

BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI.

O.A.No:131 of 2016 (SZ)

IN THE MATTER OF

B.R.LAKSHMANAN

.....

APPLICANT

....Vs.....

THE DISTRICT COLLECTOR,

NILGIRIS DISTRICT & OTHERS

.....

RESPONDENTS

STATUS AND ACTION REPORT FILED BY THE COLLECTOR OF NILGIRIS

AS NODAL OFFICER OF JOINT COMMITTEE

As per the Order of the Hon'ble National Green Tribunal, Southern Zone, Chennai dated 18.02.2020 passed in O.A.No: 131 of 2016(SZ) filed by one Mr. B.R. Lakshmanan, a Joint Committee comprising of the District Collector as Nodal Officer, a Senior authorized officer of Tea Board, Executive Engineers of Public Works Department and Water Resource Organization as its other Members was constituted vide the letter No: RC No:844/2016/P3, dated 15.06.2020.

The members of the Joint Committee along with their subordinates had inspected the localities at Billicombai, Subramaniapuram and Honnathalai village, where the alleged green tea leaf transportation took place in the presence of the Applicant Mr. B.R. Lakshmanan. To verify the correctness of the allegations raised by the applicant the Members of the Joint Committee had enquired the details of allegations from the said applicant and the local green tea leaf suppliers before commencing the field inspection.

The Hon'ble National Green Tribunal(SZ), Chennai has directed the Joint Committee to clarify the following points and submit a report;

1. Whether the tea leaf agents who have purchased green tea leaves from the plantation and transporting the same to the nearby processing unit require any registration;
2. Whether there is any regulatory mechanism provided either under the Tea Act, 1953 or under any regulations framed there under to monitor or regulate tea growing and tea plantations and protecting the interest of the tea manufactures and the tea growers;
3. Whether there is any mechanism for registration of any vehicle used for transporting tea leaves from one place to another and there is any regulation regarding monitoring of such transport of tea leaves from the plantation to the processing industries etc.,
4. Quantum of water required for the purpose mentioned in the petition and source of water for transportation of fresh tea leaves from the plantation to the industries;
5. Whether transport of tea leaves from Niligirs District to a longer distance to other industries is permissible under the Tea Act, 1953;

In this regard the Joint Committee submits that;

Neither the District Administration nor the Tea Board has recognized any green tea leaf agent for procurement of tea leaves from the Small tea growers in the district.

For the benefit of Small Tea Growers, the Tea Board has formed more than 182 Self Help Groups of Small Tea Growers, who collect green tea leaves from their members and supply to the adjacent Industrial Co-operative Tea Factories and other Bought Leaf Factories in the district. The performances of these SHGs are scrupulously monitored by the Officials of the Tea Board and Factory Advisory Committees.

The District Administration has in collaboration with the Tea Board, periodically held workshops and village level meeting through the Horticultural department Field Officers and the farmers have been advised to supply their green tea leaves only to the adjacent Industrial Co-operative Tea Factories to reap the benefits of minimum tea price fixed by the Government and to avail other benefits.

The Tea Control Orders and the Tea Act, 1953 do not prohibit transportation of green tea leaves by any Small Tea Growers or Green Tea Leaf suppliers from one location to another location. There is no Legislation regulating or prohibiting transportation of green tea leaves from one district to other district or state and hence, the District Authority or the Tea Board has no authority to prohibit transportation of green tea leaves from the Nilgiris District to other parts of Tamil Nadu.

Regarding the source of water for transportation of fresh tea leaves from the plantation to the industries we submit that the alleged Tea leaf agents (the respondents in the petition) having bore well located near their Tea Gardens or residences and the water drawn from these private bore wells are used for transportation of fresh tea leaves from the plantation to the industries. The quantum of water used for this purpose depends upon the humidity.

The Hon'ble National Green Tribunal (SZ), Chennai has also directed the Joint Committee to submit a report as to the availability of the ground water in Nilgiris District and is there any restriction for ground water, except for the purpose of drinking and if there is any regulation provided for drawing ground water for other purpose viz. commercial purpose, using it for transport of tea leaves from one place to another and whether there is any mechanism provided for controlling the above said activities mentioned in the previous paragraphs and if there is any violation what is the nature of action that has been taken by the respective authorities against those violators and submit a status and action report in this regard.

The joint Committee has humbly submits that as per the Net Ground water availability report for the Nilgiris District as published in G.O.Ms. No.161/PWD, dated 23.10.2019 based on Ground Water Potential Assessment for the period ending March, 2017 all the Revenue Firkas in the Nilgiris district are comes under SAFE category.

As per the G.O.Ms No:142/public Works (R2) Department, dated 23.07.2014 and G.O.Ms. No:161/PWD, dated 23.10.2019 drawing of ground water for drinking and domestic purpose, horticulture, educational institution, infrastructures project (Housing less than 6 dwellings), Government. drinking water supply schemes are exempted from obtaining NOC from the competent authority but at the same time drawing of ground water for other purpose viz., commercial purpose an appropriate No objection Certificate / License has to be obtained from the competent authority i.e., the Chief Engineer, State Ground and Surface Water Resources Date Centre, Tharamani, Chennai.

If any firms violates the norms prescribed in the above mentioned G.O's the firms shall be closed based on the resolution passed by the District Level Monitoring Committee headed by the District Collector as per directions given by the Hon'ble High Court of Madras in its Order passed in WP No:16299/2018, dated:23.03.2020.

Using the ground water on the green tea leaves to preserve its freshness till it reaches the Tea Factories is comes under Horticulture activities and it is not comes under commercial category and hence, there is no violation in using water on the green tea leaves to preserve its freshness and to transportation of fresh tea leaves from the plantation to the industries.

The separate reports given by (1) Assistant Director(Pts/Audit), Udhagamandalam, (2) Dy.Director of Tea Development, Tea Board, Coonoor, (3) Assistant Director Geology, PWD, Ground water sub Division, Coimbatore and (4) Executive Engineer, WRD, Bhavanisagar Dam Division, Bhavanisagar are filed herewith and the same may be treated as part and parcel of this report.

Encls:-

1. Report of the Assistant Director(Pts/Audit), Udhagamandalam,
2. Report of the Dy.Director of Tea Development, Tea Board, Coonoor,
3. Report of the Assistant Director Geology, PWD, Ground Water Sub Division,
Coimbatore
4. Report of the Executive Engineer, WRD, Bhavanisagar Dam Division,
Bhavanisagar
5. G.O.(Ms) No:142, Public Works(R2) Department, dated 23.07.2014.
6. G.O.(Ms) No:161, Public Works(R2) Department, dated 23.10.2019.

PLACE:UDHAGAMANDALAM,
DATE: 22.07.2021.


COLLECTOR OF NILGIRIS/
NODEL OFFICER

From

Thiru. D. Samsanthakumar. M.A.,
Assistant Director (Pts/Audit),
Udhagamandalam.

To

The District Collector of Nilgiris,
Udhagamandalam.

R.C. No.844/2016/P3, Dated: 18 .08.2020

Madam,

- Sub** Application filed in the Court of the Hon'ble National Green Tribunal. Southern Zone, Chennai – Application No.131 of 2016 (SZ) – Between Thiru. B.R. Lakshmananan, Billicombai Vs the District Collector, The Nilgiris and 13 others – Field Inspection conducted – Report submitted – Reg.
- Ref** 1) Orders passed by National Green Tribunal / Southern Bench in OA.131/2015,
2) D.O.Lr.No.6(631)/TMCO/CNR/2020/164, Dt:17.06.2020 of the Executive Director, Tea Board of India, Coonoor.
3) Proceedings of the District Collector of Nilgiris Rc No. P3/844/2019 Dt: 15.06.2020.

As instructed by the Collector of Nilgiris, I have conducted field inspection today (18.08.2020) in the following 3 villages of Kagguchi Village Panchayat of Udhagamandalam Block, in connection with the application filed by Thiru. B.R. Lakshmanan, Billicombai in the Court of the Hon'ble National Green Tribunal, Southern Zone, Chennai which is coming for hearing 20.08.2020

- 1) Honnathalai, 2) Billicombai & 3) Kagguchi.

I submit to state that the petitioner has mentioned in his Application No.131 of 2016(SZ) that the following eight Green Tea Leaf Agents of the Nilgiris District are taking huge amount of underground water illegally.

In this connection, I submit that out of eight persons mentioned in petitioner's application, water is being taken from bore well and ring well by the following persons:

Sl. No	Name & address of the person	Present status	Period of the shed running	Period Stopped of the transport the green leaf to Valparai
1	Thiru. B. Nandhakumar, S/o. K. Bhojan, Honnathalai Village, Billicombai Post.	1.5 HP motor is available in 60 feet depth well which is located in the tea garden and adjacent to the green tea leaf shed belongs to the individual While enquiring with the individual, he informed that the source of water is dry & stated that he is not taking water to the green tea leaf shed from the well. In addition to this 12 feet depth ring well is available for which the water source is available nearby the agriculture field.	2003	2015
2	Thiru. H. Subramani, S/o. Halan, Honnathalai Village, Billicombai Post.	1.5 HP Motor with bore well is available in the green tea leaf shed itself. While enquiring with the individual, he informed that he is not taking water to the green tea leaf shed from the above source & also stated that the bore well is being used for taking water for the use of family members at home.	2004	2013
3	Thiru.G.Sreenivasan,(Late) S/o. Gundan, Kagguchi Village & Post.	1 HP motor with bore well is available in the individual's home commonly for him and his brother Thiru. Krishnamoorthy & they informed that they are not taking water to the green tea leaf shed from the above source & also stated that the bore well is being used for taking water for the use of their family purpose only.	2007	2015
4	Thiru.G. Krishnamoorthy, S/o. Ligan Kagguchi Village & Post.			
6	Thiru. Dharmaraj, S/o, Chandran, Kagguchi Village & Post.	1.5 HP Motor with well is available in his land but not in tea leaf shed. While enquiring with the individual, he informed that he is taking water to the green tea leaf shed from the above source only in peak season.	2007	2018
7	Thiru. G. Krishnamoorthy, S/o. Gundan, Billicombai & Post.	His having no Bore well or well. He is taking water from Santhoshkumar's bore well for these purpose only in peak season.	2005	2018

8	Thiru. S. Santhoshkumar, S/o. K.M.Selai, Kagguchi Village & Post.	1.5 HP Motor with bore well is available in the green tea leaf shed itself. While enquiring with the individual, he informed that he is taking water to the green tea leaf shed from the above source only in peak season & also stated that the bore well is being used for taking water to the green shed garden for tripping unit near the tea leaf shed.	2002	2018
9	Thiru.B.C.Senthilkumar, S/o.Chennan, Billicombai & Post.	He is having no own land. He is taken up the lease land from in the petitioner of this case Thiru. B.R.Lakshmanan of Billicombai that is 1.5 HP Motor with well is available in that land. While enquiring with the individual, he informed that he is taking water to the green tea leaf shed from the above source only in peak season.	2005	2017

I also submit to state that the agents are Collected 5000 kg per day from the small tea formers in ordinary season and taken it to the near by the tea factories like Burnside estate, SN velly, Pramase Tea factory, Bengal mattam, Carshoot, Makewood, AVT, Pomman, Eringadu, Banakambai, Santhosh, Sharoon and KMS.

In the season of peak time 20,000 kg per day from the small tea farmers that time only (3 months per year) the excess tea leaves will be taken to the Valparai and Munar but the agents are not taken to Valparai from the period noted in the column no.5.

In the circumstances stated above, I submit to report that as mentioned by the petitioner in his application all the eight persons are not taking ground level water and not use the public tap connection or drinking water connection of the Panchayat.

This is submitted to the Collector for favour of kind information.


Assistant Director (Pts/Audit),
Udhagamandalam.

Report submitted before the District Collector, Nilgiris in respect of field visit as per the directives of the Hon'ble National Green Tribunal (NGT) and the proceedings of the District Collector, Nilgiris, Udhaagamandalam vide Ref. No.Rc. No.P3/844/2019 dated 15.06.2020 in connection with an application filed in the OA No.131 of 2016 (SZ) in the Court of Hon'ble National Green Tribunal, Southern Zone, Chennai by Shri.B.R.Lakshmanan of Billicombai Village - req

This has reference to the orders passed by the Hon'ble Mr.Justice K Ramakrishnan, Judicial Member & Hon'ble Mr. Saibal Dasgupta, Expert Member of National Green Tribunal In the OA no 131 of 2016 filed by Shri.B.R.Lakshmanan of Billicombai village. Based on the said order, a joint committee comprising of the District Collector as Nodal officer, a senior authorized officer of Tea Board, Executive Engineers - Public Works Department and Water Resource Organization as its other members was constituted vide the Nilgiris District Collectorate communication letter No:RC No.844/2016/P3/ dated 15.06.2020 to the O/o the National Green Tribunal, Chennai.

As decided by the Nodal officer, a joint inspection was arranged on 18.08.2020 and accordingly, the committee had inspected the localities at Billicombai and Subramaniapuram, Honnathalai Village, where the alleged green tea leaf transportation took place. The said joint inspection was done in the presence of the petitioner Shri. B.R.Lakshmanan. Before commencing the field inspection, the District Collector being the Nodal officer has enquired the details of allegations from the complainant and from the local green tea leaf suppliers. The purpose was to examine the correctness of the allegations raised by the petitioner. The committee has gone through the directives of the Hon'ble National Green Tribunal (NGT) to probe in to the details of the following points and to submit a report:

The clarification sought by the Hon'ble Green Tribunal is as follows:

"It is not clear from the counter statement filed by the respondents as to whether the tea leave agents who have purchased green tea leaves from the plantation and transporting the same to the nearby processing unit require any registration and whether there is any regulatory mechanism provided either under the Tea Act, 1953 or under any regulations framed there under to monitor and regulate the tea growing and tea plantation and protecting the interest of the tea manufacturers and the tea growers and whether there is any mechanism for registration of any vehicle used for transporting tea leaves from one place to another and is there any regulation regarding monitoring of such transport of tea leaves from plantation to the processing industry etc., Further, it is also not clear from the statement filed by the Tea

Board as well as the District Collector as to the quantum of water required for the purpose mentioned in the petition and source of water for transportation of fresh tea leaves from the plantation to the industries whether transport of tea leaves from Nilgiris District to a longer distance to other industries is permissible under the Tea Act, 1953. If so, under what circumstances, the same can be done by the persons who are dealing with such activities. If there is any violation of these rules what are all the actions that have been taken by Tea Board and what is the mechanism for the same."

From the above clarifications sought, it may kindly be noted that the following clarifications are provided from the Tea Board India.

With regard to the averments made in the Paragraph 2 In OA 131 of 2016, It is respectfully submitted that the Tea Board has no information about working of leaf agents, as such agents are neither recognized nor allowed under TMCO as such the applicant is put to strict proof of the same.

With regard to the averments made In paragraph 3 In OA 131 of 2016, It is humbly submitted that the Board has no such information of tea green leaves being transported 250 kilometers from the Nilgiris to Valparal. It is the policy of the Board to allow setting up tea factories where there is availability of sufficient green leaves. The Board does not encourage any such practices which will have any adverse impact on the quality of made tea.

Further, with regard to the clarification sought by the Hon'ble National Green Tribunal, the following clarifications are provided:

1. It is to inform that under the prevailing Tea Act 1953 and its relevant control orders, there is no provision authorizing any agents for transportation of the green tea leaves sourced from the small tea growers from one place to another place.
2. It is pertinent to mention that the green tea leaf by virtue of its tender nature has the tendency to desist its quality and perish over a period of time once it is plucked. In this regard, the Tea Board is conducting many awareness programs among the small tea growers on careful handling of green tea leaves plucked and its transportation to the manufacturing units for preserving its quality. It may kindly be noted that the green tea leaf once it is plucked, shall be transported to the nearby tea factories as soon as possible to preserve its quality and for further processing. In order to ensure the quality of green tea leaf plucked and transported for manufacturing, the tea growers are being provided with adequate advisory services in terms of good agricultural practices viz., fertilizer application, timely plucking, Pruning and

spraying etc., Further, the small tea growers are also being advised to form Self Help Groups (SHGs) by augmenting themselves for better quality plucking and to ensure a better price realization of their produce. Moreover, financial assistance by way of 50% subsidy is being provided to the registered Self Help Groups to procure green leaf transportation vehicles (LCVs) for ensuring timely transportation of the green tea leaf to the nearest tea factories. The Tea Board also provides financial assistance by way of subsidies for undertaking various cultural activities, which includes uprooting and replanting of old uneconomical tea area with planting of high yielding clonal plants for increasing the field productivity. There are schemes for short term yield mobilization viz., Rejuvenation Pruning / Infilling subsidy scheme and Irrigation subsidy for vertical yield improvement and thereby ensuring a better yield sustainability.

Submitted.

 18/5/2020

(C.S. Hariprakash)

Dy. Director of Tea Development,
Tea Board India, Zonal Office, Coonoor &
Member - Joint Committee

PUBLIC WORKS DEPARTMENT

From
Thiru.M.Sivakumar,M.sc.,
Assistant Director Geology, PWD.,
Ground Water Sub Division,
Coimbatore.

To
The Executive Engineer, PWD, WRD.,
Bhavani Sagar Dam Division,
Bhavani Sagar.

Lr. No. — /AD(G)/GWSDn./ CBE /2020/ Dt 26.08.2020.

Sir,

Sub: Application filed in the court of the Honourable National Green Tribunal, Southern Zone, Chennai – Application No.131 of 2016 (S2) between Thiru.Lakshmananan of Billicombai village Vs The District Collector, The Nilgiris – Joint Committee – Inspection – Regarding.

Ref : Your Office letter No. DB/JDO.2/F.NGT/2020/1^M/Dt.19.08.2020.

Anent the reference cited, regarding exploitation of ground water and tends to depletion of Ground Water level, a field study has been carried out in the study area of Billicombai village of Kottagiri taluk of Nilgiri District and the observations are of as follows:-

- The area is hilly terrain having a steep slope. The abstraction wells are generally lying in the elevated area with 45m height and the nearby wells are in the low lying areas. And as per the petition received.
 1. Krishnamoorthy - Billicombai storage and washing area there is no any near by agricultural wells.
 2. Santhosh kumar - Subramaniyapuram storage and washing area the abstraction structure is borewell having a depth of 150 feet with 1.5Hp Submercible electrical motor. There is an open well at a distance of almost 100m away from this well in low-lying area having a depth of 7.5m with 1.5m dia the water level observed to this well is 4m during inspection. And there is a Panchayat open well located some 100m away from the said well

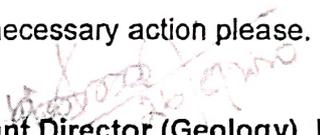
having a depth of 6.5m and the water level is 3.30m, this too in the low-lying area.

3. Honnathalai storage and washing area have a abstraction structure is borewell and having a depth of 265 feet and the water level is 13.4m during inspection. There is an open well observed in low-lying area with a depth of 19m which is in dry condition.
4. Nandakumar – Billicombai storage and wasting area abstraction of ground water structure is open well with dry condition.
5. Senthil – Rent goddown of petitioner Mr. Lakshmananan – Billicombai storage well wasting area. Here the abstraction structure is open well having a depth of 5.5m and the water level observed in 2.20m.

It is observed that the above said abstraction structures are lying in the elevated areas with 45m height and these structures are not in use for the past one year. Also it is observed that the water extracted was used for processing the piled tea leaves for the production tea grains and dust.

Hence it is observed that, there is no any impact in the nearby wells, since the abstraction structures are at elevated areas and the nearby wells are in low lying areas.

This is for favour of information and further necessary action please.


**Assistant Director (Geology), PWD.,
Ground Water Sub Division
Coimbatore.**

WATER RESOURCE DEPARTMENT

From

Er.V.Rajendran, M.E.,
Executive Engineer, WRD,
Bhavanisagar Dam Division,
Bhavanisagar

To

The District Collector,
Nilgiris District

Lr.No.DB / JDO. 2 / F-NGT / 2020 /

/ Dated: 26-08-2020

Sir,

Sub: Application filed in the Court of the Honourable National Green Tribunal, Southern Zone, Chennai – Application No.131 of 2016 (S2) between Thiru.Lakshmananan of Billicombai village Vs The District Collector, The Nilgiris – Joint Committee – Inspection – regarding.

- Ref:**
1. Executive Engineer, WRD, Bhavanisagar Dam Division, Bhavanisagar Lr.No.DB/JDO.2/F.NGT/2020/ 1 M dated.19.08.2020.
 2. Assistant Director Geology, PWD, Ground Water Sub Division, Coimbatore Lr.No. AD(G)/GWSDn./CBE/2020 dated.26.08.2020.
- *****

In continuation of the letter 1st cited, I submit that the inspection report of Assistant Director Geology, PWD, Ground Water Sub Division, Coimbatore is received regarding the application filed in the Court of the Honourable National Green Tribunal, Southern Zone, Chennai – Application No.131 of 2016 (S2) between Thiru.Lakshmananan of Billicombai village Vs The District Collector, vide reference No.2nd stating observations that, there is no any impact in the nearby wells, since the abstraction structures are at elevated areas and the nearby wells are in low lying areas.(copy enclosed).

Hence, this is submitted for favour of further necessary action please.

Executive Engineer WRD
Bhavanisagar Dam Division,
Bhavanisagar – 638 451.

(d) Appropriate rain water harvesting and Artificial recharge schemes should be carried out in the categories viz, Over-exploited, Critical, Semi-Critical and Safe blocks of Tamil Nadu. While carrying out the above schemes, priority should be given to marginal quality and bad quality areas so as to avoid further deterioration.

(e) All the schemes and proposals based on the Ground Water will have to adhere to the Government Orders and conditions as detailed in the Annexure-II to the Government Order 1st read above.

2. In the letters 2nd read above, the Chief Engineer, Water Resources Department, State Ground and Surface Water Resources Data Centre, has reported that in order to safeguard the groundwater aquifers and sustain the ground water potential, the State Ground and Surface Water Resources Data Centre, Water Resources Department, issues No Objection Certificate / Licence / Permit for extraction of groundwater by different users and Circulars issued by him from time to time should also be followed. He has also reported that for the effective management of ground water and environment on water sector and to maintain the sustainability on ecology, the Chief Engineer, Water Resources Department, State Ground and Surface Water Resources Data Centre, has sought for approval of the draft Regulations for Management of Groundwater and Issue of No Objection Certificate / Licence for extraction of Groundwater in State of Tamil Nadu suggested by him.

3. The Government after careful consideration of the proposal of the Chief Engineer, State Ground and Surface Water Resources Data Centre, Chennai, have decided to accept it. Accordingly, in furtherance of the orders and instructions issued in the Government Order first read above, the Government approve the following Regulations for the Management of Ground Water and issuance of No Objection Certificate for extraction of Ground Water in Tamil Nadu. These Orders and Regulations should be scrupulously followed by the authorities concerned.

**REGULATIONS FOR MANAGEMENT OF GROUND WATER
AND ISSUE OF NO OBJECTION CERTIFICATE / LICENCE FOR EXTRACTION
OF GROUND WATER IN TAMIL NADU STATE**

In G.O.(Ms.) No. 52, Public Works Department, dated 2.3.2012, the Government of Tamil Nadu have approved the categorisation of the Blocks in Tamil Nadu as Over-Exploited, Critical, Semi-Critical and Safe for ground water development and notified the same. The categorisation will be done periodically by the Government of Tamil Nadu and will be notified. In continuation of the orders issued in the said Government Order, the Government issue the following Regulations for issue of NO OBJECTION CERTIFICATE for extraction and transportation of ground water. These Regulations will come into force immediately.

These Regulations extend to the whole of the State of Tamil Nadu except the areas to which the Chennai Metropolitan Area Ground Water (Regulation) Act, 1987 extends.

(I) **The following Categories are exempted from applying for NO OBJECTION CERTIFICATE for drawal and transportation of ground water:**

- (a) **Drawal and transportation of ground water for domestic and drinking purposes** for individual houses and housing infrastructure projects limited up to the Projects with six dwelling units **in any area.**
- (b) Drawal and transportation of ground water for drinking purposes to educational institutions. While issuing No Objection Certificate, the Competent Authority may ensure that water from surface source is not available from Chennai Metropolitan Water Supply and Sewerage Board, Tamil Nadu Water Supply and Drainage Board, Local Body or New Tiruppur Area Development Corporation Limited.
- (c) Drawal and transportation of ground water for agricultural and horticultural purposes in the State of Tamil Nadu. However, the existing spacing norms of 50 metres from unlined canal and 200 metres from river bed and water bodies will continue.
- (d) Drawal and transportation of ground water by Local Bodies, Government Institutions, Government Undertakings for drinking water purposes, subject to the clearance by the Water Utilisation Committee as per rules in force.
- (II) **NO OBJECTION CERTIFICATE is required for drawal and transportation of Ground water for the following Categories:**
- (1) For drawal and transportation of ground water for Housing Infrastructure Projects with more than six dwelling units.
- (2) For drawal and transportation of ground water for all other Infrastructure Projects / buildings.
- (3) Drawal and transportation of ground water for Industries (However, this will not apply to the existing Industries)
- (4) Water based Industries (i.e., those industries which use water as raw material like water bottling units, etc.) are eligible for No Objection Certificate in Safe and Semi-Critical Blocks only and not in any other category of Blocks.
- (5) In case of industries, which have already been established and functioning in Critical and Over-exploited Blocks, keeping in view the investment already made in plant and machinery, renewal of No Objection Certificate will be done after the concerned District Collector / Chief Engineer, State Ground and Surface Water Resources Data Centre, satisfies himself about the provisions of the Artificial Recharge Scheme Structures to recharge the ground water. While issuing No Objection Certificate, the Competent Authority may ensure that water from surface source is not available from Chennai Metropolitan Water Supply and Sewerage Board, Tamil Nadu Water Supply and Drainage Board, Local Body or New Tiruppur Area Development Corporation Limited.

(III) Non Permissible Categories:

- (1) Drawal and transportation of ground water for Water based industries (ie., those industries which use water as raw material) is not permitted from Critical and Over-exploited Blocks. Hence, water based Industries are not eligible to get No Objection Certificate in Over-exploited and Critical Blocks.
- (2) Highly Polluting Industries (14 types – as categorised by the Tamil Nadu Pollution Control Board) are not eligible to extract ground water within 5 km radius from Cauvery, Pennaiyar, Palar, Vaigai, Thamiraparani and all the major rivers and tributaries as specified vide G.O.(Ms) No. 213, Environment & Forest (EC-I) Department, dated: 30.3.89.
- (3) In coastal areas, proposal for extraction of ground water within 10 km from the coast (However the distance criteria may be relaxed based on the geological formation which ensures that the geological formation is not susceptible for sea water intrusion due to extraction of ground water in that area)
- (4) The areas falling under the Palar Basin Rules, where the spacing prescribed is not available vide G.O.(Ms.) No.1766, Public Works Department, dated: 31.10.88.
- (5) The extraction point falling within 50 meters from the canal are not eligible for extraction of ground water.

(IV) Submission of application for availing No Objection Certificate:

Four sets of application have to be submitted to the Chief Engineer, State Ground and Surface Water Resources Data Centre, Chennai, in the prescribed format only with the following Annexures:

- (1) Attested copy of registered land ownership document in the name of the applicant (or) lease agreement in the name of the applicant.
- (2) The latest Encumbrance Certificate showing the name of the applicant for ascertaining the ownership or lease of the area.
- (3) Field Measurement Book Sketch.
- (4) Not to scale topo sketch showing the location of wells and the industry.
- (5) Chitta and Adangal copy.
- (6) Copy of Electricity Board Card.
- (7) The distance between the well proposed for groundwater extraction and nearest wells and the depth of the wells to be certified by the Revenue Inspector concerned.

- (8) The distance between the well proposed for ground water extraction and nearest surface water body such as tank, canal, stream, river, etc., to be certified by the Revenue Inspector concerned.
- (9) The distance between the well proposed for ground water extraction and the bank of Palar River (Palar Basin Rules) to be certified by the Revenue Inspector concerned.
- (10) "No Objection Certificate" from the Village Panchayat concerned for the proposed quantity of ground water extraction and transportation of groundwater, if any, (The application form and annexures are notified in the website of the Department and Government) along with the Service Charges as prescribed by the Government then and there.

(V) Conditions for Processing of Application Forms:

The land in which the drawal wells have been proposed by an industry / organization for issue of No Objection Certificate for drawal of Ground Water should either be own property of the owner / proprietor of the industry / organization registered in his name or a leased property taken on lease by the owner / proprietor of the industry / organization in his name and duly and properly registered. No other mode of accessibility or permissibility of Land and Well will be entailed to claim for issue of No Objection Certificate to industry / organization. The request of the applicant will be processed by the Chief Engineer, State Ground and Surface Water Resources Data Centre and final orders on No Objection Certificate / Licence will be issued after adhering to the Consolidated Guidelines, 2011, dated 28.01.2011. The Chief Engineer, State Ground and Surface Water Resources Data Centre, is empowered to issue No Objection Certificate / Licence observing the Regulations and conditions laid down in the Government Order and guidelines. The Chief Engineer, State Ground and Surface Water Resources Data Centre, is the authority to issue No Objection Certificate / Licence by imposing conditions and also empowered to reject or decline any of the request on technical grounds after scrutiny.

(VI) GENERAL CONDITIONS:

- (1) Since Ground Water is a State subject, the Tamil Nadu Pollution Control Board and ISI should issue the permission only after obtaining the licence from the State Ground and Surface Water Resources Data Centre.
- (2) The Chief Engineer, State Ground and Surface Water Resources Data Centre, will examine the proposals, case by case, in accordance with the guidelines issued by the Government and the Chief Engineer, State Ground and Surface Water Resources Data Centre, is empowered to issue technical circulars then and there as warranted.
- (3) The Chief Engineer, State Ground and Surface Water Resources Data Centre, should ensure that due to drawal of ground water based on the issue of No Objection Certificate / Licence for drawal of ground water, the categorisation in the Block / Revenue Firka should not alter its position downwards. Necessary conditions should be imposed to construct adequate Artificial Recharge Structures to recharge stipulated quantity of water with respect to drawal of ground water.

- (4) The No Objection Certificate / Licence for drawal of ground water should be compulsorily renewed every year for the water based Industries and to be renewed once in three years for the non-water based industries.
- (5) All the existing Guidelines imposed by the Chief Engineer, State Ground and Surface Water Resources Data Centre and guidelines issued then and there by the Government are to be followed by the existing and also proposed users.

(BY ORDER OF THE GOVERNOR)

M. SAI KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Engineer-in-Chief, Water Resources Department & Chief Engineer (General),
Public Works Department, Chennai-5.
The Chief Engineer, State Ground and Surface Water Resources Data Centre,
Taramani, Chennai-113.
All Regional Chief Engineers.
All District Collectors.
The Director of Rural Development, Chennai-15.
The General Manager, National Bank for Agriculture and Rural Development, Chennai-34.
The Registrar of Co-operative Societies, Chennai.
The Chief Engineer (Agricultural Engineering), Chennai-35.
The Director of Agriculture, Chennai - 5.
The Director of Horticulture, Chennai-5.
The Commissioner / Managing Director, Sugar Corporation, Chennai-35.
The Managing Director, Tamil Nadu Water Supply and Drainage Board, Chennai-5.
The Engineering Director, Tamil Nadu Water Supply and Drainage Board, Chennai-5.
The Managing Director, Chennai Metropolitan Water Supply and Sewerage Board, Chennai-2.
The Chairman, Tamil Nadu Electricity Board, Chennai-2.
The Managing Director, New Tiruppur Area Development Corporation Limited, Chennai-32.

Copy to:
The Secretary to the Hon'ble Chief Minister, Chennai-9.
The Senior Personal Assistant to Hon'ble Minister for Finance & Public Works, Chennai-9.
The Energy Department, Chennai-9.
The Agriculture Department, Chennai-9.
The Revenue Department, Chennai-9.
The Environment and Forest Department, Chennai-9.
The Municipal Administration and Water Supply Department, Chennai-9.
The Rural Development and Panchayat Raj Department, Chennai-9.
The Co-operation, Food and Consumer Protection Department, Chennai-9.
The Industries Department, Chennai-9.
The Home (GI) Department, Chennai-9.
The Bureau of Indian Standards, Southern Regional Office, CIT Campus Road, Taramani,
Chennai -113.
SF/SC.

// FORWARDED / BY ORDER //

5
SECTION OFFICER

23/7/14



ABSTRACT

GROUND WATER – Dynamic Ground Water Resources Assessment for Tamil Nadu as on March, 2017 – Categorization of Firkas as Over Exploited, Critical, Semi-Critical, Safe and Saline / Poor Quality based on the Assessment in Tamil Nadu – Approved – Orders – Issued.

Public Works(R2) Department

G.O. (Ms) No.161

Dated 23.10.2019

விகாசி, புரட்டாசி 6

திருவள்ளூர் ஆண்டு 2050

Read :

1. G.O.(Ms).No.326, Public Works Department, Dated 23.11.1993.
2. G.O.(Ms).No.51, Public Works Department, Dated 11.02.2004.
3. G.O.(Ms).No.52, Public Works Department, Dated 02.03.2012
4. G.O.(Ms).No.142, Public Works Department, Dated 23.07.2014
5. G.O.(Ms).No.113, Public Works Department, Dated 09.06.2016
6. G.O.(Ms).No.257, Public Works Department, Dated 01.10.2018
7. From the Chief Engineer, State Ground and Surface Water Resources Data Centre, Letter No. DD(G)/8474/ Assessment/ 2017, Dated 22.8.2019.

•/•/•

ORDER:

Based on the development of the ground water resources, the Panchayat Union Blocks in Tamil Nadu were categorized as Dark and Grey areas as on January 1992 and January 1997 (Projected development at year 5) in the Government Order 1st read above. The Blocks with ground water development between 85% to 100% were categorized as "Dark Blocks" and the Blocks with ground water development between 65% to 85% were categorized as "Grey Blocks". The Government directed that no Scheme should be formulated in the Dark Blocks and that in the Grey Blocks, Schemes should be formulated in consultation with the Ground Water Wing of the Public Works Department only. The above categorisation was done in accordance with the then prevailing Ground Water Estimation Committee - 1984 (GEC-1984) Norms. Thereafter, the Committee constituted by the Ministry of Water Resources, Government of India, has

recommended to adopt the GEC-1997 Norms for estimation of the ground water resources in all the States.

2. In the Government Order second read above, the Government approved the categorization of the Panchayat Union Blocks in Tamil Nadu as Over-Exploited, Critical, Semi-Critical and Safe Blocks for ground water development as on January, 2003. The Government directed that no Schemes should be formulated in the Over Exploited and Critical Blocks and in the Semi-Critical and Safe Blocks, all the Schemes should be formulated in consultation with the State Ground and Surface Water Resources Data Centre of the Water Resources Organisation in the Public Works Department. It was also ordered therein that the term "Scheme" excludes energisation of agricultural pump sets by the Tamil Nadu Electricity Board. The Government further directed that appropriate rain water harvesting and artificial recharge schemes be carried out in all the categories of Blocks and while carrying out the above Schemes, priority should be given to the Over Exploited and Critical Blocks so as to avoid further deterioration.

3. In the Government Order third read above, the Government approved the categorization of the Panchayat Union Blocks as Over-Exploited, Critical, Semi-Critical and Safe Blocks based on the assessment of the State Ground Water Resources as on March 2009. All the Over Exploited and Critical Blocks were notified as A Category Blocks (where the stage of ground water extraction is 90% and above) and all the Semi Critical and Safe Blocks were notified as B Category Blocks (where the stage of ground water extraction is below 89%). The Government directed that no Schemes should be formulated in Over Exploited and Critical blocks "Notified as A Category Blocks" In Semi-Critical and Safe Blocks "Notified as B Category Blocks", all the Schemes should be formulated through the State Ground and Surface Water Resources Data Centre of the Water Resources Department and the Chief Engineer, State Ground and Surface Water Resources Data Centre, would issue "No Objection Certificate" for ground water clearance. The Government further directed to exclude the ground water drawal for domestic purpose by individual household; domestic Infrastructure Project (Housing); Government's Drinking Water Supply Schemes and Non Water based Industries (i.e., the industries which do not require and use water, either as raw material or for other processing). The Chief Engineer, State Ground and Surface Water Resources Data Centre, would permit domestic use of water by these Non Water based Industries by issuing "No Objection Certificate" based on the hydro-geological conditions. The Government further directed that appropriate Rain Water Harvesting and Artificial Recharge Schemes should be carried out in the categories viz, Over exploited, Critical, Semi Critical and Safe Blocks of Tamil Nadu and while carrying out the above Schemes, priority should be given to marginal quality and bad quality areas so as to avoid further deterioration. The Government further directed that all the Schemes and Proposals based on ground water would have to adhere to the Government Orders and Conditions detailed in

the Annexure-II to the above mentioned Government Order. This Government Order had been upheld by the Hon'ble Bench of Madras High Court, in its Common Judgement dated 18.09.2013, in WA Nos. 923 to 926 of 2009, WP Nos 23116 of 2006, 23896 to 23900 of 2016, 4711 of 2004 and 12375 of 2008. The Hon'ble High Court had made it clear that even with the repealing of the Tamil Nadu Ground Water (Development and Management) Act, 2003, this G.O. would govern the interest of the parties and the State in the matter of regulating the business of the Writ Appellants.

4. In furtherance of the Orders and Instructions issued in the Government Order third read above, the Regulations for management of ground water and issue of No Objection Certificate / License for extraction of groundwater in the State were approved in the Government Order fourth read above.

5. Subsequently, in the Government Order fifth read above, the Dynamic Groundwater resources in the State were estimated taking a Revenue Firka as an unit of assessment by the State Level Technical Co-ordination Committee as on March 2011 and accordingly the Government had approved categorization of the Over-Exploited, Critical, Semi-Critical, Safe and Saline Firkas based on the above assessment. Thereafter, the Government, in the G.O sixth read above, have approved the categorisation of the Firkas in the State as Over-Exploited, Critical, Semi-Critical, Safe and Saline / Poor Quality Firkas based on the Ground Water Resources Assessment as on March 2013.

6. In the letter seventh read above, the Chief Engineer (State Ground and Surface Water Resources Data Centre) has sent a proposal to the Government for approval of Estimation of the Dynamic Groundwater Resources in Tamil Nadu as on March 2017 and Categorisation of Firkas and requested for approval of the Ground Water Assessment 2017 and notification of the Categorization of the Firkas of Tamil Nadu based on the above assessment.

7. The Government have decided to approve the categorization of the Revenue Firkas in the State based on the Estimation of the Dynamic Ground Water Resources as on March, 2017. Accordingly, the Government approve the categorisation of the Revenue Firkas in the State as Over-Exploited, Critical, Semi-Critical, Safe and Saline/Poor Quality as detailed in the Annexure of this Order, based on the Dynamic Ground Water Resources Assessment as on March, 2017 which shall be notified in the Tamil Nadu Government Gazette.

8. The Chief Engineer(State Ground and Surface Water Resources Data Centre),Water Resources Department is further directed that appropriate rain water harvesting and Artificial recharge schemes shall be carried out in the categories viz, Over exploited, Critical, Semi Critical, Safe and saline/Poor quality Firkas of Tamil Nadu. While carrying out the above

Schemes, priority shall be given to marginal quality and bad quality areas so as to avoid further deterioration

(BY ORDER OF THE GOVERNOR)

K. MANIVASAN

PRINCIPAL SECRETARY TO GOVERNMENT

To

- The Works Manager, Government Central Press, Chennai-79.
 The Chief Engineer, State Ground and Surface Water Resources Data Centre, Water Resources Department, Taramani, Chennai-113.
 The Engineer-in-Chief, Water Resources Department and Chief Engineer (General), Public Works Department, Chennai-5.
 All the Regional and Functional Chief Engineers, Water Resources Department.
 The Additional Chief Secretary and Commissioner of Land Administration, Chennai-5.
 All District Collectors.
 The Director of Rural Development, Chennai-15.
 The General Manager, National Bank for Agriculture and Rural Development, Chennai-34.
 The Registrar of Co-operative Societies, Chennai.
 The Chief Engineer (Agricultural Engineering), Chennai-35.
 The Director of Agriculture, Chennai - 5.
 The Director of Horticulture, Chennai-5.
 The Commissioner / Managing Director, Sugar Corporation, Chennai-35.
 The Managing Director, Tamil Nadu Water Supply and Drainage Board, Chennai-5.
 The Engineering Director, Tamil Nadu Water Supply and Drainage Board, Chennai-5.
 The Managing Director, Chennai Metropolitan Water Supply and Sewerage Board, Chennai-2.
 The Chairman, Tamil Nadu Electricity Board, Chennai-2.
 The Regional Director, Central Ground Water Board, Rajaji Bhavan, Chennai-90.

Copy to

- The Agriculture Department, Chennai-9
 The Revenue & Disaster Management Department, Chennai-9.
 The Environment and Forest Department, Chennai-9.
 The Municipal Administration and Water Supply Department, Chennai-9.
 The Rural Development and Panchayat Raj Department, Chennai-9.
 The Energy Department, Chennai-9.
 The Industries Department, Chennai-9.
 Stock File / Spare Copy.

// Forwarded by Order //

K. Manivasan
 27/10/2019

Section Officer

27/10/2019