

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, AT NEW DELHI**

ORIGINAL APPLICATION. No. 218 /2020.

IN THE MATTER OF:

DEVIDAS KHATRI

...APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENT(S)

**AFFIDAVIT ON BEHALF OF MINISTRY OF JAL SHAKTI(D/o
WR,RD&GR), NEW DELHI AND CENTRAL GROUND WATER**

AUTHORITY (CGWA)

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Place: New Delhi

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**AFFIDAVIT FOR AND ON BEHALF OF THE MINISTRY OF JAL
SHAKTI, DEPARTMENT OF WATER RESOURCES, RIVER
DEVELOPMENT & GANGA REJUVENATION (MOJS), NEW DELHI
AND CENTRAL GROUND WATER AUTHORITY (CGWA), NEW
DELHI.**

MOST RESPECTFULLY SHOWETH:

I, Sunil Kumar, Son of Late Shri Kabool Singh aged about 58 years, employed / appointed as the Member, in Central Ground Water Authority, functioning / officiating at New Delhi, do hereby solemnly affirm and declare as under:-

1. That I have gone through and understood the orders dated 09.10.2020 of this Hon'ble NGT in OA No. 218/2020 and I have been duly authorized by Department of Water Resources, River Development & Ganga Rejuvenation to file the present affidavit before this Hon'ble Tribunal, as I am well conversant with the facts, depose to hereinafter on behalf of Department of WR, RD&GR in the above matter.



2. That the deponent craves liberty to raise additional submissions or file additional affidavits in case need arises during the course of arguments.

BRIEF SUBMISSIONS

3. That the Hon'ble Tribunal under its order dated 09.10.2020 held that the notification issued by Ministry of Jal Shakti is statutorily appealable under section 16(g) of NGT Act, 2010 and hence directed for conversion of application into appeal. The Hon'ble Tribunal also held that the arguable points in the application/appeal require reconsideration.

a. That the applicant under his application has sought order to quash and set-aside the policy dated 24.09.2020 without exhausting remedies in accordance with law. It is respectfully submitted that the Notification dated 24.09.2020 is in compliance of the directions of the Hon'ble Tribunal vide order dated 20.07.2020 in OA No. 176/2015. The new guidelines have been framed by the Ministry of Jal Shakti to enable Central Ground Water Authority to carry out the function of regulation and control of groundwater management and development, in terms of the mandate of Hon'ble Supreme Court by which CGWA was created under Environment (Protection) Act, 1986. The Hon'ble Apex Court held in the past that the Court cannot interfere in the policy of State. The issue related to policy of disposal of natural resources was considered at highest level in this country under **Re: Special Reference No.1/2012 (2012) 10 SCC 1**. Hon'ble Justice J.S. Khehar in his concurring opinion stated that *"the wisdom of the policy or the lack of it or the desirability of a better alternative is not within the permissible scope of judicial review in such cases and it is not for the Courts to recast the policy or to substitute it with another which is considered to be more appropriate."*



Relevant Excerpts from the Judgement are annexed as **ANNEXURE R-1. [Pages 34 to 36]**

- b. The second relief sought under the OA is to direct/order the Respondents to reconsider policy dated 24.9.2020 for ensuring a proper recharge mechanism to be adopted by each defaulting unit and prevention of unauthorised extraction of ground water, whereas fourth relief is for recharge policy adoption by industries for restitution. According to the new guidelines, Water Management Plans prepared by all the State Ground Water Authorities/Organizations for all Over-exploited, Critical and Semi-critical assessment units are to be considered while granting NOC to the users. It is respectfully submitted that since rainfall and type of aquifers vary widely all across the country, a uniform implementable recharge mechanism is difficult to frame. However, Government of India constituted a Committee that came up with a Master Plan for Artificial Recharge to Ground Water - 2013 which envisages construction of about 1.11 crore recharge structures in urban and rural areas. It is placed on the website of CGWB and also circulated to the State Governments and all Hon'ble MPs for its implementation in States/ their respective constituencies. CGWB has prepared a Manual and subsequently a Guide on Artificial Recharge to Ground Water which provides guidelines on investigation techniques for selection of sites, planning & design of artificial recharge structures, economic evaluation & monitoring of recharge facility. These are of immense use to States/ U.T.s in planning and implementation of recharge schemes for augmentation of ground water in various parts of the country. To check the depleting water levels & augmentation of Water resources CGWB has implemented demonstrative artificial recharge project during VIII, IX, X & XI plans which has resulted in



the annual replenishment of ground water resources of about 4.0, 45.0, 2.14 & 55.20 (anticipated) MCM respectively. A Master Recharge Plan (2020) has also been finalized by CGWA which envisages construction of 1.41 Cr recharge structures in urban and rural areas. The Master plan is envisaged to be implemented through various Central/State government schemes.

- c. The third relief sought by the applicant is for direction to respondents to follow the order dated 20.7.2020. Pursuant to the directions of the Hon'ble Tribunal, a meaningful regulatory regime has been framed by the notifying the new Guidelines dated 24.09.2020 to ensure sustainable ground water management. In addition, best efforts have been made to comply with the other directions of Hon'ble Tribunal and the same has been elaborated in the Action Taken Report submitted in O.A. No. 176/2015, as directed in the aforementioned Order.
- d. The fifth relief sought by the applicant is to impose strict penalty over the defaulting officers. No comments in this regard are submitted. However, the Hon'ble Tribunal may consider that the officers have acted with due diligence to come up with the best possible mechanism to protect the environment.
4. That the averments under para I and II are a matter of record and need no comments.
5. That the allegations under para III and IV are denied. It is submitted that all safeguards for the protection of environment by carrying on the activity of ground water, have been taken into account in the new guidelines. The petitioner through this application is targeting industries, but is ignoring the fact that the livelihood of millions of workers is dependent on these industries and that the economic development of the country needs to be



balanced, especially in these times of Covid-19 pandemic. It has been held in Vellore Citizen's Welfare Forum vs. UOI 1996(5) SCC 647 that "*Sustainable Development*" as a *balancing concept between ecology and development has been accepted as a part of the customary international law*. It is submitted that the principles of Sustainable Development i.e. "The Precautionary Principle" and "The Polluter Pays Principle" have already been taken into consideration while framing the new guidelines.

6. That Section 14(1) of NGT Act, 2010 deals with jurisdiction of this Hon'ble Tribunal over civil disputes arising out of implementation of the enactments under Schedule-I of the Act. Section 14(2) deals with the powers of this Hon'ble Tribunal to hear, settle disputes arising out of section 14(1) of the Act and pass orders. Through the prayer in the instant application, the applicant seeks directions from this Hon'ble Tribunal to target the industries through Statutory Authorities while placing themselves in comfort zone and behind the scene. The applicant has made a baseless allegation on all the industries, even though proper mechanism and norms for different types of groundwater users located in various categories of groundwater assessment units have been laid down in the new guidelines.

7. That in reply to averments under para V: Question of Law, it is respectfully submitted that CGWA has been constituted under Section 3 (3) of the Environment (Protection) Act, 1986, to regulate and control, management and development of ground water in the country and to issue necessary regulatory directions for the purpose. As regards the obligation to protect and improve the quality of environment, it is a collective responsibility of State and the Citizen. Violations if any, under the enactments under

Schedule-I are to be monitored, checked and controlled by the concerned statutory bodies like Pollution Control Boards, Pollution Control Committees, District Administration, Civic/Municipal Bodies, concerned State Government Departments



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and Central Government Departments. The policy of the Central Government to regulate ground water development and management has been notified under the orders of this Hon'ble Tribunal. The policy notified in September, 2020 is being challenged in October, 2020 by the applicant indicates that the applicants don't want a policy to remain in force. The new guidelines have been formulated after much deliberations and consultations with various stakeholders to provide an effective regulation and sustainable management of ground water. The effective recharge mechanisms with directions to industries and projects, Government Departments and citizens at large are in place. As and when the compliance failure is reported or brought to the notice of public authorities and courts, corrective measures are being taken. The new guidelines have also incorporated the recommendations of Committee constituted by the Hon'ble NGT in the matter of Shailesh Singh vs. Hotel Holiday Regency, Moradabad and Others (O.A. No. 176/2015) vide order dated 11.09.2019.

8. That in reply to averments under para VI, the answering respondents deny allegations as the same are baseless. The restraint of respondents is within the framework of law and under the guidance of this Hon'ble Tribunal. Further, all out efforts are being made by the concerned officials of Central/State Governments to ensure sustainable management of ground water resources.

Averments for consideration

9. It is submitted that the notified guidelines dated 24.09.2020 were formulated by the Ministry of Jal Shakti with due regard to the Hon'ble NGT orders dated 20.07.2020. The Notification dated 12.12.2018 of CGWA, report of Expert Committee filed by MOEF&CC on 18.07.2019 and the report of CPCB dated 26.06.2019, were filed before the Hon'ble Tribunal. After a series



of meetings and consultations with various stakeholder Ministries, competent senior scientists, States and UTs, and other stakeholders, the guidelines were further reframed and notified with the approval of the competent authority to have sustainable management of water resources in the country and placed on the website for wider compliance in the country. It is humbly submitted that the new Guidelines have placed high focus on reducing dependence on groundwater and promote the sustainable use of ground water. Copy of the Guidelines to regulate and control Ground Water extraction in India dated 24.09.2020 is marked herewith and annexed as **Annexure R-2**.

[Pages 31 to 65].

10. That the guidelines provide that all new/existing industries, industries seeking expansion, infrastructure projects and mining projects abstracting ground water, unless specifically exempted, will be required to seek No Objection Certificate from Central Ground Water Authority or, the concerned State/ UT Ground Water Authority as the case may be. It is also provided that availability of ground water resources shall be given due regard while considering applications for grant of No Objection Certificate for commercial use to avoid over-extraction of ground water. Duration of NOC for each type of user has been specified in the Guidelines.
11. That in pursuance to the directions of the Hon'ble Tribunal, a detailed procedure along with the documents that need to be submitted, has been laid down for grant of No Objection Certificate for ground water extraction in the new guidelines. Sections 2 – 4 of the new guidelines provide for safeguards and conditions for granting NOC to various types of users to avoid over-extraction of ground water.
12. That to address the unauthorized/uncontrolled drilling, Section 1.1 provides the Registration of Drilling Rigs. State / UT



Governments shall be responsible for registering drilling rigs operating within their jurisdiction and for maintaining the database of wells drilled by them. Appropriate link shall be provided in CGWA portal for making the data available to CGWA.

13. That in the new guidelines, for agricultural sector, a participatory approach for sustainable ground water management is encouraged. States/UTs are advised to review their free/subsidized electricity policy to farmers, bring suitable water pricing policy and may work further towards crop rotation/diversification/ other initiatives to reduce overdependence on groundwater.

14. That CGWA Guidelines provide for Drinking & Domestic use for residential apartments/group housing societies/government supply agency in urban areas, NOC for new/existing wells shall be granted only in such cases where the local Government water supply agency is unable to supply requisite amount of water in the area. NOC shall be granted subject to mandatory Installation of Sewage Treatment Plants by all new residential apartments/ Group Housing Societies where ground water requirement is more than 20 m³ /day. The water from Sewage Treatment Plants shall be utilized for toilet flushing, car washing, gardening etc.

15. That Section 4 of the new guidelines provide that no new major industries shall be granted No Objection Certificate in over-exploited assessment areas except as per the policy guidelines. Also, as per the new guidelines, all industries shall be required to adopt latest water efficient technologies so as to reduce dependence on ground water resources. No Objection Certificate shall be granted only in such cases where local government water supply agencies are not able to supply the desired quantity of water. Injection of treated/ untreated waste water into aquifer system is strictly prohibited. Expansion of existing industries involving increase in quantum of ground water abstraction in over-



exploited assessment units shall not be permitted. No Objection Certificate shall not be granted to new packaged water industries in Overexploited areas, even if they belong to MSME category. Annexure III provides for detailed measures to be adopted to ensure prevention from pollution in the plant premises of polluting industries/ projects.

16. That for mining projects, the new guidelines provide that all existing as well as new mining projects will be required to obtain No Objection Certificate for ground water abstraction. It shall be mandatory for all the mining industries to ensure that water available from de-watering operations is properly treated and should be gainfully utilized for supply for irrigation, dust suppression, mining process, recharge in downstream and for maintaining e-flows in the river system and shall also ensure construction of observation well(s) along the periphery in the premises. Also, all mining units shall monitor the water quality of mine seepage and mine discharge through NABL accredited/ Govt. approved laboratories and the same shall be submitted at the time of self compliance.

17. That it is specifically mentioned in the new guidelines that no 'No Objection Certificate' shall be granted for extraction of groundwater for Water Parks, Theme Parks and Amusement Parks in over-exploited assessment units. New as well as existing Infrastructure projects shall also be required to seek No Objection Certificate for abstraction of ground water. In over-exploited assessment units, use of ground water for construction activity shall be permitted only if no treated sewage water is available within 10 km radius of the site.

18. That Section 6 of the new guidelines provide that all private tankers abstracting ground water and use it for supply as bulk water suppliers will now mandatorily seek No Objection Certificate for ground water abstraction.



19. That the guidelines have been improved and the categories of consumers exempted from seeking No Objection Certificate for ground water extraction have been re-framed keeping in mind livelihood/employment opportunities and ensuring water to fulfil the basic needs of rural population, national security and economic development, to include only the following –

- i. Individual domestic consumers in both rural and urban areas for drinking water and domestic uses.
- ii. Rural drinking water supply schemes.
- iii. Armed Forces Establishments and Central Armed Police Forces establishments in both rural and urban areas.
- iv. Agricultural activities.
- v. Micro and small Enterprises drawing ground water less than 10 cum/day.

20. That it is further submitted that Micro and Small Enterprises drawing nominal ground water less than 10 cum/day have been exempted, to promote and motivate small businesses for boosting the economic development of the country. The small quantity fixed (i.e. less than 10 KLD) will not affect the overall ground water scenario in a particular area. The Central Government has also been emphasizing the need to encourage such businesses, especially in the ongoing Covid-19 crisis.

21. That in pursuance to the recommendations by the Committee constituted by the Hon'ble Tribunal and to strengthen the institutional mechanism, various provisions have been incorporated in the new guidelines. In Over-exploited assessment units, No Objection Certificate shall not be granted for ground water abstraction to any new industry. Also, According to Sections 10 and 13, various functions have been assigned to authorities such as District Collectors/Deputy Commissioners (DCs) /District Magistrates (DMs) and CGWBs against illegal groundwater withdrawal. District Collectors/Deputy Commissioners (DCs)



/District Magistrates (DMs) are authorized to take enforcement measures like sealing of unauthorized ground water abstraction structures, disconnection of electricity, launching of prosecution against those violating the No Objection Certificate conditions and taking action for imposition of Environmental Compensation. Technical officers of CGWB/ CGWA and State groundwater organizations are authorized to take actions with respect to monitoring and periodic inspections with the approval of competent authority. In order to further decentralise and strengthen the monitoring and compliance mechanism as per the guidelines, officials of concerned Departments of Revenue and Industries of the States/UTs shall be appointed as Authorised Officers in consultation with the State/UT Governments. A copy of the No Objection Certificate issued by the CGWA in the No Objection Certificate Application Portal (NOCAP) will be forwarded to the respective District Magistrate/ District Collector. In case of any violation of the directions of Central Ground Water Authority and non-fulfilment of the conditions laid down in the No Objection Certificate, the Authorised Officers will file appropriate Petition/Original Application etc under sections 15 to 21 of the Environment (Protection) Act, 1986 in appropriate Courts.

22. That Section 15 provides for Environmental Compensation in case of illegal abstraction of groundwater. Extraction of ground water for commercial use by industries, infrastructure units and mining projects without a valid No Objection Certificate from appropriate authority shall be considered illegal and such entities shall be liable to pay Environmental Compensation for the quantum of ground water so extracted. Moreover, under Section 16, stricter provisions of penalty for non compliance of NOC conditions have also been incorporated in the revised guidelines.

23. That a provision for Environment Impact Assessment as directed by the Hon'ble Tribunal have been incorporated in the new guidelines for all projects extracting/proposing to extract



ground water in excess of 100 m³ /day in Over-exploited, Critical and Semi-critical areas. Such project proponents shall have to mandatorily submit impact assessment report of existing/ proposed ground water withdrawal on the ground water regime and also socio-economic impacts report prepared by accredited consultants. Also, mandatory submission of comprehensive reports for mining projects prepared by accredited consultant and impact assessment report for infrastructure projects where dewatering is allowed is also included in the new guidelines.

24. That furthermore, as directed by the Hon'ble Tribunal, the proposal for constitution of Expert Appraisal Committee to evaluate Environment Impact Assessment of project activity on individual Assessment units has been approved by the Ministry. The NOC applications shall be only approved based on the recommendations of the Committee constituted under the Chairmanship of Chairperson, CGWA and other Members of reputed organizations. The Impact Assessment Reports in NOC applications with regard to ground water withdrawal of more than 100 KLD in OCS areas shall be put up before the Committee for evaluation as per the guidelines. Further, the Expert Committee may also review the impact evaluation in respect of extraction of ground water less than 100 KLD in Over-Exploited areas on case to case basis.

25. That according to the new guidelines, commercial entities extracting ground water shall be required to submit online annual water audit report which shall be published on the website to ensure transparency. It shall be mandatory for industries using more than 100 m³ /day of ground water to undertake annual water audit through CII, FICCI, NPC, PHDCCI etc. for accurate information and submit the same within three months of the completion of the same. Such industries shall be required to reduce their ground water use by at least 20% over the next 3 years through appropriate means. The guidelines have provision



for installation of telemetry by the users for online monitoring of ground water levels. All efforts have been made to ensure that renewal applications shall not be approved without a valid Water Audit Report.

26. That Section 9 lays down compliance conditions for the grant of NOC and provides that Proponents shall install roof top rain water harvesting & recharge systems in the project area as per the prevailing building bye-laws. Also, installation of digital water flow meter (conforming to BIS/ IS standards) having telemetry system in the abstraction structure(s) shall be mandatory for all users seeking No Objection Certificate. The users will have to get their flow meters calibrated on annual basis.
27. That Section 14 provides for Ground Water Level Monitoring, according to which all the project proponents (drawing ground water more than 10 cum/d) have to mandatorily construct Piezometers (observation wells) within their premises for monitoring of the ground water levels.
28. That as regards the issue of ground water extraction charges raised by the applicant, it is submitted that the charges vary according to the type of industry and criticality of the area in which it is located, and such charges are intended to be used by the State Implementing Agencies for the purposes of restoration/ augmentation of ground water and water conservation measures to ensure sustainability. The optimal requirement of ground water by users is taken into consideration. The intention is to ensure that the users realize the economic value and extract only the required quantity of ground water, thereby preventing over-extraction of ground water. Charges have been kept hefty to act as deterrent for the users to draw ground water particularly in Critical and Over-exploited assessment units. Existing industries, infrastructure units and mining projects which have installed/constructed artificial recharge structures in compliance of the conditions



prescribed in the groundwater guidelines prevailing at the time of grant of No Objection Certificate or its renewal shall be eligible for a rebate of 50% (fifty percent) in the ground water abstraction charges/ground water restoration charges, subject to their satisfactory performance and verification. This provision has been incorporated in the guidelines to promote the recharge of ground water and encourage the project proponents to maintain their existing structures in good/serviceable conditions.

29. That according to the new guidelines, Water management plans shall be prepared by all the State Ground Water Authorities/Organizations for all Over-exploited, Critical and Semi-critical assessment units starting with Over-exploited units. Water management plans shall be reviewed and updated periodically. Water management plans, data on water availability and scarcity and policy framed in this regard shall be placed on the websites of Central Ground Water Authority/ State Ground Water Authority. Availability of ground water is assessed periodically in the entire country in consultation with States and UTs. Data on water availability (Ground Water Resource Assessment - 2017) is available on the website. Assessment as on March 2020 is under progress and will be shared publically once it is finalized.

30. That detailed Guidelines for abstraction of ground water in saline assessment units and partially saline assessment units have been framed separately with certain relaxations in respect of sustainable use of ground water in the saline areas. This has been done to promote the use of saline ground water and utilizing it as an additional resource, since the salinity makes the water unusable and worthless. The natural recharge taking place after the use of saline ground water further helps in the dilution of salinity. Copy of Guidelines for Abstraction of Saline Ground Water is marked herewith and annexed as **Annexure R-3. [Pages 66 to 67]**.



31. That as per the last Dynamic Ground Water Resource Assessment report of Central Ground Water Board, the depletion of ground water by and large is due to the irrigation draft. Out of estimated total annual ground water extraction of 248 BCM, the estimated irrigation draft (extraction) is around 219 BCM. The estimated Industrial draft is around 12 BCM, which constitutes approx. 5% of the total draft. The estimated Drinking and Domestic draft is around 17 BCM. In view of this, controlling the extraction of ground water from only industries may not affect the overall Ground Water scenario in the area. The best course of action shall be participatory Ground Water management, involving all the stakeholders, which is being promoted by the Government. In the CGWA guidelines, States/UTs have been advised to review their free/subsidized electricity policy to farmers, bring suitable water pricing policy and work further towards crop rotation/diversification/ other initiatives to reduce over-dependence on ground water.
32. That Ground Water usage in Agriculture sector is significant but the same is considered to be necessary to ensure food security for the people and to promote public interest in the country. The rain water as nature's gift enables the aquifers to recharge. Such stored water resources in the aquifers are intended for usage of people during non-monsoon days. The carrying capacity of aquifers varies based on rain water availability, hydro-geological environment and other climatic conditions. Anthropogenic interventions at times may or may not give measurable remedies. While Lion's share of these ground water resources are utilized for ensuring food security in the country, some part of these resources are for the benefit of people dependent on industries and for domestic needs. Thus, industries constitute a small percentage of ground water usage and therefore, by focusing on the water conservation efficiency, they are being allowed to extract ground water subject to checks against over-extraction



with provision for penalties for violation of provisions in the new guidelines.

33. That the drinking water needs in the country by and large are met out of supplies through civic bodies. In few cases wherever the citizens are unable to get drinking water through water supply network, ground water is being tapped for meeting various needs. Even today the ground water is considered to be a dependable source for drinking purposes due to rising pollution levels in surface water in some parts of the country. The Delhi Jal Board in the National Capital Territory is tapping ground water in Palla area to meet the drinking water needs of people of NCT of Delhi, which can be taken as a classic example.

34. That the country is primarily an agro based nation for the past several decades, despite the ups and downs in the agriculture productivity. Global track record will indicate that the countries with industrial development are progressing with higher GDP growth rate. The country realized that the prosperity of the nation lies in rapid industrial development and growth. The focus, thus, shifted towards globalization and economic liberalization. The incentives are part of economic liberalization. Such incentives are intended to promote and encourage small and marginal industries for balanced regional development, elimination of concentration of wealth in the hands of few and also to relieve the Small and Micro industries from the burden of investments on water, which is considered to be a precious and priced commodity. The incentives however, were considered under CGWA guidelines only to users in small quantity and the adverse effects are not noted to be significant when compared with larger interest of the nation.

35. That as observed by the Committee constituted in the matter of Shailesh Singh vs. Union of India and Others (O.A. No. 176/2015), the CGWA has appointed officers under section 4 of the Environment (Protection) Act, 1986. At District level, the



concerned Deputy Commissioner/District Magistrate/District Collectors were appointed as Authorized Officers under section 4 of the Environment (Protection) Act, 1986, vide Public Notice No. 8/2017 dated 23.10.2017 and intimidated the concerned States/UTs for checking violations, sealing of illegal/unauthorized bore-wells and for launching prosecution against offenders. At State/Regional level, the CGWA separately also has appointed the concerned Regional Directors/Heads of Offices of Central Ground Water Board, as authorized officers. These Regional Directors/HOOs are further assisted by a team of Scientists/Officers in the Regions for effective regulation in accordance with the provisions under established law. The CGWA has also engaged young professionals for assisting in the secretariat functions. To ensure effective functioning of CGWA, Currently, there are more than 100 employees exclusively engaged in the regulation and management of ground water including scrutinizing of NOC applications submitted by project proponents. The functions of CGWA are being discharged with responsibility-sharing and constant coordination with Regional Offices. Hence, robust mechanism is in place and the CGWA is empowered by the Central Government to consider more such appointments under section 4 of the Environment (Protection) Act, 1986 as and when considered necessary. In addition, the State Ground Water Authorities also are operational in several states under State/UT enactments. These authorities also are actively contributing towards accomplishment of goals envisaged for sustainable development and management of ground water resources in the country. A proposal for establishment of separate Central Ground Water Authority delinked from Central Ground Water Board and creation of suitable posts is under active consideration of the Government.

Copy of Public Notice No. 8/2017 dated 23.10.2017 is annexed as **Annexure R-4. [Pages 67 to _____].**



36. That a web based online system "NOCAP" is completely functional for receipt and processing of applications and issuance of NOC to make it less time consuming and more transparent. The NOCAP portal is in public domain and the data can be accessed by private persons/individuals. NOCAP helps in effective monitoring of processes and tracking of applications by the users and also facilitates better coordination between 12 Regional Offices of CGWB in the States and CGWA Headquarters at New Delhi.

37. That in accordance with the directions of the Hon'ble Tribunal, CGWA has taken steps to publicize the fundamental conditions subject to which the extraction of groundwater would be permitted and the extent thereof and to direct for fixing the flow meters before using the groundwater. The CGWA has issued notice in this connection for compliance and placed the notice on NOCAP for reference of ground water users. The CGWA has directed the industries/projects to report self compliance through NOCAP. The authorized officers appointed by CGWA also are carrying out inspections to check compliance of conditions of NOCs.

38. That the CGWA has also issued directions under section 5 of the Environment (Protection) Act, 1986 through various public notices and letters.

A. CGWA has declared 'notified areas' for regulation of ground water abstraction vide Public Notice No. 2/2011 wherein restrictions are imposed on construction and installation of any new structure for extraction of ground water resources without prior specific approval of the Authorized Officer (Deputy Commissioner) of the district.

Copy of Public Notice No. 2/2011 is marked herewith and annexed as **Annexure R-5. [Pages 68 to 70]**.



B. Directions have been issued by CGWA vide Public Notice dated 8.10.2009 to all the Residential Group Housing Societies/ Institutions/Schools/ Hotels/ Industrial Establishments falling in the over-exploited and critical areas (except in the water logged areas) in the country to adopt Roof Top Rain Water harvesting systems in their premises. Copy of Public Notice dated 08.10.2009 is marked herewith and annexed as **Annexure R-6. [Pages 71 to 72]**.

C. Directions issued vide letter dated 8.10.2009 for Implementation of ground water recharge measures along all National Highways, State Highways and other major roads by CRR, National Highways Authority of India, CPWD, State PWDs; along rail tracks by Indian Railways; in the Stadia by Sports Authority of India, BCCI, Departments of sports and Youth Affairs and in the Airports by Airport Authority of India, Ministry of Civil Aviation for Promoting Rain Water Harvesting/ adoption of artificial Recharge to Ground Water in the country.

Copy of letter dated 08.10.2009 is marked herewith and annexed as **Annexure R-7. [Pages 72 to 73]**.

D. CGWA has also issued directions vide letter dated 06.09.2011 to Chief Secretaries/ Administrators of all the States/ Union Territories and Ministry of Urban Development to take necessary action to adopt rain water harvesting/ artificial recharge on all the Government buildings.

Copy of letter dated 06.09.2011 is marked herewith and annexed as **Annexure R-8. [Pages 74 to 75]**.

E. CGWA has issued directions to Industries/Projects in over exploited and critical areas in the country vide public notice dated 25.09.2010 for adoption of water conservation measures including recharge of ground water/ rain water



harvesting and practices of treatment, recycling and reuse of waste water in their premises.

Copy of Public Notice dated 25.09.2010 is marked herewith and annexed as **Annexure R-9. [Pages 76 to]**.

F. Also, vide public notice dated 08.10.2020, directions have been given to the concerned Civic bodies in the States/UTs, dealing with water supply network to ensure that there shall be no wastage or misuse of potable water tapped from underground .

Copy of Public Notice dated 08.10.2020 is annexed as **Annexure R-10. [Pages 77 to]**.

G. That vide Public Notice dated 26.10.2020, all existing users who have already obtained NOC from CGWA are directed to install digital water flow meter with telemetry in all existing ground water abstraction structures irrespective of quantum of ground water withdrawal, failing which the users shall be liable to pay penalty as per gazette notification. Also, the users who have submitted their applications for NOC prior to 24.09.2020, were directed to submit Impact Assessment Report/Comprehensive Hydro-Geological Report/Water Audit Report (as applicable) from Accredited Consultant/certified Water Auditors by 31.12.2020 to the concerned Regional Office. Vide Public Notice dated 08.01.2021, the date for submission is extended upto 31.01.2021, subject to the payment of Environmental Compensation w.e.f. 01.01.2021. It is also provided that if such reports are not received from such industries by 31.01.2021, the application/NOC shall be deemed to be rejected / cancelled.



Copy of public notice dated 26.10.2020 is marked herewith and annexed as **Annexure R-11. [Pages 78 to 80]**.

Copy of Public notice dated 08.01.2021 is marked herewith and annexed as **Annexure R-12. [Pages 81 to 82-]**.

H. Vide Public Notice dated 08.01.2021, it is further clarified that all the project proponents/users drawing ground water and seeking/having NOC shall have to mandatorily install tamper-proof digital water flow meters with telemetry on all the ground water abstraction structures within their premises. Also, all the Micro and Small Enterprises drawing less than 10 cum/day shall also be mandatorily required to install digital water flow meters on all the ground water abstraction structures within their premises. Such enterprises shall be subjected to randomised inspections. Any ground water withdrawal without the installation of tamper-proof digital water flow meters and telemetry (wherever applicable) shall be construed as illegal and non-compliance of these conditions shall invite a Penalty provision and/or Environmental Compensation against the proponent for illegal withdrawal of ground water as per the CGWA Guidelines and may result in cancellation/rejection of NOC and sealing of ground water abstraction structures.

Copy of Public Notice dated 08.01.2021 (Installation of Digital Water Flow Meters) is marked herewith and annexed as **Annexure R-13. [Pages 83 to 84]**.

31. The States/UTs have been advised time to time to enact ground water legislations in similar lines to the Ground water Model Bill circulated to them for sustainability of precious ground water resources. Further, the States have been advised to work towards improving water use efficiency, awareness generation, formulating water pricing policies etc.

A) Vide letter dated 21.08.2019, MoJS has recommended the States/UTs to sensitize the public through mass media communication/radio jingles/ TV commercials etc. about



judicious use of water resources. An emphasis has been laid to work out appropriate mechanism for formulating water pricing policies including exploring the feasibility of putting water meters etc. (where the supply is through Govt. developed sources), reduce non-revenue losses and to issue suitable directions to general mass through involvement of local municipal authorities for reducing the wastage through overflowing tanks, flushing cisterns etc.

Copy of the Letter dated 21.08.2019 is marked herewith and annexed as **Annexure R-14. [Pages 85 to 86]**.

B) Vide letter dated 17.08.2020, MoJS has issued recommendations to Chief Secretaries and Administrators of all States/UTs to identify a Nodal Department and create an easily accessible database on ground water conservation/augmentation measures. It is mentioned that such database would not only provide a bird's eye and status of the water conservation/augmentation work carried out by the State but will also help greatly in planning and implementation of the water conservation and recharge schemes in more coherent and scientific manner.

Copy of the Letter dated 17.08.2020 is marked herewith and annexed as **Annexure R-15. [Pages 87 to 89]**.

C) Vide letter dated 04.01.2021, MoJS has issued recommendations to Chief Secretaries and Administrators of all States/UTs and requested urgent appropriate action to strengthen the institution mechanism in their respective States to ensure sustainable management of ground water. It is also recommended that States/UTs should have their own Ground Water Boards and Regulations for ground water extraction in place within the overall ambit of the GoI guidelines and that wherever the State Ground Water Authority/Department is existing, they may be empowered with posting of adequate number of officials and may be delegated adequate financial/administrative powers for their effective functioning.



Copy of the Letter dated 04.01.2021 is marked herewith and annexed as **Annexure R-16. [Pages 90 to 91]**.

32. That other initiatives and schemes have also been implemented for the sustainable use and management of ground water in the country.

A. Atal Bhujal Yojana (ATAL JAL) lays emphasis on community participation and demand side interventions for sustainable ground water management in identified water stressed areas in seven States of the country. The scheme also envisages improved source sustainability for Jal Jeevan Mission, positive contribution to the Government's goal of 'doubling farmers income' and inculcating behavioral changes in the community to facilitate optimal water use.

B. National Aquifer Mapping and Management program (NAQUIM) has been implemented, which envisages mapping of aquifers (water bearing formations), their characterization and development of Aquifer Management Plans to facilitate sustainable management of Ground Water Resources. NAQUIM provides scientific knowledge to facilitate sustainable ground water management including water conservation and artificial recharge to ground water.

C. With the consultation of Ministry of Rural Development and Ministry of Agriculture, an actionable framework for Natural Resources Management titled "Mission Water Conservation" has been developed to ensure gainful utilization of funds. The framework strives to ensure synergies in Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), Pradhan Mantri Krishi SinchayYojna (PMKSY), Integrated Watershed Management Program (IWMP) and Command Area Development and Water Management (CAD&WM), given their common objectives.



- D. Stress is also being given to increase availability of surface water resources through Major/Medium irrigation projects under PMKSY-AIBP scheme. Further, Command Area Development (CAD), Repair, Renovation and Restoration (RRR) of Water Bodies Scheme, Inter-linking of rivers etc. are being implemented in collaboration with the States/UTs to reduce dependence on ground water extraction.
- E. Department of Agriculture, Cooperation and Farmers Welfare (DAC & FW) is also implementing Pradhan Mantri Sinchayee Yojana – Per Drop More Crop and prompting Micro-irrigation system viz. Drip and Sprinkler Irrigation System for increasing on-field water use efficiency in a focused manner with end to end solution on source creation, distribution, management, field application and extension activities. PMKSY not only focuses on creating sources for assured irrigation, but also creating protective irrigation by harnessing rain water at micro level through 'Jal Sanchay' and 'Jal Sinchan'. Besides, various schemes including Crop Diversification programme, which help in efficient water use, are being implemented by DAC & FW.
- F. Ministry of Power is implementing Deendayal Upadhyay Gram Jyoti Yojana which has a component of separation of agriculture and non-agriculture feeders facilitating judicious rostering of supply to agriculture and non-agriculture consumers in rural areas.
- G. Various schemes and laudable initiatives are also being implemented by States, having a positive impact on the ground water resources. A number of States have done notable work under various schemes in the field of water conservation/harvesting, such as "Mukhyamantri Jal Swavlamban Abhiyan" in Rajasthan, "Jalyukt Shibir" in Maharashtra, "Sujalam Sufalam Abhiyan" in Gujarat, "Mission Kakatiya" in Telangana, "Neeru Chettu in Andhra Pradesh, "Jal



Jeevan Hariyali" in Bihar, " Jal hi Jeevan" in Haryana among others.

33. That CGWA has also been conducting mass awareness programmes on Rain Water Harvesting and Artificial Recharge of ground water throughout the country involving Central/State/ NGO's, VO's, resident welfare organizations, educational institutions, industries and individuals. Earnest endeavors to fulfill its mandate for the judicious use and regulation of groundwater. Interactions and Meetings are being held regularly for the capacity building of various stakeholders. Awareness generation programmes and various camps are also being organized to sensitize the industries. Visits by senior officers to regional offices are being undertaken at regular intervals for ensuring the effective supervision and coordination. Steps have also been taken for efficiently dealing with the pending applications. Also, Training programmes to generate resource persons as a measure of capacity building for designing Rain Water Harvesting structures to augment ground water in different terrains and diverse hydro-geological conditions are also undertaken by CGWA.

34. That the Pollution Control Boards in the States or the Pollution Control Committees in the UTs are under binding mandate under Water (Prevention and Control of Pollution) Act, 1974 to ensure that water pollution is prevented and controlled. If the Pollution Control Boards/Committees are not equipped with technically competent persons to perceive potential threat to ground water resources due to haphazard industrial activities, there can be irreparable damage to ground water resources. Anticipating the perceived threat to natural resources in the country due to anthropogenic activities, the Hon'ble Supreme Court has passed directions under its judgment dated 22.2.2017 in CWP No. 375/2012, which are due for compliance with SPCBs.



Copy of the Judgement dated 22.02.2017 passed by the Hon'ble Supreme Court is annexed as **Annexure R-17**. [Pages 92 to 103].

PARA WISE REPLY:

1. That in reply to averments under para 1, it is respectfully submitted that considering wide variability in rainfall and types of aquifers across the country, it is not possible to have uniform recharge mechanism throughout the country. Industries shall however implement recharge/rain water harvesting as per the prevailing building bye laws. As stated in the above submissions, due efforts and Plans have been made to ensure an effective recharge mechanism.
2. That the averments under para 2 are not factually correct and hence denied. The applicant claims that he is aggrieved with the notification dated 24.9.2020 published in the Gazette of India. It is not understood as to how the notification fails the CGWA in performing its functions. The CGWA can function within the framework of law and under the guidance of this Hon'ble Tribunal. If the applicant is aggrieved with any of the content of notification he should categorically spell out such content with sufficient grounds and valid reasons.
3. That in reply to averments under para 3 of the OA, it is respectfully submitted that the CGWA is not vested with powers to make rules under section 5 of the Environment (Protection) Act, 1986. Under section 5, the CGWA can only give directions and the CGWA is discharging its functions as per the mandate of law.
4. That the averments under para 4 are not factually correct. For conservation of ground water resources, the



CGWA has issued directions under section 5 of the Environment (Protection) Act, 1986. Officers were appointed under section 4 of the Act for effective enforcement of law. The CGWA has taken concrete steps for conservation of ground water, as explained in detail in the averments above.

5. That the averments under para 5 and 6 are related to guidelines of year 2012 and 2015 which are not in force. The CGWA subsequently revised guidelines in the year 2018 and now in the year 2020.
6. That the averments under para 7 are matter of record and need no comments.
7. That the averments under para 8 to 10 are matter of record and need no comments.
8. That the averments under para 11 are baseless allegations which are not factually correct and hence denied.
9. That in reply to averments under para 12, it is respectfully submitted that the CGWA before notification of its guidelines dated 12.12.2018 invited suggestions/comments/objections and considered such suggestions/comments/objections in accordance with law. The applicant has not annexed his representation dated 20.11.2017 to the OA. It is denied that the applicant has made any useful contribution to the notified guidelines. The Environment (Protection) Act, 1986 empowers the CGWA to consider or reject the objection depending upon the nature and quality of objection. The guidelines were notified after following the due process of law.
10. That in reply to averments under para 13, it is respectfully submitted that the legal notice dated



04.06.2018 was received from the Advocate of the applicant and the reply to the legal notice was given by CGWA vide letter dated 14.06.2018.

Copy of the letter dated 14.06.2018 is marked herewith and Annexed herewith as **Annexure R-18. [Pages 104 to 107]**.

11. That the averments under para 14 are related to Notification dated 12.12.2018. Objections to this notification were raised and this notification was replaced with notification dated 24.09.2020. This subsequent notification was based on the report of the Expert Committee constituted by this Hon'ble Tribunal under order dated 11.09.2019 and further order dated 20.07.2020.
12. That in reply to averments under para 15, it is respectfully submitted that the orders of this Hon'ble Tribunal dated 3.01.2019 are matter of record. As per the directions of this Hon'ble Tribunal, the notification dated 12.12.2018 was not given effect to.
13. That in reply to averments under para 16, it is respectfully submitted that the Hon'ble Tribunal passed orders dated 20.7.2020 fixing timelines for compliances. The new guidelines have been framed and issued as per the directions of the Hon'ble Tribunal vide dated 20.07.2020, which emphasized that "MoJS and CGWA shall ensure sustainable ground water management and comply with directions to have a meaningful regulatory regime for ensuring prevention of depletion and unauthorized extraction of groundwater and its sustainable management in OCS areas." Pursuant to the directions of Hon'ble NGT, a letter dated 28.07.2020 was sent to all the States/UTs to circulate the order of the



Hon'ble Tribunal and requesting to take up all the necessary measures.

Copy of the letter dated 28.07.2020 is marked herewith and Annexed as **Annexure R-19. [Pages 108 to 109]**.

Also, a letter dated 25.08.2020 was sent to all the States/UTs directing to chalk out and execute Water Management Plan.

Copy of the letter dated 25.08.2020 is marked herewith and Annexed as **Annexure R-20. [Pages 110 to 111]**.

Water Management Plans of all 1186 OE blocks were received, finalized and uploaded on the website.

14. That in reply to averments under para 17, it is respectfully submitted that as per the directions from this Hon'ble Tribunal under its order dated 20.7.2020, the Notification dated 24.09.2020 has been issued incorporating the necessary and effective steps for the regulation of ground water. Accordingly, an action with earnest endeavours has been taken by the answering respondents.

15. That in reply to averments under para 18, it is respectfully submitted that the answering respondents are repeatedly reiterating that the falling water levels during non-monsoon days are because of irrigation use for ensuring food security. The industries can be held accountable only to the extent of their draft and not to the overall draft. In order to remedy the grievance of the applicant the answering respondents cannot compromise with food security. Also, the submissions related to Micro and Small Industries and ground water



abstraction/restoration charges have been made in detail in the averments above.

16. That in reply to grounds A to O, it is respectfully submitted that the significant ground water draft is in order to ensure food security to the nation. The Agriculture sector is the largest consumer of the ground water resources. The other allegations and averments are baseless and hence denied. While framing the new guidelines, the Hon'ble Tribunal's Orders and important observations as well as the recommendations by Expert Committee have also been taken into account. The new guidelines have been formulated by consulting with competent senior scientists, States and UTs, Ministries and other stakeholders including the citizens of the country.

17. It is respectfully submitted that the groundwater guidelines dated 24.09.2020 has tried to address all the concerns of Hon'ble NGT. The appellant has tried to flag certain issues through the OA and requested to draw the kind attention of Hon'ble NGT which has been mentioned in para 3 of the Hon'ble Tribunal judgment dated 09.10.2020. In this regard following is submitted:

The guidelines clearly stipulates that availability of groundwater resource shall be given due regard while considering the applications for NOC which means the carrying capacity of aquifers shall be given due cognizance while issuing the NOC. Further, to scientifically address the issue water management plans have already been prepared for 1186 over-exploited assessment units and for balance assessments units action is in hand to expedite the same.



The guideline has exempted Micro and small enterprises drawing groundwater less than 10 KLD. In this regard it is submitted that extraction of groundwater less than 10 KLD may not affect adversely the groundwater scenario at any place as the quantum may be considered to be very less. It is further to submit here that such enterprises are also in large numbers in the country and putting them under regulatory regime may not be practical and in the interest of livelihood and countries' growth.

It is further stated that the groundwater recharge depends upon the aquifer characteristics and its extraction level and thus uniform policy of recharge may not be scientifically correct for the entire country. However, CGWB has already finalized site specific Master Plan for recharge (2020) in consultation with State governments. The plan includes recommendation of certain structures based on rainfall patterns and feasibility of sites for recharge.

In addition, a number of stringent conditions have been incorporated in the guidelines as far as issue of NOC in over-exploited area is concerned to take care of sustainability issue in those areas. Further, impact evaluation committee has been constituted to evaluate impact evaluation in respect to NOC applications proposing to draw groundwater beyond 100 KLD in OCS areas. The committee has been mandated to analyse NOC cases in over-exploited areas seeking to draw less than 100 KLD on case to case basis also.

18. Hence, this Hon'ble Tribunal is requested not to grant any interim relief, as due process has been followed with wide consultation of all the stakeholders



before finalizing the guidelines in compliance to the directions of Hon'ble Tribunal's Orders.

19. In reply to prayer, it is respectfully submitted that any hindrance to the implementation of the new guidelines could lead to a state of policy paralysis, affecting a number of existing industries. Moreover, industries in the country provide employment opportunities to local people thereby improving their socio-economic status. In this period of Covid-19 pandemic, there is a dire need to uplift the economy and all positive measures must be taken for the economic development of our country. CGWA under MoJS has made best efforts decisively as well as resolutely by taking, in good faith, all reasonable steps to achieve the objective of effective conservation of ground water resources to comply with the directions as contained in Hon'ble NGT's order dated 20.7.2020. The same has been elaborated in detail in the Action Taken Report submitted in compliance of the said Order by Hon'ble NGT in O.A. No. 176/2015 (Shailesh Singh vs. Hotel Holiday Regency, Moradabad & Ors.). Thus, the present application is devoid of any merit and may kindly be dismissed for the interest of justice.



PRAYER

In view of above submissions with compliance of directions, it is respectfully submitted that the application may kindly be disposed with orders/directions as deemed fit and proper. The answering respondent may kindly be exempted from appearance. As per the directions of this Hon'ble Tribunal the reply is being filed by e-mail at judicial-ngt@gov.in.

DEPONENT

VERIFICATION:

श्री/श्रीमती का नाम प्रमाणित/मान्यता प्राप्त न्यायाधीश
श्री/श्रीमती का पता दिल्ली नई दिल्ली 110011
Ministry of Law & Justice, Government of India, New Delhi-110011
श्री/श्रीमती का पता
श्री/श्रीमती का पता
श्री/श्रीमती का पता

Verified at New Delhi, on this the 01 day of February, 2021 that the contents of the above Affidavit are true and correct to my knowledge. No part of it is false and nothing material has been concealed there from.

DEPONENT

श्री/श्रीमती का नाम प्रमाणित/मान्यता प्राप्त न्यायाधीश
श्री/श्रीमती का पता दिल्ली नई दिल्ली 110011
Ministry of Law & Justice, Government of India, New Delhi-110011
श्री/श्रीमती का पता
श्री/श्रीमती का पता
श्री/श्रीमती का पता

Through:

FILED BY:

Identity of the Executant/Deponent who has signed in my presence.

ARDHENDU MAULI KUMAR PRASAD
Senior Central Government Standing Counsel
Advocate for Respondents 2, 3 & 4
A-52, Sector 17-A, NOIDA, U.P. 201301
E-Mail: mail@ardhendumauli.com
Ph: 0120-2488 800 - 802

Date: 01.02.2021
Place: New Delhi



ATTESTED

NOTARY PUBLIC
1 FEB 2021

A JUDICIAL REVIEW OF POLICY DECISIONS:

6.1 The wisdom and advisability of the policies are ordinarily not amenable to judicial review unless the policies are contrary to statutory or constitutional provisions or arbitrary or irrational or an abuse of power. Court cannot strike down a policy decision taken by the Government merely because it feels that another decision would have been fairer, or more scientific or logical, or wiser. Further, it is validity of a law and not its efficacy that can be challenged. In the context of the instant Reference, it needs to be emphasized that this Court cannot conduct a comparative study of the various methods of distribution of natural resources and suggest the most efficacious mode, if there is one universal efficacious method in the first place. It respects the mandate and wisdom of the executive for such matters. The methodology pertaining to disposal of natural resources is clearly an economic policy. It entails intricate economic choices and the court lacks the necessary expertise to make them. As has been repeatedly said, it cannot, and shall not, be the endeavour of this Court to evaluate the efficacy of auction vis-à-vis other methods of disposal of natural resources. Court cannot mandate one method to be followed in all facts and circumstances. Therefore, auction, an economic choice of disposal of natural resources, is not a constitutional mandate. [para 139, 144 and 146] [440-F; 443-D; 444-B-D]

Rustom Cavasjee Cooper Vs. Union of India 1970 (3) SCR 530 = (1970) 1 SCC 248; R.K. Garg Vs. Union of India & Ors. 1982 (1) SCR 947 = (1981) 4 SCC 675; Delhi Science Forum & Ors. Vs. Union of India & Anr. 1996 (2) SCR 767 = (1996) 2 SCC 405; Peerless General Finance and Investment Co. Ltd. & Anr. Vs. Reserve Bank of India 1992 (1) SCR 406 = (1992) 2 SCC 343; Premium Granites & Anr. Vs. State of T.N. & Ors. 1994 (1) SCR 579 = (1994) 2 SCC 691 Delhi Science Forum & Ors. Vs. Union of India & Anr. 1996 (2) SCR

A if it was assured utilization of the resource discovered;

a prudent business venture, would not like to incur the high costs involved in exploration activities and then compete for that resource in an open auction. The logic is similar to that applied in patents. Firms are given incentives to invest in research and development with the promise of exclusive access to the market for the sale of that invention. Such an approach is economically and legally sound and sometimes necessary to spur research and development. Similarly, bundling exploration and exploitation contracts may be necessary to spur growth in a specific industry. Similar deviation from auction cannot be ruled out when the object of a State policy is to promote domestic development of an industry. Thus, auction cannot be the sole criteria for alienation of all natural resources. [Para 130-131] [434-G-H; 435-A-D]

M/s Kasturi Lal Lakshmi Reddy Vs. State of Jammu & Kashmir & Anr. 1980 (3) SCR 1338 = (1980) 4 SCC 1 - referred to

PLEA OF POTENTIAL ABUSE:

5.3 A potential for abuse cannot be the basis for striking down a method as ultra vires the Constitution. It is the actual abuse itself that must be brought before the Court for being tested on the anvil of constitutional provisions. In fact, it may be said that even auction has a potential of abuse, like any other method of allocation, but that cannot be the basis of declaring it as an unconstitutional methodology either. [Para 135] [437-D-E]

R.K. Garg Vs. Union of India & Ors. 1982 (1) SCR 947 = (1981) 4 SCC 675; D. K. Thvedi & Sons & Ors. Vs. State of Gujarat & Ors. 1986 SCR 479 = (1986) Supp SCC 20 - referred to.

A at the conclusion, in a given situation, that maximum revenue would be earned by auction of the natural resource in question, then that alone would be the process which it would have to adopt. [Para 3 and 12] [447-G-H; 505-F-H; 506-A-B]

B 3.3 One is compelled to take judicial notice of the fact, that allotment of natural resources is an issue of extensive debate in the country. In Centre for Public Interest Litigation, extensive revenue loss, in the course of allocation of the 2G spectrum was duly noticed. On each occasion when the issue of allocation of natural resources results in an alleged loss of revenue, it is portrayed as a loss to the nation. The Presidential Reference is aimed at invoking this Court's advisory jurisdiction to iron out the creases, so that legal and constitutional parameters are correctly understood. This would avoid such controversies in future. Therefore, an opinion is also being rendered, on the fourth question. The mandate contained in the Art.39(b) envisages that all material resources ought to be distributed in a manner which would "best sub-serve the common good". It is, therefore, apparent that governmental policy for distribution of such resources should be devised by keeping in mind the "common good" of the community i.e., the citizens of this country. It has been expressed in the "main opinion" that matters of policy fall within the realm of the legislature or the executive, and cannot be interfered with, unless the policy is in violation of statutory law, or is ultra vires the provision(s) of the Constitution. It is not within the scope of judicial review for a court to suggest an alternative policy, which in the wisdom of the court could be better suited in the circumstances of a case. Thus far, the position is clearly unambiguous. [Para 13] [506-C-D; 507-A-B-H; 508-A-C]

C 3.4 The legality and constitutionality of policy is one matter, and the manner of its implementation quite

A exclusively for their individual gains, the State's endeavour must be towards maximization of revenue returns. This alone would ensure, that the fundamental right enshrined in Art.14 (assuring equality before the law and the equal protection of the laws), and the directive principle contained in Art.39(b) (that material resources of the community are so distributed as best to subserve the common good), have been extended to the citizens of the country. Article 14 does not permit the State to pick and choose arbitrarily out of several persons falling in the same category. A transparent and objective criteria/procedure has to be evolved so that the choice amongst those belonging to the same class or category is based on reason, fair play, and non-arbitrariness. If the participation of private persons is for commercial exploitation exclusively for their individual gains, then the State's endeavour to maximize revenue alone, would satisfy the constitutional mandate contained in Arts. 14 and 39(b) of the Constitution. [para 10-12] [504-E-G; 505-B-D]

E *Common Cause, A Registered Society Vs. Union of India & Ors.* 1996 (6) Suppl. SCR 719 = (1996) 6 SCC 530 - referred to.

F 3.2 Auction is certainly not a constitutional mandate in the manner expressed, in the "main opinion", but it can surely be applied in some situations to maximize revenue returns, to satisfy legal and constitutional requirements. It is, therefore, that in the instant opinion it has been chosen to express the manner of disposal of natural resources by using the words "maximization of revenue" in place of the term "auction". Further, auction by way of competitive bidding is certainly an indisputable means, by which maximization of revenue returns is assured. It is reiterated that disposal of assets by process of tender, tender-cum-auction and auction could assure maximization of revenue returns. Thus, if the State arrives

A of India, (1980) Supp. SCC 559, while the discretion to change the policy in exercise of the executive power, when not trammelled by the statute or rule, was held to be wide, it was emphasised as imperative and implicit in Article 14 of the Constitution that a change in policy must be made fairly and should not give the impression that it was so done arbitrarily or by any ulterior criteria. The wide sweep of Article 14 and the requirement of every State action qualifying for its validity on this touchstone, irrespective of the field of activity of the State, has long been settled. Later decisions of this Court have reinforced the foundation of this tenet and it would be sufficient to refer only to two recent decisions of this Court for this purpose.

.....

D 33. No doubt, it is true, as indicated by us earlier, that there is a presumption of validity of the State action and the burden is on the person who alleges violation of Article 14 to prove the assertion. However, where no plausible reason or principle is indicated nor is it discernible and the impugned State action, therefore, appears to be ex facie arbitrary, the initial burden to prove the arbitrariness is discharged shifting onus on the State to justify its action as fair and reasonable. If the State is unable to produce material to justify its action as fair and reasonable, the burden on the person alleging arbitrariness must be held to be discharged. The scope of judicial review is limited as indicated in *Dwarkanadas Marfatia case* (supra) to oversee the State action for the purpose of satisfying that it is not vitiated by the vice of arbitrariness and no more. The wisdom of the policy or the lack of it or the desirability of a better alternative is not within the permissible scope of judicial review in such cases. It is not for the courts to recast the policy or to substitute it with another which is considered to be more appropriate, once the attack on the ground of arbitrariness is successfully repelled by showing

A that the act which was done, was fair and reasonable in the facts and circumstances of the case. As indicated by Diplock, L.J., in *Council of Civil Service Unions v. Minister for the Civil Service*, (1984) 3 All ER 935, the power of judicial review is limited to the grounds of illegality, irrationality and procedural impropriety. In the case of arbitrariness, the defect of irrationality is obvious.

.....

C 36. The meaning and true import of arbitrariness is more easily visualized than precisely stated or defined. The question, whether an impugned act is arbitrary or not, is ultimately to be answered on the facts and in the circumstances of a given case. An obvious test to apply is to see whether there is any discernible principle emerging from the impugned act and if so, does it satisfy the test of reasonableness. Where a mode is prescribed for doing an act and there is no impediment in following that procedure, performance of the act otherwise and in a manner which does not disclose any discernible principle which is reasonable, may itself attract the vice of arbitrariness. Every State action must be informed by reason and it follows that an act uninformed by reason, is arbitrary. Rule of law contemplates governance by laws and not by humour, whims or caprices of the men to whom the governance is entrusted for the time being. It is true that 'be you ever so high, the laws are above you'. This is what men in power must remember, always."

G The legal proposition laid down in the instant judgment may be summarized as follows. Firstly, State action in the contractual field are meant for public good and in public interest and are expected to be fair and just. Secondly, it would be alien to the constitutional scheme to accept the argument of exclusion of Article 14 of the Constitution of India in contractual matters.

H

MINISTRY OF JAL SHAKTI
(Department Of Water Resources, River Development And Ganga Rejuvenation)
(CENTRAL GROUND WATER AUTHORITY)

NOTIFICATION

New Delhi, the 24th September, 2020

S.O. 3289(E).—WHEREAS, on the directions of Hon'ble Supreme Court vide its order dated the 10th December, 1996 passed in Civil writ Petition No 4677 of 1985, MC Mehta Vs Union of India, the Central Government constituted the Central Ground Water Authority (hereafter referred to as the 'Authority') vide notification number S.O. 38 (E), dated the 14th January, 1997 to exercise powers under Section 5 of the Environment (Protection) act, 1986 (29 of 1986) for the purposes of regulation and control of Ground Water management and development and to exercise certain powers and perform certain functions relating thereto;

AND WHEREAS, the Authority has been regulating ground water development and management by way of issuing 'No Objection Certificates' for ground water extraction to industries or infrastructure projects or Mining Projects etc., and framed guidelines in this connection from time to time in twenty two States and two Union territories, where ground water development is not being regulated by the State Government Union Territory administration concerned;

AND WHEREAS, some of the State Governments or, Union territories enacted legislations and issued regulatory directions or orders for regulating ground water development and management;

AND WHEREAS, the Hon'ble National Green Tribunal, New Delhi vide order dated the 15th April 2015 in OA Nos. 204/205/206 of 2014 has issued directions to the Authority to ensure that any person operating tube-well, or any means to extract ground water shall obtain permission from the Authority and shall operate the same subject to the law in force, even if such unit is existing unit or the unit is yet to be established;

AND WHEREAS, the said Hon'ble Tribunal vide its order dated the 09th July, 2015 in OA Nos. 34 and 37 of 2014 directed all industrial units which are members of the Common Effluent Treatment Plants (CETPs) to approach the Authority through State Pollution Control Board for obtaining 'No Objection Certificate' in accordance with the law;

AND WHEREAS, the aforesaid Hon'ble Tribunal vide order dated the 13th July, 2017 in OA No 200- of 2014 directed that every industry should be directed to pay for extraction of such water, that too, subject to the conditions stated in the order permitting such extraction;

AND WHEREAS, the said Hon'ble Tribunal vide its order dated the 28th August, 2018 in O.A. Nos. 176 of 2015 and 59 of 2012 respectively directed the Ministry of Water Resources, River Development and Ganga Rejuvenation to forthwith review the existing mechanism so as to ensure effective steps for conserving the groundwater resources;

AND WHEREAS, in pursuance of the directions of the Hon'ble National Green Tribunal and powers conferred by sub-section (3) of section 3 and section 5 of the Environment (Protection) Act, 1986 the Authority, with a view to protect the ground water resources had circulated the draft guidelines for grant of 'No Objection Certificate' on the 11th October, 2017 inviting comments and suggestions from all the stakeholders;

AND WHEREAS, all objections and suggestions received in response to the said draft guideline have been duly considered by the Central Government, the Authority notified the guidelines to regulate groundwater over-exploitation and to conserve the groundwater resources in the country vide notification number S.O. 6140 (E), dated the 12th December, 2018;

AND WHEREAS, the aforesaid Hon'ble Tribunal vide order dated the 03rd January 2019 in the OA No. 176 of 2015 directed that the above mentioned notification dated the 12th December, 2018 may not be given effect to as it is unsustainable if tested on 'Precautionary Principle, Sustainable development as well as Inter-generational Equity Principles' and if implemented, will result in fast depletion of groundwater and damage to water bodies and will be destructive of the fundamental right to life under Article 21 of the Constitution of India;

AND WHEREAS, the said Hon'ble Tribunal vide order dated the 11th September, 2019 constituted a committee to deliberate on steps for preventing depletion of groundwater, robust monitoring mechanism

against unauthorised extractions and fulfillment of 'No Objection Certificate' conditions, environment compensation etc and to submit a report;

AND WHEREAS, the aforesaid committee submitted the report along-with draft guidelines to regulate groundwater extraction and groundwater conservation in Hon'ble Tribunal on the 16th March, 2020;

AND WHEREAS, the above said Hon'ble Tribunal vide order dated the 20th July, 2020 directed to comply with certain points for sustainable groundwater management while issuing 'No Objection Certificates' to commercial establishments by the Authority;

Now therefore, in pursuance of the directions of Hon'ble National Green Tribunal and the powers conferred by sub-section (3) of Section 3 read with Section 5 of the Environment (Protection) Act, 1986 (29 of 1986), the Department of Water Resources, River Development & Ganga Rejuvenation, hereby notifies the guidelines to regulate and control groundwater extraction in the country in supersession to this Ministry notification vide S.O. 6140 (E), dated the 12th December, 2018 as per the Schedule below:

SCHEDULE

Guidelines to regulate and control ground water extraction in India

(with immediate effect)

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[F. No. CGWA-21/4/2020-CGWA]

ASHISH KUMAR, Director

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- Annexure IX: Glossary of technical terms used
- Annexure X : Annual water audits by the industries

Guidelines to regulate and control groundwater extraction in India**Preamble and Background:**

On the directions of Hon'ble Supreme Court vide its order dated 10th December, 1996 passed in Civil writ Petition No 4677 of 1985, MC Mehta Vs Union of India, the Central Government had constituted the Central Ground Water Board as Authority vide notification number S.O. 38 (E), dated the 14th January, 1997 to exercise powers under sub section (3) of section 3 of the Environment (Protection) act, 1986 (29 of 1986) for the purposes of regulation and control of Ground Water Management and Development and to exercise certain powers and perform certain functions as per the said Act.

The Authority has been regulating ground water development and management by way of issuing 'No Objection Certificates' for ground water extraction to industries or infrastructure projects or Mining Projects etc., and framed guidelines in this connection from time to time applicable in twenty two States and two Union territories, where ground water development is not being regulated by the State Government and Union territory administration concerned.

To have sustainable management of water resources in the country groundwater abstraction guidelines have been prepared to regulate groundwater extraction and conserve the scarce groundwater resources in the country.

These guidelines will come into force with immediate effect from the date of Gazette Notification and will supersede all earlier guidelines issued by the Central Ground Water Authority (CGWA).

These guidelines will have pan India applicability. Ground water abstraction in States/ Uts (which are not regulating ground water abstraction) shall continue to be regulated by Central Ground Water Authority.

Further, wherever States/ Uts have come out with their own groundwater abstraction guidelines, which are inconsistent with the CGWA guidelines, the provisions of CGWA guidelines will prevail. However, in case the guidelines followed by such States/ Uts contain some more stringent provisions than CGWA guidelines, such provisions may also be given effect to by the States/ Uts Authorities in addition to those contained in the CGWA guidelines. States may be at liberty to suggest additional conditions/ criteria based on the local hydro-geological situations which shall be reviewed by CGWA/Ministry of Jal Shakti, Government of India before acceptance.

All new/existing industries, industries seeking expansion, infrastructure projects and mining projects abstracting ground water, unless specifically exempted under Para 1.0 below, will be required to seek No Objection Certificate from Central Ground Water Authority or, the concerned State/ UT Ground Water

Authority as the case may be. The entire process of grant of No Objection Certificate shall be online through a web based application system.

Water management plans shall be prepared by all the State Ground Water Authorities/ Organizations for all Over-exploited, Critical and Semi-critical assessment units starting with Over-exploited units. Water management plans shall be reviewed and updated periodically. Water management plans, data on water availability and scarcity and policy framed in this regard shall be placed on the websites of Central Ground Water Authority/ State Ground Water Authority.

1.0 Exemptions from seeking No Objection Certificate:

Following categories of consumers shall be exempted from seeking No Objection Certificate for ground water extraction:

- (i) Individual domestic consumers in both rural and urban areas for drinking water and domestic uses.
- (ii) Rural drinking water supply schemes.
- (iii) Armed Forces Establishments and Central Armed Police Forces establishments in both rural and urban areas.
- (iv) Agricultural activities.
- (v) Micro and small Enterprises drawing ground water less than 10 cum/day.

1.1 Registration of Drilling Rigs

State / Ut Governments shall be responsible for registering drilling rigs operating within their jurisdiction and for maintaining the database of wells drilled by them. Appropriate link shall be provided in CGWA portal for making the data available to CGWA.

2.0 Drinking & Domestic use for Residential apartments/ Group Housing Societies/ Government water supply agencies in urban areas

For grant of No Objection Certificate for ground water extraction, the project proponent has to furnish the details as per the guidelines issued by the CGWA in proper format as available in CGWA website. No Objection Certificate for new existing wells shall be granted only in such cases where the local Government water supply agency is unable to supply requisite amount of water in the area.

No Objection Certificate shall be granted subject to the following specific conditions:

- i) Installation of Sewage Treatment Plants shall be mandatory for all residential apartments/ Group Housing Societies where ground water requirement is more than 20 m³/day. The water from Sewage Treatment Plants shall be utilized for toilet flushing, car washing, gardening etc.
- ii) The No Objection Certificate shall be valid for a period of five years from the date of issue or till such time local Government water supply is provided to the project area, whichever is earlier. In case the project proponent receives water supply from the concerned local Government Water Supply Agency during the validity of the No Objection Certificate, intimation regarding availability of public water supply shall be sent by the project proponent to CGWA and No Objection Certificate will be cancelled by the Authority. In other cases, the project proponent will apply for renewal of No Objection Certificate, ninety days before the expiry of No Objection Certificate.
- iii) Proponents shall be liable to pay ground water abstraction charges for the quantum of ground water proposed to be extracted, as per rates mentioned in Table 5.1.

Documents to be submitted with the application

- a) Details of water requirement computed as per National Building Code, 2016 (Annexure I), taking into account recycling/ reuse of treated water for flushing etc.
- b) Affidavit on non-judicial stamp paper of Rs. 10/- by the applicant, confirming non/ inadequate availability of public water supply in case of users requiring ground water up to 10 m³/ day for drinking/ domestic use.
- c) Certificate of non-availability of water from local government water supply agency in cases requiring ground water in excess of 10 m³/ day for drinking/ domestic use. Government water supply agencies

applying for No Objection Certificate shall submit copy of government approval of the scheme/project proposed to be implemented.

- d) Ground water quality data of existing bore well/ tube well/ dug well from any National Accreditation Board for Testing and Calibration Laboratories (NABL) accredited laboratory or Govt. approved laboratory (in case of existing projects applying for no objection certificate)
- e) Proposal for rain water harvesting/ recharge within the premises as per Model Building Bye Laws issued by Ministry of Housing & Urban Affairs.

3.0 Agriculture Sector

Agriculture sector is the backbone of the Indian economy. As per Minor Irrigation Census 2013-14, 87.86% of wells are owned by marginal, small and semi-medium farmers having land holding up to 4 hectares (ha). Around 9.18 % of wells are owned by medium farmers having land holding 4 – 10 ha and 2.96% of the wells are owned by big farmers having land holding more than 10 ha.

Considering the number of ground water abstraction structures, regulation of ground water in agriculture sector through a 'command and control' strategy will prove to be an arduous task. Therefore, a participatory approach for sustainable ground water management would be more productive.

States/Uts are advised to review their free subsidized electricity policy to farmers, bring suitable water pricing policy and may work further towards crop rotation/diversification/other initiatives to reduce over-dependence on groundwater.

Agriculture sector shall be exempted from obtaining No Objection Certificate for ground water extraction.

4.0 Commercial Use

No new major industries shall be granted No Objection Certificate in over-exploited assessment areas except as per the policy guidelines.

Availability of ground water resources shall be given due regard while considering applications for grant of No Objection Certificate for commercial use.

Commercial entities extracting ground water shall be required to submit online annual water audit report including an audit of water use as mentioned in the relevant sections. CGWA/ State Ground Water Authority (SGWA) shall publish all such audit reports online.

CGWA/ SGWAs shall engage independent agencies to verify the compliance of No Objection Certificate conditions periodically.

4.1 Industrial Use

In Over-exploited assessment units, No Objection Certificate shall not be granted for ground water abstraction to any new industry except those falling in the category of Micro, Small and Medium Enterprises (MSME). However, No Objection Certificate for drinking/ domestic use for work force, green belt use by these new industries shall be permitted. Expansion of existing industries involving increase in quantum of ground water abstraction in over-exploited assessment units shall not be permitted. No Objection Certificate shall not be granted to new packaged water industries in Overexploited areas, even if they belong to MSME category.

No Objection Certificate for ground water extraction by industries shall be granted subject to the following specific conditions:

- i) No Objection Certificate shall be granted only in such cases where local government water supply agencies are not able to supply the desired quantity of water.
- ii) All industries shall be required to adopt latest water efficient technologies so as to reduce dependence on ground water resources.
- iii) All industries abstracting ground water in excess of 100 m³/d shall be required to undertake annual water audit through Confederation of Indian Industries (CII)/ Federation Indian Chamber of Commerce and Industry (FICCI)/ National Productivity Council (NPC) certified auditors and submit audit reports within three months of completion of the same to CGWA. All such industries shall be

required to reduce their ground water use by at least 20% over the next three years through appropriate means.

- iv) Construction of observation well(s) (piezometer(s)) within the premises and installation of appropriate water level monitoring mechanism as mentioned in Section 15 shall be mandatory for industries drawing/ proposing to draw more than 10 m³/day of ground water and. Monitoring of water level shall be done by the project proponent. The piezometer (observation well) shall be constructed at a minimum distance of 15 m from the bore well/production well. Depth and aquifer zone tapped in the piezometer shall be the same as that of the pumping well/ wells. Detailed guidelines for design and construction of piezometers are given in Annexure II. Monthly water level data shall be submitted to the CGWA through the web portal.
- v) The proponent shall be required to adopt roof top rain water harvesting/ recharge in the project premises. Industries which are likely to pollute ground water (chemical, pharmaceutical, dyes, pigments, paints, textiles, tannery, pesticides/ insecticides, fertilizers, slaughter house, explosives etc.) shall store the harvested rain water in surface storage tanks for use in the industry.
- vi) Injection of treated/ untreated waste water into aquifer system is strictly prohibited.
- vii) Industries which are likely to cause ground water pollution e.g. Tanning, Slaughter Houses, Dye, Chemical/ Petrochemical, Coal washeries, other hazardous units etc. (as per CPCB list) need to undertake necessary well head protection measures to ensure prevention of ground water pollution (Annexure III).
- viii) All industries drawing ground water in safe, semi-critical and critical assessment units shall be required to pay ground water abstraction charges as applicable as per Tables 5.2 A and 5.3 A.
- ix) All existing industries drawing ground water in over-exploited assessment units shall be liable to pay ground water restoration charges as applicable as per Tables 5.2 B and 5.3 B.

Documents to be submitted with the application

- (a) An affidavit on non judicial stamp paper of Rs. 10/- regarding non availability of water supply from local government agencies in cases where ground water requirement is up to 10 m³/day.
- (b) Certificate regarding non/ partial availability of fresh water/ treated waste water supply from the local government water supply agency in cases where requirement of ground water is more than 10 m³/day.
- (c) Ground water quality data of existing bore well/ tube well/ dug well from any NABL accredited laboratory or Govt. approved laboratory (in case of existing projects applying for No Objection Certificate)
- (d) Water quality data of bore well/ tube well/ dug well in respect of existing industries from NABL accredited laboratories/Government approved laboratories.
- (e) Proposal for rain water harvesting/ recharge within the premises as per Model Building Bye Laws issued by Ministry of Housing & Urban Affairs.
- (f) **Impact Assessment report:** All projects extracting/proposing to extract ground water in excess of 100 m³/day in Over-exploited, Critical and Semi-critical areas shall have to mandatorily submit impact assessment report of existing/ proposed ground water withdrawal on the ground water regime and also socio-economic impacts report prepared by accredited consultants. Pro-forma for the report is given in Annexure IV.

4.2 Mining Projects

All existing as well as new mining projects will be required to obtain No Objection Certificate for ground water abstraction. Since mining projects are location specific, there will be no ban on grant of No Objection Certificate for abstraction of ground water for such projects in over-exploited assessment units.

No Objection Certificate for mining projects shall be granted subject to the following specific conditions:

- i) It shall be mandatory for all the mining industries to ensure that water available from de-watering operations is properly treated and should be gainfully utilized for supply for irrigation, dust

suppression, mining process, recharge in downstream and for maintaining e-flows in the river system.

- ii) Construction of observation well(s) (piezometers) along the periphery in the premises, for monthly ground water level monitoring, shall be mandatory for mines drawing/ proposing to draw more than 10 m³/day of ground water. Depth and aquifer zone tapped in the piezometer shall be commensurate with that of pumping well/ wells.
- iii) In addition, the proponent shall monitor ground water levels by establishing observation wells (piezometers) in the core and buffer zones as specified in the No Objection Certificate.
- iv) In case of coal and other base metal mining the project proponent shall use the advance dewatering technology (by construction of series of dewatering abstraction structures) to avoid contamination of surface water.
- v) In addition to this, all mining units shall also monitor the water quality of mine seepage and mine discharge through NABL accredited/ Govt. approved laboratories and the same shall be submitted at the time of self compliance.
- vi) All mining projects drawing ground water in safe, semi-critical and critical assessment units shall be required to pay ground water abstraction charges as applicable as per Tables 5.4 A.
- vii) All mining projects drawing ground water in over-exploited assessment units shall be liable to pay ground water restoration charges as per Table 5.4 B.

Documents to be submitted with the application

- (a) Mining plan approved by the concerned Govt. agency/ department.
- (b) Proposal for rain water harvesting/ recharge within the premises as per Model Building Bye Laws issued by Ministry of Housing & Urban Affairs.
- (c) Comprehensive report prepared by accredited consultant on ground water conditions in both core and buffer zones of the mine, depth wise and year wise mine seepage calculations, impact assessment of mining and dewatering on ground water regime and its socio-economic impact, details of recycling, reuse and recharge, reduction of pumping with use of technology for mining and water management to minimize and mitigate the adverse impact on ground water, based on local conditions. Format for report is given in Annexure V.

4.3 Infrastructure projects:

Since infrastructure projects are location specific, grant of No Objection Certificate to such projects located in over-exploited assessment units shall not be banned. New infrastructure projects/ residential buildings may require dewatering during construction activity and/ or use ground water for construction. In both cases, applicants shall seek No Objection Certificate from CGWA before commencement of work. However, in over-exploited assessment units, use of ground water for construction activity shall be permitted only if no treated sewage water is available within 10 km radius of the site. New as well as existing Infrastructure projects shall also be required to seek No Objection Certificate for abstraction of ground water.

No 'No Objection Certificate' shall be granted for extraction of groundwater for Water Parks, Theme Parks and Amusement Parks in over-exploited assessment units.

Indicative list of Infrastructure projects is given in Annexure VI.

The No Objection Certificate for ground water abstraction will be granted subject to the following specific conditions:

- i) In case of infrastructure projects that require dewatering, proponent shall be required to carry out regular monitoring of dewatering discharge rate (using a digital water flow meter) and submit the data through the web portal to CGWA/SGWA as applicable. Monitoring records and results should be retained by the proponent for two years, for inspection or reporting as required by CGWA/SGWA.

- ii) Installation of Sewage Treatment Plants (STP) shall be mandatory for new projects, where ground water requirement is more than 20 m³/day. The water from STP shall be utilized for toilet flushing, car washing, gardening etc.
- iii) For infrastructure dewatering/ construction activity, No Objection Certificate shall be valid for specific period as per the detailed proposal submitted by the project proponent.
- iv) All infrastructure projects drawing ground water in safe, semi-critical and critical assessment units shall be required to pay ground water abstraction charges as applicable as per Table 5.3 A.
- v) All infrastructure projects (new/ existing) drawing ground water in over-exploited assessment units shall be liable to pay ground water restoration charges as per Table 5.3 B.

Documents to be submitted with the application

- (a) In cases where dewatering is involved, submission of impact assessment report prepared by an accredited consultant on the ground water situation in the area giving detailed plan of pumping, proposed usage of pumped water and comprehensive impact assessment of the same on the ground water regime shall be mandatory. The report should highlight environmental risks and proposed management strategies to overcome any significant environmental issues such as ground water level decline, land subsidence etc.
- (b) An affidavit on non judicial stamp paper of Rs. 10/- regarding non availability of water from any other source in case water is required for construction in safe and semi critical areas.
- (c) Certificate from a government agency regarding non availability of treated sewage water for construction within 10 km radius of the site in critical and over-exploited areas.
- (d) Certificate of non-availability of water from local government water supply agency in respect of all categories of assessments units for commercial use.
- (e) Proposal for rain water harvesting/ recharge within the premises as per Model Building Bye Laws issued by Ministry of Housing & Urban Affairs.
- (f) Details of water requirement computed as per National Building Code, 2016 (Annexure I), taking into account recycling/ reuse of treated water for flushing etc. (in case of completed infrastructure projects for commercial use).
- (g) Completion certificate from the concerned agency for infrastructure projects requiring water for commercial use.

5.0 Ground water abstraction/ restoration charges

All residential apartments/ group housing societies/ Government water supply agencies in urban areas shall be required to pay ground water abstraction charges.

All industries/mining/ infrastructure projects drawing ground water in safe, semi-critical and critical assessment units will have to pay ground water abstraction charges based on quantum of ground water extraction and category of assessment unit as per details given in this guideline.

All existing mining/ infrastructure projects and existing industries including MSME drawing ground water in over-exploited assessment units will have to pay ground water restoration charges based on quantum of ground water extraction. Further, new MSME, new infrastructure and new Mining projects in over exploited areas shall also be required to pay ground water restoration charges.

Existing industries, infrastructure units and mining projects which have installed/constructed artificial recharge structures in compliance of the conditions prescribed in the groundwater guidelines prevailing at the time of grant of No Objection Certificate or its renewal shall be eligible for a rebate of 50% (fifty percent) in the ground water abstraction charges/ground water restoration charges, subject to their satisfactory performance and verification.

The revenue generated from the proposed water abstraction/ restoration charges shall be kept in a separate fund for implementation of site specific suitable demand/ supply side interventions.

5.1 Rates of Ground water abstraction /restoration charges

I. Drinking and domestic use for residential apartments/ group housing societies/ Government water supply agencies in Urban areas

All residential apartments/ Group Housing Societies requiring water only for drinking/domestic use requiring No Objection Certificate would pay ground water abstraction charges as per rates given below in Table 5.1.

Table 5.1 Ground Water Abstraction charges for Drinking & Domestic use.

Quantum of Groundwater withdrawal (m ³ /month)	Rate of ground water abstraction charges (Rs. per m ³)
0-25	No charge
26-50	1.00
>50	2.00

Government water supply agencies and Government infrastructure projects shall pay Ground water abstraction Charges @ Rs. 0.50 per m³.

II. Packaged Drinking Water units

Rates of ground water abstraction charges for packaged drinking water units in safe, semi-critical and critical assessment units are given in Table 5.2 A and those for ground water restoration charges in over-exploited assessment units are given in Table 5.2 B.

Table 5.2 A: Rates of ground water abstraction charges for packaged drinking water units (Rs per m³)

S.No.	Category of area	Quantum of ground water withdrawal			
		Up to 50m ³ /day	51 to <200 m ³ /day	200 to <1000 m ³ /day	1000 to 5000 m ³ /day and above
1.	Safe	1.00	3.00	5.00	8.00
2.	Semi-critical	2.00	5.00	10.00	15.00
3.	Critical	4.00	10.00	20.00	40.00
	Ground water use →				

Table 5.2 B: Rates of ground water restoration charges for packaged drinking water units (Rs per m³)

S.No.	Category of area	Quantum of ground water withdrawal			
		Up to 50 m ³ /day	51 to <200 m ³ /day	200 to <1000 m ³ /day	1000 to 5000 m ³ /day and above
1.	Over-exploited (existing industries only)	8.00	20.00	40.00	80.00
	Ground water use →				

III. Other Industries & infrastructure projects

Rates of ground water abstraction charges for other industries and infrastructure projects in safe, semi-critical and critical assessment units are given in Table 5.3 A and those for ground water restoration charges in over-exploited assessment units are given in Table 5.3 B.

Table 5.3 A: Rates of Ground Water abstraction charges for other industries & infrastructure projects (Rs per m³)

S.No.	Category of area ↕ Ground water use →	Quantum of ground water withdrawal		
		<200 m ³ /day	200 to <1000 m ³ /day	1000 to 5000 m ³ /day and above
1.	Safe	1.00	2.00	3.00
2.	Semi-critical	2.00	3.00	5.00
3.	Critical	4.00	6.00	8.00
				10.00

Table 5.3 B: Rates of ground water restoration charges for other industries & infrastructure projects (Rs per m³)

S.No.	Category of area ↕ Ground water use →	Quantum of ground water withdrawal		
		<200 m ³ /day	200 to <1000 m ³ /day	1000 to 5000 m ³ /day and above
1.	Over-exploited (existing industries / new industries as per the present Guidelines)	6.00	10.00	16.00
				20.00

IV. Mining projects

Rates of ground water abstraction charges for mining, which are drawing ground water in safe, semi-critical and critical assessment units are given in Table 5.4 A and those for ground water restoration charges in case of projects drawing ground water in over-exploited assessment units are given in Table 5.4 B.

Table 5.4 A: Rates of ground water abstraction charges for mining (Rs. per m³)

S.No.	Category of area ↕ Ground water use →	Quantum of ground water withdrawal		
		<200 m ³ /day	200 to <1000 m ³ /day	1000 to 5000 m ³ /day and above
1.	Safe	1.00	2.00	2.50
2.	Semi-critical	2.00	2.50	3.00
3.	Critical	3.00	4.00	5.00
				6.00

Table 5.4 B: Rates of ground water restoration charges for mining (Rs. per m³)

S.No.	Category of area	Quantum of ground water withdrawal			
		< 200 m ³ /day	200 to <1000 m ³ /day	1000 to <5000 m ³ /day	5000 m ³ /day and above
1.	Over-exploited Ground water use →	4.00	5.00	6.00	7.00

6.0 Bulk Water Supply

All private tankers abstracting ground water and use it for supply as bulk water suppliers will now mandatorily seek No Objection Certificate for ground water abstraction. The bulk water suppliers through tankers drawing ground water in safe, semi-critical and critical assessment units shall pay groundwater abstraction charges as per the Table-6.1 A. The bulk water suppliers drawing ground water in over-exploited assessment units shall pay the groundwater restoration charges as per the Table-6.1 B. All tankers will have to install GPS based system for their monitoring of movement/area of operation.

Modalities for issue of No Objection Certificate for bulk/tanker water supplies shall be worked out in consultation with States/Uts and suitable guidelines in this regard will be framed and issued separately for the same.

Table-6.1A: Groundwater abstraction charges for Bulk/Tanker water supplies

Category	Rate per m ³ (in Rs.)
Safe	10
Semi Critical	20
Critical	25

Table-6.1B: Groundwater abstraction charges for Bulk/Tanker water supplies

Category	Rate per m ³ (in Rs.)
Over Exploited	35

7.0 Abstraction of Saline ground water

Abstraction of saline ground water in areas having either saline ground water at all depths or pockets of saline ground water in an otherwise fresh water area for use by industries/ dewatering by infrastructure/ mining projects including those located in over-exploited areas would be encouraged. Such industries shall be exempted from paying ground water abstraction charges.

The list of such assessment units having saline ground water at all depths as per the latest assessment of dynamic ground water resources will be made available by the CGWA in their website. However, due care shall be taken in respect of disposal of effluents by the units so as to protect the water bodies and the aquifers from pollution.

Detailed guidelines in this regard shall be prepared and issued separately.

8.0 Protection of Wetland Areas

The wet land areas in the country are very crucial as they are direct reflection of the presence of ground water in such areas. The protection of the wetland areas is being separately handled by the Wetland Authorities. Since ground water is very crucial for the survival of the wetland area, any excessive ground water development within the zone of wetland area would affect the volume of water in that wetland.

Projects falling within 500 m. from the periphery of demarcated wetland areas shall mandatorily submit a detailed proposal indicating that any ground water abstraction by the project proponent does not affect the protected wetland areas. Furthermore, before seeking permission from CGWA, the projects shall take consent/approval from the appropriate Wetland Authorities to establish their projects in the area.

9.0 General compliance conditions in No Objection Certificate

- i. Installation of digital water flow meter (conforming to BIS/ IS standards) having telemetry system in the abstraction structure(s) shall be mandatory for all users seeking No Objection Certificate and intimation regarding their installation shall be communicated to the CGWA within 30 days of grant of No Objection Certificate through the web-portal.
- ii. Proponents shall mandatorily get water flow meter calibrated on from an authorized agency once in a year.
- iii. Proponents shall install roof top rain water harvesting & recharge systems in the project area.
- iv. Proponents shall pay Ground Water Abstraction/ Restoration Charges based on quantum of ground water extraction as applicable as per the rates given in Section 6.
- v. Construction of purpose-built observation wells (piezometers) for ground water level monitoring shall be mandatory as per Section 15. Water level data shall be made available to CGWA through web portal. Detailed guidelines for construction of piezometers are given in Annexure-II.
- vi. Proponents shall monitor quality of ground water from the abstraction structure(s) once in a year. Water samples from bore wells/ tube wells / dug wells shall be collected during April/May every year and analysed in NABL accredited laboratories for basic parameters (cations and anions), heavy metals, pesticides/ organic compounds etc. Water quality data shall be made available to CGWA through the web portal.
- vii. If the existing well becomes defunct due to mechanical failure within the validity period of No Objection Certificate, the user can construct a replacement well under intimation to CGWA on web portal. The defunct well shall be properly sealed (Refer Annexure VII). The user will be required to submit documentary proof in this regard. However, if the existing abstraction structures fails to yield water and he proponent desires to drill another tubewell in the same premises, prior permission of the Authority shall be required. If the replacement well is to be drilled in some different place, the proponent shall obtain fresh No Objection Certificate.
- viii. Wherever feasible, requirement of water for greenbelt (horticulture) shall be met from recycled / treated waste water.
- ix. In case of change of ownership, new owner of the industry will have to apply for incorporation of necessary changes in the No Objection Certificate with documentary proof within 60 days of taking over possession of the premises.

10.0 Monitoring of compliance of No Objection Certificate Conditions

To monitor the compliance of No Objection Certificate conditions, Central Ground Water Authority and State/ UT Ground Water Authorities shall take the following steps:

- a. Suitable MIS will be developed for compliance monitoring.
- b. District Collectors/Deputy Commissioners (DCs) /District Magistrates (DMs) are authorized to take enforcement measures like sealing of unauthorized ground water abstraction structures, disconnection of electricity, launching of prosecution against those violating the No Objection Certificate conditions and taking action for imposition of Environmental Compensation.
- c. Technical officers of CGWB/ CGWA and State groundwater organizations are authorized to take actions with respect to monitoring and periodic inspections with the approval of competent authority.
- d. In case of violation of any of the No Objection Certificate conditions, the proponents shall be liable to pay the penalties as per Section 16.

11.0 Renewal of No Objection Certificate

No objection certificate shall be renewed periodically, subject to the compliance of the conditions mentioned therein:

- i. The applicant shall apply for renewal of No Objection Certificate at least ninety days prior to expiry of its validity.
- ii. Application for renewal of No Objection Certificate shall be accompanied by the Compliance Report.
- iii. Before granting renewal, Central Ground Water Authority or State/ Ut Authority shall satisfy itself that the conditions of No Objection Certificate have been complied with.
- iv. In case of change in category of the assessment unit, renewals would be granted with conditions as laid down for new category.
- v. No Objection Certificate will be renewed for the terms specified for various uses as follows:

Category	Use	Term of renewal
Critical, Semi-critical and safe	Infrastructure projects for drinking & domestic use and urban Water Supply Agencies	5 years
	Industries	3 years
	Mines	2 years
Over exploited	All users in 'Over-exploited areas'	2 years

- vi. If the application for renewal is submitted in time and the CGWA/ the respective State/ Ut Authority is unable to process the application in time, No Objection Certificate shall be deemed to be extended till the date of renewal of No Objection Certificate.
- vii. If the proponent fails to apply for renewal within 3 months from the date of expiry of No Objection Certificate, the proponent shall be liable to pay Environmental Compensation for the period starting from the date of expiry of No Objection Certificate till No Objection Certificate is renewed by the competent authority.

12.0 Extension of No Objection Certificate

If the proponent is unable to construct the well(s) during the validity period of No Objection Certificate for genuine reasons, the proponent will have to apply for extension of No Objection Certificate. Application for extension should be supported by documents justifying the reasons for delay. Other conditions for grant of extension of No Objection Certificate will be the same as that for fresh No Objection Certificate.

Extension of No Objection Certificate will be granted for a maximum period of two years. No further extension will be granted after the expiry of the extended period. In that case, the applicant will have to apply afresh for grant of No Objection Certificate.

13.0 Delegation of powers against illegal groundwater withdrawal

Central Ground Water Authority has appointed the District Magistrate/ District Collector/ Sub Divisional Magistrates of each Revenue District/Sub division as Authorized Officers, who have been delegated the power to seal illegal wells, disconnect electricity supply to the energised well, launch prosecution against offenders etc. including grievance redressal related to ground water in their respective jurisdictions.

In order to further decentralise and strengthen the monitoring and compliance mechanism as per the guidelines, officials of concerned Departments of Revenue and Industries of the States/Uts shall be appointed as Authorised Officers in consultation with the State/Ut Governments.

A copy of the No Objection Certificate issued by the CGWA in the No Objection Certificate Application Portal (NOCAP) will be forwarded to the respective District Magistrate/ District Collector. In case of any violation of the directions of Central Ground Water Authority and non-fulfilment of the conditions laid

down in the No Objection Certificate, the Authorised Officers will file appropriate Petition/Original Application etc under sections 15 to 21 of the Environment (Protection) Act, 1986 in appropriate Courts.

14.0 Ground Water Level Monitoring

All the project proponents (drawing ground water more than 10 cum/d) have to mandatorily construct Piezometers (observation wells) within their premises for monitoring of the ground water levels. Such a mechanism of compliance conditions has been made to ensure that every month the ground water level in the project area can be monitored and observed. In this regard the necessary criteria for monitoring of water levels through piezometers by the project proponents is given in Table 14.1.

Table 14.1 No. of Piezometers to be constructed & Type of Water Level Monitoring Mechanism				
S.No.	Quantum of Ground water withdrawal (cum/d)	No. of piezometer required	Monitoring mechanism	
			Manual	DWLR with Telemetry
1	<10	0	0	0
2	11-50	1	1	0
3	51-500	1	0	1
4	>500	2	0	1

The piezometer shall be suitably located to ensure that zone of aquifer tapped in the piezometer is the same as that of the pumping well.

15.0 Environmental Compensation

Extraction of ground water for commercial use by industries, infrastructure units and mining projects without a valid No Objection Certificate from appropriate authority shall be considered illegal and such entities shall be liable to pay Environmental Compensation for the quantum of ground water so extracted. The norms prescribed by Central Pollution Control Board (CPCB) shall be utilized for calculating the Environmental compensation as mentioned below:

$EC_{GW} = \text{Ground water consumption per day} \times \text{Environmental Compensation rate (ECR}_{GW}) \times \text{No. of days} \times \text{Deterrence factor}$

where ground water consumption is in m³/day and ECR_{GW} in Rs./ cum

15.1 Rates of Environmental Compensation:

Rates of Environmental Compensation (ECR_{GW}) for various types of users in different categories of assessment units are given in Table 15.1 to 15.3.

Table 15.1 : ECR_{GW} for Packaged Drinking Water units

S.No.	Area Category	Water Consumption (cum/day)		
		<200/	200 to <1000	1000 to <5000
		Environmental Compensation Rate (ECR_{GW}) in Rs./m ³		
	Safe	12	18	24
2	Semi critical	24	36	48
3	Critical	36	48	66
4	Over- exploited	48	72	96
Note :- Minimum EC_{GW} shall not be less than Rs 1,00,000/-				

Table 15.2: ECR_{GW} for Mining/ infrastructure dewatering projects

S.No.	Area Category	Water Consumption (cum/day)		
		<200	200 to <1000	1000 to <5000
1	Safe	15	21	30
2	Semi critical	30	45	60
3	Critical	45	60	85
4	Over- exploited	60	90	120
Environmental Compensation Rate (ECR _{GW}) in Rs./m ³				
1	Safe	15	21	30
2	Semi critical	30	45	60
3	Critical	45	60	85
4	Over- exploited	60	90	120
Note :-Minimum ECR _{GW} shall not be less than Rs 1,00,000/-				

Table 15.3: ECR_{GW} for Industrial units

S.No.	Area Category	Water Consumption (cum/day)		
		<200	200 to <1000	1000 to <5000
1	Safe	20	30	40
2	Semi critical	40	60	80
3	Critical	60	80	110
4	Over- exploited	80	120	160
Environmental Compensation Rate (ECR _{GW}) in Rs./m ³				
1	Safe	20	30	40
2	Semi critical	40	60	80
3	Critical	60	80	110
4	Over- exploited	80	120	160
Note :-Minimum ECR _{GW} shall not be less than Rs 1,00,000/-				

15.2 Deterrent Factors to compensate losses and environmental damage (for packaged drinking water units, mining, industries and infrastructural dewatering projects)

The following deterrent factors based on the duration of illegal ground water extraction shall be levied to compensate for the losses and environmental damages as detailed in Table 15.4.

Table 15.4: Deterrent factor based on quantum of ground water withdrawal and number of years of illegal withdrawal

S.No.	Water Consumption	Deterrence Factor		
		< 2 years	2-5 years	>5 years
1	<1000 KLD	1.00	1.00	1.25
2	1000-5000 KLD	1.00	1.00	1.50
3	>5000 KLD	1.00	1.25	2.00

Note: KLD – Kilitre per day

16.0 Provision of Penalty

Penalty shall be imposed on the proponents for non-compliance of No Objection Certificate conditions issued by the appropriate authority. Rates of penalty proposed for non-compliance of various conditions of No Objection Certificate are given in Table 16.1. The rates of the penalty shall be reviewed periodically with the approval of competent authority in Ministry of Jal Shakti.

Table 16.1: Penalty provision for non Compliance of No Objection Certificate conditions

S. No.	Items	Charges in Rs.
1	Non installation/faulty Digital water Flow meter with telemetry system.	200000
2	Non disclosure/ construction of additional groundwater abstraction structures a) Non-functional Structures. b) Defunct/Abandoned Note: Given rates are for unit non-functional/defunct/abandoned structures. This shall be multiplied with total such structures to arrive at consolidated penalty.	200000 100000
3	Reporting of fresh water zones as Brackish / Saline zones in application.	200000
4	Non Installation of Piezometer.	200000
5	Non Installation/faulty DWLR/Telemetry system	100000
6	Non Construction/Inadequate capacity of Recharge / Water conservation structures.	500000
7	Non maintenance of Recharge structures.	200000
8	Injection of treated untreated water into the aquifer system. Note: In addition to penalty, the proponent shall bear the cost of aquifer remediation as per the provisions of Environment (Protection) Act, 1986.	1000000
9	Non Submission of Water level/Water quality Data.	50000
10	Non-maintenance of log book of daily withdrawal/non submission of Groundwater abstraction data.	50000
11	Non submission of photograph of recharge structure(s).	50000
12	Non Submission of Self Compliance report.	100000
13	Construction of groundwater abstraction structures by un authorized/unregistered Drilling Rigs (per structures).	100000
14	Non registration of water supply tankers.	500000
15	Submission of false information/ undertaking.	100000

Charges shall also be payable for correction/modification in the existing issued No Objection Certificate letter. The details of such charges are given in Table 16.2.

Table 16.2: Proposed Charges for correction/Modification in the existing issued No Objection Certificate

S. No.	Items	Charges in Rs.
1	Change in recharge quantum	10000
2	Change in User ID.	5000
3	Change in firm Name	5000
4	Extension of No Objection Certificate	5000
5	Issuance of duplicate No Objection Certificate	5000
6	Issuance of corrigendum to No Objection Certificate	5000
7	Any other items/corrections etc	5000

17.0 Other important Conditions (Applicable to all):

- i. Sale of ground water by a person/ agency not having valid no objection certificate from CGWA/State Ground Water Authority is not permitted.
- ii. In infrastructure projects, paved/parking area must be covered with interlocking/perforated tiles or other suitable measures to ensure groundwater infiltration/harvesting.
- iii. In case of Infrastructure projects, the firm/entity shall ensure implementation of dual water supply system in the projects. Compliance of the same shall be submitted through the web portal.
- iv. Non-compliance of conditions mentioned in the No Objection Certificate may be taken as sufficient reason for cancellation of no objection certificate accorded/ non-renewal of No Objection Certificate.
- v. No application shall be entertained without supporting documents as specified in relevant sections.
- vi. Abstraction structure(s) should be located inside the premises of project property.
- vii. Self compliance of conditions laid down in the no objection certificate shall be reported by the users online in the web portal of Central Ground Water Authority/state Ground Water Authority.
- viii. Processing fee prescribed, if any, from time to time shall be charged for various services.

Note:

1. Guidelines are subject to modification from time to time.
2. In case of any discrepancy between Hindi and English versions of this document including the annexures, the English version shall prevail.

Annexure I**Estimation of Water Requirements for drinking and domestic use****(Source: National Building Code 2016, BIS)****a) Residential Buildings:**

Accommodations	Population
1 Bedroom dwelling unit	4
2 Bedroom dwelling unit	5
3 Bedroom dwelling unit	6
4 Bedroom dwelling unit and above	7

Notes:

- 1) The above figures consider a domestic household including support personnel, wherever applicable.
- 2) For plotted development, the population may be arrived at after due consideration of the expected number and type of domestic household units.
- 3) Dwelling unit under EWS category shall have population requirement of 4 and studio apartment shall have population requirement of 2.

As a general rule the following rates per capita per day may be considered for domestic and non-domestic needs:

- a) For communities with populations up to 20,000:

1) Water supply through stand post:	40 lphd (Min)
2) Water supply through house connection	70 to 100 lphd

- b) For communities with:
population 20,000 to 100,000 together with
full flushing system 100 to 135 lphd
- c) For communities with population:
above 100,000 together with
full flushing system 150 to 200 lphd

Note—The value of water supply given as 150 to 200 litre per head per day may be reduced to 135 litre per head per day for houses for Medium Income Group (MIG) and Low Income Groups (LIG) and Economically Weaker Section of Society (EWS), depending upon prevailing conditions and availability of water.

Out of the 150 to 200 litre per head per day, 45 litre per head per day may be taken for flushing requirements and the remaining quantity for other domestic purposes.

A. Water Requirements for Buildings Other than Residences

Sl No.	Type of Building	Domestic litres per head/ day	Flushing Litres per head/ day	Total Consumption Litres per head/ day
1.	Factories including canteen where bath rooms are required to be provided	30	15	45
2.	Factories including canteen where no bath rooms are required to be provided	20	10	30
3.	Hospital (excluding laundry and kitchen):			
	a) Number of beds not exceeding 100	230	110	340
	b) Number of beds exceeding 100	300	150	450
	c) Out Patient Department (OPD)	10	5	15
4.	Nurses' homes and medical quarters	90	45	135
5.	Hostels	90	45	135
6.	Hotels (up to 3 star) excluding laundry, kitchen, staff and water bodies	120	60	180
7.	Hotels (4 star and above) excluding laundry, kitchen, staff and water bodies	260	60	320
8.	Offices (including canteen)	25	20	45
9.	Restaurants and food court including water requirement for kitchen:			
	a) Restaurants	55 per seat	15 per seat	70 per seat
	b) Food Court	25 per seat	10 per seat	35 per seat
10.	Clubhouse	25	20	45
11.	Stadiums	4	6	10

		5 per seat	10 per seat	15 per seat
12.	Cinemas, concert halls and theatres and multiplex			
13.	Schools/Educational institutions:			
	a) Without boarding facilities b) With boarding facilities	25 90	20 45	45 135
14.	Shopping and retail (mall)			
	a) Staff b) Visitors	25 5	20 10	45 15
15.	Traffic Terminal stations			
	a) Airports	40	30	70
	b) Railway stations (Junction) with bathing facility	40	30	70
	c) Railway stations (Junction) without bathing facility	30	15	45
	d) Railway stations (Intermediate) with bathing facility	25	20	45
	e) Railway stations (Intermediate) without bathing facility	15	10	25
	f) Interstate bus terminals	25	20	45
	g) Intrastate Bus Terminals/Metro Stations	10	5	15

Notes:

1. For calculating water demand for visitors, consumption of 1.5 litre per head per day may be taken.
2. The water demand includes requirement of patients, attendants, visitors and staff. Additional water demand for kitchen, laundry and clinical water shall be computed as per actual requirements.
3. The number of persons shall be determined by average number of passengers handled by stations, with due considerations given to the staff and vendors who are using these facilities.
4. Consideration should be given for seasonal average peak requirements.
5. The hospitals may be categorized as Category A (25 to 50 beds), Category B(51 to 100 beds), Category C (101 to 300 beds), Category D (301 to 500) and Category E (501 to 750 beds).

Annexure II
Guidelines for construction of Piezometers and monitoring of Ground Water Levels and Quality

Piezometer is a borewell/tubewell used only for measuring the water level by lowering a tape/sounder or automatic / digital water level measuring equipment. It is also used to take water sample for water quality testing whenever needed. General guidelines for installation of piezometers are as follows:

- The piezometer is to be installed/constructed at the minimum distance of 50 m from the pumping well through which ground water is being withdrawn. The diameter of the piezometer should be about four inches to six inches.
- The depth of the piezometer should be the same as that of the pumping well from which ground water is being abstracted. If, more than one pumping wells are constructed tapping aquifers at different depths, more than one piezometers shall be required to be constructed tapping different aquifers as in the pumping wells.

- The measurement of water level in piezometer should be taken, only after the pumping from the surrounding tubewells has been stopped for about four to six hours.
- The ground water quality has to be monitored once in a year during pre-monsoon (April/ May) period by industries and mines drawing ground water. Samples of ground water should be analyzed from NABL accredited laboratory.
- A permanent display board should be installed at Piezometer/ Tubewell site for providing the location, piezometer/ tubewell number, depth and zone tapped of piezometer/tubewell for standard referencing and identification.
- Any other site specific requirement regarding safety and access for measurement may be taken care off.

Annexure III

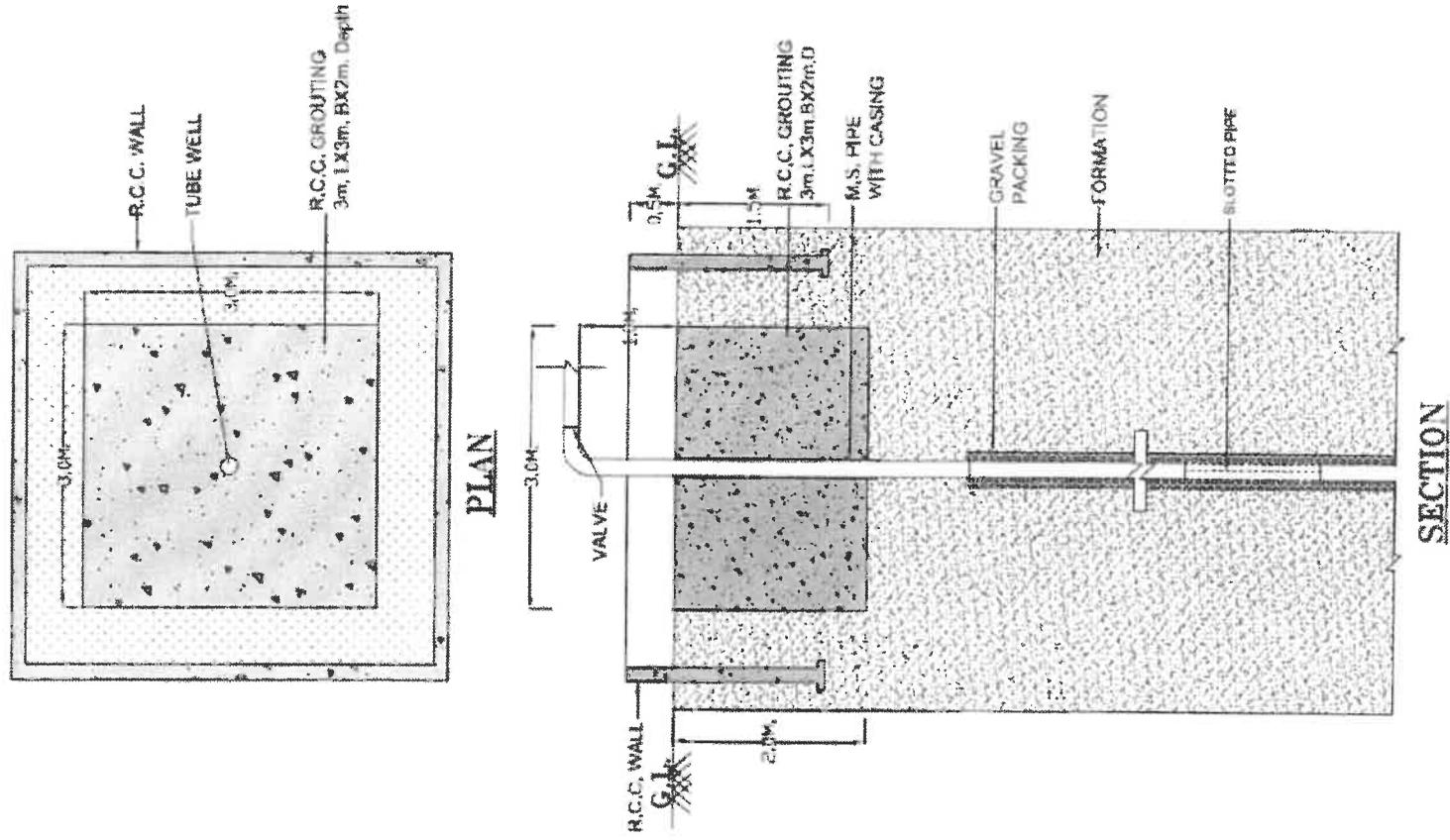
Measures to be adopted to ensure prevention from pollution in the plant premises of polluting industries/ projects

It has been observed that ground water in and around polluting industries like Tannery, Slaughter Houses, Dye, Chemical, Coalwashery, other hazardous units, etc., is polluted. In order to prevent further deterioration of ground water quality, it is essential to take all necessary measures for well head protection. All industries/ projects falling under this category are hereby directed to follow the under mentioned procedure both for existing and new category.

1. No tube well/ bore well / dug well should be constructed in the vicinity of the processing unit. Tube well/ bore well should be constructed at the place which is hygienically maintained.
2. Only Mild Steel pipe should be used for assembly/ casing and PVC (Poly Vinyl Chloride) or similar pipes should not be used. The tube well/ bore well having PVC or similar pipes should be abandoned and filled back.
3. Around the tube well/ bore well, RCC (Reinforced Concrete Cement) grouting of 3 meters (length) x 3 meters (width) x 2 meters (depth) must be provided. The pipe of the tube well/ bore well must be raised 1 meter above ground level (1 magl). The tube well/ bore well must be surrounded by RCC wall of 0.5 meter height and 1.5 meter depth to prevent any surface contamination to enter the constructed tube well/ bore well. Plan/Sectional diagram is enclosed for reference (Appendix 1 and 2).
3. The tube well/ bore well must be fitted with NRV (Non Return Valve) in order to ensure that the constructed tube well/ bore well is exclusively used for abstraction of ground water only.
4. At no point of time there should be any injection of any water or fluid into the constructed tube well/ bore well/ Piezometer.
5. The industries/ projects under this category should not implement any recharge measures within the plant premises.
6. Any tube well/ bore well located/ constructed in the vicinity of STP (Sewage Treatment Plant) or ETP (Effluent Treatment Plant) should be abandoned and filled back.
7. The piezometer to be constructed for monitoring purpose should follow the same procedure as that for tube well/ bore well for such industries/ projects.

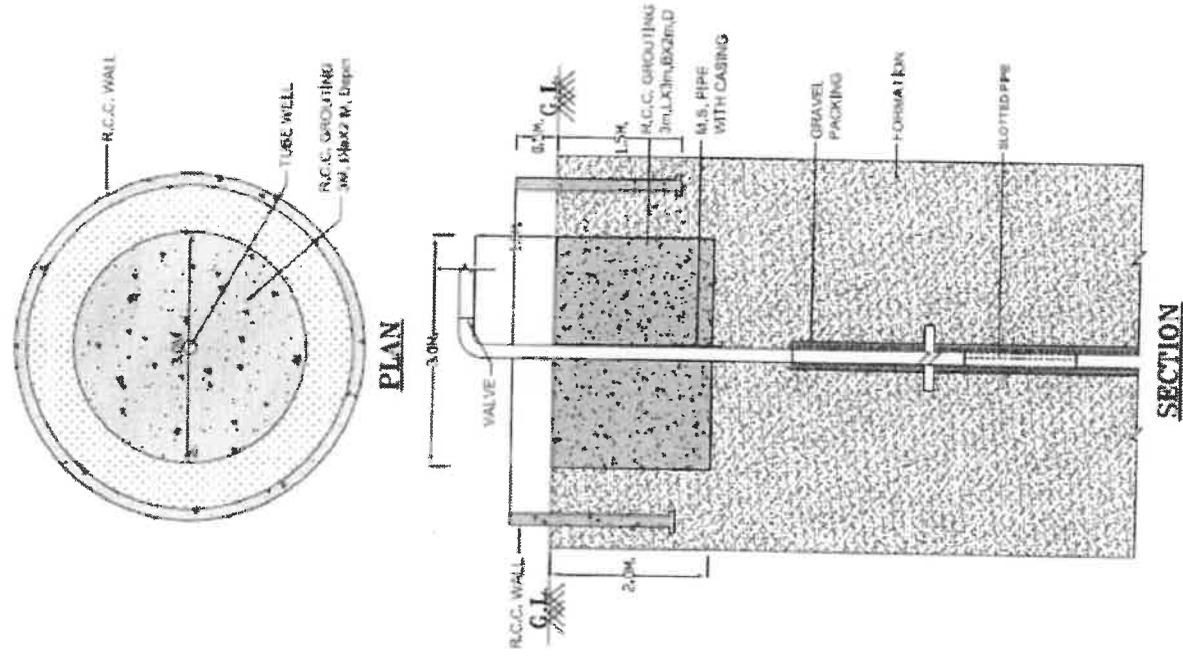
Appendix I

Plan/ Sectional diagram showing well head protection



Appendix 2

Plan/ Sectional diagram showing well head protection

**Outline of hydro-geological Report for obtaining No Objection Certificate for industries**

Annexure-IV

1. Brief about the proposed project giving location details, coordinates, google/ toposheet maps, etc. demarcating the project area.
2. Ground water situation in and around the project area including water level and quality data and maps along with quality issues, if any. In case of mines, ground water conditions in both core and buffer zone should be described.
3. Details of the tubewells/ borewells proposed to be constructed. This includes the drilling depth, diameter, tentative lithological log, details of pump to be lowered, H.P. of pump, tentative discharge of tubewells/ borewells, etc. Locations to be marked on the site plan/ map. Location of proposed piezometers.

4. Details of Geophysical studies carried out in and around the project area. Ground water resources computation of the block in which the project falls.
5. Approved Mine plan in case of mines and detailed dewatering plan in case of mine/ infrastructure dewatering projects.
6. Proposed usage of pumped water in case of mining/ infrastructure dewatering projects.
7. Comprehensive assessment of the impact on the ground water regime in and around the project area highlighting the risks and proposed management strategies proposed to overcome any significant environmental issues.
8. Proposed measures for disposal of waste water by industries drawing saline water.
9. Measures to be adopted for water conservation which include recycling, reuse, treatment, etc. This includes the water balance chart being adopted by the firm along with details of water conservation methods to be adopted.
 - Brief write up along with capacity and flow chart of Sewage Treatment Plants / Effluent Treatment Plants / Combined Effluent Treatment Plants existing/ proposed within the project.
 - Details of water conservation measures to be adopted to reduce/ save the ground water.
 - Total water balance chart showing the usage of water for various processes.
10. Any other details pertaining to the project.

Annexure V

Format of the Report on ground water conditions (for mining projects)

Introduction

Project description

Background

Objectives and scope

Regional setting

Location

Landuse

Climate

Topography and drainage

Geology –Regional and Local

General Hydrogeology (aquifer types, aquifer depth, zone tapped etc.)

Groundwater condition (In core and buffer zones)

Spatial and temporal variations in water levels Groundwater quality (Shallow and deep aquifer)

Impact of groundwater extraction on local groundwater

Hydrograph of water level/piezometer in monitoring wells

Trend analysis of historical water levels Flow net analysis (groundwater flow direction)

Year wise/ bench wise mine dewatering computation as per approved mine plan

Conclusions

Annexure VI

Indicative list of Infrastructure projects

Residential townships including commercial buildings
Office building
School
College
University
Special Economic Zone
Metro Station
Railway Station
Bus Depot
Airport
Seaport
Highway infrastructure
Fire station
Warehouse
Business Plaza
Malls & Multiplex
Hospitals
Nursing Homes
Resort
Hotel/ Restaurant/ Food Plaza
Holiday home/Guest house/ Hostels
Banquet Hall/ Marriage Gardens
IT Complex
Logistics & Cargo
Clubs
Trade Centre

Annexure -VII

Supreme Court Order in Civil Writ petition 36 of 2009 regarding measures for prevention of fatal accidents of small children due to their falling into abandoned bore wells and tube wells

In Re: Measures for prevention of fatal accidents of small children due to their falling into abandoned bore wells and tube wells

Union of India and Ors.

Respondents(s)

ORDER

With this Court issuing requisite guidelines vide order dated 11th February, 2010, subject to slight modifications, nothing survives in the present writ petition.

That modification is as follows:

- (i) The owner of the land/ premises, before taking any steps for constructing bore well/ tube well must inform in writing to the concerned authorities in the area, i.e., District Collector/ District Magistrate/ Sarpanch of the Gram Panchayat/ any other Statutory Authority/ concerned officers of the Department of Ground Water/ Public Health/ Municipal Corporation, as the case may be, about the construction of bore well/ tube well.
- (ii) Registration of all the drilling agencies, namely, Government/ Semi Government, Private etc. should be mandatory with the district administration/ Statutory Authority wherever applicable.
- (iii) Erection of signboard at the time of construction near the well with the following details:-
 - (a) Complete address of the drilling agency at the time of construction/ rehabilitation of well.
 - (b) Complete address of the user agency/owner of the well.
- (iv) Erection of barbed wire fencing or any other suitable barrier around the well during construction.
- (v) Construction of cement/ concrete platform measuring 0.50x0.50x0.60 meter (0.30 meter above ground level and 0.30 meter below ground level) around the well casing.
- (vi) Capping of well assembly by welding steel plate or by providing a strong cap to be fixed to the casing pipe with bolts & nuts.
- (vii) In case of pump repair, the tube well should not be left uncovered.
- (viii) Filling of mud pits and channels after completion of works.
- (ix) Filling up abandoned bore wells by clay/sand/boulders/pebbles/drill cuttings etc. from bottom to ground level.
- (x) On completion of the drilling operations at a particular location, the ground conditions are to be restored as before the start of drilling.
- (xi) District Collector should be empowered to verify that the above guidelines are being followed and proper monitoring check about the status of bore holes/ tube wells are being taken care through the concerned state/ Central Government agencies.
- (xii) District/ Block/ Village wise status of bore wells/tube wells drilled viz. No. of wells in use, No. of abandoned bore wells/ tube wells found open, No. of abandoned bore wells/ tube wells properly filled up to ground level and balance number of abandoned bore wells' tube wells to be filled up to ground level is to be maintained at District Level.
In rural areas, the monitoring of the above is to be done through Village Sarpanch and the Executive from the Agriculture Department.
- In case of urban areas, the monitoring of the above is to be done through Junior Engineer and the Executive from the concerned Department of Ground Water/Public Health/ Municipal Corporation etc.
- (xiii) If a bore well/ tube well is 'Abandoned' at any stage, a certificate from the concerned department of Ground Water/ Public Health/ Municipal Corporation/ Private Contractor etc. must be obtained by the aforesaid agencies that the 'Abandoned' bore well/tube well is properly filled upto the ground level. Random inspection of the abandoned wells is also to be done by the Executive of the concerned agency/ department. Information on all such data on the above are to be maintained in the District Collector/ Block Development Office of the State.

We are informed that the last paragraph of the earlier order dated 11th February, 2010, concerning publicity has been duly complied with.

Subject to the above, the writ petition is disposed of.

.....CJI.
[S.H. KAPADIA]

.....J.
[K.S. RADHAKRISHNANA]

.....J.
[SWATANTER KUMAR]

New Delhi,

August 6, 2010

ANNEXURE VIII

List of States/Union territories where ground water extraction is being regulated by Central Ground Water Authority

1. Andaman and Nicobar Islands
2. Assam
3. Arunachal Pradesh
4. Bihar
5. Chhattisgarh
6. Dadra and Nagar Haveli and Daman and Diu
7. Gujarat
8. Haryana
9. Jharkhand
10. Madhya Pradesh
11. Maharashtra
12. Manipur
13. Meghalaya
14. Mizoram
15. Nagaland
16. Odisha
17. Punjab
18. Rajasthan
19. Sikkim
20. Tripura
21. Uttar Pradesh
22. Uttarakhand
23. Andhra Pradesh (only mining projects)
24. Telangana (only mining projects)

Glossary of technical terms used

1. **Safe area:** Area categorized as SAFE, from the ground water resources point of view, based on the latest ground water resources assessment carried out jointly by CGWB and State ground water organizations. Details available on the websites of NOCAP and CGWB.
2. **Semi-critical area:** Area categorized as SEMI-CRITICAL, from the ground water resources point of view, based on the latest ground water resources assessment carried out jointly by CGWB and State ground water organizations. Details available on the websites of NOCAP and CGWB.
3. **Critical area:** Area categorized as CRITICAL, from the ground water resources point of view, based on the latest ground water resources assessment carried out jointly by CGWB and State ground water organisations. Details available on the websites of NOCAP and CGWB.
4. **Over-exploited area:** Area categorized as OVER-EXPLOITED from the ground water resources point of view, based on the latest ground water resources assessment carried out jointly by CGWB and State ground water organisations. Details available on the websites of NOCAP and CGWB.
5. **Aquifer:** Geological formation capable of storing and transmitting ground water.
6. **Deeper Aquifer:** In areas having multiple aquifer system, the aquifer(s) occurring below the uppermost aquifer.
7. **Well:** Any structure used for the extraction of groundwater, including open wells, dug wells, bore wells, dug-cum-bore wells, tube wells, filter points, collector wells, infiltration galleries, recharge wells, or any of their combinations or variations.
8. **Government Agency:** May be Central or State Government body.
9. **Supplier:** Government/ Government approved Water Supply Agency.
10. **Mine:** Area where mining activity is taking place, or area abandoned after mining.
11. **Illegal Ground Water abstraction Structure:** Any energized abstraction structure viz. dugwell, tubewell, borewell which is being used to withdraw ground water without valid No Objection Certificate from Central Ground Water Authority.
12. **Rainwater Harvesting:** 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.
13. **Mining Project:** Project which involves mining activity either open cast or underground or both.
14. **Ground Water Draft:** Quantum of ground water withdrawal.
15. **Saline Water:** Water having salinity in excess of 2500 μ siemens/cm at 25°C.
16. **Water Table Intersection:** Intersection of the water table on excavation of the overlying material due to mining or other activities.
17. **Drinking and domestic use:** Besides drinking & domestic use of households, this category will cover drinking requirement of industries not requiring water for industrial process; drinking, washing, cleaning use etc. in case of hospitals, hotels, malls & multiplexes, institutions, offices, banquet halls, fire stations, metro stations, railway stations, airports, sea ports, stadia etc.
18. **Recycle/Reuse:** Using treated waste water for various purposes/ putting water to multiple uses.
19. **Government Department:** Either Central Government or State Government.
20. **Municipality:** Municipality, a Municipal Corporation or similar body of local urban governance by any other name.
21. **Groundwater:** Water, which exists below the surface in the zone of saturation and can be extracted through wells or any other means or emerges as springs and base flows in streams and rivers;
22. **Bgl :** Below Ground Level.
23. **BCM :** Billion cubic metres.

- 24. Groundwater Abstraction structure:** Structure used to withdraw groundwater like bore well / tube well / dug well/dug cum bore well/tunnel well.
- 25. Observation well or Piezometer:** A bore well/tube well used only for measuring the water level/piezometric head and to take water sample periodically but not used for groundwater abstraction.
- 26. Water Audit:** A method of quantifying water use in simple or complex systems, with a view to reducing water usage and often saving money on otherwise unnecessary water use.
- 27. Ground water pollution:** If concentration of any parameter in ground water exceeds the maximum permissible limit for drinking water prescribed by the Bureau of Indian Standards.
- 28. Cooperative Group Housing Societies/ Builder flats:** A Housing Society is a society formed by house owners within a residential complex. The housing society formed must be formally registered with registrar of co-operatives.
- 29. KLD – Kilo Litre per day**
- 30. EC_{GW} - Environmental compensation for drawing illegal ground water.**
- 31. EC_{GWR} - Environmental compensation rates for drawing illegal ground water.**

ANNEXURE X

Annual water audits by the industries (Source – CID)

Water audit is a systematic process of objectively obtaining a water balance by measuring flow of water from the site of water withdrawal or treatment, through the distribution system, and into areas where it is used and finally discharged. Conducting a water audit involves calculating water balance, water use and identifying ways for saving water.

Water audit involves preliminary water survey and detailed water audit. Preliminary water survey is conducted to collect background information regarding plant activities, water consumption and water discharge pattern and water billing, rates and water cess. After the analysis of the secondary data collected from the industry, detailed water audit is conducted, which involves the following steps:

- On site training and discussion with facility manager and personnel
- Water system analysis
- Quantification of baseline water map
- Monitoring and measurements using pressure and flow meters and various other devices
- Quantification of inefficiencies and leaks
- Quantification of water quality loads and discharges
- Quantification of variability in flows and quality parameters
- Strategies for water treatment and reuse or direct use

A detailed water balance is finally developed. Water quality requirement at various user areas is mapped, which helps in developing 'recycle' and 'reuse' opportunities.

The detailed water audit report contains the following:

- Water consumption and wastewater generation pattern
- Specific water use and conservation
- Complete water balance of the facility
- Water saving opportunities
- Method of implementing the proposals
- Full description and figures
- Investment required

Industries can undertake following measures for water conservation:

- Setting up of norms for water budgeting
- Modernization of industrial process to reduce water consumption
- Recycling water with a re-circulating cooling system
- Ozonation cooling water approach which can result in five fold reduction in blow down when compared to traditional chemical treatment
- Reduction in reuse of de-ionized water by eliminating some plenum flushes, converting from a continuous flow to an intermittent flow system and improving control on the use
- Use of waste water for gardening
- Proper processing of effluents to adhere to the norms of disposal.

Detailed Guidelines For Abstraction Of Saline Ground Water

Water having above EC above 5000 μ siemens/cm at 25°C is saline water. Any user desirous of utilizing saline groundwater is permitted to extract saline ground water and will be exempted from payment of ground water abstraction / restoration charges. However, all such users need to have proper effluent water disposal plan to avoid degrading of environment/ surroundings. Further, NOC shall not be granted to new major industries in over-exploited assessment units.

No Objection Certificate for saline ground water extraction shall be granted subject to the following specific conditions:

Completely Saline Assessment Units

- a) All the users where saline groundwater withdrawal is more than 500 KLD, applicant needs to submit Impact Assessment Report including water level /water quality /land subsidence in and around the project area.
- b) Ground water quality data of existing bore well/ tube well/ dug well from any NABL accredited laboratory or Govt. approved laboratory.
- c) Oil and Mining companies to submit approved plan by the concerned Govt. agency/ department in case of abstraction/dewatering or injection.
- d) All the users' need to adopt rain water harvesting as per building bye laws within premises.

Partially Saline Assessment Units

In the areas where saline water occur in lenses or fresh and saline zones overlying/underlying each other, saline water ingress is expected information on depth wise occurrence of saline/fresh ground water zones/ interface shall be made available by Regional Office, CGWB.

- a) All the users need to draw saline ground water more than 100 KLD shall submit Impact Assessment Report indicating saline - fresh water interface, impact of saline ground water abstraction on the ground water regime or impact of saline water pumping on saline water ingress in coastal areas. The saline water withdrawal shall avoid up coning of saline water into fresh water, mixing or ingress towards land.
- b) Piezometer should be constructed and regular monitoring to be taken up for piezometric level & water quality of the aquifer from which the saline water is pumped, as well as, the adjacent/overlying/underlying fresh water aquifers.
- c) In case well starts yielding fresh water instead of saline water, project proponent shall immediately inform the Regional Office, CGWB. The project proponent shall have to pay groundwater abstraction /restoration charges as per the guidelines.
- d) All the users' needs need to adopt rain water harvesting as per building bye laws within premises

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

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

Dated the 23rd October, 2017

Public Notice No. 8/2017

APPOINTMENT OF THE DISTRICT MAGISTRATE/ DEPUTY COMMISSIONER AS THE
AUTHORIZED OFFICER TO MONITOR COMPLIANCE OF DIRECTIONS OF CENTRAL
GROUND WATER AUTHORITY

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

And whereas the Authority has been issuing No Objection Certificate (NOC) for ground water withdrawal to industries/ infrastructure projects/ Mining Projects etc.. in terms of guidelines issued in this connection from time to time;

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

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

Now therefore, in pursuance of the directions of the Hon'ble National Green Tribunal and in exercise of powers conferred under Section 4 of the Environment (Protection) Act, 1986 vide notification No. S.O. 1024 (E) dated 6th November, 2000. Central Ground Water Authority appoints the District Magistrate/ Deputy Commissioner of each revenue area in the States of Arunachal Pradesh, Assam, Bihar, Chattisgarh, Gujarat, Haryana, Jharkhand, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Rajasthan, Tripura, Uttar Pradesh, Uttarakhand, Andaman & Nicobar Islands, Dadra & Nagar Haveli, Daman & Diu and Lakshadweep Islands as the 'Authorized Officer' for the purpose of enforcement of directions of CCWA in the respective revenue areas under his/ her jurisdiction and conditions laid down in the No Objections Certificates for ground water withdrawal issued by the Authority.

The District Magistrate/ Deputy Commissioner (Revenue) of each revenue area in the respective State/ Union Territory, who is the Authorized Officer, is further delegated with the power to inspect whether all the existing users owning tubewells in their premises have obtained/ applied for NOC for ground water withdrawal. The DM/DC is also authorized to initiate action in case of violation like sealing of illegal wells, launching of prosecution against offenders etc. including grievance redressal related to ground water.


23/10
(AKHIL KUMAR)
CHAIRMAN

CENTRAL GROUND WATER AUTHORITY

{Constituted under Section 3 (3) of Environment (Protection) Act, 1986}
West Block-II, Wing-3 (Ground Floor), Sector-1, R.K. Puram, New Delhi-110066
Phone No.(011)26175373, 26175367 Telefax : (011)26175369
Web Site : www.cgwb.gov.in

Public Notice No. 2/2011

**SUB: DECLARATION OF THE AREAS AS "NOTIFIED AREA" FOR
REGULATION OF GROUND WATER ABSTRACTION/ DEVELOPMENT**

Whereas the Central Government constituted the Central Ground Water Authority (hereinafter referred to as the Authority) vide notification of the Government of India in the Ministry of Environment and Forests vide Number S.O. 38 (E) dated the 14th January, 1997, as amended from time to time, for the purposes of regulation and control of ground water development and management in the whole of India;

And whereas the Authority in exercise of its powers and performance of its functions under section 5 of the Environment (Protection) Act, 1986 (No. 29 of 1986) is empowered to issue directions in writing to any person, officer or any Authority and such person, officer or authority shall be bound to comply with such directions:

And whereas the Authority, has issued public notice vide no. 3/2010 dated 25.9.2010 in the leading daily newspapers, inviting objections and suggestions within 45 days of its publication from all persons likely to be affected thereby, if 134 Blocks of various States are notified for regulation of ground water abstraction and management;

And whereas the Authority has considered all objections and suggestions received by it in this regard; the Authority based on objections and suggestions received and the ground water resource assessment undertaken by Central Ground Water Board in consultation with the State Government has identified 7 Blocks of Haryana State; 12 Blocks of Punjab State and 20 Blocks of Rajasthan State as over exploited area, where ground water withdrawal is more than the average annual replenishment of ground water resources and the ground water levels are also declining on long term basis;

Now, therefore, in exercise of the powers conferred under section 5 and clauses (xi) and (xiv) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with paragraph 2 of the notification of the Government of India in the Ministry of Environment and Forest number S.O. 38 (E) dated 14th January, 1997, the Authority with a view to protect and preserve the ground water resources hereby declare the 39 Blocks of Haryana, Punjab

and Rajasthan State as specified in the Schedule appended to this notification as "Notified Area" and issues the following directions, namely: -

DIRECTIONS

1. Restrictions in the area are imposed on construction and installation of any new structure for extraction of ground water resources without prior specific approval of the Authorized Officer (Deputy Commissioner) of the district and subject to the guidelines /safeguards envisaged from time to time in this connection by Authority for ground water extraction and rain water harvesting / recharge etc.
2. The authorized officer (Deputy Commissioner of the District) shall ensure that no new ground water abstraction structure is constructed / installed in these Blocks after the publication of this **Public Notice**.

Provided that nothing in these directions shall apply to any owner of a non-energized dug well or borewell fitted with hand pump used solely for drinking and domestic purposes.

CHAIRMAN

SCHEDULE
NOTIFIED AREAS

Sl.No.	State	District	Block
1	Haryana	BHIWANI	Badra
2	Haryana	KURUKSHETRA	Ladwa
3	Haryana	SIRSA	Rania
4	Haryana	FATEHABAD	Tohana
5	Haryana	KATIHAL	Gulha
6	Haryana	PANIPATHI	Bapoli
7	Haryana	KURUKSHETRA	Pehowa
8	Punjab	JALANDHAR	Nakodar
9	Punjab	JALANDHAR	Shahkot
10	Punjab	JALANDHAR	Lohian
11	Punjab	PATIALA	Patran
12	Punjab	KAPURTHALA	Phauwara
13	Punjab	SANGRUR	Dhuri
14	Punjab	MOGA	Nihalsinghwala
15	Punjab	SANGRUR	Sunam
16	Punjab	SANGRUR	Barnala
17	Punjab	SANGRUR	Sherpur
18	Punjab	LUDHIANA	Khanna
19	Punjab	SANGRUR	Malerkotla
20	Rajasthan	CHURU	Rajgarh
21	Rajasthan	JODHPUR	Osiyan
22	Rajasthan	JODHPUR	Bhopalgarh
23	Rajasthan	JODHPUR	Bilara
24	Rajasthan	JHUNJHUNU	Nawalgarh
25	Rajasthan	NAGOUR	Merta
26	Rajasthan	JAIPUR	Sambher
27	Rajasthan	BARMER	Baetu
28	Rajasthan	JAIPUR	Govindgarh
29	Rajasthan	JODHPUR	Mandore
30	Rajasthan	JAIPUR	Sanganer
31	Rajasthan	JALORE	Sayala
32	Rajasthan	JHUNJHUNU	Udaipurwati
33	Rajasthan	JHUNJHUNU	Jhunjhunu
34	Rajasthan	JAIPUR	Shahpura
35	Rajasthan	JAIPUR	Bassi
36	Rajasthan	JAIPUR	Amer
37	Rajasthan	JALORE	Sanchore
38	Rajasthan	KARAULI	Todabhim
39	Rajasthan	AIMER	Pisangan

CHAIRMAN

CENTRAL GROUND WATER AUTHORITY

(Constituted under Section 3(3) of Environment (Protection) Act, 1986)
A-2/W-3, K.G. Marg, New Delhi-110001 Ph-23385620/23384973 Fax- 23388310
No 26-1/CGWA/D109/743/783 Dated the 8th October, 2009

PUBLIC NOTICE

Attn.: All the Residential Group Housing Societies/Institutions/Schools/Hotels/Industrial Establishments falling in the Over-exploited and Critical areas in the country. (Except in the water logged areas).

Whereas the Central Government constituted the Central Ground Water Authority (hereinafter referred to as the Authority) vide notification of the Government of India in the Ministry of Environment and Forests number S.O. 38 (E) Dated the 14th January, 1997, as amended from time to time, for the purpose of regulation and control of ground water development and management in the whole of India.

And whereas the Central Government have authorised the Authority to issue directions under Section 5 of the said Act, in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions;

And whereas the Authority with a view to protect and preserve the ground water resources of the country from further depletion, has decided to promote the technique of rain water harvesting including Roof Top Rain Water Harvesting for ground water recharge.

Now, therefore, the Authority in exercise of its powers and functions conferred under Section 5 and clause (xiv) of sub-Section (2) of Section 3 of the Environment (Protection) Act, 1986, hereby directs All the Residential Group Housing Societies/Institutions/Schools/Hotels/Industrial Establishment falling in the Over-exploited and Critical areas as specified in the Schedule to adopt Roof top Rain Water Harvesting Systems in their premises. These systems should be completed by May 2010 so that these are effectively operational in the forthcoming monsoon of 2010. For any technical guidance, Regional Directors of Central Ground Water Boards or the Ground Water Department of the State/Union Territory having jurisdiction over the area may be contacted at the address specified in Annexure. (For Schedule and Annexure kindly refer to the website: http://www.cgwb.gov.in/GroundWater/gw_regulation.htm)

CENTRAL GROUND WATER AUTHORITY

[Constituted under section 3(S) of Environment (Protection) Act, 1986]
A-2/W-3, K.G. Marg, New Delhi-110001 Ph - 23386620/23384973 Fax -23388310

No. 28-1CGWAD/108 **744**

Dated the **8** October, 2008

Sub: Implementation of scheme of ground water recharge of rainfall runoff occurring along all National Highways, State Highways and other major roads by CRRI, National Highways Authority of India, CPWD, State PWDs; along rail tracks and other establishments of Indian Railways; in the Stadia by Sports Authority of India, BCCI, Departments of Sports and Youth Affairs and in the Airports by Airport Authority of India, Ministry of Civil Aviation for Promoting Rain Water Harvesting/adoption of artificial Recharge to Ground Water in the country (except in the water logged areas).

Whereas the Central Government constituted the Central Ground Water Authority (hereinafter referred to as the Authority) vide notification of the Government of India in the Ministry of Environment and Forests number S.O. 38 (E) dated the 14th January, 1997, as amended from time to time, for the purpose of regulation and control of ground water development and management in the whole of India;

And whereas the Central Government has authorized the Authority to issue directions under section 5 of the said Act, in writing, to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions;

And whereas the Authority, for sustainable development of ground water resources, considers it necessary and expedient to give directions to Heads of Central Road Research Institute, National Highway Authority of India, Central Public Works Department, State Public Works Department, Indian Railways, Sports Authority of India, BCCI, Airport Authority of India, Ministry of Civil Aviation, Ministry of Sports and Youth Affairs in the country to take up rain water harvesting/adopt artificial recharge to ground water to augment ground water resources and to save it from further depletion.

Now, therefore, the Authority, in exercise of the powers under section 5 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (xiv) of sub-section (2) of section 3, hereby issues the following directions, namely:-

Directions

1. The Director Central Road Research Institute; Chairman, National Highway Authority of India, Director General, Central Public Works Department; Heads of the State Public Works Department whether called as Secretary, Principal Secretary or by any other name; Chairman, Railway Board; Head of Sports Authority of India; Chairman, Airport Authority of India; Director General, Ministry of Civil Aviation; Heads of Ministry of Youth Affairs & Sports, shall ensure taking up rain water harvesting/adoption of artificial recharge to ground water in the country by their respective organizations/Departments, within a period of 365 days from the date of receipt of this direction, to augment ground water resources and to save it from further depletion.
2. The above authorities shall obtain site-specific designs and other technical guidance from the Regional Director/ Officer-in-Charge of Central Ground Water Board or the Ground Water Department of the State/Union Territory.
3. The Regional Director/ Officer-in-charge of Central Ground Water Board or the Ground Water Department of the State/UT, upon request from the above authorities shall extend all necessary technical assistance/design input.

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4. The authorities mentioned in the direction No. 1, shall intimate the action taken report in this connection, to Central Ground Water Authority within a period of 90 days of completion of rainwater harvesting/recharge structure.


CHAIRMAN
Dated: 8.10.0

10

1. The Director, Central Road Research Institute, Delhi- Mathura Road, P.O. CRRRI, New Delhi-20.
2. The Chairman, National Highway Authority of India, G-5&8, Sector-10, Dwaraka, New Delhi - 75
3. The Director General (Works), Central Public Works Department, Nirman Bhavan, Maulana Azad Road, New Delhi-11.
4. All the Heads of the State Public Works Departments in the State Government
5. Chairman Railway Board, Ministry of Railways, Rail Bhavan, New Delhi.
6. Head of the Sports Authority of India,
7. Chairman, Airport Authority of India, Rajiv Gandhi Bhavan, Safdarjung Air Port, New Delhi-3
8. Director General, Ministry of Civil Aviation, Rajiv Gandhi Bhavan, Safdar Jung Air Port, New Delhi-3.
9. All the Regional Directors, Central Ground Water Board, Ministry of Water Resources.
10. All the Officers-in-Charge, SUO, Central Ground Water Board, Ministry of Water Resources.
11. All the Heads of State Ground Water Departments.

Copy to:

1. Secretary, Department of Road Transport and High Ways, New Delhi
2. Secretary, Ministry of Urban Development, Nirman Bhavan, New Delhi.
3. Secretary, Ministry of Civil Aviation, Rajiv Gandhi Bhavan, Safdarjung Airport, New Delhi
4. Secretary (Sports), Department of Sports, Ministry of Youth Affairs and Sports, Shastri Bhavan, New Delhi.
5. Secretary (Youth Affairs), Department of Youth Affairs, Ministry of Youth Affairs and Sports, Shastri Bhavan, New Delhi.
6. Secretary, Shastri Bhavan, New Delhi.
7. Secretary, Ministry of Water Resources, Shram Shakthi Bhavan, New Delhi.
7. All the Chief Secretaries in the State Government.

CHAIRMAN
Dated:

CENTRAL GROUND WATER AUTHORITY

West Block - II, Wing - 3, Ground Floor
R. K. Puram, New Delhi - 110066

NO.28-7/CGWA/2011- 1302

Dated the 06/09/2011

SUB:ADOPTING ARTIFICIAL RECHARGE TO GROUND WATER/RAIN WATER HARVESTING AND FOR PROMOTION OF OTHER GROUND WATER CONSRVATION MEASURES IN ALL THE GOVERNMENT BUILDINGS

Whereas, Central Ground Water Authority has been constituted under section 3(3) of Environment (Protection) Act, 1986 vide Notification S.O. 38 (E) dated 14.1.1997 for the purpose of regulating indiscriminate boring and withdrawal of ground water in the country and to issue necessary regulatory directions with a view to preserve and protect the ground water. The Authority has been conferred with the powers under Section 5 of the said Act for issuing directions to any person, officer or any Authority for closure, prohibition of any operation or process or stoppage or regulation of supply of electricity or water or any other services.

And whereas, the Authority in exercise of its power and performance of its functions under section 5 of the Environment (Protection) Act, 1986 (No 29 of 1986) is empowered to issue directions in writing to any person, officer or any Authority and such person, officer or Authority shall be bound to comply with such directions.

And whereas, it has come to the notice of the Authority that depletion in ground water levels has been observed in major Cities/towns/urban areas due to exploitation of ground water more than natural replenishment

And whereas, the Authority considers it necessary and expedient to take up artificial recharge to ground water /rainwater harvesting in the Central and State Government Buildings to augment ground water resources and to save it from further depletion.

Now therefore, the Authority in exercise of the power under section 5 of the Environment (Protection) Act, 1986 (No. 29 of 1986) read with clause (xiv) of sub section (2) of section 3, hereby, issues the following direction, namely:-

Directions

1. The Chief Secretaries of the States and the Administrator of the respective Union Territories shall direct the respective departments to adopt Rain Water Harvesting/Artificial recharge on priority on all the Government buildings under their jurisdiction.
2. The Secretary, Ministry of Urban Development, Government of India shall direct the respective departments to adopt Rain Water Harvesting/Artificial

recharge on priority on all the Central Government buildings under his jurisdiction.

3. The Chief Secretaries of respective States and the Administrators of the respective Union territories shall submit action taken report annually to the Authority for necessary action.


6/9/2011
(CHAIRMAN)

To,

1. The Chief Secretary Government ofState (All States, As per list)
2. The Administrator, Union Territory (All UTs, as per list)
3. The Secretary, Ministry of Urban Development, Nirman Bhavan, New Delhi

Copy to:

1. Secretary , Ministry of Water Resources, Shram Shakti Bhavan, New Delhi

CENTRAL GROUND WATER AUTHORITY

[Constituted under section

3(3) of Environment (Protection) Act, 1986]

A-2/W-3, K. G. Marg, New Delhi-110001

Phone: 2338620/23384973, Fax: 23386310

PUBLIC NOTICE No. 1/2010

Sub: Alteration of large and medium Industries using ground water in the over exploited and critical areas in the country (except in the water logged areas).

The Central Ground Water Authority, in exercise of powers conferred under section 5 of the Environment (Protection) Act, 1986, has issued directions in the over exploited and critical areas in the country vide Public Notice No. 26-1/CGWA/D1/O9/743-783 dated 08.10.2009, published in leading daily news papers on 07.01.2010.

In furtherance to these directions attention of all the large and medium Industries (existing and new) using ground water are hereby directed to take up water conservation measures including recharge of ground water/rain water harvesting and adopt practices of treatment, recycle and reuse of waste water in their premises. All the industries using ground water should provide information about implementation of such practices to the authorised officers of State Pollution Control Boards/State Ground Water Authorities/Authorised Officers of CGWA concerned. These systems should be completed by March, 2011 so that these are effectively operational in the monsoon for the year 2011. For any technical guidance, Regional Director, of Central Ground Water Boards or the Ground Water Department of the State/Union Territory having jurisdiction over the area may be contacted at the address specified in Annexure. (For schedule of areas and annexure please refer to website: <http://www.cgwb.gov.in/GroundWater/gwregulation.htm>)

(201055_1)

Member Secretary

day, 15/04/11/0003/1011

Hindustan Times 25.09.2010

Government of India
Ministry of Jal Shakti
Department of Water Resources, River Development and Ganga Rejuvenation
CENTRAL GROUND WATER AUTHORITY

PUBLIC NOTICE

New Delhi, dated the 08 October, 2020

Whereas the Central Government constituted the Central Ground Water Authority (hereafter referred to as the Authority) vide notification number S.O. 38 (E), dated the 14th January, 1997, followed by notification number S.O. 1124(E), dated the 06th November, 2000 and S.O. 1121(E), dated the 13th May, 2010, of the Government of India in the Ministry of Environment and Forest, for the purposes of regulation and control of groundwater development and management in the whole of India and to issue necessary regulatory directions;

And whereas, the Authority has issued regulatory directions in exercise of powers under section 5 of the Environment (Protection) Act, 1986 under different public notices in different areas/blocks and also regulating in accordance with the provisions under guidelines issued in this connection from time to time (for directions/ guidelines refer to website: www.cgwb@nic.in;

And whereas, the Hon'ble NGT, New Delhi under its order dated 15.10.2019 in OA No. 597/2019 observed that in order to control wastage of potable drinking water there has to be specific time bound action plan and monitoring which should include coercive measures for enforcement.

Now therefore, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 (29 of 1986), read with paragraph 2(i) of the notification of the Government of India in the Ministry of Environment and Forests number S.O. 38(E) dated 14th January, 1997, the Authority, with a view to protect and preserve the ground water resources, hereby issues the following directions, namely:-

DIRECTIONS

1. On and from the date of this direction, 08 October 2020, the concerned Civic Bodies dealing with water supply network in the States/Union Territories, whether called as Jal Board, Jal Nigam, Water Works Department, Municipal Corporation, Municipal Council, Development Authority, Panchayat or by any other name, shall ensure that there shall be no wastage or misuse of potable water tapped from underground and evolve compliance mechanism with coercive measures for violations.
2. No person in the country shall waste or misuse potable water resources tapped from underground.



8/10/2020

Member

Central Ground Water Authority

Government of India
Ministry of Jal Shakti
Department of Water Resources, River Development & Ganga Rejuvenation
Central Ground Water Authority

PUBLIC NOTICE

New Delhi, Dated 26th October, 2020

Attention to All existing ground water users including industrial/ infrastructure/ mining projects

Whereas the Central Government constituted the Central Ground Water Authority (hereafter referred to as the Authority) vide notification Number S.O. 38(E), dated 14th January, 1997, followed by notification number S.O. 1124(E) dated 6th November, 2000 and S.O. 1121 (E) dated 13th May, 2010 of the Government of India in the Ministry of Environment & Forests, for the purposes of regulation and control of ground water development and management in the whole of India and to issue necessary regulatory directions.

And whereas the Authority has issued 'Guidelines to control and regulate ground water extraction in India' vide notification number 3289(E) dated 24th September, 2020.

Henceforth applications for NOC for ground water abstraction will be processed based on category of ground water assessment unit and not by notified/ non-notified areas. NOCs in areas notified earlier will also be governed by the revised guidelines and will be issued by Central Ground Water Authority or State/ Union Territory Ground water Authority as the case may be.

This is to bring to the notice of all ground water users that :

1. As Micro and Small Enterprises (MSEs) drawing less than 10 KLD of ground water are exempted from NOC, such MSEs, who have already submitted their applications prior to 24.09.2020 are required to submit self declaration as per format available on the website.
2. Ground water abstraction/ restoration charges shall be payable by all ground water users except those exempted from obtaining No Objection Certificate for ground water abstraction. Existing users shall pay abstraction charges w.e.f. 24.09.2020.
3. All existing users who have obtained NOC before 24.09.2020 and implemented/ installed Rain water harvesting/ artificial recharge will be eligible for rebate of 50% on Ground water abstraction/ restoration charges as per gazette notification, at the time of renewal. Users who have implemented

recharge but quantum of recharge is less than that the quantum as per guidelines (2015), will get rebate on pro rata basis.

4. All existing users who have already obtained NOC from CGWA are hereby directed to install digital water flow meter with telemetry in all existing ground water abstraction structures **irrespective of quantum of ground water withdrawal**, failing which the users shall be liable to pay penalty as per gazette notification.
5. Since the last date for submission of applications for NOC by the existing users was 30.06.2020, all existing users, except exempted categories, who have submitted their applications for NOC after 30.06.2020 and before 24.09.2020 shall be liable to pay penalty of Rs. 1 lakh under Section 15 of Environment (Protection) Act, 1986.
6. All existing users, except exempted categories, who have submitted their applications for NOC after 24.09.2020 will be liable to pay penalty of Rs. 1 lakh under Section 15 of Environment (Protection) Act, 1986 and Environmental Compensation w.e.f. 24.09.2020 as per the gazette notification.
7. All such industries who have submitted their applications for NOC prior to 24.09.2020, and are drawing ground water more than 100 KLD in critical and semi-critical assessment units, are mandatorily required to submit Impact Assessment Report from Accredited Consultant by 31.12.2020 to the concerned Regional Office.
8. Applications received prior to 24.09.2020 from all such industries located in over-exploited assessment units and drawing more than 100 KLD of groundwater will be processed only after receipt of Impact Assessment Report.
9. In case of mining projects involving dewatering, all applicants who have already submitted their applications for NOC are mandatorily required to submit comprehensive hydrogeological report on ground water conditions in both core and buffer zones of the mine, depth wise and year wise mine seepage calculations, impact assessment of mining and dewatering on ground water regime and its socio economic impact, details of recycling and reuse, recharge and reduction of pumping with use of technology for mining and water management to minimize and mitigate the adverse impact on ground water, prepared by Accredited Consultant by 31.12.2020.
10. All existing industries located in Safe, Semi-critical and Critical assessment units and drawing more than 100 KLD of groundwater, who have submitted their applications for renewal of NOC prior to 24.09.2020, are required to submit Water Audit Report from certified water auditors Latest by 31.12.2020.

11. Applications for renewal of NOC received prior to 24.09.2020 from the existing industries located in Over-exploited assessment units and drawing more than 100 KLD of groundwater shall be processed only after receipt of Water Audit Report from certified water auditors.
12. All new infrastructure projects, who have submitted their applications prior to 24.09.2020 and propose to draw more than 20 KLD of ground water are required to submit proof of installation of STP or submit an affidavit as per format available on the website.
13. All such infrastructure projects requiring water for commercial use, who have submitted their applications prior to 24.09.2020, are required to submit completion certificate or submit an affidavit as per format available on the web site.
14. New industries/ infrastructure/ mining projects, who have applied for NOC prior to 24.09.2020 and are falling within 500 m from the periphery of demarcated wetland areas are required to submit affidavit that they will submit copy of consent/ approval from the Wetland Authority to establish their project in the area as and when received by them.
15. New industries/ infrastructure/ mining projects, who have applied for NOC prior to 24.09.2020 and fall beyond 500 m from the periphery of demarcated wetland areas are required to submit affidavit as per format available on the website.

Member
Central Ground Water Authority

Government of India
Ministry of Jal Shakti
Department of Water Resources, River Development & Ganga Rejuvenation
Central Ground Water Authority

PUBLIC NOTICE

New Delhi, Dated 08.01.2021

(In supersession of the Public Notice dated 26.10.2020 with regard to point nos. 7, 8, 9, 10 & 11)

Sub: Submission of Impact Assessment Report/ comprehensive Hydro-geological report/ Water Audit Report -- reg.

Whereas the Central Government constituted the Central Ground Water Authority (hereafter referred to as the Authority) vide notification Number S.O. 38(E), dated 14th January, 1997, followed by notification number S.O. 1124(E) dated 6th November, 2000 and S.O. 1121 (E) dated 13th May, 2010 of the Government of India in the Ministry of Environment & Forests, for the purposes of regulation and control of ground water development and management in the whole of India and to issue necessary regulatory directions.

And whereas the Authority has issued Public Notice dated 26.10.2020 to all existing ground water users including industrial/ infrastructure/ mining projects, wherein certain project proponents were informed to mandatorily submit Impact Assessment Report/ comprehensive Hydro-geological report/ Water Audit Report by 31.12.2020

THIS IS TO FURTHER BRING TO THE NOTICE OF ALL GROUND WATER USERS THAT:

1. For the submission of Impact Assessment Report by such industries who have submitted their applications for NOC prior to 24.09.2020, and are drawing ground water more than 100 KLD in Critical and Semi-Critical assessment units, the date is hereby extended upto **31.01.2021**. Those who have failed to submit the said Report by 31.12.2020 shall be liable to pay Environmental Compensation from 01.01.2021 till the date of its submission. **If no Impact Assessment Report is received from such industries by 31.01.2021, the application/NOC shall be deemed to be rejected / cancelled.**

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2. Applicants from all such industries located in Over-Exploited assessment units and drawing more than 100 KLD of groundwater who have submitted their applications prior to 24.09.2020 were also required to submit Impact Assessment Report. **If no Impact Assessment Report from such industries is received by 31.01.2021, the application/NOC shall be deemed to be rejected / cancelled.** Impact Assessment Report received between 01.01.2021 to 31.01.2021 shall be subjected to the imposition of Environmental Compensation, depending on the date of its submission.

3. For the applicants who were mandatorily required to submit comprehensive Hydro-geological report on ground water conditions in case of Mining Projects by 31.12.2020, the date for submission is hereby extended upto **31.01.2021**. Those who have failed to submit the said Report by 31.12.2020 shall be liable to pay Environmental Compensation from 01.01.2021 till the date of its submission. **If no Hydro-geological Report as per Point 9 of Public Notice dated 26.10.2020 is received by 31.01.2021, the application/NOC shall be deemed to be rejected / cancelled.**

4. For the submission of Water Audit Report in case of renewal applications by all existing industries located in Safe, Semi-critical and Critical assessment units and drawing more than 100 KLD of groundwater, the date is hereby extended upto **31.01.2021**. Those who have failed to submit the said Report by 31.01.2021 shall be liable to pay Environmental Compensation from 01.01.2021 till the date of its submission. **If no Water Audit Report is received from such industries by 31.01.2021, the application/ NOC shall be deemed to be rejected / cancelled.**

5. Applicants from the existing industries located in Over-Exploited assessment units and drawing more than 100 KLD of groundwater who have submitted their applications for renewal of NOC prior to 24.09.2020 were also required to submit Water Audit Report. **If no Water Audit Report from such industries is received by 31.01.2021, the application/NOC shall be deemed to be rejected / cancelled.** Water Audit Report received between 01.01.2021 to 31.01.2021 shall be subjected to the imposition of Environmental Compensation, depending on the date of its submission.

This issues with the approval of Chairman, CGWA.

Member
CGWA

Government of India
Ministry of Jal Shakti
Department of Water Resources, River Development & Ganga Rejuvenation
Central Ground Water Authority

PUBLIC NOTICE

New Delhi, Dated 08.01.2021

Sub: Installation of Digital Water Flow Meter on Ground water abstraction structures - reg.

Whereas the Central Government constituted the Central Ground Water Authority (hereinafter referred to as the Authority) vide notification Number S.O. 38(E), dated 14th January, 1997, followed by notification number S.O. 1124(E) dated 6th November, 2000 and S.O. 1121 (E) dated 13th May, 2010 of the Government of India in the Ministry of Environment & Forests, for the purposes of regulation and control of ground water development and management in the whole of India and to issue necessary regulatory directions.

And whereas the Authority has issued 'Guidelines to control and regulate ground water extraction in India' vide notification number 3289(E) dated 24th September, 2020, wherein under Section 9 (i) "Installation of digital water flow meter (conforming to BIS/ IS standards) having telemetry system in the abstraction structure(s) shall be mandatory for all users seeking No Objection Certificate and intimation regarding their installation shall be communicated to the CGWA within 30 days of grant of No Objection Certificate through the web-portal."

THIS IS TO BRING TO THE NOTICE OF ALL GROUND WATER USERS THAT:

All the project proponents/users drawing ground water and seeking/having NOC shall have to mandatorily install tamper-proof digital water flow meters with telemetry on all the ground water abstraction structures within their premises.

All the Micro and Small Enterprises drawing less than 10 cum/day shall also be mandatorily required to install digital water flow meters on all the ground water abstraction structures within their premises. Such enterprises shall be subjected to randomised inspections.

The afore-mentioned conditions need to be strictly followed by all the users and **any ground water withdrawal without the installation of tamper-proof digital water flow meters and telemetry (wherever applicable) shall be construed as illegal.**

Non-compliance of these conditions shall invite a Penalty provision and/or Environmental Compensation against the proponent for illegal withdrawal of ground water as per the CGWA Guidelines and may result in cancellation/rejection of NOC and sealing of ground water abstraction structures.

This issues with the approval of Chairman, CGWA.

Member
CGWA



नामक ताम

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भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
और गंगा नदी विकास विभाग
नदी शक्ति भवन

राज्य मार्ग, नई दिल्ली-110 001

GOVERNMENT OF INDIA

MINISTRY OF JAL SHAKTI

DEPARTMENT OF WATER RESOURCES,

RIVER DEVELOPMENT & GANGA REJUVENATION

SHRAM SHAKTI BHAWAN

RAFI MARG, NEW DELHI-110 001

<http://www.mowr.gov.in>

D.O. No. T-39011/6/2019-GW Section

August 21, 2019

Subject: Initiation of urgent steps to improve water conservation/water use efficiency in the country - regarding

Dear

You may be aware that as per Report of National Commission on Integrated Water Resources Development (NCIWRD), the total water availability of India received through precipitation is about 4000 billion cubic-meter (BCM) per annum. After evaporation, 1869 BCM water is available as natural runoff. Due to topographical and other factors, the utilizable water availability is limited to only 1122 BCM. It has been estimated that the average annual per capita water availability in the years 2001 and 2011 were 1820 and 1545 cubic meter respectively. This may likely to reduce further to 1341 cum and 1140 cum in the year 2025 and 2050 respectively.

Further, as per the 2017 assessment of dynamic ground water resources, the total annual extractable ground water resource in the country is 432 BCM. Out of 6881 assessment units (Blocks/ Mandals/Talukas/Firkas) in the country, 1186 units have been categorized as 'over-exploited'.

In view of the decreasing availability of water resources in the country, there is a growing need to improve the water use efficiency in all sectors including the irrigation sector, which is considered to be the biggest user of ground water resources. Further, it has been observed that there is general lack of awareness on the part of general public in using the ground water efficiently which has resulted in wastage of the precious resource through the overflowing overhead tanks, excessive use in flushing cisterns in toilets, wastage of water in bathing/hand-wash basins/kitchens etc. Apart from this there is substantial loss of water due to leakage/seepage during transmission/distribution of water from source upto the consumer end.

Further, there is a need to sensitize all concerned through mass media communication/radio jingles/TV commercials etc about judicious use of water resources. In addition to this, there is a need to work out appropriate mechanism for formulating water pricing policies including exploring the feasibility of putting water meters etc (where the supply is through Govt. developed sources), reduce non-revenue losses and to issue suitable directions to general mass through involvement of local municipal authorities for reducing the wastage through overflowing tanks, flushing cisterns etc.

जल संरक्षण - जीवाण संरक्षण
Conserve water - Save life

...2/-

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I would be happy if appropriate action as brought out in above paras may kindly be initiated and action taken report may kindly be forwarded to us for record.

With regards,

Yours sincerely,


(U.P. Singh)



To

Chief Secretary (States/UTs) - As per List

Copy to:

1. Secretary, Ministry of Housing & Urban affairs
2. Secretary, Department of Drinking Water & Sanitation
3. Secretary, Ministry of Agriculture Cooperation & Farmers' Welfare
4. Chairman, Central Water Commission
5. Mission director, National Water Mission
6. Chairman, Central Ground Water Board

U.P. SINGH, IAS

सचिव

SECRETARY

Tel. 23710305

Fax 23731553

E-mail : secy-mowr@nic.in



सत्यमेव जयते

विनी सुभाषि शास्त्री

जल संसाधन, नदी विकास
और गंगा संरक्षण विभाग

श्रम शक्ति भवन

एकी मार्ग, नई दिल्ली-110 001

GOVERNMENT OF INDIA
MINISTRY OF JAL SHAKTI

DEPARTMENT OF WATER RESOURCES,

RIVER DEVELOPMENT & GANGA REJUVENATION

SHRAM SHAKTI BHAWAN

RAFI MARG, NEW DELHI-110 001

<http://www.mowr.gov.in>

D.O. No. 1-5 /CGWB /M (HQ)/ Rev. M.P /2019

17th August, 2020

Dear

You might be aware that Central Ground Water Board, DoWR, RD & GR under Ministry of Jal shakti had prepared a "Master Plan for Artificial Recharge to Ground Water in India" in 2013. The report was circulated to all concerned State Departments and is also placed on the CGWB website (<http://cgwb.gov.in/documents/masterplan-2013.pdf>).

The over exploitation of groundwater, owing to increased demand had pushed both State and Central Departments to proactively take up water conservation/ augmentation measures, dovetailing many existing schemes towards water conservations efforts. This has resulted in construction of many recharge structures by the State Departments under various schemes. In view of this, Ministry felt that the "Master Plan for Artificial Recharge to Ground Water in India" -2013 needs to be revised considering the availability of uncommitted surplus run off in the various parts of the country. Consequently, an Inter-Ministerial Committee was constituted drawing members from Central Ministries and representatives from State Water Resources Departments. The committee has submitted its report on "Master Plan for Artificial Recharge to Ground Water in India -2020". It has been observed from the contents of the report that a consolidated database on the artificial recharge structures constructed and water conservation measures taken up by various Departments in different States is not readily available at one place.

At this juncture, it is prudent to create an easily accessible database on groundwater conservation/ augmentation measures taken up by the State. I therefore request you to:

- i. Identify a Nodal Department as custodian of this data for State/UT under your jurisdiction. The Nodal Department may coordinate with all concerned departments in the State working in the field of water conservation and augmentation to collect and collate data.
- ii. The Nodal Department may create a database of the conservation/ augmentation efforts made by the State under various schemes. The database may contain geo-coded locations of the structures, scheme details, expenditures incurred, date of construction, owner etc.
- iii. Update database at regular interval along with the functional status of the structures.

जल संरक्षण - जीवन संरक्षण
Conserve Water - Save Life

iv. A module for uploading all such data in the India-WRIS platform is being created under National Hydrology Project. The Nodal department may use this facility for the benefit of all the stake-holders.

This would not only provide a bird's eye view and status of the water conservation/ augmentation work carried out by the State but will also help greatly in planning and implementation of the water conservation and recharge schemes in more coherent and scientific manner. I request that the contact details of the Nodal Department as per format provided may be sent to the office of Shri Subodh Yadav, Joint Secretary (Admn, GW & IC), DoWR, Ministry of Jal Shakti, New Delhi at js-mowr@nic.in (Ph 011-23710843) for further action.

With regards,

Yours sincerely



(U. P. Singh)

The Chief Secretary / Administrator
(All States/UTs)

Contact details of the Nodal Department

Name of the Nodal Department	Name of Secretary/ Principal Secretary of the Nodal Department	Address	Email	Phone

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Annexure - R16

सचिव
U.P. SINGH

SECRETARY

Tel : 23710305

Fax : 23731553

E-mail : secy-mowr@nic.in



जल शक्ति मंत्रालय
जल ससाधन, नदी विकास
और गंगा सरक्षण विभाग
श्रम शक्ति भवन
राफी मार्ग, नई दिल्ली-110 001

GOVERNMENT OF INDIA

MINISTRY OF JAL SHAKTI

DEPARTMENT OF WATER RESOURCES,

RIVER DEVELOPMENT & GANGA REJUVENATION

SHRAM SHAKTI BHAWAN

RAFI MARG, NEW DELHI-110 001

<http://www.mowr.gov.in>

D.O. No. T-63012/1/2020-GW

4th January, 2021

Dear

I am writing to you to strengthen the institutional mechanism in your State to ensure sustainable management of ground water.

Ground water has been the lifeline for drinking and domestic water needs in most parts of the country. It also has the largest share (around 67%) in providing irrigation for agriculture and food production. However, the indiscriminate extraction of ground water has led to significant depletion in ground water resources in many parts of the country, which is a cause of grave concern.

The ground water resources assessment of the country, carried out jointly by Central Ground Water Board and State Ground Water organizations (as on 2017) indicates that, out of the total of 6881 assessment units (Block/ Taluks/ Mandals/ watershed/ Firkka), 1186 units (17%) have been categorized as 'Over-exploited', 313 as 'Critical', 972 as 'Semi-critical', 4310 as 'Safe' and 100 as 'Saline' in the country.

To make matters worse, unplanned sewage disposal, excessive application of chemical fertilizers, and discharge of untreated industrial effluents have contaminated the ground water resource in several parts of the country. It is the need of the hour to take adequate steps against excess extraction of groundwater and contamination to ensure long term sustainability of fresh ground water resources.

Water is a State subject. It is, therefore, essential that every State constitutes an independent, well equipped State Ground Water Department (SGWD) (wherever not constituted till date) with adequate technical and administrative support. States will also need to constitute a State Ground Water Authority (SGWA) (wherever not existing) for effective regulation of groundwater extraction.

This Ministry has recently notified the groundwater guidelines for control and regulation of groundwater extraction vide notification dated 24th September, 2020 which must be implemented immediately by the States/UTs for sustainability of this precious resource. It will not be out of place to mention here that wherever the SGWD and SGWA are existing they may be empowered with posting of adequate number of officials and may be delegated adequate financial/administrative powers for their effective functioning.

Contd...2/-

Conserve Water - Save Life

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In a recent meeting of the Committee of Secretaries chaired by Cabinet Secretary, the Committee recommended that States/UTs should have their own (Ground Water) Boards and Regulations for ground water extraction in-place, within the overall ambit of the Government of India guidelines.

It is, therefore, requested that you may kindly look into the matter for urgent appropriate action. A line of confirmation in this regard with timelines shall be highly appreciated.

With best wishes.

Yours sincerely,



(U. P. Singh)

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To

Chief Secretaries/Administrator (As per attached list)

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Annexure - R 17

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 375 OF 2012

Paryavaran Suraksha Samiti and another .. Petitioners

versus

Union of India and others .. Respondents

J U D G M E N T

JAGDISH SINGH KHEHAR, CJI

The petitioners have approached this Court, seeking a writ in the nature of mandamus, for a direction to the respondents, (which includes the Union Government, all the State Governments and the Union Territories) to ensure, that no industry which requires "consent to operate" from the concerned Pollution Control Board, is permitted to function, unless it has a functional effluent treatment plant, which is capable to meet the prescribed norms for removing the pollutants from the effluent, before it is discharged.

2. The Union of India, and the State Governments (including the Union Territories) have filed counter affidavits, expressing their individual positions. During the course of hearing, learned counsel representing the respondents, also made some suggestions, which could be highly beneficial, in carrying forward the process of removing pollutants, from the discharged effluent, in a systematic and co-ordinated manner.

3. During the course of hearing, it was not disputed between



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the rival parties, that the initiation of the process has to be at the individual level of the industry itself. It was suggested that each industry which requires "consent to operate" from the concerned Pollution Control Board, should be mandated to set up a functional primary effluent treatment plant. We are informed, that only when such an effluent treatment plant has been set up, the concerned Pollution Control Board grants a "no objection" to the industry, and accordingly "consent to operate", so as to allow the industry to become functional. It is therefore apparent, that all running industrial units, which require "consent to operate" from the concerned Pollution Control Board, have a functional primary effluent treatment plant, in place.

4. The question that arises for our consideration is, whether the same is maintained in good order, after the industry itself has become functional. The industry requiring "consent to operate", can be permitted to run, only if its primary effluent treatment plant, is functional. We therefore consider it just and appropriate, to direct the concerned State Pollution Control Boards, to issue notices to all industrial units, which require "consent to operate", by way of a common advertisement, requiring them to make their primary effluent treatment plants fully operational, within three months from today. On the expiry of the notice period of three months, the concerned State Pollution Control Board(s) are mandated to carry out inspections, to verify, whether or not, each industrial unit requiring "consent to operate", has a functional primary effluent treatment plant. Such of the industrial units, which have not been able to make their

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primary effluent treatment plant fully operational, within the notice period, shall be restrained from any further industrial activity. This direction may be implemented by requiring the concerned electricity supply and distribution agency, to disconnect the electricity connection of the defaulting industry. We therefore hereby further direct, that in case the concerned State Pollution Control Boards make a recommendation to the concerned electrical supply and distribution agency/company, to disconnect electricity supply to an industry, for the reason that its primary effluent treatment plant is not functional, it shall honour such recommendation, and shall disconnect the electricity supply to such defaulting industrial concern, forthwith.

5. Such an industrial concern, which has been disabled from carrying on its industrial activities, as has been indicated in the foregoing paragraph, is granted liberty to make its primary effluent treatment plant functional to the required capacity, and thereupon, seek a fresh "consent to operate" from the concerned Pollution Control Board. Only after the receipt of such fresh "consent to operate", the industrial activities of the disabled industry, can be permitted to be resumed. In carrying out the above exercise, we consider it just and appropriate to require, the Pollution Control Boards to carry out inspections, by prioritizing inspections of severely and critically polluted industries, so that visible results emerge at the earliest.

6. Liberty is hereby granted to private individual(s) and organizations, to address complaints to the concerned Pollution Control Board, if any industry is in default. On the receipt of any

such complaint, the concerned Pollution Control Board, shall be obliged to verify the same, and take such action against the defaulting industry, as may be permissible in law. Such action, would be in addition to the discontinuation of industrial activity forthwith, in the manner directed hereinabove (but only after verification).

7. Having effectuated the directions recorded in the foregoing paragraphs, the next step would be, to set up common effluent treatment plants. We are informed, that for the aforesaid purpose, the financial contribution of the Central Government is to the extent of 50 per cent, that of the concerned State Government (including the concerned Union Territory) is 25 per cent. The balance 25 per cent, is to be arranged by way of loans from banks. The above loans, are to be repaid, by the industrial areas, and/or industrial clusters. We are also informed, that the setting up of a common effluent treatment plant, would ordinarily take approximately two years (in cases where the process has yet to be commenced). The reason for the above prolonged period, for setting up "common effluent treatment plants", according to learned counsel, is not only financial, but also, the requirement of land acquisition, for the same.

8. In view of the fact, that the financial position has been taken care of, as has been expressed above, we are of the view, that the setting up of "common effluent treatment plants", should be taken up as an urgent mission. With reference to common effluent treatment plants, which are already under implementation, we hope and expect, that they would be completed within the time

lines already postulated. With reference to common effluent treatment plants, which are yet to be set up, we consider it just and appropriate to direct, the concerned State Governments (including, the concerned Union Territories) to complete the same within a period of three years, from today. We are also of the view, that while acquiring land for the 'common effluent treatment plants', the concerned State Governments (including, the concerned Union Territories) will acquire such additional land, as may be required for setting up "zero liquid discharge plants", if and when required in the future.

9. During the course of hearing, we were informed by learned counsel, that the running of 'common effluent treatment plants', which are in place, is also a matter of serious concern. In this behalf, it was submitted, that some of the common effluent treatment plants are dis-functional, because of lack of finances, whilst some others are dis-functional, because of the requirement of repairs, which have not been carried out, again because of lack of financial resources.

10. Given the responsibility vested in Municipalities under Article 243W of the Constitution, as also, in item 6 of the 12th Schedule, wherein the aforesaid obligation, pointedly extends to "public health, sanitation conservancy and solid waste management", we are of the view, that the onus to operate the existing common effluent treatment plants, rests on municipalities (and/or local bodies). Given the aforesaid responsibility, the concerned municipalities (and/or local bodies), cannot be permitted to shy away, from discharging this onerous duty. In case there are further

financial constraints, the remedy lies in Articles 243X and 243Y of the Constitution. It will be open to the concerned municipalities (and/or local bodies), to evolve norms to recover funds, for the purpose of generating finances to install and run, all the "common effluent treatment plants", within the purview of the provisions referred to hereinabove. Needless to mention, that such norms as may be evolved for generating financial resources, may include all or any, of the commercial, industrial and domestic beneficiaries, of the facility. The process of evolving the above norms, shall be supervised by the concerned State Government (Union Territory), through the Secretaries, Urban Development and Local Bodies respectively, (depending on the location of the respective common effluent treatment plant). The norms for generating funds, for setting up and/or operating the 'common effluent treatment plant' shall be finalized, on or before 31.03.2017, so as to be implemented with effect from the next financial year. In case, such norms are not in place, before the commencement of the next financial year, the concerned State Governments (or the Union Territories), shall cater to the financial requirements, of running the "common effluent treatment plants", which are presently dis-functional, from their own financial resources.

11. Just in the manner suggested hereinabove, for the purpose of setting up of "common effluent treatment plants", the concerned State Governments (including, the concerned Union Territories) will prioritize such cities, towns and villages, which discharge industrial pollutants and sewer, directly into rivers and water bodies.

12. We are of the view, that in the manner suggested above, the malady of sewer treatment, should also be dealt with simultaneously. We therefore hereby direct, that 'sewage treatment plants' shall also be set up and made functional, within the time lines and the format, expressed hereinabove.

13. We are of the view, that mere directions are inconsequential, unless a rigid implementation mechanism is laid down. We therefore hereby provide, that the directions pertaining to continuation of industrial activity only when there is in place a functional "primary effluent treatment plants", and the setting up of functional "common effluent treatment plants" within the time lines, expressed above, shall be of the Member Secretaries of the concerned Pollution Control Boards. The Secretary of the Department of Environment, of the concerned State Government (and the concerned Union Territory), shall be answerable in case of default. The concerned Secretaries to the Government shall be responsible of monitoring the progress, and issuing necessary directions to the concerned Pollution Control Board, as may be required, for the implementation of the above directions. They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data, and shall furnish the same to the Bench of the jurisdictional National Green Tribunal.

14. To supervise complaints of non-implementation of the instant directions, the concerned Benches of the National Green Tribunal, will maintain running and numbered case files, by

dividing the jurisdictional area into units. The above mentioned case files, will be listed periodically. The concerned Pollution Control Board is also hereby directed, to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters.

15. Liberty is granted to private individuals, and organizations, to approach the concerned Bench of the jurisdictional National Green Tribunal, for appropriate orders, by pointing out deficiencies, in implementation of the above directions.

16. It however needs to be clarified, that the instant directions and time lines, shall not in any way dilute any time lines and directions issued by Courts or Benches of the National Green Tribunal, hitherto before, wherein the postulated time lines would expire before the ones expressed through the directions recorded above. It is clarified, that the time lines, expressed hereinabove will be relevant, only in situations where there are no prevalent time line(s), and also, where a longer period, has been provided for.

17. It would be in the interest of implementation of the objective sought to be achieved, to also require each concerned State (and each, concerned Union Territory) to make provision for "online, real time, continuous monitoring system" to display emission levels, in the public domain, on the portal of the concerned State Pollution Control Board. We are informed, that at least three State Governments have already adopted the aforesaid

measures. Such measures shall be put in place by all the concerned State Governments(including, the concerned Union Territories), within six months from today.

18. The instant writ petition stands disposed of, in the aforesaid terms.

.....CJI
[JAGDISH SINGH KHEHAR]

.....J.
[Dr. D.Y. CHANDRACHUD]

NEW DELHI;
FEBRUARY 22, 2017.
.....J.
[SANJAY KISHAN KAUL]

ITEM NO.10 COURT NO.1 SECTION PIL(W)
 SUPREME COURT OF INDIA
 RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s). 375/2012

PARYAVARAN SURAKSHA SAMITI & ANR Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)
 (with appln(s) for directions and exemption from filing OT and
 permission to file synopsis and list of dates and office report)

Date : 22/02/2017 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
 HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
 HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv
 Mr. Gunjan Singh, Adv.
 for Ms. Jyoti Mendiratta, AOR

For Respondent(s) Ms. Pinky Anand, ASG
 (UOI) Mr. S.W.A. Qadri, Adv.
 Mr. Ajay Sharma, Adv.
 Mr. Balendu Shekhar, Adv.
 Mr. Ansh Singh Luthra, Adv.
 Mr. Hemant Arya, Adv.
 for Mr. G.S. Makker, AOR

State of Haryana Mr. Anil Grover, AAG
 Mr. Satish Kumar, Adv.
 Mr. Sanjay Kr. Visen, AOR

State of Rajasthan Mr. S.S. Shamsbery, AAG
 Mr. Amit Sharma, Adv.
 Mr. Ankit Raj, Adv.
 for Ms. Ruchi Kohli, AOR

State of MP Mr. Purushaindra Kaurav, AAG
 Mr. Mishra Saurabh, Adv.
 Mr. Ankit Kr. Lal, Adv.
 Ms. Vanshuja Shukla, Adv.
 Ms. Anuradha Mishra, Adv.

State of Gujarat Ms. Hemantika Wahi, Adv.
 Ms. Jesal Wahi, Adv.

State of Uttarakhanda
 Ms. Mamta Singh, Adv.
 Ms. Bhuvneshwari Pathak Kaushik, Adv.
 Ms. Shilpi Satya Priya Satyam, Adv.
 Mr. Rahul Kaushik, Adv.
 Mr. Ashutosh Kr. Sharma, Adv.

State of Jharkhand
 Mr. Tapes Kumar Singh, Adv.
 Mr. Mohd. Waqas, Adv.
 Mr. Sukant Vikram, Adv.
 Mr. Aditya Pratap Singh, Adv.

State of Telangana
 Mr. S. Udaya Kumar Sagar, Adv.
 Mr. Mrityunjai Singh, Adv.

State of AP
 Mr. Guntur Prabhakar, Adv.
 Ms. Prerna Singh, Adv.

State of UP
 Mr. M.R. Shamshad, Adv.
 Mr. Rajat Singh, Adv.
 Mr. Aditya Samaddar, Adv.
 Ms. Harshita Deshwal, Adv.

State of Tamil Nadu
 Mr. Paramasivam, Adv.
 Mr. B. Balaji, Adv.
 Mr. Muthuvel palani, Adv.
 Mr. S. Kumar, Adv.

For CPCB
 Mr. Vijay Panjwani, Adv.

State of Bihar
 Ms. Varsha Poddar, Adv.
 for Mr. Gopal Singh, AOR

State of West Bengal
 Mr. Joydeep Mazumdar, adv.
 Mr. Debojyoti Bhattacharya, Adv.
 for Mr. Parijat Sinha, AOR

State of Odisha
 Mr. Krishnayan Sen, Adv.
 Mr. Himanshu Bhushan, Adv.
 Mr. Uddyam Mukherjee, Adv.

State of Chhatisgarh
 Ms. Sakshi Kakkar, Adv.
 for Mr. C. D. Singh, AOR

State of Karnataka
 Mr. Mohit Kumar Shah, Adv.
 Mr. Gaurav Kanth, Adv.
 Mr. Pushkar Taimni, Adv.
 Mr. V. N. Raghupathy, Adv.
 Mr. Lagnesh Mishra, Adv.
 Mr. Parikshit P. Angadi, Adv.
 Mr. Prakash Jadhav, Adv.

State of Punjab

Mr. Saurabh Ajay Gupta, Adv.
Mr. Nishant Bishnoi, Adv.
for Mr. Kuldeep Singh, AOR

Mr. C. K. Sasi, AOR

Mr. Varinder Kumar Sharma, AOR

Ms. Sunita Sharma, AOR

UPON hearing the counsel the Court made the following

O R D E R

The writ petition stands disposed of, in terms of the reportable judgment.

(Renuka Sadana)
Assistant Registrar

(Parveen Kumar)
AR-cum-PS

[Reportable signed judgment is placed on the file]

Government of India
Ministry of Water Resources, River Development & Ganga Rejuvenation
CENTRAL GROUND WATER AUTHORITY
Gallery No. 18/11, Jammagar House, New Delhi-110011.

No. 22-319/CGWA/OA No. 128/2017 - 1257

Dated 14.06.2018

To

Shri Anoop Agarwal,
Advocate,
No.76, Vikash Nagar 'D',
Heerapura(Ajmer road)
Jaipur-302024.

Sub: Legal Notice dated 4.6.2018 -- Reply -- reg.

Sir,

With reference to your Legal Notice dated 4.6.2018 issued on behalf of your client Shri Devidas Khatri, Jaipur, the CGWA offers its para-wise comments to the Notice as given below:

1. That the averments under para 1 to 5 are matter of record. Water being State subject, the States/UTs are at liberty to enact ground water legislations and enforce in their respective territories. The Hon'ble Supreme Court under its order dated 10.12.1996 endorsed this view with the following observations:

'Needless to say that any Institution/Department constituted by the State Government can independently function in its own field with the cooperation and under the guidance of the organization set up by the Central Ground Water Board.'

The Central Government has circulated Model Bill among all the States/UTs for enactment and several States have enacted Legislations to regulate ground water Development and Management. Few States have considered that legislative interventions are not required at present in their respective States. Few States have not enacted the Legislations. The role of CGWA is more in the nature of provisions under section 3(2)(i)(a) and (b) of the Environment(Protection) Act, 1986 in the States with Ground Water Enactments and the exercise of powers and functions under the Act, would

be in accordance with the given mandate and under delegated powers, in respect of other States/UTs with no separate State/UT enactments.

2. That in reply to para 6, this is to clarify that the revision of guidelines was not *suo motu* but in order to address the grievances of several ground water users before Hon'ble NGT, New Delhi. The Hon'ble NGT has directed the CGWA to come out with a road map on these guidelines and the Hon'ble NGT is aware of the line of action of CGWA on the new draft guidelines. The CGWA has filed the draft guidelines in the Hon'ble NGT, New Delhi and circulated the draft guidelines among States and UTs, placed on website, issued public notices inviting suggestions/comments. These suggestions/comments will be referred to an expert committee constituted by Central Government for further consideration and recommendations. The recommendations will be deliberated in the next meeting of CGWA and at present the Hon'ble NGT is monitoring the progress on implementation of these guidelines. The water cess being collected has been dispensed with after introduction of GST. Introduction of water conservation fee has to be looked into as a control tool on excess usage of ground water but not as a measure to legalize defaulter. The defaulting industries have no escape from the provisions of Law. The CGWA has issued directions under section 5 of the Environment (Protection) Act, 1986 to various ground water users for taking up Artificial Recharge to Ground Water/Rain Water Harvesting. The ground water users are bound by these directions and any violation of directions attract penal provisions under section 15 of the Environment (Protection) Act, 1986.

3. That in reply to para 7 this is to clarify that the draft guidelines are not to be read in isolation but to be read with the directions being issued by CGWA from time to time. The guidelines of CGWA are being subjected to modifications from time to time in order to address the grievances of large number of ground water users deprived from alternate sources of water and the CGWA also is being guided by directions of Hon'ble Courts and Tribunal. The Hon'ble Tribunal(NGT) under para 182.1.15(c) of its Judgment dated 13.07.2017 has issued the following direction:

"Every industry should be directed to pay for extraction of such water that too, subject to the conditions stated in the order permitting such extraction."
(Page 472 of the Judgment)

The Hon'ble NGT has directed that Extraction of groundwater should be subject to the CGWA granting permission for such extraction, and that too, only after ensuring that such permission is granted after rigorous water use assessment by the industry, water reuse and recycling methodologies adopted by the industry and also subject to the rain water harvesting measures adopted by the industry and monitored by the CGWA. The CGWA

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accordingly impose conditions under NOC for compliance among others. The averments are mere apprehensions with no basis. Hence unsustainable.

4. That in reply to para 8 of the Notice this is to clarify that the draft guidelines have been formulated by a technically competent team of Senior Scientists in CGWB after detailed deliberations in a series of meetings held in CGWB/CGWA to address the grievances of ground water users with due regard to feasibility. There is no variance in guidelines with directions of Hon'ble NGT or with National Water policy.
5. That in reply to para 9 of the Notice, this is to inform that the para does not spell out the 'several deficiencies' to clarify. The CGWA so far has issued directions under section 5 of the Environment (Protection) Act, 1986, the appointment of authorized officers is done under section 4 of the Act. The guidelines are being framed and issued under the provisions of section 3(2)(xiii) of the Act.
6. That in reply to para 10, this is to clarify that the Central Government has constituted Central Ground Water Board as an Authority. Hence the Authority is appointing authorized officers in CGWB and District Administration in exercise of powers under section 4 of the Environment (Protection) Act, 1986 for accomplishment of various objectives under the Act. The CGWA is vested with powers to appoint officers and decide their powers and functions, without prejudice to the provisions of sub-section (3) of section 3 of the Act. The officers appointed under section 4 are subject to general control and direction of CGWA. This exercise of power under section 4 by CGWA does not tantamount to delegation of power under the Act. Section 23 of the Act empowers the Central Government to delegate powers to any Officer, State Government or other Authority. For accomplishment of objectives of the Act and enforcement of Mandate given under the orders of Hon'ble Supreme Court, Nationwide planning and execution through prevailing enforcement machinery is considered necessary. The Local Authorities (Executive Magistrates) are not working in isolation but in coordination with their Technical Counterparts in the State and Centre. The apprehensions are baseless and hence unsustainable.
7. That in reply to para 11 this is to clarify that the allegations are baseless and unsustainable. The regulatory interventions by Authority are guided by Dynamic Ground Water Resources Assessment Study of CGWB which is carried out in coordination with State Ground Water Departments from time to time.
8. That in reply to para 12 this is to clarify that where the Central Government in the MOEF &CC has categorised the industries and notified under the Act, the CGWA is not required to categorize industries separately under the same Act.
9. That in reply to para 13 this is to clarify that at present the District Collectors/Deputy Commissioners are according NOCs for ground water

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extraction for drinking and domestic use in Notified Areas as per the existing guidelines of CGWA and on the basis of recommendations of Advisory Committees consisting of Technical Officers/Scientists of State Departments/CGWB. All cases of Industrial uses at present are being evaluated and monitored by Scientists of CGWB through site inspections. The responsibility of ensuring compliance of conditions of NOC at ground level continues to remain with Technical/Scientific personnel in Central and State Ground Water Departments. The allegations are baseless and hence unsustainable.

10. That in reply to para 14, this is to clarify that your client is not the only person made objections/suggestions. There are several other persons/officers/authorities who have sent their views/comments/suggestions/recommendations, which are required to be looked into with due diligence. The authority shall follow the procedure prescribed under rule 4(4) of the Environment (Protection) Rules, 1986, while finalizing the draft guidelines on the basis of recommendations of expert committee constituted by Central Government. The matter related to guidelines being subjudice, it is not possible for CGWA to revoke or cancel the guidelines in defiance of given mandate.

In view of above clarifications/legal position, if you still wish to proceed against Authorities in the competent court of law, you are doing it at your own risk, cost and responsibility. Under section 18 of the Act, no suit, prosecution or other legal proceeding shall lie against the Government or any other employee of the Government or any authority constituted under this Act or any member, officer or other employee of such authority in respect of anything which is done or intended to be done in good faith in pursuance of the act or the rules made or orders or directions issued thereunder.

Yours faithfully,


(V.V. Vardhan)
Administrator

Copy to:

1. Regional Director, CGWB, Jaipur.
2. Sh. B.V.Niren, Advocate, 103, Old Lawyers Chambers, Supreme Court, New Delhi-110001.


(V.V. Vardhan)
Administrator
etc

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Annexure - R19

CENTRAL GROUND WATER AUTHORITY

[Constituted under section 3(3) of Environment (Protection) Act, 1986]
Gallery No. 18/11, Jammagar House, Mansingh Road, New Delhi-110011
Phone: 23072580; Fax: 23382051; e mail: cgwa@nic.in

No.22-206/CGWA/OA-176/2015

Dated 28th July, 2020

To

The Chief Secretary

Government of Andhra Pradesh/Arunachal Pradesh/Assam/Bihar/Chattisgarh/Goa/Gujarat/
Haryana/Himachal Pradesh/Jharkhand/Karnataka/Kerala/Madhya Pradesh/Maharashtra/
Manipur/Meghalaya/Mizoram/Nagaland/Odisha/Punjab/Rajasthan/Sikkim/Tamil Nadu/
Telangana/Tripura/Uttar Pradesh/Uttarakhand/West Bengal.

Chief Secretary/Administrator,

Union Territory of Andaman and Nicobar Islands/Chandigarh/Dadra and Nagar Haveli/Daman and
Diu/Jammu and Kashmir/Ladakh Leh and Kargil/NCT of Delhi.

Sir,

Please find enclosed herewith a copy of order dated 20.07.2020 of Hon'ble NGT, New Delhi under OA No.176/2015 under which the Hon'ble National Green Tribunal, Principal Bench, New Delhi has passed the following directions on ground water management and development in the over-exploited, critical and semi-critical areas(OCS) in the country:

"Regard must be had to water availability and safe levels to which it's drawal can be allowed, especially for commercial purposes, based on available and assessed data in each "Assessment unit".

All OCS assessment units must undergo water mapping. Water Management Plans need to be prepared for all OCS assessment units in the country based on the mapping data starting with Overexploited blocks. The Water Management Plans, data on water availability or scarcity and policy of CGWA must be uploaded on its website for transparency and public involvement. Such exercise may be done expeditiously, preferably within next three months.

An annual review by independent and expert evaluation must audit and record ground water levels as well as compliance with the conditions of the permission. (In States/UTs where ground water extraction is being regulated by State/UT Ground Water Authority)

You are aware that the water security and water management is one of the prime focus areas for Hon'ble NGT for ensuring ground water in sufficient quantity of adequate quality for the people living in the State/Union Territory. May I therefore request you to kindly take up all necessary measures and intimate the action taken at your end by or before 31.12.2020, so as to appraise the Hon'ble NGT.

Yours sincerely,


(Dr. P. Nandakumaran)
Member Secretary

Encl: As above

Copy to:

1. Secretary, Department of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti, Shram Shakti Bhavan, New Delhi.
2. Secretary, Department of Drinking Water and Sanitation, Ministry of Jal Shakti, New Delhi.
3. Secretary, Ministry of Environment, Forests and Climate Change, New Delhi.
4. Secretary, Ministry of Urban Development, Nirman Bhavan, New Delhi.
5. Judicial-ngt@nic.in


(Dr. P. Nandakumaran)
Member Secretary

Annexure - R 20
110

CENTRAL GROUND WATER AUTHORITY

[Constituted under section 3(3) of Environment (Protection) Act, 1986]
Gallery No. 18/11, Jamnagar House, Mansingh Road, New Delhi-110011
Phone: 23072580; Fax: 23382051; e mail: cgwa@nic.in

No. 22-206/CGWA/OA-176/2020-298

25th
Dated the 17th August, 2020.

To

The Principal Secretary/Secretary,
Water Resources Department,

Government of Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chattisgarh, Gujarat, Goa, Haryana,
Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Odisha,
Punjab, Rajasthan, Uttarakhand, Tamil Nadu, Telangana, Uttar Pradesh, West Bengal,
Union Territory of Delhi, Lakshadweep, Andaman & Nicobar, Puducherry, Chandigarh.

**Sub: Directions of Hon'ble NGT, New Delhi under its order dated 20.07.2020 -
Preparation of water Management Plan for States/Union Territories - Reg**

Sir,

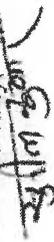
Please find enclosed herewith a copy of order dated 20.07.2020 of Hon'ble NGT, Principal Bench, New Delhi under OA No. 176/2015. The Hon'ble NGT has directed the Ministry of Jal Shakti and the Central Ground Water Authority, New Delhi to ensure sustainable ground water management in the country in terms of orders/directions dated 10.12.1996 of Hon'ble Supreme Court of India in CWP No. 4677/1985. The Hon'ble NGT further directed that all over-exploited, critical and semi-critical (OCS) assessment units must undergo water mapping and Water Management Plans need to be prepared for all OCS assessment units in the country based on the mapping data, starting with Overexploited blocks, within next three months.

The Hon'ble NGT held that the Water Management Plans, data on water availability or scarcity and the policy of ground water management and regulation must be uploaded on website for transparency and public involvement. Regard must be had to water availability and safe levels to which it's withdrawal can be allowed, especially for commercial purposes, based on available and assessed data in each "Assessment unit". The permission for ground water withdrawal should be on the basis of environment impact assessment on individual assessment units in cumulative terms covering carrying capacity aspects by an Expert Committee with an annual review and water audit on ground water levels with monitoring as well as ensuring compliance of conditions of the permission/NOC for ground water extraction.

May I therefore request you to kindly chalk out and execute water management plan for the State/UT as per the above orders/directions of Hon'ble NGT, New Delhi and intimate the action taken report in this connection by or before 23.10.2020.

Encl: As above.

Yours faithfully,



(Sunil Kumar)
Member (CGWA)

Copy to:

1. Secretary, Department of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti, Shram Shakti Bhavan, New Delhi.
2. Secretary, Department of Drinking Water and Sanitation, Ministry of Jal Shakti, New Delhi.
3. Judicial-ngt@gov.in.
4. Regional Director, Central Ground Water Board, Ahmedabad/Bengaluru/Bhopal/Bhubaneswar/Chandigarh/Chennai/Deliradun/Dharamsala/Guwahati/Hyderabad/Jaipur/Jammu/Kolkata/Lucknow/Nagpur/Patna/Raipur/Thiruvananthapuram, for needful coordination with the States/UTs.



(Sunil Kumar)
Member (CGWA)

2/1/2021

Ardhendumauli Mail - O.A. No. 218 of 2020 : Devidas Khatri Versus Union of India & Ors.



Ardhendumauli Prasad <mail@ardhendumauli.com>

O.A. No. 218 of 2020 : Devidas Khatri Versus Union of India & Ors.

1 message

Chambers of Mr. Ardhendumauli Kr. Prasad <mail@ardhendumauli.com>

Mon, Feb 1, 2021 at 6:25 PM

Sir,

Please find attached Reply Affidavit on behalf of Ministry of Jal Shakti and Central Ground Water Authority in the above captioned matter.

Kindly treat this as an effective service.

FOR:

Mr. Ardhendumauli Kumar Prasad
Advocate on Record
Supreme Court of India

Office:

A-52, Sector 17A,
NOIDA - 201301
India
Ph: +91 120 2488 800
+91 120 2488 801
+91 120 2488 802

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**Reply Affidavit- Devidas Khatri.pdf**
13796K