

IMMEDIATE

No. T-24011/6/2017-GW Section
Government of India
Ministry of Water Resources, River Development & Ganga Rejuvenation

635, Sharm Shakti Bhawan, Rafi Marg
New Delhi, dated: 11th October, 2017

To

1. The Chief Secretaries of all States
2. Administrators of UTs
(As per standard list)

Sub: Draft guidelines for issuance of 'No Objection Certificate (NOC)' for ground water withdrawal and draft 'Public Notice'- request for comments.

Sir

The Central Ground Water Authority (CGWA) came in to existence w.e.f. 14.01.1997, as per the directions of Hon'ble Supreme Court of India under its orders dated 10.12.1996 in CWP No. 4677/1985 and in terms of notification of constitution issued by the Central Government in the Ministry of Environment, Forests and Climate Change, New Delhi, under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 vide S.O.38 (E)/14.01.1997. The main object of constitution of CGWA, envisaged under the orders of Hon'ble Supreme Court of India is **"the urgent need for regulating the indiscriminate boring and withdrawal of underground water in the country"**. The scope of the working of the authority has been widened by the Central Government vide its notification S.O. 1024(E)/06.11.2000 **"to regulate and control, management and development of ground water in the country and to issue necessary regulatory directions for this purpose"**.

2. Looking into the increasing number of litigations in the Hon'ble National Green Tribunal, various Benches of the Tribunal are directing CGWA to ensure that the ground water withdrawal in the country is in accordance with law and with due permission for a meaningful assessment of resources availability and its utilization. In view of the above, CGWA has considered it necessary and expedient to ensure a uniform regulatory frame work across the country so that the discriminatory practices in regulation are either mitigated or minimized.

3. The major revisions in the guidelines are pan India coverage; decentralisation of the No Objection Certificate (NOC) issuing authorities, based on the quantum of ground water extraction, viz. Revenue heads of the district, State Nodal Agency / State Ground Water Authority and CGWA; provisions relating to submission of artificial recharge proposals and construction of artificial recharge structures by project proponents have been dispensed with; introduction of a water conservation fee in lieu of recharge mechanism; funds raised through the water conservation fee to be used by States for effective ground water management etc.

4. A copy of **draft guidelines for "Issuance of 'No Objection Certificate' for ground water withdrawal"** and **draft "Public Notice"** in respect of guidelines is enclosed herewith. In this context, you are requested to submit comments on the draft guidelines and public notice, **within 60 days** to *Member Secretary, Central Ground Water Authority, West Block-2, Wing 3 (Ground Floor), Sector 1, RK Puram, New Delhi-110066 (e-mail: cgwa@nic.in)*.

Yours faithfully,



(S.K. Kataria)

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Copy to:

1. Adviser (WR), NITI Aayog, New Delhi (e-mail: p.mahto@nic.in).
2. Secretary, Department of Agriculture, Cooperation & Farmers Welfare, Krishi Bhawan, Rajendra Prasad Road, New Delhi (e-mail: secy-agri@nic.in)
3. Secretary, Ministry of Drinking Water and Sanitation, Pt. Deendayal Antodaya Bhawan, CGO Complex, Lodhi Road, New Delhi-110003 (e-mail: secydws@nic.in).
4. Secretary, Ministry of Chemicals and Fertiliser.
5. Secretary, Ministry of Coal
6. Secretary, Ministry of Civil Aviation
7. Secretary, Ministry of Commerce and Industries
8. Secretary, Ministry of Communication
9. Secretary, Ministry of Consumer Affairs, Food and Public Distribution.
10. Secretary, Ministry of Defence
11. Secretary, Ministry of Development of North Eastern Region
12. Secretary, Ministry of Earth Sciences
13. Secretary, Ministry of Environment, Forest and Climate Change.
14. Secretary, Ministry of Food Processing Industries.
15. Secretary, Ministry of Health & Family Welfare
16. Secretary, Ministry of Heavy Industries & Public Enterprises
17. Secretary, Ministry of Micro, Small & Medium Enterprises
18. Secretary, Ministry of Mines
19. Secretary, Ministry of New & Renewable Energy
20. Secretary, Ministry of Panchayati Raj
21. Secretary, Ministry of Petroleum & Natural Gas.
22. Secretary, Ministry of Power
23. Chairman, Railway Board, Ministry of Railways
24. Secretary, Ministry of Road Transport & Highways
25. Secretary, Ministry of Steel
26. Secretary, Ministry of Textiles
27. Secretary, Ministry of Tourism
28. Secretary, Department of Land Resources
29. Secretary, Department of Rural Development

Copy also to:

- 1) President, FICCI, Federation House Tansen Marg, New Delhi 110001
- 2) President, CII, The Mantosh Sondhi Center, 23, Institutional Area, Lodi Road,, New Delhi, Delhi 110003
- 3) President, ASSOCHAM, 5 Sardar Patel Marg, Chanakyapuri, New Delhi, Delhi 110021
- 4) Secretary General, Indian Beverages Association, 5th Floor, PHD House, Siri Fort Road, NEW DELHI - 110 016
- 5) President Indian Industries Association, IIA Bhawan, Vibhuti Khand, Phase II, Gomti Nagar, Lucknow – 226010
- 6) Member Secretary, Central Ground Water Authority, RK Puram, New Delhi with the request to circulate the letter to the State Ground Water Authority and also upload the same on Authority's website.
- 7) NIC, MoWR, RD&GR with the request to upload the draft guideline and draft public notice on Ministry's website.


11/8/2017

(S.K. Kataria)

Under Secretary to the Govt. of India

DRAFT

**CENTRAL GROUND WATER AUTHORITY
MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT & GANGA
REJUVENATION**

[Constituted under Section 3(3) of Environment (Protection) Act, 1986]

PUBLIC NOTICE NO. -----/2017
New Delhi, Dated the ----- August, 2017

Whereas on the direction of the Hon'ble Supreme Court vide it's Order dated 10th December, 1996, the Central Government has constituted the Central Ground Water Authority (hereinafter referred to as the Authority) vide notification number S.O. 38 (E), dated 14th January, 1997, followed by notifications S.O. 40(E) dated 13th January, 1998, S.O. 9(E) dated 5th January, 1999, S.O. 1024(E) dated 6th November, 2000 and S.O. 1121(E), dated 13th May, 2010, for the purposes of regulation and control of groundwater development and management in the whole of India;

And whereas the Authority has been regulating groundwater development and management by industries/ infrastructure projects/ Mining Projects etc., in terms of guidelines issued in this connection from time to time;

And whereas some of the State Governments/Union Territories, have enacted legislations and/ or issued regulatory directions/ orders on ground water development and management in accordance with the Local/State/UT law/order;

And whereas the Hon'ble National Green Tribunal, New Delhi vide order dated 15.04.2015 in O.A. No. 204 of 2014 and others, has issued directions to Authority to ensure that **any person, operating tube well, or any means to extract ground waters shall obtain permission from Authority** and shall operate the same subject to law in force, even if such unit is existing unit or the unit is still to be established.

And whereas the Hon'ble National Green Tribunal, New Delhi vide order dated 13.04.2017 in O.A. No. 190 of 2016, has directed the Authority **to ensure sealing of all illegal and unauthorised ground water wells** in Ghaziabad and Hapur.

And whereas the Hon'ble National Green Tribunal, New Delhi vide order dated 18.05.2017 in O.A. NO. 175 of 2015, has observed **whether in view of guidelines framed by Central Ground Water Authority, any further policy by Delhi Government is needed for processing of applications for NOC.**

And whereas vide clause (i) of Sub section 2 of Section 3 of the Environment (Protection) Act, **the Authority has been conferred power to coordinate actions by the State Governments, officers and other authorities under this Act, or rules made thereunder, or under any other law** for the time being in force which is relatable to the objects of this Act.

Now therefore, in pursuance of the directions of the Hon'ble National Green Tribunal and in exercise of powers conferred under Section 5 and Sub Section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with paragraphs 2 and 3 of the notification of the Government of India in the Ministry of Environment & Forests number S.O. 38(E) dated 14th January, 1997, the Authority, with a view to protect the ground water