



The Himachal Pradesh Water Supply Act, 1968

Act 8 of 1969

Keyword(s):

Beneficiary, Consumer, Co-Operative Society, Official Gazette, Gram Panchayat, Panchayat Samiti and Zila Parishad, Municipal Committee, Rural Area, Urban Area, Water Rate

Amendments appended: 18 of 1978, 10 of 1983

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THE HIMACHAL PRADESH WATER SUPPLY ACT, 1968**ARRANGEMENT OF SECTIONS****SECTIONS**

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THE SCHEDULE

(Act No. 8 of 1969)¹

[Received the assent of the President of India on the 24th March, 1969 and was published in R.H.P. Extra., dated the 11th July, 1969, at p. 643—649]

Amended, repealed or otherwise affected by—

- (i) A.O. 1973, published in R.H.P. Extra., dated the 20th January, 1973, p. 91—112.

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

1. For Statement of Objects and Reas^{ns}, see R.H.P. Extra., dated the 13th August, 1968, P. 822.

2. Subs. 2 for the original cl. by A.O. 1973.

- (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 [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 ;
- (xiv) 'Water rate' means the charge for the time being levied or that may be levied in future for water supplied to a consumer, by a water supply schemes managed directly by the Government or by beneficiary to whom the scheme may be entrusted.

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.

4. Recovery of cost.—(1) The State Government shall, in the first instance, spend the entire amount on all the schemes and on the improvement of the existing water supplies in Himachal Pradesh and shall recover from the beneficiaries or consumers, as the case may be, in the manner hereinafter provided.—

(a) 25 per cent of the capital cost and interest thereon in respect of urban water supply schemes ;

(b) 12½ per cent of the capital cost and the interest thereon in respect of rural water supply schemes.

(2) The cost of maintenance and replacement of water supply scheme shall also be recovered by the State Government from the beneficiaries or consumers, as the case may be, and in the manner hereinafter provided.

(3) The rate of interest on the capital cost may be determined by the State Government from time to time.

1. Subs. for the words "the Punjab Municipal Act, 1911 as in force in Himachal Pradesh" *ibid.* 1973.

5. Levy of water rates—(1) The State Government shall levy a water rate from time to time, to recover the capital cost, as specified in clauses (a) and (b) of sub-section (1) of section 4, and the cost of maintenance and replacements and interest thereon, and such water rate shall be payable by the consumer in whose name the connection is registered :

Provided that the water rate shall not exceed one rupee per thousand gallon of water for domestic use and two rupees per thousand gallons of water for commercial use :

Provided further that the water rate in the case of pumped water supply may be double the water rate mentioned in the first proviso.

(2) The water rate shall be levied in consultation with a committee¹ appointed for this purpose by the State Government in the prescribed manner.

(3) 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.

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

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 provided that it deposits with the Government, its share of capital cost and interest thereon payable under clauses (a) and (b) of sub-section (1) of section 4, as the case may be, and cost of maintenance and replacement payable under sub-section (2) of section 4, as worked out and due on the date of handing over :

Provided that the local authority may be allowed by the Government to pay the amount aforesaid in such number of yearly instalments not exceeding twenty as the Government may deem proper and in such a case, the development, management or control of the scheme to the local authority shall not be handed over until such local authority gives an undertaking in writing to pay the amount by instalments as allowed.

(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 maximum as provided in the provisos to sub-section (1) of 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.

1. The Committee appointed *vide* Not. No. 5-14/69/P.W.-B, dated 17th October, 1975, published in R.H.P. Extra., date 23rd October, 1975, P. 1507-1508, read with Not. of same No., dated 17th December, 1975, published in R.H.P., dated 27th December, 1975, P. 1709.

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 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 rules¹ 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;
- (b) the time and manner of the recovery of capital cost under section 4;
- (c) appointment of a committee under section 5;
- (d) matters required to be considered by the committee appointed under section 5 for ensuring the efficient management by the beneficiary of water supply schemes under section 6; and
- (e) 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 [the H.P. Municipal Act, 1968 (19 of 1968)]².

1. The Rules framed *vide* Not. No. _____ dated the _____, repro. at P.,,

2. Subs. for "the Punjab Municipal Act, 1911, as in force in Himachal Pradesh" by A.O. 1973.

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), any thing 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.

KINNAUR DISTRICT

Peo, Karchan, 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.

**THE HIMACHAL PRADESH WATER SUPPLY (AMENDMENT)
ACT, 1978**

ARRANGEMENT OF SECTIONS

Sections :

1. Short title and commencement.
2. Amendment of section 5.
3. Amendment of section 11.

**THE HIMACHAL PRADESH WATER SUPPLY (AMENDMENT)
ACT, 1978**

(ACT No. 18 OF 1978)¹

(Received the assent of the Governor of Himachal Pradesh on the 26th April, 1978 and was published in R.H.P. Extra., dated the 29th April, 1978, p. 403).

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

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-ninth Year of the Republic of India, as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Himachal Pradesh Water Supply (Amendment) Act, 1978.

(2) It shall be deemed to have come into force with effect from the 1st day of April, 1978.

2. *Amendment of section 5.*—In section 5 of the Himachal Pradesh Water Supply Act, 1968 (hereinafter called the principal Act), the following amendments shall be made, namely:—

(a) for the existing first proviso to sub-section (1), the following proviso shall be substituted:—

“Provided that the water rate—

- (i) in urban areas shall not exceed Rs. 1.20 per thousand gallons of water for domestic use and Rs. 2 per thousand gallons for commercial use;
- (ii) in rural areas shall not exceed Re. 1 per month per family, if the water is taken from public hydrants; and in case of private water taps shall be Rs. 3 for one tap and Re. 1 for each additional tap;
- (iii) in the areas declared as tribal areas, shall not exceed half of the water rate chargeable in rural areas, as the case may be.”

(b) sub-section (2) shall be omitted; and

(c) existing sub-sections (3) and (4) shall be renumbered as sub-sections (2) and (3) respectively.

1. For statement of Objects and Reasons, see R.H.P. Extra., dt. 22-4-1978, p. 384

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

- (a) after the sign ‘;’ occurring at the end of clause (b) the word ‘and’ shall be inserted;
- (b) clauses (c) and (d) shall be omitted; and
- (c) existing clause (e) shall be re-numbered as clause (c).

NOTIFICATIONS AND RULES

UNDER

THE HIMACHAL PRADESH WATER SUPPLY ACT, 1968

Levy of Water rates

PUBLIC WORKS DEPARTMENT

NOTIFICATIONS

Shimla-2, the 1st June, 1978

No. PW B II (1) 3/78.—In exercise of the powers vested in him *vide* sub-section (1) of section 5 of the Himachal Pradesh Water Supply Act, 1968 (Act No. 8 of 1969), the Governor, Himachal Pradesh is pleased to levy the water rate on the following scale with effect from the date of issue of this notification:—

(a) *In Urban Areas:*

- (i) First 1000 gallons Re. 0.50 per thousand gallons.
- (ii) Next 1000 gallons Re. 0.80 per thousand gallons.
- (iii) Subsequent per 1000 gallons. Rs. 1.20 per thousand gallons.

(b) *In Rural Areas :*

- (i) Where water is supplied from public hydrants Re. 1.00 per month per family;
- (ii) Where the water is supplied through private water taps Rs. 3.00 for one tap and Rs. 1.00 for each additional tap.

(c) *In Tribal Areas:*

Half of the water rate chargeable in rural or urban areas, as the case may be.

R.H.P., dt. 10-6-1978, p. 540.

Shimla—171002, the 19th/21st October, 1978

No. PWB-II (1) 3/78.—In exercise of the powers vested in him *vide* sub-section (1) of section 5 of the Himachal Pradesh Water Supply Act, 1968 (Act No. 8 of 1969), the Governor, Himachal Pradesh is pleased to levy the water rates for commercial use at Rs. 2/- per thousand gallons in urban areas with immediate effect.

(R.H.P., dated 28-10-1978, P.12 13).

(Received the assent of the Governor of Himachal Pradesh on 12-4-1983 and was published in RHP Extra dated 20-4-1983 page 491)

An Act to amend the Himachal Pradesh War Awards Act, 1972 (Act No. 9 of 1972)

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

1. *Short title, extent and commencement.*—(1) This Act may be called the Himachal Pradesh War Awards (Amendment) Act, 1983.

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

(3) It shall and shall always be deemed to have come into force with effect from the 15th day of August, 1982.

2. *Amendment of section 3.*—In section 3 of the Himachal Pradesh War Awards Act, 1972 (9 of 1972)—

- (i) for the words "one hundred and fifty" occurring in clause (a), the words "three hundred" shall be substituted;
- (ii) for the words "one hundred" occurring in clause (d), the words "two hundred" shall be substituted; and
- (iii) for the words "fifty" and "ten" occurring in the first proviso, the words "one hundred" and "twenty" respectively shall be substituted.

**THE HIMACHAL PRADESH WATER SUPPLY (AMENDMENT)
ACT, 1983**

(Act No. 10 of 1983)¹

ARRANGEMENT OF SECTIONS

Sections :

1. Short title and commencement.
2. Amendment of section 2.
3. Omission of section 4.
4. Substitution of section 5.
5. Substitution of section 6.
6. Amendment of section 11.

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).

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 follows:—

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. *Omission 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 (b) 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”;
- (ii) the existing clause (c) shall be renumbered as clause (d)

NOTIFICATION

UNDER

THE HIMACHAL PRADESH WEIGHTS AND MEASURES ACT, 1979

Commencement of the Act

खाद्य एवं आपूर्ति विभाग

अधिसूचना

शिमला-2, 25 जुलाई, 1983

संख्या एक 0डी 0एस 0एफ 0- (6)-15/81.—हिमाचल प्रदेश वाट और माप अधिनियम, 1979 (1979 का अधिनियम संख्या 24) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश के राज्यपाल, अगस्त, 1983 का प्रथम दिन को सहर्ष नियत करते हैं जिस दिन से उक्त अधिनियम के सभी उपबन्ध ससस्त हिमाचल प्रदेश राज्य में प्रवृत्त होंगे।

(Authoritative English text of this Department Notification No. FDS. F (6)-15/81, dated 25th July, 1983, as required under clause (3) of Article 348 of the Constitution of India.)