Secretary, Agriculture Department ex-officio Member;
- (i) the Secretary, Indira Gandhi canal Project Department ex-officio Member;
- (j) two Experts nominated by the State Government. One expert shall be from the field of water resources engineering and another shall be from the field of water resources economy ex-officio Member;
- (k) the Secretary, Water Resources Department ex-officio Member Secretary.

Explanation.- For the purpose of this sub-section, the expression "Secretary" means the Secretary to the Government in charge of a department and includes an Additional Chief Secretary and a Principal Secretary when he or she is in charge of a department.

(3) The Board shall prepare a draft Integrated State Water Plan on the basis of basin and sub-basin wise water plans prepared and submitted by State Water Resources Planning Department.

(4) The Board shall submit its first draft Integrated State Water Plan to the Council for its approval within six months from the date on which any of the provision of this Act is made applicable in the State.

(5) The Board shall, while preparing the draft Integrated State Water Plan mentioned in sub-section (3), consider the directives of the State Water Policy.

(6) The Board shall meet at such time and place as the President of the Board may decide and shall follow such procedure as may be prescribed.

(7) The Board shall prepare a Vision Document on Water Resources, Management and Allocation of water on the basis of long term requirement and submit its report to the Council.

15. State Water Council.- (1) The State Government shall, by notification in the Official Gazette, constitute a Council to be known as the State Water Council for the purposes of this Act.

(2) The council shall consist of the following Members, namely:

- | | |
|----------------------------------------------------------------------------------|----------------------------|
| (a) the Chief Minister | ex-officio President; |
| (b) the Minister Incharge, Water Resources
Department | ex-officio Vice-President; |
| (c) the Minister Incharge, Indira Gandhi
Nahar Department | ex-officio Member; |
| (d) the Minister Incharge, Agriculture
Department | ex-officio Member; |
| (e) the Minister Incharge, Rural
Development and Panchayati Raj
Department | ex-officio Member; |
| (f) the Minister Incharge, Public Health
Engineering Department | ex-officio Member; |
| (g) the Minister Incharge, Finance
Department | ex-officio Member; |
| (h) the Minister Incharge, Planning
Department | ex-officio Member; |
| (i) the Minister Incharge, Urban
Development Department | ex-officio Member; |
| (j) the Minister Incharge, Industries
Department | ex-officio Member; |
| (k) the Minister Incharge, Environment
Department | ex-officio Member; |
| (l) the State Minister, Water Resources | ex-officio Member; |

- | | |
|------------------------------------------------------------|------------------------------|
| Department | |
| (m) the Secretary, Command Area Development and Department | ex-officio Member; |
| (n) the Secretary, Water Resources Department | ex-officio Member Secretary. |

Explanation.- For the purpose of this sub-section, the expression "Secretary" means the Secretary to the Government in charge of a department and includes an Additional Chief Secretary and a Principal Secretary when he or she is incharge of a department.

(3) The Council shall approve, with such modifications as deemed necessary, the draft of the Integrated State Water Plan submitted by the Board within a period of six months from the date of submission of the plan.

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

(5) The Council shall meet at such time and place as the President the Council may decide and shall follow such procedure as may be prescribed.

(6) After final approval, the Integrated State Water Plan shall be sent to the Water Regulatory Authority for implementation.

CHAPTER - V

Accounts, Audit and Reports

16. Grants and advances to Authority.- The State Government may, after appropriation duly made by the State Legislature, by law in this behalf, make such grants and advances to the Authority as it may deem necessary for the performance of its functions and discharge of its duties under this Act; and all grants and advances made shall be on such terms and conditions as the State Government may determine.

17. Budget of Authority.- The Authority shall prepare in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Authority and forward the same to the Government.

18. Accounts of Authority.- (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Government in consultation with the Accountant General.

(2) The accounts of the Authority shall be audited by the Accountant General at such interval as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Accountant General.

(3) The Accountant General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights and

privileges and authority in connection with such audit as the Accountant General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

(4) The accounts of the Authority, as certified by the Accountant General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the State Government by the Authority and the State Government shall cause the audit report to be laid, within a period of six months from the date of its receipt, before the State Legislature.

19. Annual report of Authority.- (I) (a) The Authority shall prepare once every year in such form, and at such time 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 State Government;

(b) Such annual report shall include an annexure containing irrigation backlog of each district based on the State average Rabi equivalent irrigation potential district wise sown area, standard Rabi equivalent irrigation potential from State sector and local sector schemes, percentage of irrigation potential to the sown area, percentage less than the State average, backlog in hectares for the latest year for which the data is available, and every year thereafter, physical backlog worked out on the basis of State average and financial backlog based on the latest schedule of rates;

(c) Such report shall also include annexure showing district wise and region wise yearly expenditure incurred on the Irrigation Sector and cumulative figures upto latest year for which data is available and every year thereafter; and

(d) The details of annexure at clauses (b) and (c) may be modified in accordance with the Governor's directives, from time to time.

(2) A copy of the report received under sub-section (1) shall be laid, within six months, after it is received, before the State Legislature.

CHAPTER - VI

Miscellaneous

20. Disputes and appeals.- (I) The Government shall by general or special order issued in this behalf authorize any competent officer or officers as Primary Dispute Resolution Officer, to resolve the disputes with regard to the issuance or delivery of water entitlement, under the Act.

(2) The Primary Dispute Resolution Officer shall follow such procedure as may be prescribed while hearing the disputes.

(3) Any person aggrieved by an order of the Primary Dispute Resolution Officer may, within sixty days from the receipt of such order, prefer an appeal to the Authority:

Provided that the Authority may entertain an appeal after the expiry of the said period of sixty days if it is satisfied that the aggrieved person had sufficient cause for not preferring the appeal within the said period of sixty days.

(4) The Authority shall follow such procedure while hearing the appeals as may be prescribed.

21. Directions by Government.- (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.

22. Power to suspend water entitlement.- In case the State Government is of the view that there is an acute drinking water problem in the State or a part thereof the Government shall be empowered to suspend the water entitlement for a period to be decided by the State Government without any notice or compensation.

23. Members, officers and other staff of Authority to be public servants.- The Chairperson, 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 No. 45 of 1860).

24. Protection of action taken in good faith.- No suit, prosecution or other legal proceedings shall lie against the Government or the Authority or any officer of the Government or any Members, officer or other employees 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.

25. Punishment for non-compliance of orders under this Act.- Whoever fails to comply with any order or direction given under this Act, within such time as may be specified in the said order or direction or contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act or any rules or regulations made there under shall be punishable with imprisonment for a term which may extend to six months or with fine, which may extend to ten times of the annual water charges or, with both in respect of each offence.

26. Offences by companies.- (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 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 under this Act if he proves that the offence was committed

without his knowledge or that he had 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 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 firm, 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.

27. Compounding of offences. (1) The Authority may, either before or after the institution of the proceedings for any offence punishable under this Act, with the approval of the State Government, accept from any person charged with such offence, by way of composition of the offence, a sum not less than the amount of the maximum fine and not more than double the amount of the maximum fine for the offences punishable by or under this Act.

(2) On payment of such sum as may be determined by the Authority or the State Government or any officer authorized by the State Government under sub-section (1), 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. Cognizance of offence.- 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 authorized by the Authority for this purpose.

29. Powers of Government to make rules.- (1) The State Government may, by notification in the Official Gazette, and subject to the condition, of previous publication, make rules to carry out the purposes of this Act.

(2) All rules made under this Act shall be laid, as soon as may be, after they are so made, before the House of the State Legislature, while it is in session, for a period not less than fourteen days which may be comprised in one session or in two successive sessions and, if before the expiry of the session in which they are so laid. or of session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rules should not be made, such rules 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 or anything previously done thereunder.

30. Powers of Authority to make regulations.- (1) The Authority may, with the previous approval of the State Government make regulations consistent with this Act and the rules made thereunder, for all or any of the matters to be provided under this Act by regulations and generally for all other matters for which provision is, in the opinion of the Authority, necessary for the exercise of its powers and the discharge of its functions under this Act.

(2) Pending making of the regulations by the Authority with the approval of the State Government, the rules and procedures followed by the Water Resources Department shall, mutatis mutandis, be followed by the Authority for carrying out its functions.

31. Powers to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order published in the Official Gazette, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient, for removing the difficulty:

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.

Principal Secretary to the Government.

Government Central Press, Jaipur.