

Haryana Pond and Waste Water Management Authority Act, 2018

HARYANA

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Act 33 of 2018

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Haryana Pond and Waste Water Management Authority Act, 2018(Haryana Act No. 33 of 2018)[Dated 23.10.2018.]An Act to establish an authority in the State for development, protection, rejuvenation, conservation, construction and management of pond, utilization of pond water and treatment thereof and for management and utilization of treated effluent of sewage effluent treatment plants for the purpose of irrigation, thereby reducing stress of over exploitation of ground water and for matters connected therewith or incidental thereto.Be it enacted by the Legislature of the State of Haryana in the Sixty-ninth Year of the Republic of India as follows:-

1. Short title, commencement and application.

(1)This Act may be called the Haryana Pond and Waste Water Management Authority Act, 2018.(2)It shall come into force on such date, as the Government may, by notification, appoint and different dates may be appointed for different provisions of the Act.(3)It applies to all ponds in the State but shall not apply to a pond-(i)having an area of less than 0.5 acres;(ii)located in an area notified as forest; and(iii)located on private land.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Authority" means the Haryana Pond and Waste Water Management Authority constituted under section 3;(b)"Chairperson" means the Chairperson of the Authority;(c)"district level committee" means District Consultation and Monitoring Committee constituted under section 12;(d)"District Pond Management Officer" means an officer of Group A service at the district level, to be nominated by the Government;(e)"Executive Vice-Chairperson" means the Executive Vice- Chairperson of the Authority;(f)"Government" means the Government of the State of Haryana in the administrative department;(g)"Gram Panchayat"

means a Panchayat constituted at village level under the Haryana Panchayati Raj Act, 1994 (11 of 1994);(h)"member" means a member of the Authority and includes the Chairperson, Senior Vice-Chairperson and Executive Vice-Chairperson;(i)"Member Secretary" means the Member Secretary of the Authority;(j)"municipality" means an institution of self-Government which may be Municipal Committee or a Municipal Council or a Municipal Corporation;(k)"pond" means a tank or lake or any other inland water body having an area of 0.5 acre or more, whether it contains water or not, and mentioned in revenue records as talab, johar, tank or by any other name and includes green belt and the peripheral catchments areas, main feeder inlet and other inlets, bunds, weirs, sluices etc but does not include wet lands as notified by the Government from time to time;(l)"prescribed" means prescribed by the rules made under this Act;(m)"protected area" means the area declared as such under section 16;(n)"State" means the State of Haryana;(o)"village level committee" means the Village Pond and Waste Water Management Committee constituted under section 19.

3. Constitution of Authority.

(1)The Government shall, by notification in the Official Gazette and with effect from such date, as may be specified in the notification, constitute, for the purposes of this Act, an Authority to be called the Haryana Pond and Waste Water Management Authority with headquarter at such place, as the Government may, specify.(2)The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property both moveable and immovable and to contract and shall by the said name, sue or be sued.(3)The Authority shall consist of the following members, namely:-

(i)	Chief Minister, Haryana	Chairperson
(ii)	Minister In-charge, Irrigation and WaterResources Department	Senior Vice-Chairperson
(iii)	Minister In-charge, Development SeniorVice-Chairperson and Panchayats Department	
(iv)	A person of eminence in the field of waterresources management with proven track record having minimumqualification of graduation, to be appointed by the Government	Executive Vice-Chairperson
(v)	Additional Chief Secretary/Principal Secretaryto Government, Haryana, Finance Department	Member
(vi)	Additional Chief Secretary /Principal Secretaryto Government, Haryana, Irrigation and Water ResourcesDepartment	Member
(vii)	Additional Chief Secretary/Principal Secretaryto Government, Haryana, Development and Panchayats Department	Member
(viii)	Additional Chief Secretary/Principal Secretaryto Government, Haryana, Rural Development Department	Member
(ix)	Additional Chief Secretary/Principal Secretaryto Government, Haryana, Urban Local Bodies Department	Member
(x)		Member

	Additional Chief Secretary/Principal Secretary to Government, Haryana, Agriculture and Farmers' Welfare Department	
(xi)	Additional Chief Secretary/Principal Secretary to Government, Haryana, Public Health Engineering Department	Member
(xii)	Additional Chief Secretary/Principal Secretary to Government, Haryana, Environment and Climate Change Department	Member
(xiii)	Vice Chancellor, Deenbandhu Chhotu Ram University of Science and Technology, Murthal (Sonapat)	Member
(xiv)	Director, National Institute of Technology, Kurukshetra	Member
	An officer, who is or has been working on the post not below the rank of Engineer-in-Chief or equivalent in the Irrigation and Water Resources Department or Public Health Engineering Department of the State or Central Government, to be appointed by the Government as Technical Advisor	Member
(xvi)	Two persons from amongst experts/social workers in the field of environment, ecology or pond development and conservation, to be appointed by the Government	Non-Official Members
(xvii)	An officer who is or has been working on the post not below the rank of Chief Engineer or equivalent in the Irrigation and Water Resources Department, Public Health Engineering Department or Development and Panchayats Department of the State or Central Government.	Member Secretary

4. Salary, allowances and conditions of service.

(1) The salaries, allowances and other conditions of service of the Executive Vice- Chairperson, Technical Advisor and Member Secretary shall be such, as may be prescribed and shall hold the office for a period of three years or till attaining the age of sixty-five years, whichever is earlier. (2) The tenure of the non-official members shall be for a period of two years and shall not be eligible for re-appointment beyond two terms. (3) A member, other than ex-officio member may, at any time, by writing under his hand, addressed to the Chairperson, resign from his office. (4) The non-official members shall receive such allowances for attending the meeting of the Authority, as may be prescribed.

5. Meetings of Authority.

(1) The Authority shall meet at such time, at such place and observe such rules of procedure for conduct of meetings and transaction of business, as may be prescribed. (2) The Chairperson and in his absence, the Senior Vice-Chairperson shall preside over the meetings of the Authority. (3) The quorum for a meeting shall be one-third of the total number of members.

6. Functions of Authority.

- The Authority shall perform the following functions, namely:-(i)to survey and study pond, its boundaries and protected area;(ii)to analyze water of pond for ascertaining its suitability for irrigation and other uses;(iii)to take steps for regulation, control, protection, cleaning, beautification, conservation, reclamation, regeneration, restoration and construction of pond;(iv)to make environmental impact assessment of pond;(v)to prepare integrated plan for development of pond and removal of encroachment;(vi)to promote community participation and awareness in cleaning, conservation, tourism and beautification of pond by organizing awareness programmes, workshops and seminars;(vii)to develop infrastructure such as pumping machinery, channels and pipe systems for utilization of pond water and effluent of sewage effluent treatment plants for the purpose of irrigation;(viii)any other function, as may be directed by the Government.

7. Powers of Authority.

- The Authority while performing its functions under this Act shall have the following powers, namely:-(i)to enter into pond land, green belt and catchment area to perform its functions;(ii)to receive grants, donations, contributions and rents;(iii)to levy fee or charges;(iv)to receive Corporate Social Responsibility funds from private organizations;(v)to grant administrative approval for execution of projects;(vi)to release funds to village level committee on the recommendation of the district level committee;(vii)any other power, as may be assigned by the Government.

8. Powers and duties of Executive Vice- Chairperson.

(1)The Executive Vice-Chairperson shall give administrative approval to all project estimates and accept tenders subject to concurrence of the Authority:Provided that no such concurrence shall be necessary upto such amount, as may be prescribed.(2)The Executive Vice-Chairperson shall exercise such other powers and perform such other duties, as may be prescribed.

9. Powers and duties of Technical Advisor.

- The Technical Advisor shall exercise the following powers and perform the following functions, namely:-(i)to prepare proposals and project estimates for development of pond;(ii)to prepare irrigation schemes from pond and sewage/effluent treatment plant and other works connected thereto;(iii)to accord technical sanction to estimates after administrative approval of the project;(iv)to give technical advice to the Authority;(v)to monitor execution of schemes and works of the Authority;(vi)to authenticate such technical permissions, orders, notices and other documents of the Authority, as may be prescribed;(vii)to exercise control over such officers and officials of the Authority, as may be prescribed.

10. Powers and duties of Member Secretary.

- The Member Secretary shall exercise the following powers and perform the following duties, namely:-(i)to carry into effect the resolutions of the Authority;(ii)to conduct affairs of the Authority;(iii)to draw and disburse monies out of the fund of the Authority as delegated to him;(iv)to authenticate such permissions, orders, decisions, notices and other documents, as may be prescribed;(v)to exercise such other powers, discharge such other functions and perform such other duties, as may be prescribed.

11. Organizational Structure of Authority.

(1)The organization of the Authority shall have establishment, engineering, accounts and legal sections.(2)The Authority with the prior approval of the Government may appoint such officers and staff, in such manner and with such qualifications and conditions of service, as may be prescribed.(3)The Authority may recruit or engage officers and officials on deputation or through contractual engagements, as it may deem necessary for discharge of its functions.(4)The Authority may get its works executed as deposit work from any other department or organization of the State.

12. District Consultation and Monitoring Committee.

(1)The Government shall, by notification in the Official Gazette, constitute a committee at each district level to be called the _____ (name of district) District Consultation and Monitoring Committee consisting of the following members, namely:-

(i) Minister In-charge, District Grievances Committee	Chairperson
(ii) Chairperson, Zila Parishad	Member
(iii) Mayors/Presidents of the concerned Municipalities	Member
(iv) Deputy Commissioner	Member
(v) Additional Deputy Commissioner-cum-CEO (District Rural Development Authority)	Member
(vi) Superintending Engineer, Irrigation and Water Resources Department	Member
(vii) Superintending Engineer, Public Health Engineering Department	Member
(viii) District Development and Panchayat Officer	Member
(ix) Deputy Director, Agriculture and Farmers' Welfare Department	Member
(x) District Horticulture Officer	Member
(xi) District Forest Officer	Member
(xii) District Fisheries Officer	Member
(xiii) Two persons from amongst experts/social workers in the field of environment, ecology or pond development and conservation, to be appointed by the Government	Non-Official Members
(xiv) District Pond Management Officer	

Member
Secretary

(2)The non-official members shall receive such allowances for attending the meetings of the district level committee, as may be prescribed.(3)The tenure of the non-official members shall be for a period of two years and shall not be eligible for re-appointment beyond two terms.

13. Functions and duties of District Pond Management Officer.

- The District Pond Management Officer shall exercise the following powers and perform the following duties, namely:-(i)to give effect to the resolutions of the district level committee;(ii)to conduct affairs of the district level committee;(iii)to monitor execution of schemes and works of the district level committee;(iv)to exercise control over the officers and officials of the district level committee;(v)to exercise such other powers and discharge such other functions and perform such other duties, as may be prescribed.

14. Acts prohibited in pond.

- No person shall,-(i)construct any structure on pond land, green belt and catchment area, occupy any pond land or part thereof or cause any obstruction in the natural or normal course of inflow or outflow of water into or from the pond on the upstream or down-stream without permission of the Authority;(ii)dump debris, municipal or industrial waste, mud or earth soil into and around pond, green belt or catchment areas;(iii)discharge untreated municipal waste or industrial effluent into pond directly or indirectly;(iv)construct roads, bridges or other structures within the pond area including the pond bund without permission of the Authority;(v)breach bund, waste weir including lowering or raising the height of the waste weir from its original height or remove fence, boundary stones or any hoarding or any sign board erected by the Authority;(vi)do any other act which is detrimental, directly or indirectly to pond:Provided that nothing in this Act shall prohibit the Authority to redefine water uses of pond or treated effluent of sewage treatment plant or effluent treatment plant, from time to time:Provided further that the Authority may grant permission for any of the above prohibited uses, in public interest with the prior concurrence of the Government.

15. Construction and development of pond to vest in Authority.

(1)Notwithstanding anything contained in any State law, instrument or order, the construction and development of pond with effect from the commencement of this Act shall, vest in the Authority. No person shall undertake any activity, whatsoever, within the boundary of a pond otherwise than in accordance with the permission granted by the Authority:Provided that the Authority shall not grant any permission unless it is satisfied that such permission shall not have adverse impact on construction and development of pond:Provided further that the Government may, by order in writing, allow withdrawal and use of the water of pond for the purposes for which it was withdrawn and used immediately before the commencement of this Act to the extent such withdrawal does not affect adversely the conservation and development of pond.(2)Notwithstanding anything contained in any other State law, the Authority may direct the Gram Panchayat or municipality to remove any

building, structure or any other object of obstruction within the protected area and pond land: Provided that no building, structure or any other object of obstruction shall be removed, without following such procedure, as may be prescribed.

16. Declaration of protected area.

(1) The Government may, by notification in the Official Gazette, either suo-moto or on the recommendation of the Authority, declare a geographical area, green belt or catchment area around the pond to be a protected area. (2) Any person aggrieved by the notification under sub-section (1) may, within two months from the date of publication of such notification in the Official Gazette, file his objections or suggestions before the Government in such manner, as may be prescribed. (3) On the expiry of the period specified in sub-section (2), the Government may, after considering the objections and suggestions received by it under sub-section (2), either withdraw or modify the notification issued under sub-section (1) or reject the objections or suggestions, as the case may be. The decision of the Government shall be final.

17. Reularation of activities in protected area.

(1) The Authority shall be consulted at the time of preparation of spatial or development plan of any area comprising a pond or protected area and no spatial or development plan in respect of such area shall be approved or enforced without prior approval of the Authority. (2) No construction shall be undertaken in the protected area without obtaining prior permission of the Authority. The Authority may grant permission in such manner, as may be prescribed. (3) The Government may, by notification in the Official Gazette, either suo-moto or on the basis of information available with it or on the recommendation of the Authority, specify, such other activities in the protected area, as it considers expedient for the construction and development of pond, which shall be prohibited or be undertaken after obtaining prior permission of the Authority. (4) The Authority shall not grant any permission under sub-sections (2) or (3) if it is satisfied that such permission is likely to have adverse impact on construction and development of pond.

18. Power to seize.

(1) When an offence under sections 14, 15 or 17 has been committed, any instrument, implement, machinery, device, tool, boat, vehicle or any other material or object used in committing any such offence, shall be seized by the Gram Panchayat or Municipality. (2) The Gram Panchayat or Municipality seizing any property, vehicle, material or object under sub-section (1) shall place on them a mark indicating that the same has been so seized and shall, as soon as may be, make a report of such seizure to the police station having jurisdiction to try the offence on account of which the seizure is made.

19. Viilage pond and Waste Water Management Committee.

(1) The Government may, if deemed necessary, constitute a village level committee to be called

_____ (name of village) Pond and Waste Water Management Committee to carry out the objects of this Act. The committee shall be headed by the Sarpanch and shall consist of village level workers i.e. members from Village Water and Sanitation Committee (VWSC), Asha worker, member of self-help group, Swachhta Doot, representative of farmers to be benefitted and other volunteer social worker from village, as deemed fit.(2)The district level committee shall review the achievements of village level committee.

20. Penalty for contravention.

- Whoever contravenes the provisions of sections 14, 15 or 17 shall be liable for fine not exceeding twenty-five thousand rupees or to imprisonment not exceeding three months or both

21. Penalty for causing obstruction.

- Whoever, -(i) obstructs the Gram Panchayat, Municipality, District Pond Management Officer or any person acting under the orders or directions of the Authority, from exercising powers, discharging function or performing duties under this Act or the rules made thereunder; or(ii) damages any work or property of the Authority; or(iii) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the directions of the Authority, shall be liable on conviction to a fine not exceeding ten thousand rupees or to imprisonment not exceeding one month or both.

22. Enhanced penalty for subsequent offence.

- If any person, who has been convicted of any offence under section 20 is again found guilty of an offence involving a contravention of the same provision, shall on the second and on every subsequent conviction be liable to a fine not exceeding fifty thousand rupees or to imprisonment not exceeding six months or to both.

23. Offences by company.

- Where an offence under this Act has been committed by a company or residents association, every person who, at the time, the offence was committed was in charge of, and was responsible to the conduct of the business of the company or residents association 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 section shall, render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge. Explanation. - For the purposes of this section "company" means any body corporate and includes a firm or other association of individuals.

24. Fund of Authority.

(1)The fund of the Authority shall consist of the amount to be paid to it by the Government and all other receipts by way of gift, grant, penalties, fee, user charges or otherwise and shall be utilized for making payments and for performing its duties and discharging its functions under this Act.(2)The Authority may receive Corporate Social Responsibility funds from private organizations. The Authority may release funds to or receive funds from any other Department or any organization of State for implementation of the scheme or programme as a deposit work in such manner, as may be prescribed.(3)The Authority may keep in saving or deposit account with any scheduled bank or co-operative or other bank approved by the Government in this behalf, such sum of money out of its fund, as it may determine and any money in excess of the said sum shall be invested in such manner, as may be prescribed.(4)The accounts shall be operated in such manner and by such officer, as may be prescribed.

25. Accounts and audit.

(1)The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form and manner, as may be prescribed.(2)The accounts of the Authority shall be subject to audit annually by the Accountant General, Haryana and any expenditure incurred in connection with such audit shall be payable by the Authority.(3)The Accountant General, Haryana and any person appointed by him in connection with the audit of accounts of the Authority shall have the same rights, privileges and authority in connection with such audit as the Accountant General, Haryana has in connection with the audit of the Government accounts and in particular, shall have right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Authority.(4)The accounts of the Authority as certified by the Accountant General, Haryana or any person appointed by him in this behalf together with the audit report thereon and an explanatory memorandum on the action so taken or proposed to be taken shall be forwarded annually to the Government and the Government shall cause a copy of the same to be laid before the State Legislature.(5)The Member Secretary shall cause the accounts of the Authority together with the audit report and the explanatory memorandum to be placed on the website of the Authority after the report has been laid before the State Legislature under sub-section(4).

26. Annual Report.

(1)The Member Secretary shall prepare for every year a report of its activities during that year and submit the annual report to the Government in such form and on or before such date, as may be prescribed and the Government shall cause the report to be laid before the State Legislature.(2)The report referred to in sub-section (1) shall include an explanatory memorandum on the status of implementation of the annual plan of action on relief measures, schemes implemented alongwith gaps and shortfalls, if any, in implementation and reasons for such shortfall.(3)The Member Secretary shall cause the report together with the explanatory memorandum to be placed on the website of the Authority after the report has been laid before the State Legislature under sub-section (1).

27. Budget.

(1)The Member Secretary shall submit, in such form and manner and at such time every year, as may be prescribed, a budget in respect of the financial year next ensuing , showing the estimated receipts and disbursement of the Authority.(2)The Authority shall, subject to such modifications and revisions, as it may decide, approve the budget submitted under sub-section (1).(3)The budget as modified or revised by the Authority shall be forwarded to the Government alongwith such number of authenticated copies, as may be required by the Government and the Government shall cause the report to be laid before the State Legislature.(4)The Member Secretary shall cause the budget as modified or revised by the Authority, to be placed on the website of the Authority after the report has been laid before the State Legislature under sub-section (3).

28. Officers to be public servants.

- The Chairperson, the Senior Vice-Chairperson, the Executive Vice-Chairperson, Technical Advisor, Member Secretary, Members, officers and other employees of the Authority and every other officer exercising any of the powers conferred by this Act or the rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

29. Protection of action taken in good faith.

- No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

30. Effect of other laws.

(1)The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State law for the time being in force.(2)The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

31. Power to remove difficulties.

(1)If any difficulties arise in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provision, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulties:Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.(2)Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

32. Saving of religious rights.

- Nothing in this Act shall restrict or be construed as restricting any religious rights of any section of the society in respect of a pond having religious importance.

33. Transitory provisions.

- The Government may issue administrative orders and guidelines not inconsistent with the provisions of this Act to carry out the objects of this Act until the rules are made.

34. Power to make rules.

(1)The Government may, by notification after previous publication, make rules to carry out any or all the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following, matters, namely:-(i)salary, allowances and other conditions of service for the Executive Vice-Chairperson of the Authority;(ii)salary, allowances and other conditions of service for the Technical Advisor;(iii)salary, allowances and other conditions of service for the Member Secretary;(iv)allowance to be paid to non-official members for attending meeting;(v)procedure for conduct of business at the meeting of the Authority;(vi)the amount upto which the Executive Vice-Chairperson shall have the power to administratively approve the project estimates and accept tenders without concurrence of the Authority;(vii)such other powers as may be exercised by the Executive Vice-Chairperson;(viii)powers of the Technical Advisor to exercise control over the officers and officials of the Authority;(ix)powers of the Technical Advisor to authenticate by his signatures all technical permissions, orders, notices and other documents of the Authority;(x)powers of the Member Secretary to authenticate by his signatures all permissions, orders, decisions, notices and other documents of the Authority;(xi)powers of the Member Secretary to exercise other powers and discharge other functions and perform other duties of the Authority;(xii)manner, qualifications and conditions of service of officers and staff of the Authority;(xiii)the allowances of non-official members of the district level committee for attending the meeting;(xiv)other powers, functions and duties of the District Pond Management Officer;(xv)the procedure to be followed for removing buildings, structure or any other object of obstruction;(xvi)the manner for filing objections or suggestions declaring pond boundaries and protected area;(xvii)the manner for obtaining prior permission for undertaking construction in the protected area;(xviii)the manner to release or receive funds from any other department or any other organization of Government for implementation of scheme or programme as a deposit work;(xix)the manner for investment of excess funds with the Authority;(xx)manner for operation of accounts;(xxi)the form and manner for maintaining proper accounts and other records and for preparation of annual statement of accounts of the Authority;(xxii)the form and manner for preparation of annual report of full accounts of activities of the Authority;(xxiii)the form and the date for submission of annual report;(xxiv)the form, manner and time for preparation of budget;(xxv)any other matter which has to be or may be prescribed.(3)Every rule made under this Act shall be laid down, as soon as may be possible, before the State Legislature.

35. Repeal and saving.

(1)The Haryana Pond and Waste Water Management Authority Ordinance, 2018 (Haryana Ordinance No.4 of 2018), is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.