

**BEFORE THE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONE, BHOPAL  
Original Application No. 71/2024**

**IN THE MATTER OF**

**Tahir Hussain**

**... Petitioner**

**Vs.**

**Ministry of Jal Shakti & Ors.**

**...Respondents**

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**COUNSEL FOR THE RESPONDENT NO.1 & 2**

PLACE: Jaipur  
DATE: 17<sup>th</sup> November 2025

FILED BY



THROUGH ADVOCATE

**[GIGI.C.GEORGE]**

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**NATIONAL GREEN TRIBUNAL**

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**M-981062531**

क्षेत्रीय निदेशक / Regional Director  
भारत सरकार / Government of India  
जल शक्ति मंत्रालय / Ministry of Jal Shakti  
जल संसाधन, नदी विकास और गंगा संरक्षण विभाग  
Department of Water Resources, RD & GR  
केंद्रीय भूमि जल बोर्ड / Central Ground Water Board  
पश्चिमी क्षेत्र, जयपुर / Western Region, Jaipur

**ATTESTED**  
  
**NOTARY PUBLIC JAIPUR  
(RAJ) INDIA**

**17 NOV 2025**

**BEFORE THE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONE, BHOPAL  
Original Application No. 71/2024**

**IN THE MATTER OF**

**Tahir Hussain**

**... Petitioner**


**Vs.**

**Ministry of Jal Shakti & Ors.**

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**REPORT ON BEHALF OF MINISTRY OF JAL SHAKTI (MoJS) &  
CENTRAL GROUND WATER AUTHORITY (CGWA)**

1. I, **Rakesh Kumar Kushwaha**, aged about **48 years** S/O Late **Shree R.C. Prasad** Working as, **Regional Director** having office at **Central Ground Water Board, Western Region, 6-A, Jhalana Doongari, Jaipur-302004** do hereby solemnly affirm and state on oath as under on behalf of **Respondent No. 1 & 2** hereinafter referred to as Answering Respondents.
2. That I am in my aforementioned official capacity, well conversant with the facts and circumstances of the present case on the basis of the documents and records available in the department. As such, I am competent and authorized to swear this counter affidavit on behalf of answering respondents.
3. That I have read and understood the contents of the present affidavit and states that the contents mentioned in the Affidavit are true and correct to the best of my knowledge.
4. That the applicant in the in instant matter has raised the issue regarding extraction of ground water by the Rajasthan State Industrial Development and Investment Corporation



केन्द्रीय निदेशक / Regional Director  
भारत सरकार / Government of India  
जल शक्ति मंत्रालय / Ministry of Jal Shakti  
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Department of Water Resources, RD & GR  
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पश्चिमी क्षेत्र, जयपुर / Western Region, Jaipur

**Brief Fact**

Ltd. (RIICO) in 409 industrial areas situated in 33 districts in Rajasthan from illegal borewell for the purpose of commercial activities without having any permission from CGWA was raised.

5. That the matter was last listed on 24.09.2025 wherein Hon'ble Tribunal issued directions to CGWA. Relevant paragraphs and response of CGWA is as under:

a. Hon'ble Tribunal vide para 8 of the said order directed CGWA to take necessary action for taking remedial measures as well as to regulate the extraction of ground water without any further delay and also directed to take care the environmental compensation as mentioned in Section 15 of the notification dated 24.09.2020 and to take action accordingly.

b. In this regard it is most respectfully submitted that RIICO (R-6) challenged the orders dated 10.07.2024 & 12.08.2024 passed by Hon'ble Tribunal in the instant matter, before Hon'ble Supreme Court through **Civil Appeal No. 4481-82 of 2025**. RIICO has also submitted an undertaking before the Hon'ble Supreme Court stating that RIICO will not supply groundwater even for domestic use of the workers and employees in that area without permission of CGWA. The undertaking further states that RIICO is also willing to pay the charges and if necessary even the penalty. In spite of the undertaking given, RIICO has not applied for No Objection Certificate (NOC) as a PSU for groundwater withdrawal for its industrial area(s) under the Infrastructure category of MoJS guideline.

- c. In view of the undertaking given by RIICO, Hon'ble Supreme Court vide order dated 24.03.2025 in C.A. 4481-82 of 2025, directed CGWA that coercive measures against RIICO for recovery of EC shall not be taken. Accordingly, CGWA has not pursued the recovery of Environment Compensation already imposed on and communicated to RIICO.
- d. Apart from above, Para 9 and Para 10 of the order dated 24.09.2025 of Hon'ble Tribunal is relevant to MoJS/CGWA. The paras are reproduced below.

*9. Learned counsel for the respondent – RIICO has raised the issue of utilization of fund/penalty/environmental compensation by the CGWA. It is not the issue with the present application; however, non-utilization of fund does not create any right in favour of the violator for not complying the notification so far as extracting the ground water without any authority is concerned.*


*10. However, we further direct the CGWA to submit a report with regard to the action taken by the authority for recharge of ground water in this area under petition as well as in the States of Madhya Pradesh, Chhattisgarh and Rajasthan during last 5 years. Put up with the latest report.*

- e. In this regard, it is most respectfully submitted that the charges levied by CGWA, i.e. Ground Water Abstraction/ Restoration Charges/ Penalty/ Environmental

Compensation/ Application Fee are deposited by Project Proponent directly into **Consolidated Fund of India (CFI)**. Govt of India implements schemes relating to water conservation/artificial recharge of which MGNREGS is the main scheme.

i. The MGNREGS guidelines include a comprehensive list of activities that qualify for funding under the water conservation mandate. These works fall under the Natural Resource Management (NRM) category and include:

- **Rainwater harvesting structures:** Construction and renovation of check dams, percolation tanks, farm ponds, and community tanks.
- **Groundwater recharge structures:** Building recharge pits, recharge shafts, and filter systems for borewell and open well recharge.
- **Watershed development:** Works like contour trenching, contour and field bunding, and boulder or gabion structures to control water runoff.
- **Rejuvenation of traditional water bodies:** Desilting and reviving traditional lakes and tanks.
- **Micro and minor irrigation works:** Development of canals and field channels.

  
 क्षेत्रीय निदेशक/Regional Director  
 भारत सरकार/Government of India  
 जल शक्ति मंत्रालय/Ministry of Jal Shakti  
 जल संसाधन, नदी विकास और गंगा संरक्षण विभाग  
 Department of Water Resources, RD & GR  
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 पश्चिमी क्षेत्र, जयपुर/Western Region, Jaipur


- **Afforestation and plantation:** Works that help improve water retention in the soil.

ii. As per data available on MGNREGS Portal, total 56,15,093 works have been completed in the country under the activities related to Water Conservation/ Artificial Recharge during last five years (2021-22, 2022-23, 2023-24, 2024-25 and current year 2025-26 up to 14.11.2025). Activity-wise break-up is given in following table.

Activity	Completed Works
Afforestation	1557707
Traditional water bodies	606167
Water Conservation	2636475
Watershed management	814744
<b>Grand Total</b>	<b>5615093</b>


iii. Further, as directed by Hon'ble NGT vide Para 10 of order dated 24.09.2025, works completed under these activities in the states of Rajasthan, Madhya Pradesh and Chhattisgarh during last five years (2021-22, 2022-23, 2023-24, 2024-25 and current year 2025-26 up to 14.11.2025) are provided in following table (as per data available on MGNREGS Portal).

Activity	Rajasthan Completed Works	Madhya Pradesh Completed Works	Chhattisgarh Completed Works	Total
Afforestation	35429	50152	22200	<b>107781</b>

  
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Activity	Rajasthan Completed Works	Madhya Pradesh Completed Works	Chhattisgarh Completed Works	Total
Traditional water bodies	30577	22756	34780	<b>88113</b>
Water Conservation	83747	320453	68603	<b>472803</b>
Watershed management	14705	57184	22675	<b>94564</b>
<b>Grand Total</b>	<b>164458</b>	<b>450545</b>	<b>148258</b>	<b>763261</b>

iv. In order to prioritize the areas for taking up water conservation measures under MGNREGS, the MGNREGS framework has been amended on 23.09.2025 (copy enclosed as **Anneuxre-I**). The relevant portion of the notification is reproduced below:

  
 क्षेत्रीय निदेशक/Regional Director  
 भारत सरकार/Government of India  
 जल शक्ति मंत्रालय/Ministry of Jal Shakti  
 जल संसाधन, नदी विकास और बंधु संरक्षण विभाग  
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*“Provided further that the assessment units (Blocks) classified as ‘Over-exploited’, ‘Critical’, ‘Semi-critical’ and ‘Safe’ in the available Dynamic Ground Water Resources Assessment Report, by the Central Ground Water Board (CGWB), shall be treated as priority areas for intervention, and the District Programme Coordinator or Programme Officer shall ensure that a minimum percentage of the works to be taken up in the assessment units (Blocks) in terms of cost, shall be for water conservation, water harvesting and other water-related works as per following, namely:-*

- (a) 65 per cent in 'Over-exploited' and 'Critical' rural blocks;
- (b) 40 per cent in 'Semi-critical' rural blocks; and
- (c) 30 per cent in 'Safe' rural blocks.

6. That the present report may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass appropriate order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.

**Verification**

Verified at Jaipur on 17<sup>th</sup> November, 2025 that the contents of the above affidavit are true and correct to the best of my knowledge and belief, nothing material has been concealed there from.



*[Signature]*  
 क्षेत्रीय निदेशक / Regional Director  
 भारत सरकार / Government of India  
 जल शक्ति मंत्रालय / Ministry of Jal Shakti  
 जल संसाधन, नदी विकास और कृषि संरक्षण विभाग  
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**ATTESTED**  
*[Signature]*  
 NOTARY PUBLIC JAIPUR  
 (RAJ) INDIA  
 17 NOV 2025



# भारत का राजपत्र The Gazette of India

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असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित  
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नई दिल्ली, मंगलवार, सितम्बर 23, 2025/आश्विन 1, 1947

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NEW DELHI, TUESDAY, SEPTEMBER 23, 2025/ASVINA 1, 1947

ग्रामीण विकास मंत्रालय

अधिसूचना

नई दिल्ली, 23 सितम्बर, 2025

का.आ. 4288(अ).—महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार गारंटी अधिनियम, 2005 (2005 का 42) की धारा 29 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, इस आशय से संतुष्ट होकर कि ऐसा करना आवश्यक और समीचीन है, उक्त अधिनियम की अनुसूची 1 में निम्नलिखित और संशोधन करती है, नामतः :-

महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार गारंटी अधिनियम, 2005 की अनुसूची I, अनुच्छेद 4, उप अनुच्छेद 2 में प्रावधान के बाद निम्नलिखित प्रावधान डाला जाएगा :-

बशर्ते कि, केन्द्रीय भूजल बोर्ड (सीजीडब्ल्यूबी) द्वारा उपलब्ध गतिशील भूजल संसाधन मूल्यांकन रिपोर्ट में 'Over-Exploited', 'Critical', 'Semi-Critical' और 'Safe' के रूप में वर्गीकृत मूल्यांकन इकाइयों (ब्लॉक) को कार्यवाही के लिए प्राथमिकता वाले क्षेत्रों के रूप में माना जाएगा, जैसे कि जिला कार्यक्रम समन्वयक या कार्यक्रम अधिकारी यह सुनिश्चित करेगा कि लागत के संदर्भ में ब्लॉकों में किए जाने वाले कार्यों का न्यूनतम प्रतिशत जल संरक्षण, जल संचयन और अन्य जल संबंधी कार्यों के लिए निम्नलिखित के अनुसार होगा, नामतः;

(क) 'Over-Exploited' और 'Critical' ग्रामीण ब्लॉक में 65 प्रतिशत

(ख) 'Semi-Critical' ग्रामीण ब्लॉकों में 40 प्रतिशत

(ग) 'Safe' ग्रामीण ब्लॉकों में 30 प्रतिशत

[फा. सं. जे-11017/05/2021-आरई-VII]

रोहिणी रामदास भांजीभाकरे, संयुक्त सचिव

**टिप्पणी:** महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार गारंटी अधिनियम, 2005 की अनुसूची-1 को पहली बार संख्या का.आ. 323(अ), दिनांक 6 मार्च, 2007 द्वारा संशोधित किया गया था और अंतिम बार संख्या का.आ. 3622(अ), दिनांक 6 अगस्त, 2025 द्वारा संशोधित किया गया था।

## MINISTRY OF RURAL DEVELOPMENT

### NOTIFICATION

New Delhi, the 23rd September, 2025

**S.O. 4288(E).**—In exercise of the powers conferred by sub-section (1) of section 29 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (42 of 2005), the Central Government being satisfied that it is necessary and expedient so to do, hereby makes the following further amendments to Schedule I of the said Act, namely:-

In the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, in Schedule I, in Paragraph 4, in sub-paragraph (2), after the proviso, the following proviso shall be inserted, namely:-

“Provided further that the assessment units (Blocks) classified as 'Over-exploited', 'Critical', Semi-critical' and 'Safe' in the available Dynamic Ground Water Resources Assessment Report, by the Central Ground Water Board (CGWB), shall be treated as priority areas for intervention, and the District Programme Coordinator or Programme Officer shall ensure that a minimum percentage of the works to be taken up in the assessment units (Blocks) in terms of cost, shall be for water conservation, water harvesting and other water-related works as per following, namely:-

- (a) 65 per cent in 'Over-exploited' and 'Critical' rural blocks;
- (b) 40 per cent in 'Semi-critical' rural blocks; and
- (c) 30 per cent in 'Safe' rural blocks”.

[F. No. J-11017/05/2021-RE-VII]

ROHINI RAMDAS BHAJIBHAKARE, Jt. Secy.

**Note :** Schedule I of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 was first amended vide number S.O. 323(E), dated the 6th March, 2007 and lastly amended vide number S.O. 3622(E), dated the 6<sup>th</sup> August, 2025.