

No. 105/XXXVI(3)/2016/13(1)/2016

Dated Dehradun, March 31, 2016NOTIFICATIONMiscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of '**the Uttarakhand Water Tax on Electricity Generation (Amendment) Bill, 2016**' (Adhiniyam Sankhya 04 of 2016).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 29 March, 2016.

**THE UTTARAKHAND WATER TAX ON ELECTRICITY GENERATION
(Amendment) ACT, 2016**

(Act no. 04 of 2016)

An

Act

Further to amend the Uttarakhand Water Tax on Electricity Generation Act, 2012 (Uttarakhand Act No. 09 of 2013)

Be it enacted by the Uttarakhand state Legislative Assembly in the Sixty seventh year of the Republic of India as follows:

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|---|----|---------|--|
| Short Title, Extent and Commencement | 1. | (1) | This Act may be called the Uttarakhand Water Tax on Electricity Generation (Amendment) Act, 2016. |
| | | (2) | It shall come into force atonce. |
| | | (3) | Any action taken under the Uttarakhand Water Tax on Electricity Generation Act, 2012 (hereinafter referred as principal Act) shall be deemed to be action taken under the Act, 2016. |
| Amendment of Section 2 | 2. | (1) | In place of sub section (b) of section 2 of the Principal Act, the following sub section shall be substituted; namely :- |
| | | (2) (B) | Commission means Uttarakhand Water Resources Management and Regulatory Commission, under the Uttarakhand Water Management and Regulatory, 2013 |
| Repeal of sub section (2) To sub section (5) of section 20 | 3. | | Sub section (2) to sub section (5) of section 20 of the Principal Act, is here by Repealed. |

- Repeal of section 21 to section 25** 4 (1) Section 21 to 25 of the Principal Act is here by Repealed.
- substitution of Section 26** 5 In place of section 26 of the Principal Act, the following section shall be substituted; namely:-
- 26(1)** The Commission shall discharge the following functions in addition to the functions specified in Water Management and Regulatory Commission established under Uttarakhand Water Management and Regulatory Act 24 of 2013 ; namely:
- (a) To enforce the decisions and orders issued under the Act
 - (b) To judicate upon the disputes regarding Water Tax.
 - (c) To ensure transparency while exercising the powers and discharging its functions;
 - (d) To establish a system of enforcement, monitoring and measurement of water drawn for electricity generation;
 - (e) To execute other functions as may be assigned to him or fix by the Government.
- substitution of Section 28** 6 In place of section 28 of the Principal Act, the following sub section shall be substituted; namely:-
- 28.** All proceeding before the Commission shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the code of Criminal Procedures, 1973.
- Repealed of Section-36** 7 Section 36 of the Principal Act, is here by Repealed.
- substitution of Section. 37** 8 In place of section 37 of the Principal Act, the following section shall be substituted; namely:-
- 37 (1)** There shall be a fund constituted to be called the Commission fund and that shall be credited thereto,-
- (a) any grants and loans made to the Commission by the Government;
 - (b) all fees received by the Commission under the Act;
 - (c) all sums received by the Commission from such other sources as may be decided upon by the Government.
- (2)** The Government may prescribe the manner of utilizing the fund for meeting the expenses.
- Repealed of Section 38 to Section 40** 9 Sections 38 to Section 40 of the Principal Act is here by Repealed.

By Order,

JAI DEO SINGH,
Principal Secretary.

उद्देश्य एवं कारण

राज्य में विद्युत उत्पादन पर जलकर अधिरोपित करने के लिए "उत्तराखण्ड विद्युत उत्पादन पर जलकर अधिनियम, 2012" अधिनियमित किया गया था, उक्त अधिनियम के क्रियान्वयन में व्यवहारिक कठिनाईयाँ प्रशासनिक स्तर पर महसूस की जा रही है।

2- इन कठिनाईयों के निराकरण के लिए प्रस्तुत विधेयक पुरःस्थापित किया जा रहा है।

3- उक्त विधेयक इसी उद्देश्य की पूर्ति करता है।

यशपाल आर्य,
मंत्री।