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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 13th August, 2019 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 15 OF 2019.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 19th August, 2019).

AN ACT

further to amend the Gujarat Irrigation and Drainage Act, 2013.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Irrigation and Drainage (Amendment) Act, 2019.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title and
commencement.

Substitution
of section 37
of Guj. 6 of
2013.

2. In the Gujarat Irrigation and Drainage Act, 2013 (hereinafter referred to as "the principal Act"), for section 37, the following section shall be substituted, namely:-

Guj. 6 of 2013.

Penalty for
damaging
canal etc.

"37. (1) Whoever voluntarily or without proper authority,-

(i) passes or causes animals in canal shall be punished with imprisonment for a term which may extend to three months or with fine up to ten thousand rupees or with both;

(ii) causes or knowingly and willfully permits cattle to graze or tethers upon any canal or dam or causes knowingly and willfully permits cattle to tether upon any such canal or dam, or roots up any grass or other vegetation or any way injures or causes to be removed, cut or otherwise injures any tree, bush, grass or hedge without permission shall be punished with imprisonment for a term which may extend to three months or with fine upto ten thousand rupees or with both;

(iii) draws more water or takes water for time which is more than that permitted by the Canal Officer or takes water unauthorized through canal shall be punished with imprisonment for a term which may extend to three months or with fine up to ten thousand rupees or with both;

(iv) by any means raises or lowers the level of water by putting obstruction of any materials or takes water unauthorized by putting an engine or other instrument without damaging canal shall be punished with imprisonment for a term which may extend to six months or with fine upto twenty thousand rupees or with both;

(v) interfere with arrangement of regulating or controlling canal water flow or interfere in arrangement for that or damages/removes apparatus or structures constructed for water management shall be punished with imprisonment for a term

which may extend to one year or with fine up to fifty thousand rupees or with both;

(vi) pollutes the canal water or releases liquid waste or solid waste shall be punished with imprisonment for a term which may extend to one year or with fine upto fifty thousand rupees or with both.

(2) Over and above the punishment as referred to in clause (iv) of sub-section (1), the canal officer may confiscate the engine or pipeline or any other instrument used for drawing canal water unauthorizedly and such instruments shall be returned back by paying penalty up to one lakh rupees to canal officer.”.

3. In the principal Act, for section 38, the following section shall be substituted, namely:-

Substitution
of section
38 of Guj. 6
of 2013.

Penalty for
endangering
stability of
canal, etc.

“38. (1) Whoever, without proper authority, -

(i) makes any embankment or creates obstruction by any means for the purpose of diverting flow of a river or damages flood-embankment or carryout activity which leads to damage of flood embankment or refuses or neglects to remove any such embankment or obstruction when lawfully required so to do shall be punished with imprisonment for a term which may extend to one and half years or with fine up to one lakh rupees or with both;

(ii) pierces or cuts through canal or attempts to pierce or cut through canal or insert pipe by piercing or cutting canal or put engine or any other instrument in canal by damaging canal or canal lining or otherwise damage, destroy or endanger the stability or safety of canal or attempt to so shall be punished with imprisonment for a term which may extend to two years or with fine up to two lakhs rupees or with both;

(2) Over and above the punishment as referred to in clause (ii) of sub-section (1), the canal officer may confiscate the engine or pipeline or any other instrument used for drawing canal water unauthorizedly and such instruments shall be returned back by paying penalty up to one lakh rupees to canal officer.”.
