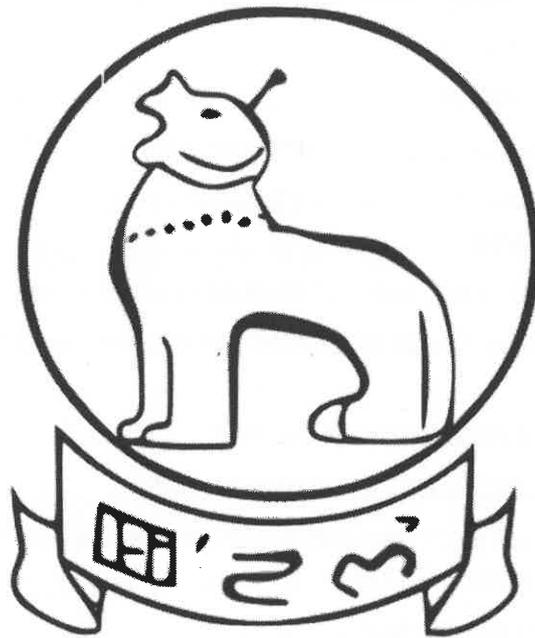


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THE  
MANIPUR GROUND WATER  
(CONTROL AND REGULATION) POLICY, 2023  
(DRAFT)



GOVERNMENT OF MANIPUR

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**THE MANIPUR GROUND WATER (CONTROL AND REGULATION)****POLICY, 2023****A****POLICY**

to regulate and control the development and management of ground water in the state of Manipur and the matters connected therewith and incidental thereto.

WHERE AS, due to depletion and scarcity of Surface Water since last few years in the state, the demand for ground water as an alternative has been increasing for domestic, agriculture and industrial purposes. However, till date there is no state policy or authority for controlling and regulating the utilization of Ground Water due to which over exploitation of ground water may likely occur in future. The Government of India has also directed the State Government to frame State Ground Water Policy and also to set up an authority for enforcing and enacting this policy.

AND, WHEREAS this policy will expedient to regulate utilization of ground water in the state else ground water exploitation may exceed more than availability. The policy through a state authority will control over ground water; will also be responsible for notification of the critical regions/areas of the state fully or partially; will be responsible for providing grant of the permission for establishment of ground water structures which is essential for meeting the needs of future generations. The policy will also ensure adoption or practices by stakeholders for improving and recharging the ground water level in the critical areas through water harvesting and other artificial recharge techniques.

NOW, THEREFORE, in pursuance of the directed The Minor Irrigation Department, Manipur on behalf of state Government is please to put forward the MANIPUR GROUND WATER (CONTROL AND REGULATION, POLICY 2023) for the control, regulation, conservation and management of ground water and the matters connected therewith and incidental thereto.

the Contents of the Policy are drafted Chapter wise as follows, Namely

## CHAPTER – I: PRELIMINARY

### 1. SHORT TITLE, EXTENT AND COMMENCEMENT: -

- 1) This Policy may be called the “Manipur Ground Water (Control and Regulation) Policy, 2023”
- 2) It shall extend to the whole of the State of Manipur.
- 3) It shall come into force on such date as the State Government may, by notification, in the Official Gazette specify, appoint and different dates may be appointed for different areas of the State.

### 2. DEFINITIONS: -

In this Policy, unless the context otherwise requires:-

- a) “Policy” means Manipur Ground Water (Control and Regulation) Policy, 2023.
- b) “Artificial recharge to ground water” means the process by which ground water reservoir is augmented at a rate exceeding that under natural condition of replenishment.
- c) “Availability of water” means total estimated water available in a particular area during an assessment period and calculated with standard prescribed procedures.
- d) “Authority” means State Ground Water Authority established in accordance with section 3 of this Policy.
- e) “Business/commercial” means users using ground water for sale, supply through tankers as earning business or a raw material like packaged drinking & soft drinking water, distilleries, breweries, construction works and cooling system in industrial & commercial complexes, etc.
- f) “Drinking water” in relation to the use of water, means consumption or use of water by human population for drinking and for other domestic purposes and includes consumption of water for similar relevant purposes for domestic animals.  
Explanation: For the purpose of this clause, the expression “domestic purposes” shall include consumption or use of water for cooking, bathing, washing, cleansing and other day to day activities.
- g) “**Government**” means the Government of Manipur.

- h) **“Ground water”** means the water which exists below the ground surface of the zone of saturation and can be extracted through wells or any other means or emerges as spring and base flows in stream and rivers.
- i) **“Ground Water Authority”** means an Authority prescribed or established under this Policy.
- j) **“Notified area”** means the area notified under section 10 of this policy.
- k) **“Prescribed”** means prescribed by rules made under this Policy as framed by authority.
- l) **“Rainwater harvesting”** is the technique of collection and storage of rainwater at surface or in sub-surface aquifer.
- m) **“Sink”** with all its grammatical variation and cognate expression in relation to a well includes any digging, drilling or boring of new well or deepening carried out to the existing wells.
- n) **“Spring”** location where ground water naturally emerges from the Earth’s subsurface in a defined flow and in an amount large enough to form a pool or stream-like flow.
- o) **“Technical Officers”** means technical specialist in the office of Ground Water Resources Assessment Cell of Department of Minor Irrigation Department, not below the rank of Assistant Engineer.
- p) **“User of ground water”** means the person or persons an institution including a Company or an establishment. Whether Government or non-government who or which extract or use or sell ground water for any purpose including domestic use made either on a personal or community basis.
- q) **“Well”** means a well sunk for the search or extraction of ground water and includes open dug well, drill well, point collector well, infiltration gallery, recharge well or any of their combinations or variations.

## CHAPTER-II: CONSTITUTION OF MANIPUR GROUND WATER AUTHORITY

### 3. CONSTITUTION OF GROUND WATER AUTHORITY

1) The State Government may by notification in the Official Gazette, constitute with effect from such date as may be specified in the notification, an authority called the Manipur State Ground Water Authority, State Level Working Group and District Committee as follows.

a) The Authority shall consist of following members:

- |  |   |                  |
|--|---|------------------|
| i) Honorable Minister, Minor Irrigation                          | - | Chairman         |
| ii) Administrative Secretary, Minor Irrigation Department        | - | Member Secretary |
| iii) Chief Engineer, Minor Irrigation Department                 | - | Member           |
| iv) PCCF, Forest Department                                      | - | Member           |
| v) Regional Director, <sup>CGWB</sup> <del>CGEB</del> , NE India | - | Member           |
| vi) Chief Engineer, Water Resource Department                    | - | Member           |
| vii) Chief Engineer, Public Health Engineering Department        | - | Member           |
| viii) Director, MAHUD  | - | Member           |
| ix) Director, Commerce and Industries Department                 | - | Member           |
| x) Director, Agriculture Department                              | - | Member           |
| xi) Director, Rural Development & PR Department                  | - | Member           |
| xii) Director, Horticulture & SC Department                      | - | Member           |
| xiii) Director, Veterinary & A.H. Department                     | - | Member           |
| xiv) Director, Environment & Climate Change Department           | - | Member           |
| xv) Director, Manipur State Pollution Control Board              | - | Member           |
| xvi) Director, Land Revenue and Settlement Department            | - | Member           |
| xvii) Director, Tribal Development Department                    | - | Member           |
| xviii) Director, Planning Department                             | - | Member           |

b) State Level Working Group shall consist of the following members.

Chairman : Administrative Secretary, M.I. Department

Member Secretary : Chief Engineer, M.I. Department

Member : Representative from

i) Environment, forest & Climate Change Department

ii) Water Resources Department

iii) Public Health Engineering Department

- iv) Agriculture Department
  - v) Horticulture & SC Department
  - vi) Commerce & Industries Department
  - vii) MAHUD
  - viii) Tribal Development Department
  - ix) Rural Development & Panchayati Raj Department
- c) District Committee shall consist of the following members.
- Chairman : Deputy Commissioner
- Member Secretary : Executive Engineer, M.I. Department
- Members : Representative from
- i) Environment & Climate Change Department
  - ii) Water Resources Department
  - iii) Public Health Engineering Department
  - iv) Agriculture/ Horticulture & SC Department
  - v) Commerce and Industries Department
  - vi) Rural Development & PR Department
  - vii) MAHUD
  - viii) Tribal Development
  - ix) AH. and Veterinary Department
  - x) Forest Department
  - xi) Land Revenue and Settlement Department
- 2) The authority constituted under sub-section (I) shall be a body corporate having perpetual succession with power to contract, acquire, hold and dispose of property, both movable and immovable and to do all things necessary for the purpose of this Policy and may sue and be sued by the said name.

#### **4. MEETING OF THE STATE AUTHORITY: -**

The Manipur State Ground Water Authority shall meet at least once in a year at such place and time as the Chairman may decide.

#### **5. STAFF OF THE GROUND WATER AUTHORITY: -**

1) The State Government may for the purpose of enabling the Ground Water Authority to perform its functions efficiently and exercise its power under the Policy appoint such number of specific technical personnel and other staff as it may be considered necessary:

Provided that the officers and staffs required by the State Authority shall be provided initially by the Minor Irrigation and other concerned departments, heads of which are the constituents of the State Authority until the same has been appointed by the authority.

The Recruitment Rules for the appointment officers and staffs shall be notified by Authority from time to time.

2) The functions as well as the terms and conditions of service of such employees be such as may be prescribed.

## **6. MEMBERS AND EMPLOYEES OF THE GROUND WATER AUTHORITY TO BE PUBLIC SERVANTS, CENTRAL ACT 45 of 1860:-**

All members and employees of the Ground Water Authority shall when acting or purporting to act in pursuance of the provisions of this Policy or of any rules made there under be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Act.No. 45 of 1860).

## **7. POWERS OF THE STATE GROUND WATER AUTHORITY: -**

1) The State Ground Water Authority or any other official authorized by it in writing in this behalf shall have power:-

- a) to enter any property (Private or government owned) with the right to collect information and to investigate and make any measurement concerning the land or the water located on the surface and underground;
- b) to inspect the well, which is being sink or has been sunk and take the specimens of the soil and other materials or water sample extracted from such wells;
- c) to give necessary directives for submitting the boreholes record and soil samples;
- d) to order in writing the persons sinking a well to keep and preserve in the prescribed manner specimens of soil or any material excavated therefrom for such period not exceeding three months from the date of completion or abandonment of the work as may be specified by the Authority and such person shall comply with such requisition.
- e) to inspect and to take copies of the relevant records or documents and ask any question necessary for obtaining any information (including diameter and depth of the well which is being or has been sunk; the level at which the water is or was struck and subsequently restored/rested, the types of strata encountered in sinking

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of the well and the quality of the ground water struck, etc) required for carrying out the purposes of this Policy.

- f) to give necessary directives to users of ground water to install water measuring devices on any water supplies when necessary to properly administer the water or where there is reason to believe that the user does not comply with the provisions contained in this Policy or any other sufficient reason for defending the public interest.

Provided that where the user of ground water does not comply with the requisition issued to him within a period of sixty days, the ground water authority itself may install such water-measuring device and recover the cost from the defaulting user of ground water;

- g) to seize any equipment/device utilized for illegal sinking of well and demolish any structure for illegal abstraction of ground water;
- h) to direct any user of ground water who does not comply with the provision of this Policy and rules framed there under to close down the extraction of ground water, disconnect power supply or destroy any hydraulic work found to be illegal as per the provision of this Policy and the rules framed there under;
- i) to enter and search with such assistance, if any, as it considers necessary, any place in which it had reason to believe that offences under this Policy has been or is being committed and order in writing the person who has been or is committing the offence not to extract or use the ground water for specified period exceeding thirty days;
- j) to exercise such other powers as may be necessary for carrying out the purpose of this Policy or any rules made there under.

2. The power conferred by section (1) includes the power to break open the door of any premise where sinking, extraction and use of ground water may be going on;

Provided that the power to break open the door shall be exercised only after the owner or any other person in occupation of the premises, if he is present therein, refuse to open the door on being called to do so.

3. The provision of the Code of Criminal Procedure 1973 (2 of 1974), shall so far as may be apply to any search or seizure under this section as they apply to any search or seizure under this section as they apply to any under section 93 of the said Code.

4) Where the Authority seizes any mechanical equipment under clause (g) of sub-section (1) of section 7, it shall as soon as may be inform the Magistrate within whose area of jurisdiction such seizure took place and take orders as to the custody thereof.

5) To impose and charge Ground Water fees, penalties and environment charges in the prescribed manner.

#### **8. DELEGATION OF POWER AND DUTIES: -**

The State Authority may delegate any of their powers to the District level authorities or any Department or Officer of the Government for the purpose of carrying out the provision of this Policy. The Authority may, by general or special order in writing direct that all or any of the duties which may be exercised or discharged by it shall, in such circumstances and under such conditions, if any, as may be specified in its order be exercised or discharged also by any other officer/official of the Ground Water Authority, specified in this behalf in the order.

#### **9. FUNCTIONS OF THE AUTHORITY: -**

Subject to any special or general directions by the Government in this behalf, the Authority shall perform the following functions, namely:

- a) Regulate and control ground water development in the State. The Authority will monitor the overlapping of the different schemes in the same area and will conduct the impact study and make coordination with different Department and Central Government Department/Agencies, which are implementing the various kinds of schemes in the State for water conservation to control the depletion of natural ground water resources;
- b) make rules for functioning of the authorities at State Level as well as District level and Working Group constituted under the Policy;
- c) advise the Government on the legislative and administrative measures to be taken from time to time for the conservation of ground water resources and its protection from pollution;
- d) advise on economic measures to be taken by the Government as incentives or disincentives relating to taxes, levies, fees other charges to regulate over-exploitation and water quality of ground water, promote conservation and recharge of ground water;
- e) advise on any other matter that may be referred to it by the Government.

**10. CLASSIFICATION OF NOTIFIED AND NON-NOTIFIED AREAS: -**

1) The State Ground Water Authority shall follow the latest updates of Guidelines/Criteria for evaluation of proposal/requests for ground water abstraction prescribed by the Central Ground Water Authority and accordingly the State Authority shall prepare and published Notified and Non-notified areas from time to time.

**11. POWER TO NOTIFY ANY AREAS AS "NOTIFIED AREA" FOR CONTROL AND REGULATION OF GROUND WATER DEVELOPMENT: -**

- 1) The State Authority shall function under the overall control and supervision of the State Government.
- 2) If the Authority is of the opinion that it is necessary or expedient in the interest of the public to regulate the extraction or the use of ground water in any form in any area, it will advise the State Government to declare any such area to be a notified area for the purpose of this Policy, with effect from such date as may be specified therein. This declaration will be notified in the Official Gazette;

Provided that the date so specified in the notification shall not be earlier than three months from the date of publication of the said notification.

- 3) Every such notification shall, in addition to its publication in the Official Gazette, be published in not less than one daily regional language newspaper having wide circulation in the State, and shall also be served in such manner as the State Government may think fit and all or any of the following modes may be followed in affecting such service, namely: -
  - a) by putting on the website of the authority;
  - b) by affixing a copy of the notification to some conspicuous part of the offices of the Village Council/Local Council located in the said area;
  - c) by proclaiming by beat of drum or by means of loudspeakers the content of the notification in the said area;
  - d) in such other manner as may be prescribed.
- 4) If in the opinion of the Authority, the availability of the ground water has improved in a notified area, it may advise State Government to de-notify such area and the State Government may do so according to the procedure prescribed under sub-section (3).
- 5) The State Authority shall also take steps to ensure that exploitation of ground water resources does not exceed the natural replenishment of the aquifers. Whenever there

is mismatch, steps will be taken to ensure augmentation of ground water resources in addition to regulatory measures.

- 6) The authority shall maintain and upkeep the data-base on ground water related information.
- 7) The Government on advice of the State Authority may steps to ensure augmentation of groundwater resources in addition to regulatory measures.
- 8) any other matter which is to be or may be prescribed.

## **12. GRANT OF PERMIT TO EXTRACT AND USE GROUND WATER IN THE NOTIFIED AREA:-**

- 1) Any user of ground water desiring to sink a well or to convert the existing well into pumping well in the notified area for any purpose either on personal or community basis, shall apply to the State Authority for grant of a permit for this purpose, and shall not proceed with any activity connected with such sinking or conversion unless a permit has been granted by the State Authority.
- 2) Every application under sub-section (1) shall be made in such form, shall contain such particulars and in such manner as may be prescribed.

On receipt of an application under sub-section (1), if the State Authority is satisfied that it shall not be against public interest to do so, it may grant, subject to such conditions and restriction as may be specified, a permit authorizing the extraction and use of ground water. The conditions will include mandatory provision of **Artificial Recharge structures of appropriate size** to be constructed by the applicant within a period as specified by the State Authority;

Provided that no person shall be refused a permit unless he has been given an opportunity of being heard.

- 3) The decision regarding the grant or refusal of the permit shall be intimated by the State Authority to the applicant within a period of 60 days from the receipt of the application.
- 4) In granting or refusing a permit under sub-section (3), the Authority shall have regard to:
  - a) the purpose or purposes for which ground water is to be used;
  - b) the existence of other competitive users;
  - c) the availability of ground water;
  - d) quantity of ground water to be drawn;

- e) quality of ground water with reference to use;
  - f) spacing of ground water structures keeping in consideration the purpose for which ground water is to be used;
  - g) long-term ground water level behaviour;
  - h) its likelihood of adversely affecting water availability of any drinking water source in its vicinity;
  - i) any other factor relevant thereto.
- 5) The permit shall be in such form as may be prescribed, and shall include: -
- a) the devices used;
  - b) the quantity of ground water withdrawal and hours of operation per day;
  - c) the total period of use in each year;
  - d) the purpose or purposes for which ground water is being extracted;
  - e) in case the requirement of ground water is for purpose of drinking water, the approximate population to be served;
  - f) in case of irrigation well, the location and extend of area irrigated; and
  - g) in the case of State, Municipal or Community run water supply schemes, the details of the services involved in addition to the quantities of ground water extracted, the diversion or the pumping points and their locations.

Agriculture sector may be exempted from having NOC for ground water extraction and drawing of ground water less than 10cum per day.

- 6) Any user of groundwater desiring to sink a well within the forest reserved area, should take prior permission from Environment, Forest and Climate Change Department before apply to the authority.

### **13. GUIDELINES FOR ISSUANCE OF NO OBJECTION CERTIFICATE (NOC) FOR GROUND WATER WITHDRAWAL: -**

- 1) The Hon'ble Green Tribunal vide order dated 20th July,2020 has directed to comply with certain points for sustainable groundwater management while issuing "No Objection Certificates" by the Authority of Central/State/Union Territory. In this compliance, the State Ground Water Authority shall prepare a sperate Guidelines for issuance of No Objection Certificate (NOC) for ground water withdrawal as per format prescribed by the Central Ground Water Authority complying with the directive issued vide notification in the Gazette of India: Extraordinary on 24th September,2020, New Delhi under the title "Guidelines to Regulate and Control Water extraction in India" by Central Ground Water Authority, Department of Water

from filing the application in time

### **CHAPTER-III: GROUND WATER PROTECTION MEASURES.**

#### **14. REGISTRATION OF EXISTING USERS IN NOTIFIED AREAS: -**

1) Every existing user of ground water in the notified area of the State shall within a period of 90 (Ninety) days from the date of establishment of the Authority by the State Government, shall apply to the Authority for the grant of a certificate of registration recognizing its existing use in such form and in such manner as may be prescribed;

Provided that the Authority may entertain any such application after the expiry of the said period of 90 (Ninety) days, if it is satisfied that the user was prevented by sufficient cause from filing the application in time.

2) The details to be furnished in applications under sub-section (1) shall include the following, namely:

a) the description of the source of water, such as type of well, its exact location, size and specifications and date of installation;

b) the device used for lifting water;

c) the quantity of ground water extracted and hours of operation per day;

d) the total period of use in each year;

e) the purpose or purposes for which the water is being extracted;

f) the period of use in each year for the purpose or purposes;

g) in case the requirement of ground water is for drinking water, the approximate population to be served; and

h) in the case of irrigation well, the location and extent of the area irrigated.

3) On receipt of an application under sub-section (1) if the Ground Water Authority is satisfied that it shall not be against the public interest to do so, it may grant, subject to such conditions and restriction as may be specified, a certificate of registration authorizing the continued use of the water;

Provided that no person shall be refused a certificate of registration unless he has been given an opportunity of being heard.

4) The decision regarding the grant or refusal of the registration shall be intimated by the Ground Water Authority to the applicant within a period of 60 days from the receipt of the

application. A copy of this refusal may also be sent to the concerned Department including Manipur State Pollution Control Board, District Administration etc. so that further action in the matter is taken by Department concerned.

5) In granting or refusing a certificate of registration under sub-section (4) the Ground water Authority shall have regard to: -

a) the purpose or purposes for which ground water is being used.

b) the existence or other competitive users;

c) the availability of ground water;

d) any other fact relevant thereto.

6) If a registered well becomes defunct, this fact should be immediately brought to the notice of the Ground Water Authority by the user of such ground water and the defunct well should be sealed properly.

## **15. GRANT OF PERMIT TO EXTRACT GROUND WATER AND REGISTRATION OF USERS OF EXISTING AND NEW WELLS IN NON-NOTIFIED AREA: -**

1) The provisions under section 12 & 14 shall also be applicable in the Non-notified area.

2) All wells sunk/installed in the state shall have to be registered including the areas not notified under sub section (2) of section 11 of the Policy.

3) The provisions under sub-section (6) of section 14 will also be applicable for the purpose of this section.

## **21. BAR TO CLAIM COMPENSATION: -**

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

## **16. REGISTRATION OF DRILLING AGENCIES: -**

1) Every drilling rig which are utilized within the State shall be registered to the Authority in such manner and on payment of such fees as may be prescribed.

2) Every rig owner or operator shall follow the instructions issued by the Authority from time to time.

**17. POWER TO ALTER, AMEND OR VARY THE TERMS OF THE PERMIT/ CERTIFICATE OF REGISTRATION: -**

At any time after granting permit/certificate of registration, as the case may be the State Authority may, for any reasons, alter, amend or vary the terms of the permit or certificate of registration, as the case may be, provided that the user of ground water has been given an opportunity of being heard;

Provided that before taking such action, the Ground water Authority shall ensure that the standing crop(s) are not damaged.

**18. CANCELLATION OF PERMISSION/CERTIFICATE OF REGISTRATION: -**

If the Ground water Authority is satisfied either on a reference made to it in this behalf or otherwise that: -

- 1) The permit/ certificate of registration granted, has been obtained by fraud or misrepresentation as to an essential fact under sub-section (3) of section 12, or subsection (3) of section 14;
- 2) the holder of the permit/certificate of registration has without reasonable cause failed to comply with the conditions subject to which the permission or certificate of registration has been granted or has contravened any of the provisions of this Act or the rules made there under; or
- 3) a situation has arisen which warrants limiting of the use or extraction of ground water then without prejudice to any other penalty to which the holder of the permission or of the certificate of registration may be liable under this Policy or any other law, the Ground Water Authority may after giving the holder of the permission, certificate of registration, an opportunity for showing cause, cancel the permit or certificate of registration, as the case may be.

**19. SERVICE OF ORDERS, ETC: -**

1. Every order under sub-section 1 of section 18 shall be served: -

- a) by giving or tendering the order of the notice or by sending it by post to the users for whom it is intended; or

- b) if such user cannot be found, by affixing the order of notice on some conspicuous part of his last known abode or place of business or by giving or tendering of the notice to some adult member/servant of this family or by affixing on some conspicuous part of the land or building in such violation of the provisions of this Policy is being done.

2. Where the persons on whom an order or a notice is to be served is a minor, service upon his guardian in the manner provided in sub-section 1 shall be deemed to be served upon the minor.

**20. FORMS AND CERTIFICATES: -**

The State Ground Water Authority shall provide the forms and certificates along with charges, fees and fines complying with the format provided by Central Ground Water Authority in addition or omission of the same according to the state context.

**22. BAR OF JURISDICTION BY CIVIL COURTS: -**

No Civil Court shall have jurisdiction in respect of any matter which the State Government or the Ground Water Authority is empowered by this Policy to determine and no injunction shall be granted by any Court or any other Authority in respect of any action that is being taken or to be taken in pursuance of any powers conferred by or under this Policy.

**23. PROTECTION AGAINST ACTION TAKEN IN GOOD FAITH: -**

No prosecution, suit or other legal proceeding shall be instituted against the Government or the Ground Water Authority or any other officer of the Government or any member or other employee of the Ground Water Authority for anything done or intended to be done in good faith under this Policy, or the rules made there under.

**24. COGNIZANCE AND TRIAL OF OFFENCES: -**

1) No prosecution for an offence under this Policy shall be instituted except by or with the written consent of the State Ground water Authority or a person authorized in this behalf by the Ground Water Authority.

2) No Court inferior to that of a Metropolitan Magistrate or a Magistrate of First Class shall try any offence under this Act.

**CHAPTER-IV: FUNDS, ACCOUNTS AND AUDIT**

**25. FUNDS OF THE AUTHORITY: -**

1) The State Authority shall have and maintain a separate fund called the Manipur Ground Water Authority Fund to which shall be credited, -

- (a) such sums as may be placed at the disposal of the Authority from time to time by way of grant or loan or otherwise by the State Government;
- (b) grants and loans received from the Central Government;
- (c) loan raised with prior concurrence of the Government by the Authority from the financial agencies;
- (d) the proceeds of any fees, charges and fine levied;
- (e) such other sums received by the Authority from any other source;

2) Except for expenditure made for establishment, conveyance and welfare of the Authority, all the new appointments in the establishment of the Authority, whether temporary or permanent with appropriate scale of pay shall be made with the concurrence of the Government;

Authority in respect of the implementation of the Policy and shall forward to the Government

3) The Authority may impose appropriate charges on the quantum of ground water extracted for domestic, industrial, commercial, mining, infrastructure projects and entertainment purposes with the approval of the Government in such manner as may be prescribed.

4) The fund shall be applied for the purpose of this Policy in such manner as may be prescribed.

5) The fund shall be kept in such deposit and drawn in such manner as may be prescribed.

## **26. BUDGET OF THE AUTHORITY: -**

The Authority shall prepare in such form and at such time every year, as may be prescribed, a budget for the next financial year showing estimated receipts and expenditure of the Authority in respect of the implementation of the Policy and shall forward to the Government such number of copies thereof, as may be prescribed.

## **27. ACCOUNTS AND AUDIT: -**

1) The Authority shall maintain a true and proper account and other relevant records and prepare annual statements of accounts including the balance sheet in such form as may be prescribed duly checked and signed by a Chartered Accountant

2) The accounts of the Authority shall be subject to audit annually by the Controller of State Accounts viz Local fund Audit or AG, Manipur. A copy of annual statement of accounts

together with a copy of the report of the auditor shall be forwarded annually to the Government.

## **CHAPTER – V: ARTIFICIAL RECHARGE METHOD FOR GROUND WATER**

### **28. ADOPTION OF ARTIFICIAL RECHARGE METHOD FOR**

**GROUND WATER REJUVENATION: -**

- 1) To improve the ground water situation, the State Authority may identify the recharge worthy areas in the State and issue necessary guidelines for adoption of artificial recharge for ground water in these areas. In rural areas, watershed management to facilitate ground water recharge may be encouraged through community participation. The Authority may give appropriate directions to the concerned departments of the State Government to include artificial recharge method as prescribed by Central Ground Water Board (CGWB), Ministry of Jal Shakti, Govt. of India or State Ground Water Authority in all developmental schemes falling in both Notified and Non-Notified areas. The Authority may issue directives for constructing appropriate artificial recharge structures like rain water harvesting structures in all residential, commercial and other premises having an area of 100 Sq. mt. or more in manner prescribed within a stipulated period, failing which the Authority may get such rain water harvesting structure constructed and recover the cost incurred along with penalty as may be prescribed.
- 2) Notwithstanding anything contained in the relevant laws, the Municipal Corporation or any other local Authority as the case may be, may impose stipulated conditions for providing roof top rain water harvesting structures in the building plan in an area of 100 Sq.mt. or more, while according approval for construction, and permanent water and electricity connections shall be extended only after compliance of the directions given in this regard.
- 3) The Authority shall take steps for promotion of Mass Awareness Training Programmes on Rain Water Harvesting and Artificial Recharge to Ground Water through Government Agencies/Non- Government Organization (NGOS)/Volunteer Organization (VOs)/Educational Institutions/Industries/ Individuals.

**CHAPTER – VI: MISCELLANEOUS****29. PROHIBITION ON GROUND WATER CONTAMINATION: -**

No ground water resources shall be contaminated in any manner by anybody including municipal and local bodies, industrial waste and agriculture inputs will be treated as an offence will be punished or fined as per Section 32. Direct disposal of wastewater into the aquifers will be treated as an offence will also be punished or fined as per Section 32.

### **30. PROHIBITION ON SPRINGS ENCROACHMENT: -**

No springs and their catchment areas shall be encroached upon in any manner by any body, municipal and local bodies, industrial and agricultural activities will be punished or fined as per Section 32.

### **31. POWER TO REMOVE DIFFICULTIES: -**

If any difficulty arises in giving effect to the provision of this Policy, the Government may, as occasion arises, by order do anything, which appears to it necessary or expedient to remove the difficulty;

Provided that, no such order shall be made after the expiry of the period of 2 (two) years from the date of commencement of this Policy. The government may, by order make provisions or give such directions, not inconsistent with the provision of this Policy as may appear to it necessary or expedient for the removal of the doubt or difficulty.

### **32. OFFENCES AND PENALTIES: -**

If any user of ground water:-

- 1) Contravenes or fail to comply with any of the provisions of this Policy or any rule made there under;
- 2) Obstructs the State Ground Water Authority or any other person authorized by it to exercise any of the power under this Policy, or

He/she shall be punishable: -

a) for the first offence with a penalty or Rs. 5000/- which may extend to Rs. 1 lakh,

and

b) for the second and subsequent offence, penalty not less than Rs. 1 lakh or simple imprisonment for a term which may extend upto 6 months or both;

c) if any person contravenes the provisions of this act for third time, he/she shall be punishable with a penalty of Rs. 1 lakh in addition to the penalties mentioned at (a) and (b) above, for every day till such contravention continues.

3) Direct disposal of wastes into the springs and their catchment areas will be a punishable offence.

4) A separate notification according to define class of offences along with penalty shall be published by the Authority from time to time.

### **33. COMPOUNDING OF OFFENCES: -**

Any offence under this policy may be compounded by the authority as prescribed, either before or after the institution/initiation of the proceedings subject to such conditions as may be prescribed.

### **34. OFFENCES BY COMPANIES: -**

1) Whenever an offence under this policy has been committed by a Company, every person who at the time the offence is committed was in charge of, or was responsible to the company for the conduct of the business of the Company, as well as the Company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

2) Notwithstanding anything contained in sub-section (1), where an offence under this Policy has been committed by a Company and that the offence has been committed with the consent or connivance, or is attributable to any neglect on the part of any Director, Manager, Secretary or other officers of the Company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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

Explanation: - For the purpose of this Section –

1) “**Company**” means anybody corporate and includes a firm or other association of individuals, and

2) “**Director**” in relation to a firm, means a partner in the firm.

### **35. APPEALS: -**

1) Any person aggrieved by a decision or action of the State Authority under this Policy may, within a period of 60 (sixty) days from the date on which the action is taken or the

decision is communicated to him/her and on payment of such fees as maybe prescribed, prefer such an appeal to such Appellate Authority as may be specified by the State Government in this behalf.

Provided that the Appellate Authority as entertain an appeal after the expiry of the said period of 60 (sixty) days, if it is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.

2) On receipt of an appeal under sub- section (1), the Appellate Authority shall, after giving the applicant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

**36. FINES TO BE CREDITED TO THE FUND OF THE AUTHORITY:**

All fines recovered under this Policy by or under the order of a Court shall be paid/deposited to the credit of the Fund of the Authority.

**37. POWER TO MAKE RULES: -**

1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Policy.

2) In particular and without prejudice to the generality of the foregoing power, such rules may be provided for

a) the term of office and manner of filling vacancies and other conditions of service among the members and in-charge of the Ground Water Authority

b) the functions and the terms and conditions of service of the employees of the Ground Water Authority;

c) any other manner of affecting service of the notification under Clause (d) of sub-section (3) of Section 11.

d) the form of application under sub-section (2) of section 12 and the particulars that may be furnished with these applications.

e) the form of application under section sub-section (1) of Section 14;

f) the form of the permit and certificate of registration under sub-section (6) of section 12 and sub-section (5) of section 14.

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g) the manner in which the specimens of soils or other material shall be kept and preserved under clause (d) of sub-section (1) of section 7;

h) Exemption for ground water users if required.

i) any other matter which is to be or may be prescribed.