

**Uttar Pradesh Water Management And Regulatory
Commission Act, 2014**

05 of 2014

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Uttar Pradesh Water Management And Regulatory Commission Act, 2014

05 of 2014

PREAMBLE

An Act to provide for the establishment of the Uttar Pradesh Water Management and Regulatory Commission to regulate and recommend the tariff for water used for agriculture, industrial, drinking, power and other purposes and also for levying cess on land benefited by food protection and drainage works from the owners of land benefited through appropriate regulatory instruments according to State Water Policy to assist the State for making policies and execution of the water resources within the state, facilitate and ensure judicious, equitable and sustainable management, allocation and optimal utilisation of water resources for ensuring sustainable development of the state and matters connected therewith or incidental thereto.

It is hereby enacted in the Sixty-fourth Year of the Republic of India as follows--

Prefatory Note--Statement of Objects and Reasons.--Water scarcity and its deteriorating quality is becoming apparent in the moisture sufficient State of Uttar Pradesh which shall get more pronounced with increasing population. Water is a basic human need and one of the most crucial elements in development planning. The planning of this limited resource has to be guided by development perceptions of the State which would inter alia account for geographical conditions, hydrological status (surface and underground water), water allocation priorities and other specific needs.

It is incumbent on the state to put the limited and scarce water resources in most economical, efficient and sustainable use to promote its optimal use for drinking water, agro and non-agro industries, irrigation, hydro-power, ecology, navigation and other uses as per the priorities fixed in State Water Policy from time to time. It is the duty of the State Government to monitor that the underground aquifers are sustained and the river water is exploited keeping in the view the ecological balance of the river systems. It is also the responsibility of the State Government to maintain both quantity and quality of the water with suitable measures required to be taken with best of technology and management practices

available in working out equitable and sustainable distribution of water. The State Government is also responsible to establish a water tariff system and fix criteria for water charges with a view to ensuring proper administration, operation and maintenance of water carrier systems for the use and consumption of water.

In order to ensure proper utilisation of natural water resources of the State it has been decided to make a law to provide for the establishment of the Uttar Pradesh Water Management and Regulatory Commission to regulate the water resources within the State. Facilitate and ensure judicious equitable and sustainable management, allocation and optimal utilisation of water resources for environmentally, economically sustainable development of the State, fix the rates for water use for agriculture, industrial, drinking, power and other purposes and cess on lands benefited by flood protection and drainage works from the owners of lands benefited through appropriately regulatory instruments according to State Water Policy.

The Uttar Pradesh Water Management and Regulatory Commission Bill, 2014 is introduced accordingly.

1. Received the assent of the Governor on March 4, 2014 and published in the U.P. Gazette, Extra., Part 1, Section (Ka), dated 4th March, 2014, pp. 13-25

CHAPTER 1 PRELIMINARY

1. Short title, extent and commencement :-

(1) This Act may be called the Uttar Pradesh Water Management and Regulatory Commission Act, 2014.

(2) It extends to the whole of the State of Uttar Pradesh.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

(4) The provisions of this Act shall apply notwithstanding anything to the contrary contained in the Uttar Pradesh Water Supply and Sewerage Act, 1975 or the Uttar Pradesh Participatory Irrigation Management Act, 2009 or in any other law of the State for the time

being in force including the provisions of a Central Acts enacted under an entry enumerated in the State list of the Seventh Schedule to the Constitution of India.

2. Definitions :-

In this Act unless the context otherwise requires,--

(i) "Area of Operation" means the entire geographical area of Uttar Pradesh in which water is managed and supplied to different use sectors by public or private agency or the area which is benefited by flood protection and drainage works;

(ii) "Basin" means the area of land around a river from which streams run down into it;

(iii) "Bulk Water Entitlement" means the volumetric authorisation given by the State to a share of water resource produced by a project, river system or storage facility, for a specific period of time as specifically provided in the order granting the entitlement;

(iv) "category of uses" means classification of use of water for different purposes such as drinking and domestic, industrial or commercial, irrigation, power, agriculture and environmental etc. and includes such other purposes as may be prescribed;

(v) "Cess" means an amount to be charged on lands benefited by flood protection and drainage works from owners/lease holders of such lands;

(vi) "Chairperson" means the Chairperson of the Commission;

(vii) "Commission" means the Uttar Pradesh Water Management and Regulatory Commission established under Section 3;

(viii) "Entitlement" means any authorisation by the State

Government to use the water for the specified purpose under this Act;

(ix) "Groundwater" means the water, which exists in an aquifer below the surface of the ground at any particular location, regardless of the geological structure in which it is stationary or moving and includes all groundwater reservoirs;

(x) "Groundwater entitlement" means an individual or bulk water entitlement to a volumetric quantity of water to be extracted from a tube well, bore well or other well or by any other means of extraction of ground water, or a group or field or wells duly and legally permitted, registered and constructed in accordance with standards prescribed by the State Government;

(xi) "Individual Water Entitlement" means any authorisation by the State Government to use the water for specified purpose under this Act other than bulk water entitlement;

(xii) "Integrated State Water Plan" means a water plan for use of both surface and ground water duly approved by the State Government;

(xiii) "License" means a license granted by the State Government in such manner as may be prescribed;

(xiv) "Licensee" means an individual/organisation which maintains the water supply system, supplies water and collects the water tariff, or which owns tube well/diesel pumping set or uses groundwater for any purpose excluding domestic use by exploiting groundwater as may be prescribed;

(xv) "Member" means a member of the Commission;

(xvi) "Notified area" means a unit/Development Block falling under

over exploited or critical category as may be defined by general or special order by the Uttar Pradesh Groundwater Department of the State Government from time to time;

(xvii) "Prescribed Authority" means any authority at various levels within the water resources management system that has been duly authorised by the State to determine and declare, on an annual or seasonal basis, the quota or amount of water available within a system for use as an allocated percentage of the entitlements duly issued by the State Government;

(xviii) "Project level entity" means a group of all water user entities from a common supply source within a water resources project;

(xix) "Quota" means a volumetric quantity of water made available to an entitlement holder, which is derived by multiplying an entitlement by annual or seasonal allocation percentage;

(xx) "Regulation" means regulations made by the Commission under this Act;

(xxi) "Selection Committee" means a selection committee constituted under Section 6 of Chapter II;

(xxii) "Sewerage" means a system of collection of waste water from a community from its houses, institutions, industry and public places, the pumping treatment and disposal of such waste water, its effluent sludge, gas and other end products;

(xxiii) "State Water Policy" means the State Water Policy, 1999 as amended from time to time;

(xxiv) "SWARA and SWARDAC" means the State Water Resources Agency and the State Water Resources Data and Analysis Centre respectively that would work as technical advisors to the

Commission in addition to their own works specified by the State Government when called for after prior approval of the State Government;

(xxv) "Tariff means a specific charge or set of charges applicable for providing water supply;

(xxvi) "Utility" means any water user entity such as agency, company, person, director etc. responsible for the management, treatment and distribution of water to agriculture, horticulture, domestic, industries municipal/rural water supplies and for any other purpose as may be notified by the State Government;

(xxvii) "User of groundwater" means the person or persons of an institution including a company or an establishment, whether government or private who or which own or use groundwater for any purpose excluding domestic use made either on a personal or community basis;

(xxviii) "Water" means all surface and subsurface water accruing in rivers or any part of a river, stream, lake natural collection of water in aquifers or natural drainage channel, water recycled after treatment of sewage and industrial waste etc., that is to say water supplies and sewerage, irrigation and canals, drainage and embankments, water storage and water power or, water in all states (solid, liquid or vapour) in storage or in flux within hydrologic cycle, that is necessary for a sustainable quality of life, as well as for sustaining the natural environment;

(xxix) "Water User Entity" means any Water User entity including Water Users Association, utility, Industrial Users Association or any other group or individual which is authorised by the State Government to receive and utilise a water entitlement;

(xxx) "Water availability" means availability of surface or ground water for use for a period or season or year which is rechargeable;

(xxxii) "Water Quality" means accessed water which is safe for consumption for the purpose for which it is supplied as per norms of Uttar Pradesh Pollution Control Board or the norms set by Bureau of Indian Standards.

CHAPTER 2 ESTABLISHMENT OF COMMISSION

3. Establishment of the Commission :-

(1) The State Government shall within three months from the date of commencement of this Act, by notification, establish a Commission to be known as the Uttar Pradesh Water Management and Regulatory Commission to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Commission shall be a body corporate.

(3) The Head Office of the Commission shall be at Lucknow.

(4) The Commission shall consist of a Chairperson and such number of members not exceeding five.

(5) The Chairperson and the members of the Commission shall be appointed by the State Government on the recommendation of the Selection Committee referred to in Section 6.

4. Qualification for appointment of Chairperson and other members of the Commission :-

(1) Only such person shall be appointed as the Chairperson or a member who possesses the qualifications mentioned hereunder--

(a) Chairperson.--The Chairperson shall be a person having bachelors degree of any recognised university/institute with administrative experience of not less than 25 years, and must have held the post of Chief Secretary of the State Government or the

Secretary to the Government of India or any post equivalent thereto and has experience of departments related to water resources.

(b) Members.--

(i) One member shall be expert in the field of water resources having bachelors degree in Civil Engineering of any recognised university/institute and having experience of at least 20 years of service in the field of irrigation/water resources and having served as Chief Engineer or any post equivalent thereto.

(ii) One member shall be an expert from the field of water resources economy having masters degree in economics/commerce/MBA with finance/accountancy. He must have at least 20 years of experience, having worked as a professor in a reputed institute of management or as a whole time director in a financial institution specified under Section 4-A of the Companies Act, 1956 or as a whole time director in a scheduled bank within the meaning of the Reserve Bank of India Act, 1934 or have a substantial professional background of finance, regulation, tariff structuring etc.

(iii) One member shall be an expert in the field of drinking water and waste water management having bachelors degree in civil/public health/environmental engineering of any recognised university/institute. He must have at least 20 years experience having worked in the field of urban/rural water supply/drainage/sewerage and waste water management and having served as Chief Engineer or any post equivalent thereto with particular experience in groundwater development for water supply and large water treatment plants.

(iv) One member shall be an expert in the field of agriculture/land management having bachelors degree in agriculture/agriculture engineering of any recognised university/institute. He must have at least 20 years experience having worked in the field of agriculture/industry/teaching/research.

(v) One member shall be expert in the field of water tube wells/pump canals/groundwater exploration and studies/rain water harvesting and allied important mechanical/minor irrigation works having bachelors degree in mechanical engineering/masters degree in geology or geo-physics of any recognised university/institute and having experience of at least 20 years of service and having served as Chief Engineer/Superintending Engineer or any post equivalent thereto.

(2) The Chairperson or any member of the Commission shall not hold any other officer during his/her tenure as such.

(3) The Chairperson shall be the Chief Executive Officer of the Commission.

(4) Where the Chairperson is unable to discharge his functions owing to absence, illness, death, resignation or any other cause or where any vacancy occurs of the office of the Chairperson, any member nominated by the State Government and the absence of such nomination or where there is no Chairperson any member chosen by the members present among themselves, shall exercise the powers and discharge the duties of the Chairperson.

5. Disqualification for being the Chairperson or a member :-

A person shall be disqualified for appointment as the Chairperson or a member, if he--

(a) has been adjudged as insolvent; or

(b) has become physically or mentally incapable of acting; or

(c) has been convicted and sentenced to imprisonment for any offence involving moral turpitude; or

(d) has acquired such financial or other interest as is likely to affect his functions as the Chairperson or a member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest; or

(f) is an sitting/ex-Member of Parliament, or of any State Legislature or any local Commission or is a candidate for election thereto; or

(g) is an active member of a political party or holds a post therein.

6. Constitution and function of the Selection Committee :-

(1) The State Government shall, by notification, constitute a selection committee, for the purposes of making appointments of the Chairperson and other members under sub-section (5) of Section 3. The Committee and consist of;

(a) the Chief Secretary, Government of Uttar Pradesh; ex-officio President;

(b) the Agricultural Production Commissioner, Government of Uttar Pradesh : ex-officio member;

(c) the Industrial Development Commissioner Government of Uttar Pradesh : ex-officio member;

(d) the Principal Secretary to the Government of Uttar Pradesh in the Finance Department : ex-officio member;

(e) the Principal Secretary to the Government of Uttar Pradesh in Urban Development Department : ex-officio member;

(f) the Principal Secretary to the Government of Uttar Pradesh in Energy Department : ex-officio member;

(g) the Principal Secretary to the Government of Uttar Pradesh in Groundwater and Minor Irrigation Department : ex-officio member;

(h) the Principal Secretary to the Government of Uttar Pradesh in Irrigation Department Secretary : ex-officio member;

(i) any independent technical expert or experts invited by the President related to the expertise required of the member/members.

(2) The State Government shall within one month from the date of occurrence of any vacancy by reason of death, resignation or removal and six months before the superannuation or end of tenure of the Chairperson or a member, make a reference to the selection committee for filling up of the vacancy.

(3) The selection committee while making selection of the Chairperson and the members, shall have due regard to performance record, ability, integrity, character, qualifications and experience of the person proposed to be selected as Chairperson or any other member as the case may be.

(4) The Selection Committee shall finalise the selection of the members within two months from the date on which the reference is made to it.

(5) The Selection Committee shall recommend a panel of two names for every vacancy referred to it.

(6) A person who is considered for selection as the Chairperson or a member shall notify to be Selection Committee--

(a) of any office, employment or consultancy agreement or arrangement which the person or his relative has in his own name or in any firm, association of persons or body corporate, owned or otherwise controlled by any of them carrying on any of the following business:

(i) diversion of surface water, distribution of water, extraction of groundwater or supply of water;

(ii) manufacture, sale, lease, hire or otherwise supply of or dealing in machinery, plant equipment, apparatus or fittings related to water industry;

(iii) any entity providing any professional services to any of the businesses referred to in clauses (i) and (ii) above.

(b) such other details and information as may be prescribed by the Selection Committee.

(7) The details received from the persons referred to in sub-section (6) shall be placed for consideration of the Selection Committee at the time of selection and recommendation of the person for appointment as the Chairperson or a member.

(8) The Chairperson and each member shall, before taking charge of the office, divest himself from the interest in the businesses mentioned in sub-section (6) as a condition of his or her appointment.

(9) If a person to be appointed as the Chairperson or a member holds any office under the State or Central Government or any public sector corporation or any government body or is gainfully employed or engaged in service by any other person, government authorities, public or private sector or otherwise, he shall submit his resignation or take voluntary retirement from that service before joining the commission.

(10) So long as a person holds the office of the Chairperson or a member and for a period of two years after he ceases to be the Chairperson or a member for any reason whatsoever, he shall not acquire, hold or maintain, directly or indirectly any office, employment or consultancy arrangement or any financial interest in any of the businesses mentioned in sub-section (6) and if he acquires any such interest involuntarily or by way of succession or testamentary disposition he will divest himself of the interest within a period of three months of such interest being acquired.

(11) Before recommending any person, the Selection Committee shall satisfy itself that such person does not have any financial or other interest as referred to in sub-section (6) which is likely to affect prejudicially his functions as the Chairperson or a member.

(12) All decisions of the Selection Committee shall be by a majority.

(13) The procedure for selection and appointment of the Chairperson and the members shall be such as may be prescribed.

(14) No appointment of the Chairperson or a member shall be invalid merely by reason of any vacancy in the Selection Committee.

7. Terms of office and conditions of service of the Chairperson and the members :-

(1) The Chairperson or a member shall hold office for a term of two years from the date he enters upon his office:

Provided that the Chairperson or a member may be re-appointed but not for more than two consecutive terms:

Provided further that the Chairperson or a member shall not hold office after he has attained the age of sixty-five years.

Allahabad

(2) The Chairperson or any member may relinquish his office at any time, by giving in writing to the Governor a notice of one month or may be removed from his office in accordance with the provisions of Section 8.

(3) The Chairperson shall, before entering upon his office, make and subscribe an oath of office and secrecy before the Governor or any other person nominated by him and every member before the Chairperson in such form as may be prescribed.

(4) The salary and allowances payable to, and other terms and conditions of service of the Chairperson or the members shall be such as may be prescribed.

(5) The salary, allowances and other conditions of service of the Chairperson or the members shall not be varied to their disadvantage after appointment.

(6) The Chairperson or a member ceasing to hold office as such shall not.

(a) be eligible for further employment under the State Government for a period of two years from the date he ceases to hold such office except with the permission of State Government;

(b) accept any commercial employment for a period of two years from the date he ceases to hold such office; and

(c) represent any person before the commission in any manner.

Explanation.--For the purposes of this sub-section--

(i) "Employment under the State Government" includes employment under a local body or any other Commission within the territory of India under the control of any State Government or under any corporation or society owned or controlled by the State Government.

(ii) "Commercial Employment" means employment in any capacity under, or agency of, a person engaged in commercial industrial or financial business in the water resources related industry and includes also a director of a company or partner of a firm and it also includes setting up practice either independently or as partner of a firm or as an advisor or a consultant.

8. Removal of the Chairperson or a member :-

(1) Subject to the provisions of subsection (2), the Chairperson or any member shall only be removed from his office by the State Government on the ground of proved misbehaviour after the panel of three enquiry officers appointed from the officers equivalent to Secretary to the Government for this purpose on reference being made to them by the State Government, has, on enquiry, held by the panel and in consultation with the leader or opposition reported that the Chairperson or the member ought on any such ground to be removed:

Provided that such Chairperson or any member may be removed from his office on the basis of such enquiry report only on the recommendation of the panel headed by the Chief Minister, the Minister of Irrigation and the leader of opposition as members thereof.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, by order, remove the Chairperson or a member from his office if he has incurred any of the disqualifications mentioned in Section 5.

(3) Notwithstanding anything contained in sub-section (2), the Chairperson or a member shall be removed from his office on the ground specified in clause (b), clause (d) or clause (e) of Section 5 as per the process given in sub-section (1).

(4) The State Government shall pass suitable order in accordance with the report referred to in sub-section (1) or sub-section (3), as the case may be, and the final decision of the State Government shall be communicated to the Chairperson or other member concerned within a period of 30 days of receipt of such report.

9. Power of State Government to depute officers and employees to the Commission and their service conditions

:-

(1) The Commission may appoint a Secretary not below the rank of Superintending Engineer, either working or retired, having bachelors degree in civil/mechanical engineering of any recognised university/institute and having experience in the field of water sector, to exercise and perform such duties, under the control of the Chairperson, as may be specified by regulations.

(2) The Commission shall obtain necessary inputs from State Water Resources Agency/State Water Resources Data and Analysis Centre, that would work as technical advisors to the Commission in addition to their own works specified by the State Government. The Commission may appoint such number of officers and employees as it considers necessary for the performance of its duties and functions, with prior approval of the State Government.

(3) The salaries and allowances payable to and other conditions of service of the Secretary, officers and other employees of the Commission shall be such as may be determined by the regulations.

(4) Save as otherwise provided in this section, the terms and conditions of services of employees on deputation to the Commission shall not be less advantageous than those applicable to

them immediately before deputation and shall not be varied to their disadvantage.

(5) The State Government shall appoint any Government Officer or employee on deputation to the Commission on the proposal made by the Commission in this regard.

(6) The period of deputation of any such officer or employee to the Commission shall be three years except when any such person is required to be repatriated on the grounds, such as promotion, reversion, termination or superannuation or any other reason of deputation, he shall stand repatriated to service under the State Government:

Provided that during the period of such deputation all matters relating to the pay, leave, allowances, retirement, pension, provident fund and other conditions of service of the employees on deputation shall be regulated by the Uttar Pradesh Civil Services Rules or such other rules as may, from time to time, be made by the State Government.

(7) The Commission may appoint consultants required to assist the Commission in the discharge of its functions on such terms and conditions as may be determined by regulations.

10. Proceedings of the Commission :-

(1) The Commission shall meet at such time and place within the state as the Chairperson may think fit and shall observe such rules of procedure in transaction of business at its meetings (including the quorum at its meetings) as may be determined by regulations.

(2) The Chairperson or if he is unable to attend a meeting of the Commission, a member nominated by the Chairperson in this behalf and, in the absence of such nomination or where there is no Chairperson, any member chosen by the members present from

among themselves, shall preside over the meeting.

(3) All matters which come up before the Commission shall be decided by a majority of votes of the members present and voting and in the event of an equality of votes, the Chairperson or person presiding shall have the right to exercise a second or casting vote.

(4) All decisions, directions and orders of the Commission shall be in writing supported by reasons and shall be available for inspection by any person and copies of the same shall also be made available in such manner as the Commission may determine.

(5) The Commission shall regulate its own procedure.

(6) All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorised by the Secretary in this behalf.

11. Vacancies etc., not to invalidate Act or proceedings :-

No Act or proceedings of the Commission shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Commission.

CHAPTER 3 POWERS, FUNCTIONS AND DUTIES OF THE COMMISSION

12. Powers and functions of the Commission :-

The Commission shall exercise the following powers and perform the following functions, namely--

(a) to fix and regulate water tariff system and charges for surface and sub-surface water used for domestic, agriculture, industrial and other purposes;

(b) to determine and regulate the distribution of entitlement for

various categories of uses as well as within each category of use;

(c) to periodically review and monitor the water sector costs and revenues;

(d) to determine the rate of cess to be charged from owner of lands benefited by flood protection and drainage works implemented under new projects;

(e) to advise the State Government for the Integrated State Water Plan/Basin Plans developed by State Water Resources Agency to ensure sustainable management of water resources within the parameters laid down by State Water Policy as amended from time to time;

(f) to determine the allocation and distribution of entitlements for various sectoral water requirement as per the State Water Policy;

(g) to review and accord clearance to new water resources projects proposed at the river basin/sub-basin level by the concerned entity ensuring that the proposal is in conformity with Integrated State Water Plan specially with respect to the water allocation of each entity, that is economically, hydro-geologically and environmentally viable;

(h) to establish a system of enforcement, monitoring and measurement of the entitlements for the use of water to ensure that the actual use of water, both in quantity and type of use are in compliance with the entitlements;

(i) to monitor conservation of environment and facilitate the development of a framework for the preservation and protection of the quality of surface and groundwater resources as per established norms and standards;

(i) to promote competition, efficiency and economy in the activities

to promote competition, efficiency and economy in the activities of the water and wastewater sector to minimise wastage of water;

(k) to promote better water management techniques and practices;

(l) to enforce rain water harvesting to augment groundwater recharge;

(m) to enforce the decisions or orders issued under this Act by a suitable agency or empower to any existing agency for this purpose;

(n) to aid and advise the State Government on any matter referred to the Commission by the State Government;

The above powers and functions from (d) to (n) are recommendatory/advisory in nature and will take place subject to the approval by the competent authority to the State Government.

13. General Policies of the Commission :-

(1) The Commission shall work within the framework of the State Water Policy.

(2) The Commission shall advise the State Government to promote sound water conservation and management practices throughout the State in accordance with State Water Policy through the implementing agencies in the State.

(3) The Commission shall support and aid the enhancement and preservation of water quality within the State in close co-ordination with the relevant State agencies.

14. Powers to issue directions :-

The State Government may from time to time issue directions not inconsistent with this Act.

15. Water supply and overall performance standard :-

The Commission may advise, when called for by the State Government from time to time to;

(a) determine such standards of overall performance in respect of water supply services and promotion of the efficient use of water by consumers, as in its opinion, are economical and ought to be achieved by such licensees, and different standards may be determined for different licensees; and

(b) publish the standards so determined in such form and in such manner as the Commission may consider proper.

16. Restriction on disclosure of information :-

(1) Save as otherwise provided in this Act, information in respect of any person or business which, has been furnished to, or obtained by, the Commission under this Act shall be treated as classified and shall not be disclosed by the Commission, without the consent of the concerned person or the person in-charge of the business:

Provided that such information may be disclosed to the Central Government, the State Government, Accountant General of the State or a person who requires it in connection with the discharge of statutory duties.

(2) The restriction contained in sub-section (1) shall not apply to the information related to tariff.

(3) Information in possession of the Commission shall be kept confidential and may be furnished to any person or agency only with the permission of the Commission.

17. Grants by the State Government to the Commission :-

(1) The State Government shall after due appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purposes of this Act:

Provided that expenditure in respect of salaries and allowances of the Chairperson and other members shall be charged on the Consolidated Fund of the State.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in subsection (1) and may also charge fee towards expenditure of the Commission.

18. Accounts and audit :-

(1) The Commission shall maintain proper accounts and other relevant records and shall cause to be prepared an annual statement of accounts in such form as may be prescribed by the Government in consultation with Accountant General.

(2) The accountant of the Commission shall be audited by the Accountant General, Uttar Pradesh, or any officer authorised by him in this behalf at such intervals as may be specified by Government and any expenditure incurred in connection with such audit shall be payable by the Commission to the Accountant General.

(3) The copies of annual statement of accounts of the Commission together with the audit report thereon shall be forwarded to the State Government.

(4) A copy of the annual statement of accounts of the Commission

together with the audit report thereon received by the State Government under sub-section (3) shall be laid before each House of the State Legislature.

19. Annual report of the Commission :-

(1) The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and copies thereof shall be forwarded to the State Government.

(2) The State Government shall cause the annual report to be laid, as soon as may be, after it is received, before each House of the State Legislature.

CHAPTER 5 MISCELLANEOUS

20. Chairperson, members and staff of the Commission to be public servants :-

The Chairperson, members and other employees of the Commission shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

21. Power to make rules :-

(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the power contained in subsection (1), such rules may provide for all or any of the following matters, namely--

(a) the procedure to be adopted by the Selection Committee for selection and appointment of the Chairperson and the members;

(b) the form and manner in which the accounts of the Commission shall be maintained; and

(c) any other matter which is required to be, or may be, prescribed.

22. Power to make regulations :-

(1) The Commission may make regulations not inconsistent with this Act or the rules made thereunder for the efficient performance of its functions under this Act.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such regulations may provide for all or any of the following matters, namely--

(a) The administration of the affairs of the Commission in the exercise of its functions;

(b) Determination of the functions to be assigned to licensees and other persons involved in the purchase, distribution or supply of water, the manner in which such functions shall be discharged and the procedures to be adopted and enforced in regard to the operation and maintenance of water supply system;

(c) The procedure and the conditions for the grant of licenses, the particulars and documents to be made available by the persons applying for licenses, the standards and general conditions subject to which the license shall be granted, the grant of exemptions from the requirement of a license, the revocation and amendment of licenses and the effect thereof and all matters related thereto;

(d) The duties, powers, rights and obligations of licensees;

(e) The particulars to be furnished, and the form and manner for furnishing information, particulars, documents, accounts and books

by the persons involved in the water distribution and supply or use of water;

(f) The terms and conditions and the procedure for determination of revenues and tariffs;

(g) the determination of the standards of performance of the persons involved in the distribution or supply of water in the state;

(h) The fees and charges payable by the licensee and the consumer of water;

(i) The amount of fines and penalties to be imposed for violation of the provisions of this Act including the method and manner of imposition of fines and penalties and collection of the same;

(j) Any other matter which is requires to be, or may be, provided by regulations.

23. Power to remove difficulties :-

(1) If any difficulty arises in giving effect to the provisions of this Act, by reasons of anything contained in this Act, or any other enactment for the time being in force, the State Government may, as the occasion requires, by order direct that this Act shall, during a period not exceeding twelve months after the date of such order have effect subject to such adaptations, whether by way of modifications, addition or omission, as it may deem to be necessary and expedient.

(2) No order under sub-section (1) shall be made after the expiration of a period of two years from the commencement of this Act.