
**REPORT OF THE SUBJECT COMMITTEE
ON
THE KERALA IRRIGATION AND WATER
CONSERVATION (AMENDMENT)
BILL, 2018
AND
THE BILL AS REPORTED BY THE SUBJECT COMMITTEE**

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**SUBJECT COMMITTEE III
WATER RESOURCES
(2016-2018)**

Composition

Chairman :

Shri Mathew T. Thomas,
Minister for Water Resources.

Members :

Shri A. M. Ariff
Shri V. T. Balram
Shri G. S. Jayalal
Shri K. Krishnankutty
Shri K. J. Maxy
Shri Mons Joseph
Shri N. A. Nellikkunnu
Shri P. T. A. Rahim
Shri I. B. Satheesh
Shri P. T. Thomas.

Legislature Secretariat :

Shri V. K. Babu Prakash, Secretary
Smt. A. Shaila, Joint Secretary
Smt. Rejani V. R. Deputy Secretary
Shri K. Vijayakumar, Under Secretary.

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

(Report of the Subject Committee)

Subject Committee III (Water Resources) to which 'The Kerala Irrigation and Water Conservation (Amendment) Bill, 2018' (Bill No. 139) was referred, considered the Bill clause by clause and now submits its Report with the Bill as reported by the Committee annexed thereto.

2. The Kerala Irrigation and Water Conservation (Amendment) Bill, 2018 was published as a Gazette Extraordinary dated May 28, 2018. The Bill was introduced in the Assembly on June 7, 2018 and was referred to the Subject Committee on the same day.

3. The Committee considered the Bill clause by clause at its meeting held on June 11, 2018. The Committee recommends to adopt the Bill without any modification.

4. The Minutes of dissent is appended.

Thiruvananthapuram.
11th June, 2018.

MATHEW T. THOMAS,
Chairman,
Subject Committee III.

വിയോജനക്കുറിപ്പ്

നിലവിലുള്ള നിയമപ്രകാരം കേരള ഡാം സേഫ്റ്റി അതോറിറ്റിയുടെ യോഗത്തിന്റെ ക്യാരം അതോറിറ്റിയിലെ ആകെ അംഗസംഖ്യയുടെ 50 ശതമാനത്തിൽ കുറവുവാൻ പാടില്ലായെന്ന വ്യവസ്ഥ ഭേദഗതി ചെയ്ത് ക്യാരം ചെയർമാൻ ഉൾപ്പെടെ നാല് അംഗങ്ങൾ ആയി നിജപ്പെടുത്തുന്നത് പ്രസ്തുത അതോറിറ്റിയുടെ തീരുമാനങ്ങളിൽ ഭൂരിപക്ഷാഭിപ്രായം ഇല്ലാതാക്കുന്ന നടപടിയാണ്. ആയതിനാൽ പ്രസ്തുത ഭേദഗതികളോട് വിയോജിപ്പ് രേഖപ്പെടുത്തുന്നു.

വി. ടി. ബൽറാം, എം.എൽ.എ. (ഒപ്പ്)
എൻ. എ. നെല്ലിക്കുന്ന്, എം.എൽ.എ. (ഒപ്പ്)
പി. ടി. തോമസ്, എം.എൽ.എ. (ഒപ്പ്)

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

(As reported by the Subject Committee)

A

BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Secretariat of the Kerala Legislature,
Thiruvananthapuram,
11th June, 2018.

V. K. BABU PRAKASH,
Secretary.