

The Uttar Pradesh Ground Water (Management and Regulation) Bill, 2017

A BILL to protect, conserve, control and regulate ground water for ensuring its sustainable management in the State, both quantitatively and qualitatively, especially in stressed rural and urban areas, and for matters connected therewith or incidental thereto;

WHEREAS uncontrolled and rapid extraction of ground water has resulted in alarming situation of declining ground water levels and depletion of ground water reservoirs in many parts of the State, both in rural and urban areas;

AND WHEREAS groundwater, being the single most important source of water for domestic, agricultural and industrial uses, is the backbone of drinking water, food and livelihood security in rural and urban areas;

AND WHEREAS a serious groundwater crisis prevails due to excessive overdraft and groundwater contamination;

AND WHEREAS development of ground water is the need of the State, its management, control and regulation specially in over-exploited and critical areas is also the need of the hour for protection and preservation of this precious resource;

AND WHEREAS it is also expedient to provide for conservation, protection and development of ground water resources for the purpose of proper augmentation/recharge of ground water in stressed areas and to prevent ground water pollution by maintaining or restoring wholesomeness of ground water quality thereof in the State;

AND WHEREAS the equitable and environmentally sound regulation of groundwater can contribute to tackling some of the most important challenges of our times, including climate change;

AND WHEREAS water is unitary in nature, requiring the integration of surface water and groundwater, has integral links to land and vegetation and has an intricate relationship with rainwater (through natural recharge);

AND WHEREAS groundwater in its natural state is a common pool resource and the Supreme Court of India has applied the public trust doctrine to groundwater, in recognition that private property rights in groundwater are inappropriate given the emerging status, conflicts and dynamics of groundwater;

AND WHEREAS the State Government has, after careful examination of all related aspects, decided that it is expedient and necessary in the public interest to manage and regulate the extraction and use of ground water judiciously in any form and also to conserve and protect ground water in the stressed areas of the State and that shall be accorded the highest priority in both planning and management;

AND WHEREAS a new legal framework (with norms, principles, procedures and institutions suitable to address contemporary and imminent challenges) is required to ensure the qualitative and quantitative sustainability of groundwater resources and equity in groundwater use;

IT IS HEREBY enacted by the State legislature in the sixty-eighth year of the Republic of India as follows:-

**CHAPTER – I
PRELIMINARY**

Short title, extent & commencement

- 1- (1) This Act may be called the Uttar Pradesh Ground Water (Management and Regulation) Bill, 2017.
(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 in the Gazette, appoint and different dates for different areas may be appointed.

Definitions.

- 2- In this Act, unless the context otherwise requires:-
- (a) **"Appropriate Bodies"** means various institutions created under this Act to carry out different activities of this Act for management and regulation of ground water resources in the State of Uttar Pradesh, defined under Chapter-II-
- i- **"State Council"** means the Uttar Pradesh State Ground Water Management and Regulatory Council, established under section-8.
- ii- **Gram Panchayat Ground Water Sub-Committee** means the lowest public unit in rural areas within a block to protect and manage groundwater resources within the Gram Panchayat.
- iii- **'Block Panchayat Ground Water Management Committee'** means a public unit for managing ground water at block level;
- iv- **'Municipal Water Management Committee'** means the lowest public unit for managing ground water in urban areas.
- v- **'District Ground Water Management Council'** means an overall management unit at district level, co-ordinating with both block panchayat and municipal level committees as well as with the Ground Water Management and Regulatory Council at the State level.
- (b) **"Ground water"** means the water occurring in its natural state below the ground surface in the zone of saturation and that can be extracted through wells or any other means or emerges as springs and base flows in streams and rivers.
- (c) **'Aquifer'** means an underground layer of geological formation, group of formations or part of a formation, comprising fractured rocks, sand, gravel and like sediments, that is sufficiently porous, permeable and saturated with water and that transmits and yields significant quantity of water to a well or spring.
- (d) **"Well"** means a structure sunk for the search or extraction or recharge of groundwater and shall include open well, dug well, bore well, dug-cum bore well, tube well, infiltration gallery, recharge well or any of their combinations or variations, which, could be utilized for extraction of ground water, recharge ground water.
- (e) **'Groundwater Resource Estimation Report'** refers to the latest approved report, based on the GEC-97 methodology, prepared by the Ground Water Department, U.P. for block-wise assessment of groundwater resources including categorization of blocks into over-exploited, critical, semi-critical and safe categories.
- (f) **"Rural Areas"** means those areas which are not classified as Urban Areas.
- (g) **"Urban Areas"** means the areas notified by a development Council or a municipality or a regulatory body as the case may be, excluding such areas/lands as are classified for agriculture use in the master plan of a development authority or a municipality or a regulated area.
- (h) **Commercial user** of ground water means a person or a class of persons or an institution or an agency or any establishment who or which extract and use ground water for the purpose which directly or indirectly benefits his/her or their business or trade to make financial gain or profit.

However it will not include individual farmers who use ground water for crop production and individual plot owners who extract ground water for the purpose of construction of residence and domestic use and also the government agencies who extract ground water for irrigation or drinking water.

- (i) **'Rainwater harvesting'** means the technique or system of collection and storage of rainwater, at micro watershed scale, including roof-top harvesting, for future use or for recharge of groundwater.
- (j) **"Ground Water Recharge"** means the process based on geo-scientific methods by which ground water reservoir is augmented at a rate exceeding that under natural condition of replenishment.
- (k) **'Environmental flows'** refer to the quality, quantity, and timing of water flows required to maintain the components, functions, processes, and resilience of aquatic ecosystems that provide goods and services to people.
- (l) **'Groundwater Security Plan'** means a plan to be progressively based on available hydrogeological informations.
- (m) **"Pollution"** means such contamination of ground water or such alteration of the physical, chemical or biological properties of water or such discharge of any sewage or trade effluent or of any other liquid, gaseous or solid substance into ground water (whether directly or indirectly) as may, or is likely to, create a nuisance or render such ground water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organisms.
- (n) **"Notified area"** means the area notified as such under section-10 that shall include Over-exploited, Critical blocks and Stressed Urban Areas.
- (o) **"Industry"** means any business, trade, undertaking, manufacture or calling of employers, carried out with a motive to make any gain or profit, and includes any calling service, employment, handicraft, or industrial occupation or avocation of workman or any systematic activity carried on by co-operation between an employer and his workman (whether such workman are employed by such employer directly or by or through any agency including a contractor) for the production of goods.
- (p) **"User of ground water"** means a person or a class of persons or an institution who or which own or use or sell ground water for any purpose including domestic use made either on personal or community basis and includes an industry, a commercial user, a bulk user, a company or an establishment whether government or not but does not include a person or a class of persons or an institution who or which use ground water drawn from well by manual or animal devices such as hand pump, rope and bucket, Persian wheel etc.
- (q) **"Drilling Agency"** means an establishment, owned by a person or a class of persons or an institution, who or which is involved as a part of its trade in drilling wells/tube wells for extracting & use of ground water for any purpose may be domestic/drinking, commercial/industrial/bulk/infrastructure use.
- (r) **"Ground Water Quality Sensitive Zone"** means such an area where quality of ground water is affected with high levels/excessive concentration of chemical elements, physiochemical constituents, heavy metals and bacteriological contamination, resulted due to geogenic or anthropogenic causes

Terms not defined in this Act have the meaning assigned to them under other laws.

Objective

- 3- The objective of this Act is to ensure that groundwater is protected, conserved, regulated and managed in a sustainable manner. The various interventions for management and regulation of ground water shall essentially be focused in stressed rural & urban areas.

CHAPTER – II
INSTITUTIONAL FRAMEWORK

**Gram Panchayat
Ground Water Sub-
Committee**

- 4- (1) Gram Panchayat Ground Water Sub-Committee means the lowest public unit in rural areas within a block to protect and manage groundwater resources within the Gram Panchayat Boundary under this Act.
(2) The State Government shall, by notification in the Gazette, constitute the above Sub-Committee.
(3) The functions of the Groundwater Sub-Committee shall be:
i- Collection of information from all sources.
ii- Preparation of the Gram Panchayat Groundwater Security Plan.
iii- Registration of all ground water users defined under sub-section 10 (2) located within the Gram panchayat falling in Notified Area.
iv- Carrying out any other functions, as may be prescribed.

**Block Panchayat
Ground Water
Management
Committee**

- 5- (1) 'Block Panchayat Ground Water Management Committee' means a public unit at block level for overall managing ground water;
(2) The State Government shall, by notification in the Gazette, constitute the above Committee;
(3) The Committee shall consist of-
i- Chairman - Block Pramukh
ii- Member Secretary - Block Development Officer (BDO)
iii- 03 (three) Members as representative of Gram Panchayat, having vast field knowledge of water resources to be nominated by the District Magistrate.
iv- 02 (two) Members of Pani Panchayat/WUA/WSC/Farmers Group etc. to be nominated by the District Magistrate.
v- 02 (two) Members as representative from concerned departments working at Block Level to be nominated by the District Magistrate.
The period and term of conditions for the Members shall be such as may be prescribed-
(4) The function of the Committee shall be -
i- Preparation of an overall Block level Ground Water Security Plan (GSP) by consolidating Gram Panchayat GSPs, each prepared in cluster of at least 10 (ten) number gram panchayats, according to the guideline as may be formulated/prescribed.
ii- Monitoring and supervision of implementation of Block Panchayat GSP.
iii- Perform all duties/responsibilities as prescribed under different Sections of this Act .

**Municipal Water
Management
Committee**

- 6- (1) 'Municipal Water Management Committee' means the lowest public unit for managing water in urban areas in an integrated manner;
(2) The State Government shall, by notification in the Gazette, constitute the above Committee.
(3) The Committee shall consist of-
i- Chairman - Nagar Pramukh/Nagar Palika Pramukh (as the case may be)
ii- Member Secretary - Nagar Ayukt or as the case may be.
iii- 02 (two) Members as representative of Public, having vast field knowledge of water resources to be nominated by the District Magistrate.
iv- 02 (two) Members of Resident Welfare Association/Social Group to be nominated by the District Magistrate.
v- 03 (three) Members as representative from concerned departments (including 01 from Ground Water Department) to be nominated by the District Magistrate.
The period and term of conditions for the Members shall be such as may be prescribed-

- (4) The function of the Committee shall be-
- i- The Committee shall work in close co-ordination with water related institutions within the respective municipality.
 - ii- Determine the sources of water supply (surface water & ground water) and integrate them.
 - iii- Preparation of an overall Municipal GSP.
 - iv- Registration of all the wells within the notified area other than that of existing commercial, industrial, infrastructural & bulk users as per the provision of Section-10.
 - v- Monitoring and supervision of implementation of Municipal GSP.
 - vi- Perform all duties/responsibilities as prescribed under different Sections of this Act .

District Ground Water Management Council

- 7- (1) 'District Ground Water Management Council' means an overall unit for management of ground water resources at district level,
- (2) The State Government shall, by notification in the Gazette, constitute the above Council.
- (3) The Council shall consist of-
- i- Chairman - District Magistrate
 - ii- Member Secretary - District Development Officer
 - iii- 01 (one) Member as subject Experts having longstanding working experience in the field of ground water management in the State, to be nominated by the District Magistrate.
 - iv- 01 (one) Member from the public/NGO/social sector having vast experience in the field of ground water to be nominated by the District Magistrate.
 - v- Other Members shall be the district level representatives (one each) from Ground Water Department, UP Pollution Control Board, Agriculture Department, Minor Irrigation Department, UP Jal Nigam, Local Body, Development Authority, Irrigation & Water Resources Department, Industries Department, Horticulture Department and Forest & Wild Life Department.
 - vi- 01 (one) representative (as invitee) each from the respective Block Panchayat Ground Water Management Committee and Municipal Ground Water Management Committee.

The period and term of conditions for the Members shall be such as may be prescribed-

- (4) The function of the Council shall be –
- i- Consolidation of Block Panchayat and Municipal GSP into District level GSP, based on macro-watershed approach and as per the guidelines as may be formulated and prescribed.
 - ii- Monitoring the implementation of District GSP.
 - iii- Conducting awareness programmes and capacity building.
 - iv- Registration of all existing commercial, industrial, infrastructural & bulk users in notified & non-notified areas and Grant of Authorization for Ground Water Abstraction in non-notified areas and Registration of Drilling Agencies.
 - v- Perform all duties/responsibilities as prescribed under different Section of this Act.
- (5) Co-ordination with Gram Panchayat sub-committees, Block panchayat and Municipal level committees as well as with the State Ground Water Management and Regulatory Council.

Uttar Pradesh State Ground Water Management and Regulatory Council

- 8- (1) The State Government shall, by notification in the Gazette, establish, with effect from such date as may be specified in the notification, an State Council to be known as the Uttar Pradesh State Ground Water Management and Regulatory Council.

(2) The State Council shall consist of-

1.	The Chief Secretary, Government of Uttar Pradesh	Chairman
2.	The Additional Chief Secretary/Principal Secretary, Minor Irrigation and Ground Water Department, Government of Uttar Pradesh	Member
3.	The Additional Chief Secretary/Principal Secretary, Finance Department, Government of Uttar Pradesh	Member
4.	Engineer-in-Chief, Irrigation and Water Resources Department, Uttar Pradesh	Member
5.	Director, Agriculture Department, Uttar Pradesh	Member
6.	Director, Horticulture Department, Uttar Pradesh	Member
7.	Member Secretary, U.P. Pollution Control Board	Member
8.	Director, Awas Bandhu, Uttar Pradesh	Member
9.	Director, Local Bodies, Uttar Pradesh	Member
10.	Managing Director, U.P. Jal Nigam	Member
11.	Chief Engineer, Minor Irrigation Department, Uttar Pradesh	Member
12.	Director, Industries Department, Uttar Pradesh	Member
13.	Regional Director, Central Ground Water Board (NR)	Member
14.	Principal Chief Conservator of Forest, Forest Department, Uttar Pradesh	Member
15.	Subject Experts (to be nominated by the State Government), having long standing working experience of ground water management in the State of Uttar Pradesh - 03 nos.	Member
16.	An eminent person from Public/NGO/Social Sector working in the field of ground water	Member
17.	01 (one) representative (as invitee) each from the respective Block Panchayat Ground Water Management Committee, Municipal Ground Water Management Committee and District Ground Water Management Council	Member

The Director, Ground Water Department, Uttar Pradesh shall be the Member Secretary of the Uttar Pradesh State Ground Water Management and Regulatory Council.

- (3) The term of office and the manner of filling the vacancies and other conditions of service of the Chairperson and other members shall be such as may be prescribed,
- (4) The Chairperson shall be the principal executive officer of the State Council and the office of the Director, Ground Water Department shall work as the secretariat of the State Council.
- (5) **Staff of the State Ground Water Council**
- i- In order to enable the State Council to perform its function properly or exercise the powers under this Act, the State Government may appoint such number of technical personnel and other staff as it may consider necessary including all of institutional support, facilities and the budget.
- ii- The functions and the term of conditions of service of such employees shall be such as may be prescribed.
- iii- The State Council shall function under the overall control and supervision of the State Government.

(6) **Support for other Appropriate Bodies**

Provisions shall also be made for the staff and office including all institutional support and working facilities, budgetary requirements for the Block Panchayat/Municipal Committee and the District Council for smooth and proper functioning.

CHAPTER – III
DUTIES AND RESPONSIBILITIES

**Duties of Ground
Water Department**

- 9- (1) The Ground Water Department shall develop a mechanism to co-ordinate with the appropriate body such as Municipal Ground Water Management Committee in case of urban areas and Block Panchayat Ground Water Management Committee for rural areas through the District Ground Water Management Council.
- (2) The department shall work as Technical Secretariat for the Uttar Pradesh State Ground Water Management and Regulatory Council.
- (3) **Identification of areas for the purpose of Regulation:** The department in consultation/discussion with above appropriate bodies and the district councils shall identify and delineate the areas, such as Over-exploited and Critical blocks (categorized as per latest Ground Water Resource Estimation carried out by the Ground Water Department, U.P.) and the stressed Municipal/Urban areas (where significant decline of ground water levels, i.e., more than 20cm/year recorded during the last 05 years), for taking up appropriate measures for overall management and regulation of ground water in such areas, which are to be designated as Notified Areas for the purpose of the regulation through notification.
- (4) **Ground Water Information/Data:** All the available ground water informations/data regarding Over-exploited/Critical blocks and Stressed Urban areas shall be provided to the District Ground Water Management Councils as well as other appropriate bodies by the Divisional Data Centres of respective Field Divisions of Ground Water Department. Such information shall also be made available on-line through the website of the Ground Water Department.

CHAPTER-IV POWER AND FUNCTIONS

Powers to Notify Areas for Management and Regulation of Ground Water Resources

- 10- (1) If the State Council, after consultation with respective Block Panchayat Ground Water Management Committees, Municipal Water Management Committees and District Ground Water Management Councils (based on inputs from the Ground Water Department) is of the opinion that it is necessary or expedient in the public interest to manage and regulate ground water for various purposes in any form in any area and to enforce rain water harvesting/ground water recharge and to implement various appropriate water conservation/water saving/water efficient practices, as may be prescribed, in over-exploited/critical blocks and stressed urban areas (as identified and delineated by the Ground Water Department) where ground water levels have depleted to critical or alarming levels, it shall advise the State Government to declare by notification such areas as Notified Areas for the purposes of this Act with effect from such date as may be specified in the notification.

Provided that-

- (a) The date specified in the notification under this sub-section shall not be earlier than three months from the date of publication of the notification;
 - (b) Every notification in Hindi as well as English or vernacular language under this section shall, in addition to its publication in the Gazette, be published in not less than three daily regional newspapers having wide circulation in that region and also be served in such other manner as may be prescribed;
- (2) The Procedure for Demarcation and Notification of such areas shall be such as may be prescribed in the rules.
- (3) The notification issued under sub-section-10 (1) shall be reviewed periodically as per the new Ground Water Assessment Report and according to the findings of the report, the procedure shall be such as may be prescribed.

Registration of All Users in Notified Areas

- 11- (1) **Registration of existing commercial, industrial, infrastructural & bulk users of Ground Water:** Every existing commercial, industrial, infrastructural & bulk user located in Notified Areas (both urban & rural areas) shall apply to the respective District Ground Water Management Council for grant of a certificate of registration. The procedure, time limit, forms, fee etc. and other provisions for the grant of registration certificate shall be such as may be prescribed.

Provided that-

- i- If any existing Commercial, Industrial, Infrastructural or Bulk user is found extracting ground water without registration, he or she or a group of persons or an agency (as the case may be) shall be liable to be punished under the provision of Chapter-VIii.
- ii- If a registered well becomes defunct, this fact shall immediately be brought to the notice of the respective District Council by such user of ground water.
- iii- If any such user of ground water, having certificate of registration wants to carry-out any modification or alteration in a registered well, he or she or a group of persons or an agency (as the case may be) shall have to obtain clearance for the same from the respective District Council as per the procedure as may be prescribed.

(2) **Registration of Other Ground Water Users:** All the other existing ground water users, which do not fall in that category of ground water users defined under sub-section 11 (1), shall inform online or directly to the respective Block Panchayat Ground Water

Registration of Existing Commercial, Industrial, Infrastructural & Bulk Users of Ground Water in Non-notified Areas

- 12- Every existing commercial, industrial, infrastructural & bulk user of ground water in non-notified areas shall apply to the respective District Ground Water Management Council for grant of a certificate of registration. The procedure, time limit, forms, fee etc. and other provisions for the grant of registration certificate shall be such as may be prescribed.

Provided that-

- i- If any existing Commercial, Industrial, Infrastructural or Bulk user is found extracting ground water without registration, he or she or a group of persons or an agency (as the case may be) shall be liable to be punished under the provisions of Chapter-VIII.
- ii- If a registered well becomes defunct, this fact shall immediately be brought to the notice of the respective District Council by such user of ground water.
- iii- If any such user of ground water, having certificate of registration wants to carry-out any modification or alteration in a registered well, he or she or a group of persons or an agency (as the case may be) shall have to obtain clearance for the same from the respective District Council as per the procedure as may be prescribed.

Ban on New well construction in Notified Areas

- 13- (1) No person or group of persons or institution or agency or establishment shall construct/sink any new well for Commercial, Industrial, Infrastructural & Bulk use (excluding government schemes for drinking water supplies & tree plantations) within the Notified areas. If anyone fails to comply such provision, will be liable for punishment under Chapter-VIII. Such ban shall continue till the area is de-notified by the Uttar Pradesh State Ground Water Management and Regulatory Council on the basis of new Ground Water Resource Estimation Report or significant improvement in declining trend of ground water levels after seeking approval from the State Government.

(2) Extraction, sale and supply of raw/unprocessed/untreated ground water in Notified areas by a person or class of persons or institution or agencies or any other establishment for the purpose of commercial/bulk uses will not be allowed and such an act will be punishable under the provisions of Chapter-VIII.

Preparation & Implementation of Ground Water Security Plans in Notified Areas

- 14- For ensuring and achieving sustainability of ground water resources in all Notified Areas, Ground Water Security Plans shall be prepared for systematic implementation in such manner as may be prescribed.

- (1) For stressed Blocks as notified, such plans shall be prepared by the respective Gram Panchayat Committee and then to be consolidated at Block level by the respective Block Panchayat Ground Water Management Committee, according to the methodology as may be prescribed.
- (2) For stressed urban/municipal areas, as notified, such plans shall be prepared by the respective Municipal Ground Water Management Committee, according to the methodology as may be prescribed.
- (3) The block and municipal level water security plans, thus prepared, shall then be consolidated into a District Ground Water Security Plan for onward co-ordination and implementation through regulatory/management measures and related interventions as may be prescribed.

Provided that-

- i- The methodology & guideline for preparation and implementation of water security plans shall be such as may be prescribed.
- ii- The water security plans shall include such measures/interventions which are area-specific and hydrogeologically feasible. Besides, promotion & adoption of low water crops, drip & sprinkler irrigation

system and conjunctive water use management practices shall also be the integral part of such plans.

- iii- For preparation of water security plans at the level of respective Gram Panchayat sub-committees, Block Panchayat Committees and Municipal Committees, the respective Field Divisions of Ground Water Department shall provide all technical data/information, support & necessary guidance/inputs.
- iv- Various action points, as envisaged in the State's Overall Policy for Ground Water Management, Rain Water Harvesting and Ground Water Recharge shall also be covered in the water security plans.

**Grant of
Authorization for
Ground Water
Abstraction in Non-
notified Areas**

- 15- Any person or class of persons or institution or agency or establishment desiring to sink a well for the purpose of abstraction of ground water for Commercial, Industrial, Infrastructural or Bulk use in the non-notified area shall apply to the respective District Ground Water Management Council for grant of Authorization/No-Objection Certificate for this purpose. The procedure, time limit, forms, application, fee etc. and various provisions, terms & conditions for the grant of Authorization/No-objection certificate shall be such as may be prescribed.

Provided that-

- i- The terms & conditions shall include but are not restricted to-
 - a) The maximum quantity of water that shall be allowed for extraction;
 - b) Precautions to prevent any contamination of ground water by mandating existing pollution control standards and measures;
 - c) Details of conservation measures, including rain water harvesting, to be taken;
 - d) Groundwater recharging measures as per the hydrogeological feasibility;
 - e) Recycling of a prescribed proportion of the extracted ground water for the use;
 - f) Treating wastewater to bring it to prescribed standards before it is discharged;
 - g) Adopting and practising the most efficient water use practices and technology.
- ii- The authorisation granted for a specified purpose shall not be used for any purpose other than that for which it has been granted.
- iii- The authorization holder shall be prohibited from selling, by whatever name or form, ground water extracted under the authorisation to someone else for commercial use and/or gain.
- iv- Such new users after getting Authorization/No-Objection Certificate for abstraction and use of ground water for desired purpose shall ensure that they shall have to obtain certificate of registration from the respective District Ground Water Management Council after the construction of the well is completed, as per the procedure prescribed.
- v- **Cancellation, Transfer and Validity of Authorization**
 - a) Non-compliance with the terms and conditions of the authorization would lead to cancellation of the authorization. Hence, compliance shall be monitored by the District Council that granted the authorization, including State Ground Water Management and Regulation Council;
Provided that the State Council having granted the authorization shall give the authorization holder an opportunity to be heard before cancelling any authorization.
 - b) Authorizations issued under this section shall be inalienable. However, authorizations granted to a natural person shall be inherited by his or her legal heirs and shall continue to be valid for the remaining period

as long as the legal heirs continue the activities done by the deceased authorization holder. Further, on transfer of the property for the benefit for which the authorization was granted, the authorization shall continue to be valid so long as the nature of the activity continues unaltered by the new owner.

- c) The authorization shall be valid for a period fixed under the authorization as may be prescribed.
- d) Once the validity of the authorization has expired, continuation of the authorization shall require a fresh application by the authorization holder complying with all the conditions of an original application.

Fixing Ground Water Abstraction Limits for Commercial, Industrial, Infrastructural or Bulk users

16-

Ground Water is the precious natural asset, hence, no person can withdraw as much ground water as he or she wishes. The ground water abstraction limit shall be fixed by the State Council in technical consultation with Ground Water Department (depending upon the hydrogeological conditions and resource potential of the area concerned) for all the existing Commercial, Industrial, Infrastructural or Bulk users of ground water while granting registration in Notified as well as Non-notified areas and for all the new Commercial, Industrial, Infrastructural or Bulk users of ground water in Non-notified areas, while granting registration or Authorization/No-objection certificate, as per the terms of conditions prescribed in the rules.

Fee on Ground Water Extraction/Drawl

17-

For extraction of ground water for Commercial, Industrial, Infrastructural or Bulk use in both the notified and non-notified areas, such user shall be charged fees for ground water drawl annually as per the quantity of ground water allowed/authorized for extraction. The amount of fee and procedure to deposit fee shall be such as may be prescribed.

Provided that-

- i- The fee structure for such ground water drawl/use for different purposes shall be determined by the procedure as may be prescribed, provided that such ground water fee shall be subject to periodic review and revision.
- ii- The ground water fee thus charged shall be separate and in addition to water Cess that is charged under the Water (Prevention & Control of Pollution) Cess Act-1997.
- iii- An annual water audit shall be conducted in cases where it is deemed essential for developing water footprint/benchmarks.

Registration of Drilling Agencies

18-

Every Drilling Agency in both notified & non-notified areas shall apply for the registration with the District Ground Water Management Council. The procedure for registration shall be such as may be prescribed.

Power to alter, amend or vary the Terms of Certificate of Registration

19-

At any time, after certificate of registration, has been granted or issued, the respective District Council/Block Panchayat Committee/Municipal Committee/Gram Panchayat sub-committee may, for technical reasons, by order alter, amend or vary the terms of the certificate of registration, including ground water extraction limit as the case may be, provided that the user of ground water including Commercial, Industrial, Infrastructural or Bulk user/drilling agencies has been given an opportunity of being heard; Provided that before taking such action, the respective issuing body shall ensure that standing crops are not damaged.

Cancellation of Certificate of Registration

20-

The provision to cancel certificate of registration including ground water extraction limit shall be such as may be prescribed.

Powers of the Authority in Notified & Non-notified Areas for any User of Ground Water

21- The power of all the Appropriate Bodies for any ground water user including Commercial, Industrial, Infrastructural or Bulk user/drilling agencies in notified and non-notified areas shall be such as may be prescribed.

Service of Orders, etc.

22- Every order or direction issued under section-20 shall be served in such manner as may be prescribed.

Bar to Claim Compensation

23- No person shall be entitled to claim any damages or compensation from the Government for any loss sustained by him by virtue of any action taken under this Act.

Delegation of Powers and Duties

24- The State Council may, by general or special order in writing, direct that all or any of the powers or duties which may be exercised or discharged by it shall, in such circumstances and under such conditions, if any, as may be specified in its order be exercised or discharged also by any person, Appropriate Body, specified in this behalf in the order.

Employees of the Authority to be Public Servants

25- All employees of the State Council shall when acting or purporting to act in pursuance of the provisions of this Act or of any rules made there under be deemed to be public servants within the meaning of Section -28 of the Indian Penal Code.

Protection Against Action Taken in Good Faith

26- No prosecution, suit or other legal proceeding shall be instituted against the Government, the State Council or the District Council/Block Panchayat Committee/Municipal Committee, any other officer of the Government or any member or other employees of the State Council or any member of District Council/Block Panchayat Committee/Municipal Committee for anything done or intended to be done in good faith under this Act, or the rules made there under.

CHAPTER-V
PREVENTION OF GROUND WATER POLLUTION

Due to various anthropogenic and geogenic reasons, the quality of ground water has deteriorated in many parts of the State, causing harmful diseases to the local people both in rural and urban areas. It is the need of hour to protect and preserve the quality of this precious resource.

The quality scenario of groundwater resources in the State of U.P., which is mostly resting upon the thick pile of potential alluvial aquifer system of Indo-Gangetic plain, has significantly changed over the last two to three decades. The findings of various quality studies reveal that critical situations related to ground water quality & pollution hazards are emerging very fast in different parts of the State, which were once known as safe ground water areas.

Various studies on ground water quality have been taken-up in different parts of the State by different agencies and institutions. These studies also indicate that the dynamic shallow zone of ground water in particular in different areas is variously affected with different quality parameters, however the magnitude of ground water pollution, however, varies from area to area.

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| Demarcation and Protection of Ground Water Quality Sensitive Zones | 27- (1) The Ground Water Department shall identify and demarcate, in consultation with State Council, District Councils and the expert bodies, such areas which are found affected with ground water quality & pollution hazards for the purpose of prevention and control of ground water pollution in such areas and also to find safe quality zones for potable water supplies.
(2) Such areas, as demarcated in sub-section 27 (1), shall be declared as Ground Water Quality Sensitive Zones through notification in a manner as may be prescribed for the purpose of prevention and protection of ground water pollution. |
| Collection of Information related to Ground Water Pollution/ Contamination | 28- Gram Panchayat Ground Water sub-committees, Block Panchayat Ground Water Management Committees and Municipal Ground Water Management Committees shall be responsible for collecting informations related to ground water pollution including sources of pollution. Such informations shall be compiled and consolidated at the level of respective District Councils for onward submission to State Council for appropriate action. |
| Ground Water Pollution Control Measures | 29- (1) The State Council shall ensure that no person or institution or industry or establishment pollutes ground water. The State Council shall ensure through respective District Councils to make installation of treatment plant mandatory wherever necessary as per the procedure prescribed in the rules.
(2) In case the polluter fails to set up treatment plant within the time period prescribed, the State Council shall have the right to get the necessary Treatment Plant constructed at polluter's cost and proceed against the polluter as per provisions of Section-41 (3). |
| Prohibition on use of well for disposal of polluting matter etc. into the Aquifers | 30- (1) No person, any industry, residential, business or commercial establishment, any operation or process or any treatment and disposal system shall discharge or dispose waste water, sewage, trade and domestic effluent or contaminants into the well. Such an act shall be punishable under Section-41 (3).
(2) Any act of waste dumping on the land shall not be allowed which may lead to leaching or percolation of contaminants, toxins into the aquifer, subject to the provision of punishment under Section-41 (3). |
| Putting Ban on direct recharging from open areas into the Aquifers | 31- In the process of Artificial Recharge to Ground Water, rain water (except from rooftop) falling on open land, ground, roads (paved/unpaved), agricultural farms shall not be allowed for direct recharging into the aquifers through recharge well, bore well, recharge shaft, injection well etc. Such an act shall be punishable under Section-41 (3). |

CHAPTER – VI

SELF REGULATION, RAIN WATER HARVESTING, GROUND WATER RECHARGE, RECYCLING AND REUSE, PREVENTION OF WATERLOGGING

Self Regulation

- 32- (1) The farmers of Notified Areas (Rural) shall be motivated by the respective Gram Panchayat Ground Water sub-committees, Block Panchayat Ground Water Management Committees for adopting the process of self regulation.
- (2) **Process for adopting self regulation:** The process of self regulation shall be adopted in the following manner in order to protect, conserve and regulate ground water resources in the stressed areas.
- i- The farmers shall ensure by applying desired quantity of irrigation water/number of watering to the crops as per the requirement of watering scientifically recommended for different crops for avoiding the wastage of ground water and over irrigation.
- ii- The farmers of such areas shall be motivated to adopt various water conservation/water saving practices including farm bunding, farm ponds, use of seeds of low water crops and use of drip & sprinkler irrigation system.
- iii- Every user of ground water in both rural & urban areas shall be motivated to extract and use ground water in a economical and efficient way, not to waste water, use of recycled water be given priority, rain water harvesting & recharging methods be adopted.

Rain Water Harvesting, Groundwater Recharge and Catchment Conservation

- 33- (1) The Appropriate Bodies shall encourage rainwater harvesting and catchment conservation as per geological conditions and should be integral part of Water Security Plans. They shall undertake all possible steps in integrated natural resources conservation, use and regulation for the augmentation of groundwater resources within its jurisdiction, through integration and convergence of all natural resources related developmental schemes and projects.
- (2) Notwithstanding anything contained in any other law for the time being in force, the Municipal Ground Water Management Committee shall impose stipulated conditions under existing building by-laws for providing rooftop rainwater harvesting structures for the houses built on plot area of 100 m² and above. Such stipulations shall be binding on concerned government agencies sanctioning or approving building plans. The provision of Combined Recharge System for group housing/colonies shall also be made mandatory under building by-laws as prescribe.
- (3) Catchment conservation shall include appropriate groundwater conservation and recharge structures depending on the nature of the terrain/soil condition/geology of the area.

Recycling and Re-Use of Groundwater

- 34- The Appropriate Bodies shall encourage recycling and, in particular, foster re-use of water for non-potable urban, industrial, and agricultural use, as well as augmentation of potable water supplies through indirect reuse. The provisions shall be such as may be prescribed.

Provided that industrial, commercial and large residential establishments withdrawing water above a determined threshold shall be mandated to recycle water for purposes as may be suitable. Appropriate Council shall design monitoring and incentive mechanisms to enforce such mandates.

Prevention and Mitigation of Waterlogging

- 35- (1) The Appropriate Bodies shall discourage and prevent such activities that are likely to lead to potential waterlogging of land. Such bodies shall undertake all possible regulatory measures, as may be prescribed, for the protection of land against waterlogging within respective jurisdiction.

- (2) In canal commands, the Irrigation Department shall take appropriate measures and make provisions, as provide, as prescribed, to effectively improve sub-surface water logged conditions.
- (3) The Gram Panchayat Ground Water Sub-Committee, Block Panchayat Ground Water Management Committee or Municipal Ground Water Management Committee, as the case may be, may impose stipulated conditions, as may be prescribed, for regulating such activities in waterlogged areas that may lead to worsening of the waterlogging condition. The Block panchayat/Municipal Committees, in consultation with the District Councils and concerned departments, shall take steps to mitigate waterlogging through proper interventions related to soil treatment and land drainage in such manner as may be prescribed.
- (4) Waterlogging mitigation measures shall be adopted by using appropriate processes and technologies, in due consultation with expert bodies/ concerned departments.

CHAPTER-VII
IMPACT ASSESSMENT, TRANSPARENCY AND SOCIAL AUDIT

- Impact Assessment** 36- (1) It shall be the duty of the appropriate body to undertake impact assessment of both social & environment aspects of such activities to be implemented in accordance to the provisions of this Act in such a manner as may be prescribed.
- (2) The process of impact assessment shall include short-term and cumulative impact assessment, may be in the following fields and specifically:
- i- Impact on right to water for life;
 - ii- Impact on drinking water sources;
 - iii- Impact on quality and quantity of groundwater;
 - iv- Impact on agricultural production;
 - v- Impact on the ecosystem including rivers and water bodies ;
 - vi- Impact on land use.
- Establish Transparency Systems** 37- (1) It shall be the duty of the appropriate body at all levels to create an effective and citizen-friendly transparency regime for the present Act.
- (2) Access to information as defined in this Act shall extend to all persons.
- (3) The minimum content, periodicity, and other details of the information to be put out proactively as may be prescribed.
- (4) The transparency regime for provision of information to any person shall include, but shall not be restricted to:
- i-Proactive mandatory disclosure;
 - ii-Inspection of all documents and offices;
 - iii-Making accessible the copies of documents, records and samples of material; and
 - iv-Ensuring the transparency of the decision-making processes.
- (5) All requests for information within a district shall be fulfilled within specified time period as may be prescribed.
- Duties of Proactive Disclosure** 38- (1) The appropriate government at all levels shall proactively disclose information.
- (2) It shall be the duty of the appropriate body to disseminate the records in such a manner that any person can understand the information easily. This obligation shall also include the dissemination of information in a consolidated and summarized form.
- Social Audit** 39- (1) Social audit of activities undertaken in pursuance with this Act shall be conducted as may be prescribed.
- (2) It shall be the obligation of the gram sabha, block panchayat or the municipality/municipal corporation, as the case may be, to conduct social audits of activities undertaken in pursuance of this Act within the gram panchayat or municipality:
- Provided that this mandatory social audit may be linked to social audits required under other laws or government schemes and guidelines.
- (3) The relevant authorities shall make available all relevant documents including the tender documents, bills, vouchers, copies of sanction orders and other connected papers to the Gram Sabha or the Municipality for the purpose of conducting the social audit.
- (4) The findings of the audit shall be read out in such a manner as may be prescribed.
- (5) The appropriate body shall encourage independent audits, carried out by civil society or citizens' groups.

(6) All social audits shall be universal and open, allowing for ongoing social audit (concurrent) as well as post facto social audits.

(7) The Groundwater Grievance Redressal Officer shall take necessary action on the findings of all social audits, including directions to initiate criminal prosecution.

(8) The Groundwater Grievance Redressal Officer may impose a fine and/or award compensation on the basis of the findings of the social audit, within a reasonable time period as may be prescribed.

Information to be kept in Public Domain

- 40- Information on the Impact Assessment of such activities taken up under this Act in Section-36 and the Social Audit reports under Section-39 shall be placed on internet for access by public.

CHAPTER-VIII
OFFENCES AND PENALTIES

Offences and Penalties -

- 41- (1) If any user of ground water or any drilling agency,
- (a) Contravenes or fails to comply with any of the provisions of this Act or any rule made there under, or ;
 - (b) Obstructs the State Council or respective District Council or Block Panchayat/ Municipal Committee or any other person authorized by the State Council to exercise any of the powers under this Act, shall be punishable according to following-
 - (i) For the first offence, with fine which may not be less than two lakh rupees to five lakhs or imprisonment not less than one year or with both.
 - (ii) If a user convicted under sub-section (i) repeats the offence, such user shall be punished with a fine for an amount double the maximum prescribed under sub-section (i) in addition to imprisonment that may be prescribed under sub-section (i) and if such a user holds a valid authorisation/no-objection certificate granted under this Act, such authorisation shall be cancelled with immediate effect.
- (2) Whoever extracts or causes to be extracted groundwater from a Notified Areas and fails to comply with instructions or directions given by the appropriate Bodies under this Act or specified by the Rules shall be punished with imprisonment which shall not be less than one year and which may extend to three years and with a fine which may extend to ten lakhs.
- (3) (a) Any person, user of ground water, institution, industry, establishment or any process or disposal system contaminates ground water in any manner or contaminates ground water by industrial and aquaculture waste disposal or directly dispose waste water including domestic effluent/sewage and rain water from the open land/fields into the aquifers shall be punishable with serious penal action, as such act shall be treated as an act of criminal offence.
- (b) The person responsible for such offence shall be liable for punishment with imprisonment for a term which shall not be less than 02 years but may extend to 03 years or/and fine for rupees 05 lakhs to rupees 10 lakhs.
- (c) And, if failure continues, 05 years to 10 years imprisonment or/and fine of rupees 10 thousand per day. In addition to that the costs of its repairs or remedying the same shall be recovered as arrears of land revenue.

Provided that the person responsible for abetment of such offence or connivance shall also be liable for punishment in the same manner.

- (2) Any supplier of water who supplies or causes to be supplied groundwater which fails to meet the quality standard prescribed under law shall be punished with a fine not less than two lakh rupees.
- (3) Whoever, being an owner of a building liable for installation of a system for harvesting rainwater to recharge groundwater as per the as per the provision under this Act, fails to do so, shall be punished with a fine, not less than two lakh rupees.

Provided that in addition to the penalty imposed on her or him, she or he shall be required by the Groundwater Grievance Redressal Officer to comply with the requirements of law within a stipulated time.

Provided further that in case of failure on the part of the owner of the building, the District Council/Municipal Committee shall take steps to install or restore such system and the expenditure incurred for this shall be collected from the owner as arrears of land revenue or as a judgment debt realisable through execution proceedings initiated before the Groundwater Grievance Redressal Officer.

- (4) Whoever contravenes any of the provisions of this Act or fails to comply with any order or direction given under this Act or its Rules, for which no penalty has been elsewhere prescribed in this Act, shall be punishable with imprisonment, which may extend to 06 months or with fine, not less than one lakh rupees or with both.

**Offences
by Companies**

42- (1) Whenever an offence under this Act has been committed by a company, every person who at the time of the commission of offence was in charge of, or was responsible to the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

EXPLANATION – For the purpose of this section –

(1) "Company" means anybody corporate and includes a firm or other association or individuals, and

(2) "Director", in relation to a firm, means a partner in the firm.

**Civil and
Administrative
Remedies**

43- (1) Whoever violates the Groundwater Security Plan prepared and implemented under this Act shall be liable to be sued and any act done or any omission to do an act in violation of the Groundwater Security Plan shall be an actionable wrong.

(2) The appropriate Council at the level in which the Groundwater Security Plan is drawn up and monitored shall be the body responsible for initiating and continuing the legal action against the violators.

(3) The appropriate Council shall designate an officer who shall initiate the legal proceedings against the violators of the Groundwater Security Plan.

(4) An application to remedy/rectify the violation shall be preferred before the Groundwater Grievance Redressal Officer having jurisdiction over the area from where the dispute arose.

(5) The appropriate Council may give directions to any person to remedy any violation of rules and regulations or provisions of this Act. It may also impose fines for the violations, remittance of which shall be a condition for restoration of the authorisation cancelled or suspended.

(6) Nothing under this provision shall bar the exercise of the power of cancellation, suspension, and modification of the authorisation granted by the appropriate government by way of an administrative order for violation of the conditions of the authorisation.

(7) Any person aggrieved by the administrative directions issued against her or him by the appropriate government may raise a dispute under this Act.

(8) Any individual, group, community, or non-governmental organization, can file a petition before the Groundwater Grievance Redressal Officer seeking remedy against the violation of the Groundwater Security Plan.

(9) No action shall be initiated by any person, other than the designated officer, under this section unless he had served thirty days' notice to the concerned Bodies for initiation of legal action:

Provided that the Groundwater Grievance Redressal Officer may allow

the initiation of legal action without serving the above said notice if she or he is satisfied regarding the urgency of the matter or if she or he is convinced that no purpose is going to be served by issuing such a notice.

(10) The Groundwater Grievance Redressal Officer can issue an injunction against the perpetrator of the violation, or issue a mandatory injunction to compel positive actions to remedy the situation or direct the violator to pay compensation for the violation.

(11) Industrial or commercial users shall be strictly liable for substantial harm to groundwater quantitatively and qualitatively and for the degradation of the land as well as damage caused to public health:

Explanation: Inherently hazardous uses of groundwater include but are not limited to the direct pumping and/or release of potential hazardous effluents into aquifers, extraction of groundwater beyond the specified authorisation accorded to an industry, and activities destroying the recharge capabilities of areas notified as Groundwater Protection Zones.

(12) The Groundwater Grievance Redressal Officer may provide for restitution of property damaged and for restitution of the environment for such area or areas or compensation to victims who suffered health hazards or faces threat to health as well as for the damages caused to the environment as she or he may think fit.

(13) The Groundwater Grievance Redressal Officer may impose a fine for violations of the Groundwater Security Plan or any other provisions of this Act and such fine shall not exceed the amount prescribed as fine under the penal provisions under this Act.

(14) The Groundwater Grievance Redressal Officer may cancel the authorisation granted in cases of violation of the Groundwater Security Plan or conditions of the authorisation or suspend it for a specific period in addition to any other order she or he may pass in a petition for rectification of the Groundwater Security Plan violation.

(15) The Decision of the Groundwater Grievance Redressal Officer shall be binding on all parties to the complaint.

(16) No Action shall be initiated before the Groundwater Grievance Redressal Officer unless it is certified that all appropriate measures to settle the dispute by mediation and conciliation have failed. The manner in which the certificate of failure of mediation and conciliation is to be issued and authenticated shall be provided by Rules.

(17) Nothing contained in this provision shall limit the power of the Groundwater Grievance Redressal Officer to entertain any complaint or application without prior notice being given to the appropriate government for taking action or without the failure report of the conciliation and mediation if she or he is satisfied that the case requires urgent actions to be taken or that it will not serve any purpose to wait for the completion of the prerequisites mentioned earlier.

Compounding of Offences

44- Offences prescribed under this chapter may be compounded (except under section 36 sub-section (2) and also leaving matters related to pollution of ground water) by the State Council, either before or after the institution of the proceeding subject to such conditions as may be prescribed under rules.

Cognizance of Offences

45- (1) Offences under this Act shall be cognizable and triable by a magistrate of first class or by any other judicial forum created/empowered in this behalf.
(2) The magistrate may take cognizance of the offence either suomoto or on a complaint filed by the appropriate government.
(3) Any person interested in the matter on her or his personal behalf can initiate prosecution of any person who commits any offence under this Act.

Provided that before initiating the prosecution, the person interested shall give a one-month notice to the appropriate government intimating her or his intention to initiate prosecution:

Provided further that it shall be within the power of the court to allow the person interested in the matter to initiate prosecution against anyone who violated the provisions of this Act without serving the notice mentioned above if the court is satisfied that the matter is of urgent nature or that no useful purpose is going to be served by issuing the above-mentioned notice.

**CHAPTER –IX
DISPUTE RESOLUTION**

**Dispute Resolution
Avoidance,
Mediation and
Conciliation**

- 46- (1) Every dispute under this Act shall be referred to be settled by mediation or conciliation at the appropriate level, by mediators and conciliators.
- (2) Every Gram Panchayat sub-committee/Block Panchayat Ground Water Management Committee or Municipal Water Management Committee shall make available by consensus a list of persons of repute and integrity to act as conciliators and mediators, to be published by the District Council and further in order to facilitate the process of mediation and conciliation the State shall publish a list of persons available for acting as mediators and conciliators in every local area.
- (3) The settlement reached under this process shall be final and binding and shall be authenticated by the process prescribed under Rules.
- (4) Any dispute, which fails to be resolved under the mediation and conciliation, shall be referred to the court for adjudication with a statement of failure report.
- (5) In case of any grievance of no reference of dispute for adjudication on failure of mediation and conciliation, the aggrieved party may approach the court for permission to file suit for adjudication of the dispute.

**Appointment of
Groundwater
Grievance Redressal
Officer**

- 47- (1) The State Government shall appoint, in every district, a District Ground Water Grievance Redressal Officer.
- (2) The manner of selection, appointment and conditions of service and providing institutional support shall be fixed by Rules formulated by the State Government in this behalf.
- (3) No one shall be appointed as Groundwater Grievance Redressal Officer unless she or he has experience and qualification in the field of law or hydrogeology or social service or management or water policy or human rights or public administration.
- (4) Every Groundwater Grievance Redressal Officer shall hold office for a term of three years. The Groundwater Grievance Redressal Officer shall be eligible for re-selection for a second term and shall not be eligible for any further terms.
- (5) Office and Staff: For proper functioning, office and staff shall be provided in each district for District Ground Water Grievance Redressal Officer including all institutional facilities and the budget.

**Disqualification for
Appointment as a
Groundwater
Grievance Redressal
Officer**

- 48- (1) The Groundwater Grievance Redressal Officer shall not be eligible for appointment if she or he:
- a) Is a public servant or a non-official holding any office of profit under the government at the time of appointment;
 - b) Has been convicted and sentenced to imprisonment for an offence involving moral turpitude or corruption under the Prevention of Corruption Act, 1988;
 - c) Has been suspended, removed or dismissed from the service of the government or a body corporate owned or controlled by the government; or
 - d) Has, in the opinion of the appropriate government, such financial or other interest as is likely to affect prejudicially the discharge of his or her functions as a Groundwater Grievance Redressal Officer.
- (2) The Groundwater Grievance Redressal Officer shall not hold any post under the government or any office of profit receiving remuneration from the State exchequer during the period in which she or he holds the post.

**Nyaya Mitra to Assist
Ground Water
Grievance Redressal
Officer**

- 49- (1) In every district, there shall be a Nyaya Mitra to assist the Groundwater Grievance Redressal Officer in the discharge of her or his duties.
- (2) No one shall be appointed as a Nyaya Mitra unless she or he holds a bachelor's degree in law, with eligibility to enrol as a lawyer, from a recognised institution or university.
- (3) The manner of selection, terms of appointment and remuneration of the Nyaya Mitra shall be such as may be prescribed.

**Jurisdiction and
Powers of
Groundwater
Grievance Redressal
Officer**

- 50- (1) The Groundwater Grievance Redressal Officer shall have jurisdiction over all complaints arising under this Act, within the territorial jurisdiction for which she or he is appointed.
- (2) For the purposes of this section, the Groundwater Grievance Redressal Officer shall have the same powers and obligations as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:
- a) The summoning and enforcing attendance of any defendant or witness and examining the witness on oath;
 - b) The discovery and production of any document or other material object as evidence;
 - c) The reception of evidence on affidavits;
 - d) The requisitioning of the report of the concerned analysis or test from the appropriate laboratory or from any other relevant source;
 - e) Issuing of any commission for the examination of any witness; and
 - f) Any other matter, which may be prescribed.
- (3) The Groundwater Grievance Redressal Officer shall pronounce his or her decision in public immediately after finishing the hearing at any subsequent time, not exceeding fourteen days.
- (4) The Decision of the Groundwater Grievance Redressal Officer shall be binding on all parties to the complaint.
- (5) Copies of the decision shall be given to the parties immediately free of cost and a copy shall be sent to the concerned appropriate body.

Appeals

- 51- (1) Any person aggrieved by the decision or action of the State Council under this Act may, within a period of sixty days from the date on which the action is taken or the decision is communicated to him and on payment of such fees as may be prescribed, prefer an appeal to such an State Council as may be specified by the State Government in this behalf:
- Provided that appellate State Council may entertain an appeal after the expiry of the said period of sixty days, if it is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.
- (2) On receipt of an appeal under sub-section(1), the appellate Council shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

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**CHAPTER -X
MISCELLANEOUS**

- Powers of the Appropriate Bodies to Remove Wells Dug in Contravention of the Act**
- 52- (1) The Block Panchayat/Municipal Committee may require any person who has sunk or is sinking a well or who has extracted or is extracting water in contravention of any of the provisions of this Act, by notice in writing to stop such extraction within the time specified in the notice, being not less than fifteen days, and require the owner or the person in possession of the well to close or seal off the well at his expense and in such manner as it may specify in such order.
- (2) If the person on whom a notice under sub-section (1) has been served does not stop such extraction or stop such extraction but does not close or seal off the well to the satisfaction of the appropriate government within the time specified in the notice, the respective committee (as the case may be) may enter the land and close or seal off the well.
- (3) The cost incurred by the respective committee (as the case may be) under Sub-section (2) shall be recoverable as an arrear of land revenue from the person on whom a notice under Sub-section (1) has been served.
- Power of the Appropriate Government to Call for Information**
- 53- The District Councils & the State Council shall have the power to call for any information from any department of the State Government or any other person, which is required by it in the exercise of its powers and the performance of its duties and functions under this Act or the rules, regulations and bye-laws made there under, and such department or person shall be bound to furnish such information.
- Pre-existing Rights**
- 54- (1) Pre-existing rights will continue to be valid for a period of one year from the date of commencement of this Act, after which the rights and entitlements shall be as per the provisions of this Act.
- (2) No compensation is due for any legal or other rights that become extinguished as a result of this legislation.
- Ground Water Fund**
- 55- The State Government shall create a separate fund to be known as Ground Water Fund and all the receipts on account of penalties, registration fees, fee on ground water extraction etc. shall be credited to this fund. The operation of fund shall be in such manner as maybe prescribed. Such fund shall be utilized for ground water management activities in the State.
- Power of the State Government to Make Rules**
- 56- (1) The State Government may, by notification, make rules to carry out the provisions of this Act.
- (2) Every Rule made under this Act shall be laid before the state legislature during its next session.
- Power of Local Authorities to Make Byelaws**
- 57- (1) Consistent with the Rules made by the State Government under this Act, local authorities may, by notification, make byelaws to carry out the provisions of this Act.
- (2) Every byelaw made by local authorities under this Act shall to be sent for approval and endorsement by the State Legislature. The byelaws will take effect after such endorsement is made by the State Legislature.
- Power to Make Regulations**
- 58- Subject to the provisions of this Act and its Rules, the State Government may make regulations to carry out the purposes of this Act.

Power to Remove Difficulties

59- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

Effect of this Act on Other Laws

60- Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall have precedence and overriding effect.