

**KERALA WATER AUTHORITY, JALABHAVAN, THIRUVANANTHAPURAM**

Proposal for amending the following provisions in the KERALA WATER SUPPLY AND SEWERAGE ACT  
1986

Section	Existing provision	Amendment proposed	Reasons for proposing amendment
2. Definition	To be newly incorporated	<p style="text-align: center;"><u><i>Amendment of section 2</i></u></p> <p>In section 2 of the Kerala Water Supply and Sewerage Act, 1986-</p> <p>after clause (iv) of section 2, a new clause (iv) (a) and (iv) (b) may be inserted, namely:-</p> <p>iv(a) “domestic purpose” means all supply of water in every premises or places otherthan such premises or places under the Central Government, State Government, Local bodies and public and private undertakings.</p> <p>(iv (b) “non-domestic purpose’ means all supply of water in every premises or places not provided in clause (iv) (a) of section 2 but for any commerce or trade manufacture or business including such premises or places under the Central Government, State Government, Local bodies and public and private undertakings.</p>	<p>In section 37 of the Act, definition of supply of water for domestic purposes is provided.</p> <p>However, what is “domestic purpose” and what is “non- domestic purpose” are not provided in the definition clause. Moreover, in the KWA Water Supply Regulations, 1991, ‘domestic connection’ and ‘non-domestic connection’ are defined.</p> <p>In the above circumstances, to give clear ambit to the categorization given under section 37, “domestic purpose” and “non domestic purpose” may be defined in the Act. Therefore, a new clause may be inserted after clause (iv) in Section 2 for the said purpose. Hence, the proposal for suitably amending Section 2 of the Act.</p>

15(2)(ii)	<p>“to prepare and carry out schemes for water supply and sewerage and to exercise all powers and perform all functions relating thereto:</p> <p>Provided that the power of sanctioning schemes costing more than [rupees five crore] shall be exercised only with the previous approval of the Government;”</p>	<p><u>Amendment of Section 15</u></p> <p>In section 15 of the Kerala Water Supply and Sewerage Act, 1986, Act-</p> <p>in clause (ii) of sub-section (2) for the existing proviso, the following proviso shall be substituted, namely:-</p> <p>“Provided that the power of sanctioning schemes costing more than rupees fifteen crores or such amount as may be enhanced by Government in this regard time to time, shall be exercised only with the previous approval of the Government;”</p>	<p>As per G.O (P) No.128/2021/Fin dated 24/09/2021 (copy enclosed), the financial powers of the departmental working group for according Administrative Sanction for plan schemes has been enhanced to Rs.15 crore. In order to empower the KWA for the same, section 15 (2) may be suitably amended.</p> <p>Most often, the KWA undertakes projects for Government, the work estimate of which may extent to more than 15 crores. Therefore, to ensure timely implementation of such schemes, the existing provision may be suitable amended to cope with the changed scenario. Hence, the proposal.</p>
(iv)	<p>“to enter into contract or agreement with any person, firm or institution as the Authority may deem necessary, for performing its functions under this Act:”</p> <p>“Provided that any contract or agreement involving more than [rupees five crore] shall be entered into by the Authority only with the previous approval of the Government.”</p>	<p>In clause (iv)-</p> <p>for the existing proviso, the following proviso shall be substituted, namely:-</p> <p>“Provided that the power of sanctioning schemes costing more than rupees fifteen crores or such amount as may be enhanced by Government in this regard time to time, shall be exercised only with the previous approval of the Government;”</p>	Do.

<p>37.</p>	<p><b>Definition of supply of water for domestic purposes .-</b>  The supply of water for domestic purposes under this Act means supply of water for any purpose except the following , namely.-</p> <ul style="list-style-type: none"> <li>(a) for any commerce or trade, manufacture or business;</li> <li>(b) For gardens or for purposes of irrigation;</li> </ul> <p><b>Explanation.</b>-In respect of premises used solely for residential purposes and having attached kitchen and domestic gardens, such domestic gardens shall not be treated as gardens for the purpose of this clause.</p> <ul style="list-style-type: none"> <li>(c) for building purposes;</li> <li>(d) for fountains, swimming bath, public bath, or tanks or for any ornamental or mechanical purposes;</li> <li>(e) for animals where they are kept for sale or hire or for the sale of their produce or any preparation there from;</li> <li>(f) for the consumption and use at restaurants, or by inmates of hotels, boarding houses, lodging-cum-boarding houses or residential clubs and for baths used by such inmates;</li> <li>(g) for the consumption and use by persons resorting to theatres and cinemas;</li> <li>(h) for making or watering streets;</li> <li>(i) for washing vehicles where they are kept for sale or hire.</li> </ul>	<p><u>Amendment of section 37</u></p> <p>For section 37, the following section shall be substituted, namely:-</p> <p>37. The supply of water for domestic purposes under this Act means as provided in sub-clause (a) of clause (iv) of section 2.</p>	<p>Since it is proposed to amend section 2 of the Act so as to incorporate the definition for the terms “domestic purpose” and non-domestic purpose”, existing provisions and categorization in section 37 are not essential. Hence, section 37 requires amendment and the existing provisions in section 37 may be substituted in conformity with the amendment proposed in section 2(iv) (a) and 2(iv)(b).</p> <p>This proposal is supported by the judgment of the Honourable High Court dated in WP(C)No.17871 of 2017, filed by the Soukhar Masjid in Alappuzha District.</p>
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38(1)	<p><b>Supply of water by the Authority.-</b></p> <p>The Authority shall on an application made to it by the owner of any premises or by the occupier with the consent in writing of the owner their off, grant supply of water for domestic purposes on such a terms and conditions as may be provided by the regulations.</p>	<p><u>Amendment of section 38</u></p> <p>In section 38- for sub-section (1), the following sub- section shall be substituted, namely.-</p> <p>“The Authority may on an online application made to it by the owner of any premises or places or by the occupier with the consent in writing of the owner thereof, grant supply of water for domestic purposes on such a terms and conditions as may be provided by the regulations.”</p>	<p>As per District Business Reform Action Plan 2020 and as part of making Kerala a complete digitally governed state, the KWA has already moved the process of taking new water connection from manual work flow system to online system. Hence, sub-section (1) section of section 38 requires suitable amendment. Therefore, the proposal.</p>