

HIMACHAL PRADESH ACT 010 OF 1983 : HIMACHAL PRADESH WATER SUPPLY (AMENDMENT) ACT, 1983

- Text

Himachal Pradesh Water Supply (Amendment) Act, 1983:

[Himachal Pradesh Act No. 10 of 1983]¹

An Act further to amend the Himachal Pradesh Water Supply Act, 1968 (Act No. 8 of 1969).

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-fourth Year of the Republic of India as follows¹.

1. For statement of Objects and Reasons see RHP Extra, Dated 19-3-1983, P. 341.

* Received the assent of the Governor of Himachal Pradesh on 20-4-1983 and was published in R.H.P. Extra., 30th April, 1983, page 509-510.

1. Short title and commencement.- (1) This Act may be called the **Himachal Pradesh Water Supply (Amendment) Act, 1983**.

(2) It shall come into force at once.

2. Amendment of section 2.- For the existing sub-clause (xiv) of section 2 of the Himachal Pradesh Water Supply Act, 1968 (8 of 1969) (hereinafter called the principal Act), the following clause (xiv) shall be substituted, namely:-

"(xiv) 'water rate' means the charge for the time being levied by the State Government under section 5 or by the local authority under sub-section (2) of section 6."

3. Commission of section 4.- The existing section 4 of the principal Act shall be omitted.

4. Substitution of section 5.- For the existing section 5 of the principal Act, the following new section 5, along with its heading, shall be substituted, namely:-

"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."

5. Substitution of Section 6.- For the existing section 6 of the principal Act, the following new section 6, along with its heading, shall be substituted, namely:-

'6. Handing over the 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."

6. Amendment of section 11.- In sub-section (2) of section 11 of the principal Act,-

(i) for clause (b) the following clauses (J) and (c) shall be substituted, namely:-

"(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; and; and

(ii) the existing clause (c) shall be renumbered as clause (d)