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കേരള സർക്കാർ
Government of Kerala
2017



Regn. No. KEBIL/2012/45073
dated 5-9-2012 with RNI
Reg. No. KL/TV/NV/634/2015-17

കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണ
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 6	തിരുവനന്തപുരം, വെള്ളി	2017 ഡിസംബർ 8	നമ്പർ
Vol. VI	Thiruvananthapuram, Friday	8th December 2017	No. 2698
		1193 വൃശ്ചികം 23	
		23rd Vrischikam 1193	
		1939 അശ്വതി 17	
		17th Agrayayana 1939	

GOVERNMENT OF KERALA
Law (Legislation-F) Department

NOTIFICATION

No. 24395/Leg. F2/2017/Law. *8th December, 2017*
Dated, Thiruvananthapuram, 23rd Vrischikam, 1193
17th Agrayayana, 1939.

The following Ordinance promulgated by the Governor of Kerala on the 7th day of December, 2017 is hereby published for general information.

By order of the Governor,
K. S. MADHUSOODANAN,
Special Secretary (Law).

ORDINANCE No. 27 OF 2017

**THE KERALA IRRIGATION AND WATER CONSERVATION
(AMENDMENT) ORDINANCE, 2017**

Promulgated by the Governor of Kerala in the Sixty-eighth Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala Irrigation and Water Conservation Act, 2003.

Preamble.—WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Irrigation and Water Conservation (Amendment) Ordinance, 2017.

(2) It shall come into force at once.

2. *Act 31 of 2003 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Irrigation and Water Conservation Act, 2003 (31 of 2003) (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in sections 3 to 8.

3. *Amendment of section 37.*—In section 37 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) No person shall deposit rubbish or filth or excreta in any distributory system or water course or allow to flow waste water into it or pollute the water in any other way.”

4. *Amendment of section 58.*—In sub-section (1) of section 58 of the principal Act, after clause (j), the following clause shall be inserted, namely:—

“(k) a police officer not below the rank of an Inspector General of Police to be nominated by the Government.”

5. *Amendment of section 59.*—For sub-section (2) of section 59 of the principal Act, the following sub-section shall be substituted, namely:—

“(2) The quorum for a meeting of the Authority shall be four members including the Chairman.”

6. *Amendment of section 70.*—For sub-section (3) of section 70 of the principal Act, the following sub-section shall be substituted, namely:—

“(3) Whoever contravenes the provisions of section 7 or sub-section (3) or sub-section (4) of section 37 shall, on conviction, be punished with imprisonment for a term which may extend to three years or with fine which may extend to two lakh rupees or with both.”

7. *Insertion of new section 70A.*—After section 70 of the principal Act, the following section shall be inserted, namely:—

“70A. *Special jurisdiction of Magistrate.*—Notwithstanding anything contained in sub-section (2) of section 29 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), a Judicial Magistrate of the First Class shall be empowered to impose a fine which may extend to two lakh rupees for the offences punishable under this Act.”

8. *Amendment of section 72.*—In section 72 of the principal Act, in clause (c), for the words “two years, but it shall not be less than six months, and with fine which may extend to thirty-five thousand rupees”, the words “three years, but it shall not be less than one year, and with fine which may extend to two lakh rupees” shall be substituted.

P. SATHASIVAM,
GOVERNOR.