

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINICIPAL
BENCH, NEW DELHI

E.A. NO. 11 OF 2023

IN

Original Applicaion No. 89/2021

IN THE MATTER OF

VARUN

...APPLICANT

V/S

N.C.T. OF DELHI & OTHERS

...RESPONDENTS

INDEX

Sl.No	Particulars	Page No.
1.	Reply on behalf of the Respondent CGWA	1-6
2.	True copy of the order dated 10.6.1996 passed by the Hon'ble Supreme Court of India is annexed as Annexure-1	7-16
3.	True copy of Notification issued by the Hon'ble L.G. dt.18.05.2010 is annexed as Annexure-2	17-21
4.	True copy of DO's written by Secretary, Dept. of Water Resources and Chairman CGWB to various State Governments is collectively annexed as Annexure-3	22-57
5.	True copy of the CGWA guidelines are Annexed as Annexure -4 & 5	58-132
6.	True copy of the Minutes of Meeting dt.05.04.23 between Secretary Dept. of Water Resources and various state officials is annexed as Annxure-6	133-141
7.	True copy of the DO's send by Dept. of Water Resources, Ministry of Jal Shakati dt.17.08.23 to	

	Chief Secretaries is annexed as Annexure-7	142-144
8	True copy of the letter dt.24.08.23 written by Director, Ground Water Dept., Ministry of Jalshakti, Govt.of India to Chief Secretaries is annexed as Annexure-8	145-147

Through



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Place : 2.02.2023
Date : 02.02.2023

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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E.A. NO. 11 OF 2023

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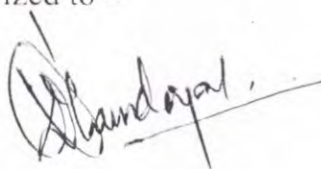
...APPLICANT

VS

N.C.T. OF DELHI & OTHERS

...RESPONDENTS

1. That pursuant to the directions of the Hon'ble Supreme Court of India vide order dated 10.12.1996 passed in Civil Writ petition 4677/1995 the copy of the same is annexed as **Annexure-1** the Government of India constituted the Central Ground Water Board, as an Authority under Section 3(3) of the Environment (protection) Act, 1986 (hereinafter referred to as the Act) - towards regulating, controlling and managing the ground water resources of the country.
2. That consequent thereto, the Central Ground Water Authority is empowered to perform and enjoy various such functions as contained/provided under the Environment (protection) Act, 1986. In particular, the Respondent/CGWA is empowered/authorized to -



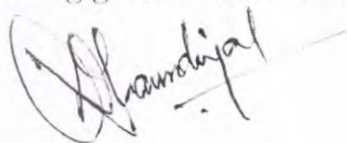
- i) Exercise powers under Section 5 of the Environment protection Act, 1986 for issuing directions and initiating such measures, in respect of all matters referred in Section 3(2) of the Act;
 - ii) Resort to penal provisions, contained in Section(s) 15-21 of the Environment protection Act, 1986.
 - iii) Regulate, control, manage and develop ground water in the country, while issuing necessary regulatory directions for such purpose; and
 - iv) Exercise powers under Section 4 of the Act, for appointment of Office(s).
3. The Central Ground Water Authority has to exercise the following powers and perform the following functions namely: -
- a) Notify any area for Regulation, Development and Management of Ground Water;
 - b) Appoint officers under section 4 of the Act ;
 - c) Issue directions under section 5 of the Act for regulation of ground water, its development and management in the notified area and taking such measures with respect to all or any of the matters specified under sub-section(2) of section 3 of the Act;
 - d) Take action under section 15 of the Act for contravention of the provisions of the Act or the rules made or orders or directions issued there under;



- e) Initiate proceeding against companies under section 16 and against Government Departments under section 17 of the Act for any offence committed under the Act;
- f) For Protection of action taken in good faith under section 18. of the Act.
- g) For cognizance of offences under section 19 of the Act.
- h) For calling information, reports or returns under section 20 of the Act.
- i) To be a public servant within the meaning of section 21 of the Indian Penal Code under section 21 of the Act.
- j) Any other function assigned by the Central Government from time to time.

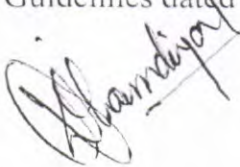
4. That this Hon'ble Tribunal vide order dated 30-11-2023 directed DJB & CGWA to file report clearly disclosing power and duties for management and control of groundwater in Delhi. In this regard, it is submitted that, prior to order dated 18-05-2010 issued by Lieutenant Governor, NCT of Delhi which is annexed as **Annexure-2** notified vide DEPARTMENT OF ENVIRONMENT AND FORESTS AND WILDLIFE notification no. F8(348)/EA/Env/09/2246 dated 12/07/2010 Ground Water management and control was being regulated by the Central Ground Water Authority in NCT of Delhi.

Lieutenant Governor, NCT of Delhi vide para (1) of above order issued directions that “ *In the whole of the National Capital Territory of Delhi, no person, group, authority, association or institution shall draw ground water through bore-well or tube-well (both new as well as existing and drawing ground water without permission of Central Ground Water*



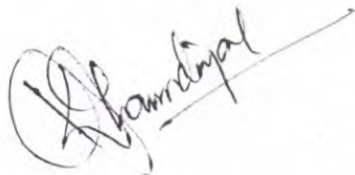
Authority) for domestic, commercial, agricultural and or industrial uses without the prior permission of the "Competent Authority" that is to say, the Delhi Jal Board or the New Delhi Municipal Council as the case may be".

5. It is respectfully submitted that it is clear from the above that Ground Water management and control in NCT of Delhi is being regulated by "Competent Authority" that is to say, the Delhi Jal Board or the New Delhi Municipal Council as the case may be w.e.f. 12/07/20210.
6. However, advisories, directions with regard to Ground Water regulation and management are regularly being issued by the Central Ground Water Authority, New Delhi to the state authorities (including Govt. of NCT of Delhi), as and when required. Furthermore, CGWA is also expediting state authorities to redress the complaints/grievance of illegal groundwater extraction and state authorities are also being expedited to frame their ground water regulation guidelines in-line with Ministry of Jal Shakti guidelines.
7. That DOs have been written to the State Government by Secretary, Dept. of Water Resources (DoWR) on 04.01.2021 and by Chairman, CGWB on 24.02.2023 which are collectively annexed as **Anneuxure-3**. Chairman, CGWA has written DOs on 24.02.2023 to Chief Secretaries of those states where State is regulating groundwater, requesting that suitable additions/modifications may be incorporated in the respective Provincial Act/Rules in line with CGWA Guidelines dated 24.09.2020 and amended dt.29.03.23.

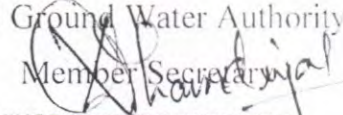


The copy of the said CGWA guidelines is annexed as **Annexure-4** and **Annexure-5**.

8. That the Secretary, DoWR held a meeting with all States on 05.04.2023, which was attended by concerned Principal Secretaries/ Secretaries or their nominated representatives as regard to enactment to Ground Water Act and adopting MoJS regulatory guidelines. Minutes of the meeting are enclosed as **Annexure-6**. The Secretary, DoWR requested the States to expedite enactment of bill/ constitution of Ground Water Authority and align their rules/ guidelines in conformity with MoJS guidelines dated 24.09.2020 and amendments thereof dated 29.03.2023.
9. That another DO has been sent to all concerned Chief Secretaries from the DoWR, MoJS on 17.08.2023 The copy of the same is annexed as **Annexure-7**. As regard to ground water department, the Director (Ground Water), DoWR, MoJS has written to all concerned Chief Secretaries on 24.08.2023, urging them to set up dedicated Ground Water Department in their respective states. The copy of the same is annexed as **Annexure-8**.
10. That the Central Ground Water Authority is taking all the necessary steps for regulating, managing and improving the quality of the Ground Water in the Country.
11. That the Central Ground Water Authority is working under the Ministry of Jal Shakti, hence the necessary directions and regulations and Dos are issued on the advice of the Ministry of Jal Shakti, Govt. of India.



12. That the Central Ground Water Authority since its inception has carried out various activities and programs which helped to improve the quality of Ground Water in different parts of the Country.

For Central Ground Water Authority
Member Secretary

VINOD KUMAR DHAUNDIYAL
Administrator
Central Ground Water Authority
Government of India
Ministry of Jal Shakti
Department of Water Resources, RD & GR
New Delhi

Place - New Delhi
Date: 2.02.2023

Through 

Gigi C George, Advocate

Standing Counsel(UOI)

Ch.No.457, Lawyers Block-1

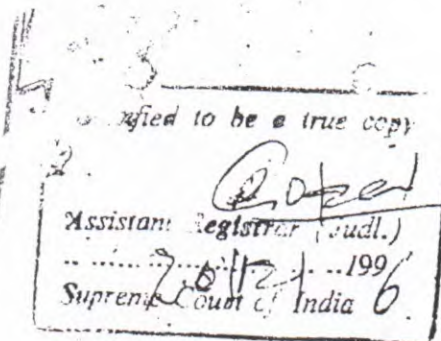
Delhi High Court, New Delhi

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M-9810625315

Annexure-1

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

140415

I.A.NO. 32 IN W.P.(C) NO. 4677 OF 1985

M.C.MEHTA

....

Petitioner

UNION OF INDIA & ORS..

....

Respondents

ORDER

This Court on March 20, 1996 took notice of the News Item under the caption "Falling Ground Water Level threatens City", appearing in the 'Indian Express' of March 18, 1996. This Court issued notice to the Central Ground Water Board and the Delhi Pollution Control Committee. The News item was brought to the notice of this Court by Mr.M.C.Mehta, Advocate. On April 3, 1996, this Court issued notice to the Municipal Corporation of Delhi and the Delhi Water Works and Sewerage Disposal Undertaking.

Dr.P.C.Chaturvedi, Scientist 'D' (Director), Central Ground Water Board filed an affidavit pursuant to this Court's order. He stated in the affidavit that during the years from 1962 onwards, the water levels in the country are declining. So much so, during the years 1971-'83, the fall in water level was from 4 Mts. to 6 Mts. in the National Capital Territory. There was

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further fall of water level from 4 Mtrs. to more than 8 Mtrs. during the period 1983-'85. One of the reasons stated in the affidavit for the decline of water level was the enhanced pumpage. Keeping in view the facts stated by Dr.Chaturvedi, this Court issued notice to the Union of India through the Secretary, Ministry of Water Resources and to the Government of NCT Delhi, through its Chief Secretary. Various Authorities have filed affidavits indicating the factual position regarding the fall of water levels in the country.

This Court by the order dated September 4, 1996, requested Dr.F.Khanna. Director. NEERI, to have the matter examined at the Institute level by Experts in the field and to file a Report in this Court. The NEERI was asked to give suggestions and recommendations for checking further decline of under ground water level. NEERI filed the examination report dated September 23, 1996 regarding " Water Resources Management in India, Present Status and Solution Paradigm". Mr.Arun Kumar, Additional Secretary, Ministry of Water Resources filed an affidavit dated October 24, 1996, commenting on the NEERI Report and also indicating an over-all picture of the declining water levels in the country and also the various Schemes and activities undertaken by various Departments of Government of India to monitor the ground water. The relevant paragraphs of the affidavit are as under:

"4.2 It may be pointed out that the main reason for gradual decline in the level of ground water in certain areas of the country is over-exploitation. Presently the control being exercised in the country for regulating ground water development is in the form of indirect administrative measures being adopted by institutional finance agencies who by and large insist on technical clearance of the schemes from authorised ground water departments of the respective States. These departments in turn look into the various aspects of ground water availability. Another control imposed by the institutional agencies, availing financing facilities from National Bank for Agriculture and Rural Development is by way of prescribing spacing criteria between the ground water structures. Yet another method of indirect control is by way of denial of power connections for the pump-sets financed through loans from banks. However, in the absence of any law, the administrative measures do not prevent affluent farmers from constructing wells in critical areas. An affluent farmer with his large capital investment can construct a high capacity well which affects shallow wells in the neighbourhood. In order to arrest the depleting trend and to avoid indiscriminatory withdrawal of ground water, the Government of India had circulated a Model Bill to the States/Union Territories in 1970 to help them to bring out suitable legislation on the lines of the Model Bill to regulate and control the development of ground water in their respective areas.

5. This para outlines the need for regulation and extraction of ground water and lays emphasis on integrated water resources management including regulation on land use and proposed agriculture practices, human settlement pattern etc. The number of over-exploited blocks mentioned as more than 120 may have to be corrected as 231 blocks; 6 mandals and 12 taluks. As regards problems of degraded lands, the Department of Agriculture and Cooperation implements schemes for reclamation of degraded land, namely, alkaline, sodic lands and saline soils. According to estimates, 8.53 million ha of the country is suffering from water logging, 3.58 million ha is under alkalinity and 5.50 million ha area is under saline and coastal salinity. For treatment of alkali soil, a centrally sponsored scheme of Reclamation Alkali Soil is being implemented in the country covering the states of Haryana, Punjab, U.P., M.P., Gujarat and Rajasthan. Besides, there is a World Bank funded project with an outlay of Rs. 313 crores for

reclamation of sodic land in the state of U.P. Additionally, an EEC - funded project for reclamation of alkaline soil is under implementation in the State of U.P. and Bihar".

This Court on November 21, 1996 passed the following order:

"We have heard the learned counsel for quite some time. We have also been assisted by Mr. I.B. Karan, Deputy Secretary, Ministry of Water Resources, Government of India. Mr. N. Kitto, Director, Central Ground Water Board and Mr. S.B. Singh, In-charge, Delhi State Unit Central Ground Water Board are also present.

We have considered various suggestions for the purpose of controlling/regulating the underground water resources. One of the suggestions under consideration is to accept the NEERI recommendation and constitute an Authority under Section 3 (3) of the Environment (Protection) Act, 1986. The purpose can only be achieved if it can be done on All India basis. Mr. I.B. Karan states that he would prepare a note keeping in view the proceedings of this Court today, consult the authorities concerned including the Secretaries of the concerned Ministries and come back to this Court on 28th November, 1996. Adjourned to 28th November, 1996".

This Court on December 5, 1996 passed the following order:

"Pursuant to this Court's order dated November 21, 1996, Mr. Arun Kumar, Additional Secretary, Ministry of Water Resources, Government of India has filed affidavit dated November 27, 1996. It is stated that because of the reasons given in the affidavit it would not be possible to have a workable mechanism by appointing authorities under Section 3(3) of the Environment (Protection) Act, 1986 (the Act). We do not wish to comment on the stand taken in the affidavit. We are prima facie of the view that the Act being an Act made by the Parliament under Entry 13 List I read with Article 253 of the Constitution of India, it has an over-riding effect. It is not necessary for us to go into this question.

Mr. Mehta has placed before us organisational chart which shows that the Central Ground Water Board has its offices almost all over the country. The Board consists of a Chairman, four Members, Director Administration and a Finance & Accounts Officer. The Board has Regional Directorates spread all over the country. Each Region has further functional capacity of the Central Ground Water Board, we are of the view that the Central Government may consider issuing a Notification constituting the Board itself as an Authority under Section 3(3) of the Act. With the Notification designating the Board as an Authority under

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the Act, it would have all the statutory powers under the Act and it would be in a position to have effective control all over India. 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 organisation set up by the Central Ground Water Board. Learned counsel states that he would have the response of the Secretary, Ministry of Water Resources by the next date of hearing".

Mr. Arun Kumar, Additional Secretary, Ministry of Water Resources, Government of India has filed affidavit dated December 9, 1996. It is stated in the affidavit that the suggestion to declare Central Ground Water Board as an Authority under the Environment (Protection) Act, 1986 (the Act) for the purpose of regulating and control of ground water development has been considered by the Ministry of Water Resources and it has been decided to comply with the suggestions made by this Court. It has further been stated in the affidavit that the organisational presence of the Board in the country is not so extensive or adequate to undertake the additional burden desired by this Court. It is stated that the regulation and control of ground water is the responsibility of the State Government, as water is a State Subject. Keeping the present organisational status of the Board, it is stated that the Board will have to be expanded and strengthened adequately to enable it to discharge its added responsibilities. The exact infrastructure for this purpose will have to be worked out. The affidavit further states that the Central

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Ground Water Board will collaborate and Co-ordinate with the State Authorities in the regulation and control of ground water development.

The NEERI in paragraphs 6 and 7 of its report has given holological approach to Water Resources Management, which is re-produced hereunder:

"6. Holological Approach to Water Resources Management

The salient features of the holological approach to Water Resources Management are presented in Fig.1, and include:

- * Sustainable solutions to water-resource land-use problems through appropriate technological interventions, and supply & demand management options

- * Regulation on exploitation through legislation and effective administration with focus on water conservation, recycle-reuse, restrictions to ensure equitability in water availability, and pragmatic landuse

- * Regulation by education, i.e. by creating awareness amongst the people to enable their participation and traditional knowledge in sustainable water resource management.

Management of water resources to achieve overall aspirational goal of sustainable development warrants legal interventions based on the principles of inter-and intra-generational equity, the precautionary principle, conservation of natural resources, and environmental protection. There is thus adequate reason to take recourse to the Sections 3, 4, and 5 of the Environment (Protection) Act, 1986 for implementing holological approach to water resources management.

In order to address the complex issues in water resource management it is prudent that the Central Government considers constituting an authority under the Environment (Protection) Act 1986 and confers on this authority all the powers necessary to deal with the situation created by the depletion of ground water levels dwindling surface water resources, deterioration of surface and ground water quality, and haphazard land use. The authority should be headed by a retired with expertise in the field of hydrology, hydrogeology, information technology.

7. Recommendations A Central Water Resource Management Authority, with the composition as delineated in section 6 above, with mandate for co-ordination and implementation of all activities of planning, development, allocation, implementation, research and monitoring of all water resources need to be established to promote intra-and-inter-generational equity, as also to operationalise the precautionary principle in sustainable water resource management. All the States need to constitute similar Authorities with functions in the State as of the Central Authority. The mandate of the authority needs to include the following:

- * To deploy river basins as the basis for regional planning for sustainable water resource management (along with commensurate land-use)

- * To prepare medium and long term national land use plans inter alia including agricultural practices, human settlement patterns, and industrial typology in consultation with concerned Ministries/Departments based on the regional water supportive capacity

- * To assess the present irrigation practices and cropping patterns, with respect to high water consuming crops and lay down National Agricultural Water Use Policy to encourage judicious use of water resources

- * To keep under review ground water levels and quality, and surface water quantity and quality to devise and implement pragmatic strategies at plan and programme levels

- * To ensure maintenance of minimum flows in the rivers so as to fulfil the riparian rights, to protect the flood plains, to as also to protect the vital ecological functions of the rivers

- * To ensure techno-economic feasibility and to implement programmes on reuse of appropriately treated sewage for agriculture, reuse of industrial wastewaters as industrial process water, use of treated sewage in social forestry and public parks in municipal areas, and reuse of treated wastewater in new housing complexes for non-consumptive usages

- * To protect, conserve and augment traditional water retaining structures

- * To protect, conserve, and augment natural and manmade wetlands in the country

- * To promote rain water harvesting in human settlement practices, particularly in cities with more than 10 lakh population in arid/semi-arid regions

Draft

Standing Member Secretary

JP

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* To promote and implement modern and traditional water harvesting technologies to ensure minimal expenditure in ground water harnessing

* To design and implement programmes to arrest alarming rates of decline in snowline in the country

* To ensure catchment area treatment, including construction of checkdams, contour bunding, control of river bank erosion, and plantation of endemic fast growing tree species to arrest soil and water loss in all river basins

* To ensure implementation of afforestation programmes for achieving a minimum of 33 % forest cover as per the National Forest Policy, 1988

* To prepare and implement guidelines on water rate structure for various water usages commensurate with the production and scarcity value of the resource

* To ensure community participation with a view to harnessing traditional knowledge at all stages in the holological approach to water resource management".

Mr.M.C.Mehta and Mr.Ranjit Kumar, learned counsel assisting us in this matter have vehemently contended that keeping in view the declining level of under ground water all over the country, it is necessary to regulate withdrawal of the under ground water. It is no doubt correct that there are legislations in some of the States to regulate the water resources development, but by and large, the under ground waters are being exploited all over the country without any regulations. It has, therefore, been rightly suggested by NEERI in its Report that an Authority under the Act, be constituted with

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the powers necessary to deal with the situation created by the depletion of the ground water levels, dwindling surface water resources, deterioration of surface and ground water quality and haphazard land use.

We, therefore, order and direct as under:

1. The Central Government in the Ministry of Environment and Forest shall constitute the Central Ground Water Board as an Authority under Section 3(3) of the Act. 2. The Authority so constituted shall exercise all the powers under the Act necessary for the purpose of regulation and control of ground water management and development. 3. The Central Government shall confer on the Authority the power to give directions under Section 5 of the Act and also powers to take such measures or pass any orders in respect of all the matters referred to in Sub-section 2 of Section (3) of the Act.

We make it clear that the Board having been constituted an Authority under Section 3(3) of the Act, it can resort to the penal provisions contained in Sections 15 to 21 of the Act.

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It has been stated by Dr.P.C.Chaturvedi and Mr.Arun Kumar in their respective affidavits that enhanced and unregulated pumpage of the water is primarily responsible for the decline in the water levels of the country.

The main object for the constitution of the Board as an Authority is the urgent need for regulating the indiscriminate boring^{and} withdrawal of under ground water in the country. We have no doubt that the Authority so constituted shall apply its mind to this urgent aspect of the matter and shall issue necessary regulatory directions with a view to preserve and protect the under ground water. This aspect may be taken up by the Authority on an urgent basis.

The Central Government in the Ministry of Environment & Forest shall issue the necessary Notification under Section 3 (3) of the Act as directed by us before January 15, 1997.

The Inter-locutory Application is disposed of with the above directions.

sd/-
.....J
(KULDIP SINGH)

sd/-
.....J
(S. SACHTRA ALMAN)

(No. 2 of 1899) read with the Government of India, Ministry of Home Affairs, Notification No. S. O. 148 (E) dated the 24th January, 2008, the Chief Controlling Revenue Authority, Delhi hereby directs that M/s. Supreme Build-Cap Limited, Flat No. 116, First Floor, Plot No. D-1, Ashirwad Complex, Green Park, New Delhi-110016, shall pay a consolidated stamp duty of Rs. 7,49,994 (Rs. Seven lac forty nine thousand nine hundred ninety four) only on the aggregate value of shares of Rs. 74,99,94,000 for Equity Share Certificates with distinctive Nos. 5100001 to 10000000 to be issued by the said company.

By Order,
Of Chief Controlling Revenue Authority,
Govt. of National Capital Territory of Delhi,

R. K. MISHRA,
Special Inspector General (Registration)

पर्यावरण वन एवं वन्य जीव विभाग

अधिसूचना

दिल्ली, 12 जुलाई, 2010

फा. सं. 8(348)/ईए/पर्या./09/2246.—दिनांक 10 सितम्बर, 1992 की अधिसूचना संख्या यू. 11030/जे/91-यूटीएल के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और दिनांक 30 मार्च, 2009 के आदेश संख्या फा. 8(348)/ईए/पर्या./09/14433-14451 तथा फा. सं. 8(348)/ईए/पर्या./09/14452-14470 के अनुसार जारी तथा दिनांक 30 अप्रैल, 2009 के आदेश संख्या फा. 8(348)/ईए/पर्या./09/555-582 तथा फा. 8(348)/ईए/पर्या./09/583-610 के अनुसार जारी निर्देशों का अधिक्रमण करते हुए, राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल ने दिल्ली में भूमिगत जल विनियम तथा प्रबंधन के लिये दिनांक 18 मई, 2010 को आदेश सं. फा. 8(348)/ईए/पर्या./09/1041-1061 के द्वारा संलग्न निर्देश जारी किए हैं।

जारी किए गए यथा संलग्न निर्देश इसके द्वारा जनसाधारण की जानकारी के लिये प्रकाशित किए जाते हैं।

राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल
के आदेश से तथा उनके नाम पर,
सुपमा जैरथ, उप-सचिव

पर्यावरण विभाग

आदेश

दिल्ली, 18 मई, 2010

विषय : पर्यावरण संरक्षण अधिनियम, 1986 की धारा 5 के अन्तर्गत निर्देश।

सं. फा. 8(348)/ईए/पर्या./09/1041-1061.—जबकि केन्द्रीय सरकार ने राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार के लिए पर्यावरण संरक्षण अधिनियम, 1986 की धारा 5 के अन्तर्गत शक्तियों

के प्रयोग करने के लिए तथा किसी कार्य या प्रक्रम के सम्पन्न, प्रतिबंध या विनियमन या विद्युत या जल या किसी अन्य सेवा की पूर्ति में रोक या विनियमन के लिए किसी व्यक्ति, अधिकारी या किसी प्राधिकरण को इसके अन्तर्गत निर्देश जारी करने के लिए दिनांक 10 सितम्बर, 1992 की अधिसूचना एसओ 667 (अ) के अनुसार राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार के उपराज्यपाल को प्राधिकृत किया है।

और, जबकि दिल्ली जल बोर्ड अधिनियम, 1998 (1998 का दिल्ली अधिनियम 4) के अन्तर्गत गठित दिल्ली जल बोर्ड, राष्ट्रीय राजधानी क्षेत्र दिल्ली में पेय, घरेलू औद्योगिक तथा वाणिज्यिक जल पूर्ति के नेटवर्क का संचालन कर रहा है;

और जबकि निरन्तर भूमिगत जल दोहन से भूमिगत जल संसाधनों के जल स्तर में भारी ह्रास हुआ है;

और जबकि अप्रतिबंधित एवं अनयमित भूमिगत जल दोहन के गंभीर दीर्घकालिक पर्यावरणीय संकट होते हैं;

और जबकि भूमिगत जल के अत्यधिक दोहन के परिणामस्वरूप भूमिगत जल संसाधन सूख सकते हैं और जल की गुणवत्ता पर प्रतिकूल प्रभाव पड़ सकता है;

और जबकि केन्द्रीय भूमि जल प्राधिकरण ने वर्ष 2000 में दिल्ली के दक्षिण और दक्षिण-पश्चिम जिलों को "अधिसूचित क्षेत्रों" के रूप में अधिसूचित किया था और उक्त जिलों में अधिक गिरते जल स्तर को तथा जल की गुणवत्ता में गिरावट को रोकने के लिए भूमिगत जल संसाधनों का दोहन हेतु निर्माण और किसी संरचना के प्रतिस्थापन करने संबंधी, प्रतिबंध और अंकुश लगाया गया था;

और जबकि मार्च, 2006 की एक अन्य अधिसूचना से केन्द्रीय भूमि जल प्राधिकरण ने दिल्ली के पूर्वी, नई दिल्ली, उत्तर पूर्वी, उत्तर पश्चिमी एवं पश्चिमी जिलों को विनियमन की आवश्यकता वाले अधिक शोषित क्षेत्रों के रूप में अधिसूचित किया है और उन जिलों में भूमिगत जल दोहन की संरचनाओं का पंजीकरण अनिवार्य किया।

अतः, अब गृह मंत्रालय, भारत सरकार की दिनांक 10 सितम्बर, 1992 की अधिसूचना एसओ 667(अ) फा. सं. यू. 11030/191-यूटी.एल. के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और दिनांक 30 मार्च, 2009 के आदेश सं. फा. 8(348)/ईए/पर्या./09/14433-14451 तथा सं. फा. 8(348)/ईए/पर्या./09/14452-14470 तथा दिनांक 30 अप्रैल, 2009 के आदेश सं. 8(348)/ईए/पर्या./09/555-582 तथा सं. 8(348)/ईए/पर्या./09/583-610 के अनुसार जारी निर्देशों का अधिक्रमण करते हुए, राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल एतद्द्वारा निम्नलिखित निर्देश जारी करते हैं :-

- (1) समूचे राष्ट्रीय राजधानी क्षेत्र दिल्ली में कोई भी व्यक्ति, समूह, प्राधिकरण, संघ या संस्थान, "सक्षम प्राधिकरण" अर्थात् दिल्ली जल बोर्ड या नई दिल्ली नगर परिषद, जैसी भी स्थिति हो, की पूर्व अनुमति के बिना घरेलू, वाणिज्यिक कृषि तथा या औद्योगिक प्रयोगों के लिए बोरवेल या नलकूप (नए तथा विद्यमान दोनों तथा केन्द्रीय भूमि जल प्राधिकरण की बिना अनुमति वाले) से भूमि जल का दोहन नहीं करेगा/करेगी।

- (2) बोरवैल/ट्यूबवैल की अनुमति प्रदान करने संबंधी कार्यवाही दिल्ली सरकार के प्रत्येक राजस्व क्षेत्र के उपायुक्त (राजस्व) के माध्यम से सक्षम प्राधिकारी द्वारा की जाएगी जिसकी नियुक्ति, उसके अन्तर्गत आने वाले संबंधित राजस्व क्षेत्र में भू-जल विकास एवं प्रबंधन के विनियमन के उद्देश्य से "अधिकृत अधिकारी" के रूप में की जाती है।
- (3) इसके अलावा, दिल्ली सरकार के प्रत्येक राजस्व क्षेत्र के उपायुक्त राजस्व; जो कि अधिकृत अधिकारी है, नियमों के उल्लंघन की जांच, अवैध बोरवैल/ट्यूबवैल को सील करना, अपराधियों के विरुद्ध मुकद्दमें दायर करने आदि जैसे अन्य मुद्दों पर भी कार्यवाही की शक्तियाँ प्रदान की जाती हैं, जिसमें सलाहकार समिति की सिफारिशों के आधार पर भू-जल संबंधी शिकायतों का निवारण भी शामिल है।
- (4) राष्ट्रीय राजधानी क्षेत्र दिल्ली के नौ राजस्व क्षेत्रों में, प्रत्येक राजस्व क्षेत्र के उपायुक्त की अध्यक्षता में अलग-अलग एक सलाहकार समिति का एतद्द्वारा गठन किया जाता है, जिसमें निम्नलिखित सदस्य होंगे :-
- | | |
|--|---------|
| 1. उपायुक्त (राजस्व), संबंधित क्षेत्र | अध्यक्ष |
| 2. निदेशक (पंचायत) | सदस्य |
| 3. मुख्य अभियन्ता दिल्ली जल बोर्ड द्वारा मनोनीत | सदस्य |
| 4. केंद्रीय भूमि जल बोर्ड, नई दिल्ली का प्रतिनिधि | सदस्य |
| 5. क्षेत्र का अधिकार रखने वाले स्थानीय निकायों के प्रतिनिधि | सदस्य |
| 6. पर्यावरण विभाग, राष्ट्रीय राजधानी क्षेत्र दिल्ली/दिल्ली प्रदूषण नियंत्रण समिति के प्रतिनिधि | सदस्य |
| 7. संबंधित उपायुक्त द्वारा मनोनीत प्रसिद्ध भूमि जल प्रबंधन की गैर सरकारी संस्था (एनजीओ) के प्रतिनिधि | सदस्य |
- (5) सलाहकार समिति की प्रत्येक माह कम से कम एक बैठक होगी जिसमें समिति संबंधित राजस्व क्षेत्र के भूमि जल के विनियम एवं प्रबंधन संबंधित विभिन्न विषयों पर विचार करके अपनी सिफारिशों को विचारार्थ एवं प्रवर्तन हेतु उपायुक्त को भेजेगी। केवल संस्तुत भू-जल बोरिंग के मामले ही अनुमति प्रदान करने हेतु सक्षम प्राधिकारी को भेजे जाएंगे।
- (6) गैर कानूनी भूमि जल निकासी के तत्काल उल्लंघन जैसे मामलों में अधिकृत अधिकारी अपनी संतुष्टि के आधार पर, ड्रिलिंग रिग को जख्त करके, निर्मित ट्यूबवैल/बोरवैल अगर निर्मित है तो उसे सील करे, तथा बिजली युक्त

ट्यूबवैल की बिजली आपूर्ति चाहे यह डोजल जेनरेटर सेट के माध्यम से हो, काटकर, बिना सलाहकार समिति की सिफारिश का इंतजार किए भूमिगत जल के अवैध दोहन को रोकने को सुनिश्चित करेगा। तथापि ऐसी कार्यवाही का विवरण अधिकृत अधिकारी द्वारा अगली सलाहकार समिति की बैठक में रखा जाएगा।

- (7) यदि कोई व्यक्ति, समूह प्राधिकरण, संघ या संस्थान बोरवैल या ट्यूबवैल (नए तथा विद्यमान दोनों तथा केंद्रीय भूमि जल प्राधिकरण की अनुमति के बिना भूमि जल निकासी करने वाले) के माध्यम से जल निकासी करना चाहता है तो वह सक्षम अधिकारी की पूर्वानुमति लेगा। यह अनुमति सक्षम प्राधिकारी के क्षेत्रीय कार्यालयों में, विनिर्दिष्ट फार्म में आवेदन देकर प्राप्त की जाएगी।
- (8) सक्षम प्राधिकारी का कार्यकारी अभियन्ता, संबंधित क्षेत्र का प्रभारी, तथ्यों के आधार पर राजस्व क्षेत्र के संबंधित उपायुक्त (राजस्व) को मामले की सिफारिश करेगा, जो सक्षम प्राधिकरण के कार्यकारी अभियन्ता तथा सलाहकार समिति की सिफारिशों को देखते हुए आदेश जारी करेगा।
- (9) यदि भवन का प्लॉट का आकार 200 वर्ग मीटर से अधिक है तो बोरवैल या ट्यूबवैल (नए तथा विद्यमान दोनों तथा केंद्रीय भूमि जल प्राधिकरण की अनुमति के बिना भूमि जल निकासी करने वाले से भूमि जल निकासी की अनुमति इस शर्त पर होगी कि उक्त प्लॉट या भवन का अधिकारी या स्वामी भवन में वर्षा जल संचयन प्रणाली स्थापित करेगा।
- (10) व्यावसायिक या औद्योगिकी उपयोग हेतु बोरवैल या ट्यूबवैल (नए तथा विद्यमान दोनों तथा केंद्रीय भूमि जल प्राधिकरण की अनुमति के बिना भू-जल निकासी करने वाले) से भूमि जल निकासी की अनुमति इस शर्त पर होगी, कि संबंधित व्यक्ति या प्राधिकरण, वर्षा जल संचयन संरचना स्थापित करेगा, तथा यह सुनिश्चित करेगा कि अपशिष्ट जल का उचित प्रशोधन के बाद बागवानी, शीतलीकरण या शौचालय आदि में पुनः प्रयोग होगा या संबंधित सलाहकार समिति द्वारा दिए गए किसी अन्य सुझाव के अनुकूल होगा।
- (11) प्रत्येक सलाहकार समिति ऊपर लिखित सर्वाधिक दायित्वों के अतिरिक्त, नलकूप या बोरवैल से जल दोहन के कारण किसी प्रकार के हुए जल प्रदूषण संबंधी सूचना, दिल्ली प्रदूषण नियंत्रण समिति को देगा ताकि जल (प्रदूषण रोकथाम एवं नियंत्रण) अधिनियम, 1974 के उपबंध के अन्तर्गत आवश्यक कार्रवाई की जा सके।
- (12) कृषि प्रयोजनों के लिए बोरवैल लगाने की अनुमति खंड विकास अधिकारी तथा कृषि विभाग अथवा बाढ़ एवं मिर्चाई नियंत्रण विभाग, दिल्ली सरकार को संस्तुति पर आधारित संबंधित उपायुक्त (राजस्व) के अन्तर्गत सलाहकार समिति द्वारा वास्तविक कृषकों को प्रदान की जा सकती है। कृषि कार्याकलाप खसरा वास्तविक प्रलेखों से सत्यापित की जा सकती है और यह गिरदाबरी मूल्यांकन पर भी आधारित की जा सकती है।

(13) उक्त निर्देशों का किसी प्रकार का उल्लंघन पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 15 के अन्तर्गत दंडनीय होगा।

राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल
के आदेश से तथा उनके नाम पर,
धर्मेन्द्र, सचिव (पर्यावरण)

**DEPARTMENT OF ENVIRONMENT AND FORESTS
AND WILDLIFE
NOTIFICATION**

Delhi, the 12th July, 2010

No. F8(348)/EA/Env/09/2246.— In exercise of power conferred by Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) read with the notification No. U-11030/J/91- UTL dated the 10th September, 1992 and in supersession of directions issued vide Order Nos F8(348)/EA/Env/09/14433-14451 and F8(348)/EA/Env/09/14452-14470 dated the 30th March 2009 as well as Order Nos. F8(348)/EA/Env/09/555-582 and F8(348)/EA/Env/09/583-610 dated the 30th April 2009, the Lt. Governor of the National Capital Territory of Delhi, has issued Annexed directions vide order No. F8(348)/EA/Env/09/1041-1061 dated the 18th May 2010 for groundwater regulation and management in Delhi.

The direction issued as Annexed are hereby published for information of the general public.

By Order and in the name of Lt. Governor
of the National Capital Territory of Delhi,

SUSHMA JERATH, Dy. Secy.

ANNEXURE

DEPARTMENT OF ENVIRONMENT

Order

Delhi, the 18th May, 2010

Sub : Direction under section 5 of the Environment (Protection) Act, 1986

F8. (348)/EA/Env/09.—Whereas, the Central Government has authorized the Lieutenant Governor of the National Capital Territory of Delhi vide notification S.O. 667 (E) dated the 10th September, 1992 to exercise powers under section 5 of the Environment (Protection) Act, 1986 for the National Capital Territory of Delhi and to issue directions thereunder, to any person, officer or any authority for the closure, prohibition or regulation of any operation or process or stoppage or regulation of the supply of electricity or water or any other services.

And whereas Delhi Jal Board constituted under the Delhi Water Board Act, 1998 (Delhi Act 4 of 1998) is dealing

with water supply network of drinking, domestic, industrial and commercial water in the National Capital Territory of Delhi;

And whereas continued abstraction of ground water has led to serve depletion of ground water resources;

And whereas non-restricted and non-regulated abstraction of ground water has serious long term environmental implications;

And whereas over abstraction of ground water can result in drying up of ground water resources and may also affect water quality;

And whereas Central Ground Water Authority had, in the year of 2000, notified the South and South-West districts of Delhi as "Notified Areas" and imposed prohibition and restriction in those districts on the construction and installation of any structure for abstraction of ground water resources to avoid further depletion and deterioration in water quality in the said districts;

And whereas through, another notification in March 2006, Central Ground Water Authority has notified East, New Delhi, North-East, North-West and West districts of Delhi as over exploited areas needing regulation, and registration of ground water abstraction structures in those districts was made compulsory.

Now, therefore, in exercise of power conferred by section 5 of the Environment (Protection) Act, 1986 (29 of 1986) read with the Ministry of Home Affairs, Government of India Notification S.O. 667 (E) bearing F.No. U-11030/J/91- UTL dated the 10th September, 1992 and in supersession of directions issued vide Order Nos. F8(348)/EA/Env/09/14433-14451 and F8(348)/EA/Env/09/14452-14470 dated the 30th March 2009 as well as Order Nos. F8(348)/EA/Env/09/555-582 and F8(348)/EA/Env/09/583-610 dated the 30th April 2009, the Lt. Governor of the National Capital Territory of Delhi, hereby issues the following directions, namely:—

- (1) In the whole of the National Capital Territory of Delhi, no person, group, authority, association or institution shall draw ground water through bore-well or tube-well (both new as well as existing and drawing ground water without permission of Central Ground Water Authority) for domestic, commercial, agricultural and or industrial uses without the prior permission of the "Competent Authority" that is to say, the Delhi Jal Board or the New Delhi Municipal Council as the case may be.
- (2) The issue of grant of permission for borewell/tubewell shall be dealt by Competent Authority through the Deputy Commissioner (Revenue) of each revenue area, GNCTD, who is hereby appointed as "Authorized Officer" for the purpose of regulation of ground water development and management in the respective revenue areas under the jurisdiction.

2704 DG/10-2

- (3) The Deputy Commissioner (Revenue) of each revenue area, GNCTD, who is the Authorized Officer, are further delegated with the power of dealing with other issues such as checking violation and sealing illegal wells, launching of prosecution against offenders etc. including grievance redressal related to ground water, based on the recommendations of the Advisory Committee.
- (4) An Advisory Committee in each nine revenue areas of the National Capital Territory of Delhi is hereby constituted under the Chairmanship of the Deputy Commissioner of each revenue area comprising of the following members:
 1. Deputy Commissioner (Revenue), : Chairman; of concerned revenue area
 2. Director (Panchayat) : Member;
 3. Chief Engineer nominated by : Member; Delhi Jal Board
 4. Representative of Central Ground : Member; Water Board, New Delhi
 5. Representatives of local bodies : Member; having jurisdiction over the area
 6. Representative of Department : Member; of Environment, GNCTD/DPCC
 7. Representative of reputed NGO : Member; in the field of Groundwater Management nominated by the Deputy Commissioner concerned
- (5) The Advisory Committee shall meet atleast once in every month to take up various issues related to ground water regulation and management in the concerned revenue area and give recommendations to the Deputy Commissioner for further consideration and enforcement. Only the recommended groundwater boring cases shall be forwarded to Competent Authority for grant of permission.
- (6) In emergent violation cases such as illegal groundwater drawl, the Authorized Officer, subject to his satisfaction, shall ensure the discontinuation of the same by the seizure of drilling rig, sealing of tubewell/borewell if so constructed and also disconnection of electricity supply to the energized tubewell even if it is through DG sets, without waiting for recommendation of Advisory Committee. However the details of such action shall be placed by the Authorized Officer in the next Advisory Committee meeting.
- (7) If any person, group, authority, association or institution, intends to draw ground water through bore-well or tube-well(both new as well as existing and drawing ground water without permission of Central Ground Water Authority), he shall take prior permission from Competent Authority. Such permission shall be obtained through submission of an application to Zonal Offices of the Competent Authority, in the form specified by the Competent Authority.
- (8) The Executive Engineer of the Competent Authority, incharge of the concerned area shall recommend the case, based on the facts on the ground, to the concerned Deputy Commissioner (Revenue) of the revenue area who shall issue orders in the light of the recommendations of Executive Engineer of the Competent Authority and the Advisory Committee.
- (9) If the plot size of the building is more than 200 sq. meters, the permission to draw ground water through borewell or tubewell (both new as well as existing and drawing groundwater without permission of Central Ground Water Authority) shall be subject to the condition that the occupier or owner of the said plot or building shall install rain water harvesting system in such building.
- (10) The permission to draw ground water through borewell or tubewell (both new as well as existing and drawing ground water without permission of Central Ground Water Authority) for commercial and or industrial use shall be subject to the condition that the concerned person or authority shall install the rain water harvesting structure, and shall ensure reuse of the water in horticulture or cooling or toilet flushing, etc after proper treatment of waste water or any other suggestions given by the concerned Advisory Committee.
- (11) Each of the Advisory Committee in addition to their above mentioned statutory duties, will inform Delhi Pollution Control Committee about any water pollution occurring, due to extraction of water from tube-well or bore-well so that, necessary action may be initiated under the provision of the Water (Prevention and Control of Pollution) Act, 1974.
- (12) The permission of borewell installation for agricultural purpose may be granted to genuine agriculturists by the Advisory Committee under concerned Deputy Commissioner (Revenue) based on the recommendation of Block Development Officer and Agriculture Department Irrigation and Flood Control Department, Govt. of N.C. of Delhi.

Agriculture activity may be verified from Khasra Girdawari documents and also based on actual evaluation.

- (13) Any violation of the above directions shall be punishable under section 15 of the Environment (Protection) Act, 1986 (29 of 1986).

By Order and in the Name of the Lieutenant Governor
of the National Capital Territory of Delhi,
DHARMENDRA, Secretary (Environment)

कार्यालय पंजीयक सहकारी समितियाँ
अधिमूचना

दिल्ली, 7 जुलाई, 2010

फा. संख्या 6(14)/85/स्था./सह./पार्ट फाइल 2349,—
दिल्ली के उपराज्यपाल, दिल्ली सहकारी समितियाँ अधिनियम, 2003
(दिल्ली अधिनियम 2004 का 3) की धारा 3 की उप-धारा (1) के
द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री हरि नारायण मीणा,
सहायक पंजीयक सहकारी समितियाँ को उपरोक्त अधिनियम के

अधीन कार्य को निपटाने के लिए उपरोक्त पद पर कार्य ग्रहण करने
की तिथि से पंजीयक की सहायतार्थ नियुक्त करते हैं।

राष्ट्रीय राजधानी क्षेत्र, दिल्ली के उपराज्यपाल के
आदेश एवं नाम से,

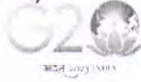
एस. के. झा, अतिरिक्त सचिव (सहकारिता)

**OFFICE OF THE REGISTRAR COOPERATIVE
SOCIETIES
NOTIFICATION**

Delhi, the 7th July, 2010

No. F. 6/14/85/Estt./Coop/Pt. file 2349.—In exercise
of the powers conferred by sub-section (1) of section 3 of
the Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of
2004), the Lt. Governor of the National Capital Territory of
Delhi is pleased to appoint Sh. Hari Narain Meena, Adhoc
DANICS as Assistant Registrar Cooperative Societies,
Delhi, to assist the Registrar in discharging his duties and
functions under the aforesaid Act with effect from the
date he assumed charge of the said office.

By Order and in the Name of the Lt. Governor
of the National Capital Territory of Delhi,
S. K. JHA, Addl. Secretary (Coop.)



भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
और गंगा संरक्षण विभाग
केंद्रीय भूमि जल प्राधिकरण
Government of India
Ministry of Jal Shakti
Department of Water Resources,
River Development & Ganga Rejuvenation
Central Ground Water Authority

D.O. No. CGWA-21/6/2023-CGWA - 123

Dated: 24.02.2023

Sub: Adopting/ following Ministry of Jal Shakti Guidelines for Ground Water regulation by State Ground Water Authority/ Department in light of Order dated 25.02.2022 passed by Hon'ble National Green Tribunal in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) – reg.

Respected Singh Ji,

In reference to the subject cited above, your kind attention is invited to the meetings held under the chairmanship of Chairman, CGWA on 27.01.2022 and 27.06.2022 via VC to review the status of regulation and control of ground water abstraction by State/ UT Ground Water Authorities, wherein States/ UTs were requested to intimate in writing the status of adoption of guidelines notified by Ministry of Jal Shakti (**MoJS**) and time frame by which these guidelines will be adopted by them and status of development of portal for processing of NOC applications.

2. The said Guidelines provide that "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."

3. Hon'ble Supreme Court in *MC Mehta vs. UOI*, (1997) 11 SCC 312 vide Order dated 10.12.1996 had held that "Environment (Protection) Act, 1986 is made by Parliament under Entry 13 List I Schedule 7 read with Article 253 of the Constitution of India and shall have an over-riding effect."

4. More recently, Hon'ble National Green Tribunal, New Delhi vide Order dated 25.02.2022 in O.A. No. 69/2020 (*Sushil Bhatt vs. Moon Beverages Ltd. & Ors.*) and Appeal No. 45/2018 (*Devidas Khatri vs. Union of India & Ors.*) has held that:-

Para 105

"The steps, taken by Central Government or the Authority constituted under Section 3(3) with power to issue directions under Section 5 or to take such measures as are necessary under sub-section 2 of Section 3, are the orders in respect whereof, Section 24 sub-section 1 provides that the same shall prevail over any other enactment having any inconsistent provision. The only exception is with regard to the offences and punishment, subject to the provisions of sub-section 2 of Section 24, which provides, where any Act or omission constitutes any offence punishable under EP Act 1986 and also under any other Act, then the offender found guilty of such offence, shall be liable to be punished under the other Act and not EP Act 1986...."

Para 107

".....Hence directions issued under Section 5 or orders issued on the matters referable to Section 3(2), in our opinion, are statutory orders. We have already discussed that EP Act 1986 is referable to Entry 13 List I Schedule VII of the Constitution read with Article 253, having been enacted pursuant to the International Conference and resolutions and to give effect thereto, it shall prevail over Provincial legislation. All Provincial enactments, relating to ground water, therefore, would have to subserve the Guidelines issued by CGWA since these guidelines are referable to Section 5 read with Section 3(2) of EP Act, 1986. These guidelines are not mere executive orders but statutory orders and, in any case, having been issued in exercise of powers under EP Act, 1986, as stated above, shall prevail over Provincial enactments/legislations. To the extent, subject is covered by EP Act 1986 and the orders issued by CGWA, Provincial legislature would lack power to make law, and if made, shall sub serve...."

"...Therefore, it is now established that irrespective of the legislative list contained in Schedule 7, whenever matter relates to environment is to be seen, if governed by the laws enacted on environment by Parliament, referable to entry 13 List 1 of 7th Schedule, the same shall prevail. In other words, when a subject is covered by a legislation referable to list 1 of Seventh Schedule of the Constitution, to the extent matter is covered by such Central legislation, Provincial legislature would cease to have any legislative competence to that extent, irrespective of entry in list 2. Provincial legislature can make law only on the aspects not covered by Parliamentary enactment...."

Para 117

"....Thus, we are clearly of the view that on the subject of regulation of ground water, provisions of EP Act 1986, the orders issued by Central Government under Section 3(3), and by CGWA under section 5 and/or section 3(2) of EP Act 1986 shall hold field and on this subject Provincial legislation cannot be brought in to impede, obstruct or deny or deprive CGWA, in its function for protection, perseveration and sustenance of ground water in the country...."

Para 237

"....CGWA is a Statutory Authority and has statutory powers to issue directions or take such measures as are necessary for protecting environment. These directions are referable to EP Act 1986, enacted vide Entry 13 List 1 of Constitution and therefore even Provincial legislations would have no competence to touch on this subject. Undoubtedly water is in List II Entry 17 but to the extent, the subject of ground water is part of pollution and governed by EP Act, 1986, for the reasons already discussed above, Provincial legislature would lack competence and it cannot make laws in respect of subject of water, covered by EP Act 1986 or orders, directions, rules, etc. made thereunder...."

Para 244

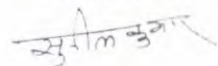
"....CGWA, while giving directions or laying down guidelines, had to take into consideration, and is under an obligation, to appreciate the mandate of Supreme Court and cannot abrogate or surrender to Provincial legislations on the ground that in some State there are Provincial legislations with regard to ground water and, therefore, Authorities under those enactments will deal with the issues relating to ground water...."

From the reading of above, it is evident that the provisions of ground water regulation and management implemented by State Ground Water Authorities has to be in consonance with MoJS Guidelines notified on 24.09.2020. Ground Water regulatory provisions of State not conforming to MoJS Guidelines may be construed by Hon'ble NGT as non-compliance of the Order of Hon'ble NGT/ Contempt of Court.

In view of the above, it is once again requested that suitable additions/ modifications may be incorporated in the respective Provincial Act/Rules in line with CGWA Guidelines dated 24.09.2020 and the status of adoption of said CGWA Guidelines may be intimated within 2 months.

With regards,

Yours sincerely



(Sunil Kumar)

To
Sh. Anil Kumar Singh,
Special Secretary (Env&Forest),
Government of NCT of Delhi,
Environment Department, 6th Level, C-Wing,
IP Estate, Delhi Secretariat,
Delhi-110002

Copy to: The Chief Secretary, Government of NCT of Delhi, 3rd Delhi Secretariat, IP Estate, New Delhi, Delhi 110002.

68394/2023/O/o RD(CGWA)

अध्यक्ष

Sunil Kumar
Chairman

सत्यमेव जयते

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
और गंगा संरक्षण विभाग
केंद्रीय भूमि जल प्राधिकरण
Government of India
Ministry of Jal Shakti
Department of Water Resources,
River Development & Ganga Rejuvenation
Central Ground Water Authority

D.O. No. CGWA-21/6/2023-CGWA - 123

Dated: 24.02.2023

Sub: Adopting/ following Ministry of Jal Shakti Guidelines for Ground Water regulation by State Ground Water Authority/ Department in light of Order dated 25.02.2022 passed by Hon'ble National Green Tribunal in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) – reg.

Respected Sasidhar Ji,

In reference to the subject cited above, your kind attention is invited to the meetings held under the chairmanship of Chairman, CGWA on 27.01.2022 and 27.06.2022 via VC to review the status of regulation and control of ground water abstraction by State/ UT Ground Water Authorities, wherein States/ UTs were requested to intimate in writing the status of adoption of guidelines notified by Ministry of Jal Shakti (MoJS) and time frame by which these guidelines will be adopted by them and status of development of portal for processing of NOC applications.

The said Guidelines provide that "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."

Hon'ble Supreme Court in *MC Mehta vs. UOI*, (1997) 11 SCC 312 vide Order dated 10.12.1996 had held that "Environment (Protection) Act, 1986 is made by Parliament under Entry 13 List I Schedule 7 read with Article 253 of the Constitution of India and shall have an over-riding effect."

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Para 105

"The steps, taken by Central Government or the Authority constituted under Section 3(3) with power to issue directions under Section 5 or to take such measures as are necessary under sub-section 2 of Section 3, are the orders in respect whereof, Section 24 sub-section 1 provides that the same shall prevail over any other enactment having any inconsistent provision. The only exception is with regard to the offences and punishment, subject to the provisions of sub-section 2 of Section 24, which provides, where any Act or omission constitutes any offence punishable under EP Act 1986 and also under any other Act, then the offender found guilty of such offence, shall be liable to be punished under the other Act and not EP Act 1986...."

Para 107

".....Hence directions issued under Section 5 or orders issued on the matters referable to Section 3(2), in our opinion, are statutory orders. We have already discussed that EP Act 1986 is referable to Entry 13 List I Schedule VII of the Constitution read with Article 253, having been enacted pursuant to the International Conference and resolutions and to give effect thereto, it shall prevail over Provincial legislation. All Provincial enactments, relating to ground water, therefore, would have to subserve the Guidelines issued by CGWA since these guidelines are referable to Section 5 read with Section 3(2) of EP Act, 1986. These guidelines are not mere executive orders but statutory orders and, in any case, having been issued in exercise of powers under EP Act, 1986, as stated above, shall prevail over Provincial enactments/legislations. To the extent, subject is covered by EP Act 1986 and the orders issued by CGWA, Provincial legislature would lack power to make law, and if made, shall sub serve...."

68394/2023/O/o RD(CGWA)

Para 116

"....Therefore, it is now established that irrespective of the legislative list contained in Schedule 7, whenever matter relates to environment is to be seen, if governed by the laws enacted on environment by Parliament, referable to entry 13 List 1 of 7th Schedule, the same shall prevail. In other words, when a subject is covered by a legislation referable to list 1 of Seventh Schedule of the Constitution, to the extent matter is covered by such Central legislation, Provincial legislature would cease to have any legislative competence to that extent, irrespective of entry in list 2. Provincial legislature can make law only on the aspects not covered by Parliamentary enactment...."

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"....Thus, we are clearly of the view that on the subject of regulation of ground water, provisions of EP Act 1986, the orders issued by Central Government under Section 3(3), and by CGWA under section 5 and/or section 3(2) of EP Act 1986 shall hold field and on this subject Provincial legislation cannot be brought in to impede, obstruct or deny or deprive CGWA, in its function for protection, perseverance and sustenance of ground water in the country...."

Para 237

"....CGWA is a Statutory Authority and has statutory powers to issue directions or take such measures as are necessary for protecting environment. These directions are referable to EP Act 1986, enacted vide Entry 13 List 1 of Constitution and therefore even Provincial legislations would have no competence to touch on this subject. Undoubtedly water is in List II Entry 17 but to the extent, the subject of ground water is part of pollution and governed by EP Act, 1986, for the reasons already discussed above, Provincial legislature would lack competence and it cannot make laws in respect of subject of water, covered by EP Act 1986 or orders, directions, rules, etc. made thereunder...."

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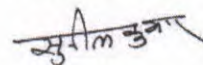
"....CGWA, while giving directions or laying down guidelines, had to take into consideration, and is under an obligation, to appreciate the mandate of Supreme Court and cannot abrogate or surrender to Provincial legislations on the ground that in some State there are Provincial legislations with regard to ground water and, therefore, Authorities under those enactments will deal with the issues relating to ground water...."

From the reading of above, it is evident that the provisions of ground water regulation and management implemented by State Ground Water Authorities has to be in consonance with MoJS Guidelines notified on 24.09.2020. Ground Water regulatory provisions of State not conforming to MoJS Guidelines may be construed by Hon'ble NGT as non-compliance of the Order of Hon'ble NGT/ Contempt of Court.

In view of the above, it is once again requested that suitable additions/ modifications may be incorporated in the respective Provincial Act/Rules in line with CGWA Guidelines dated 24.09.2020 and the status of adoption of said CGWA Guidelines may be intimated within 2 months.

With regards,

Yours sincerely



(Sunil Kumar)

To
Shri. Kona Sasidhar, IAS,
Commissioner,
PR & RD & Administrator, APWALTA,
D. No. 12-47, PVS Empire, Pathuru Road,
Besides Reliance Digital, Tadepalli,
Guntur District, Andhra Pradesh

Copy to: The Chief Secretary, Government of Andhra Pradesh, 1st Block, 1st Floor, Interim Government Complex, A.P Secretariat Office, Velagapudi- 522503

68394/2023/O/o RD(CGWA)

सुनील कुमार
अध्यक्ष
Sunil Kumar
Chairman



सत्यमेव जयते

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
और गंगा संरक्षण विभाग
केंद्रीय भूमि जल प्राधिकरण
Government of India
Ministry of Jal Shakti
Department of Water Resources,
River Development & Ganga Rejuvenation
Central Ground Water Authority

D.O. No. CGWA-21/6/2023-CGWA - 123

Dated: 24.02.2023

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Respected Badami Ji,

In reference to the subject cited above, your kind attention is invited to the meetings held under the chairmanship of Chairman, CGWA on 27.01.2022 and 27.06.2022 via VC to review the status of regulation and control of ground water abstraction by State/ UT Ground Water Authorities, wherein States/ UTs were requested to intimate in writing the status of adoption of guidelines notified by Ministry of Jal Shakti (MoJS) and time frame by which these guidelines will be adopted by them and status of development of portal for processing of NOC applications.

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More recently, Hon'ble National Green Tribunal, New Delhi vide Order dated 25.02.2022 in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) has held that:-

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68394/2023/O/o RD(CGWA)

“....Therefore, it is now established that irrespective of the legislative list contained in Schedule 7, whenever matter relates to environment is to be seen, if governed by the laws enacted on environment by Parliament, referable to entry 13 List 1 of 7th Schedule, the same shall prevail. In other words, when a subject is covered by a legislation referable to list 1 of Seventh Schedule of the Constitution, to the extent matter is covered by such Central legislation, Provincial legislature would cease to have any legislative competence to that extent, irrespective of entry in list 2. Provincial legislature can make law only on the aspects not covered by Parliamentary enactment....”

Para 117

“....Thus, we are clearly of the view that on the subject of regulation of ground water, provisions of EP Act 1986, the orders issued by Central Government under Section 3(3), and by CGWA under section 5 and/or section 3(2) of EP Act 1986 shall hold field and on this subject Provincial legislation cannot be brought in to impede, obstruct or deny or deprive CGWA, in its function for protection, perseverance and sustenance of ground water in the country....”

Para 237

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Para 244

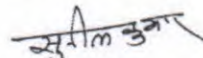
“....CGWA, while giving directions or laying down guidelines, had to take into consideration, and is under an obligation, to appreciate the mandate of Supreme Court and cannot abrogate or surrender to Provincial legislations on the ground that in some State there are Provincial legislations with regard to ground water and, therefore, Authorities under those enactments will deal with the issues relating to ground water....”

From the reading of above, it is evident that the provisions of ground water regulation and management implemented by State Ground Water Authorities has to be in consonance with MoJS Guidelines notified on 24.09.2020. Ground Water regulatory provisions of State not conforming to MoJS Guidelines may be construed by Hon'ble NGT as non-compliance of the Order of Hon'ble NGT/ Contempt of Court.

In view of the above, it is once again requested that suitable additions/ modifications may be incorporated in the respective Provincial Act/Rules in line with CGWA Guidelines dated 24.09.2020 and the status of adoption of said CGWA Guidelines may be intimated within 2 months.

With regards,

Yours sincerely


(Sunil Kumar)

To
Sh. Pramod Badami,
Water Resource Department,
Sinchai Bhawan,
Near Police Station,
Porvorim, Goa -403501

Copy to: The Chief Secretary, Government of Goa, Secretariat, Porvorim, Bardez-403521.

68394/2023/O/o RD(CGWA)

सुनील कुमार
अध्यक्ष
Sunil Kumar
Chairman



सत्यमेव जयते

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
और गंगा संरक्षण विभाग
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Respected Kaul Ji,

In reference to the subject cited above, your kind attention is invited to the meetings held under the chairmanship of Chairman, CGWA on 27.01.2022 and 27.06.2022 via VC to review the status of regulation and control of ground water abstraction by State/ UT Ground Water Authorities, wherein States/ UTs were requested to intimate in writing the status of adoption of guidelines notified by Ministry of Jal Shakti (MoJS) and time frame by which these guidelines will be adopted by them and status of development of portal for processing of NOC applications.

The said Guidelines provide that "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."

Hon'ble Supreme Court in *MC Mehta vs. UOI*, (1997) 11 SCC 312 vide Order dated 10.12.1996 had held that "Environment (Protection) Act, 1986 is made by Parliament under Entry 13 List I Schedule 7 read with Article 253 of the Constitution of India and shall have an over-riding effect."

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Para 105

"The steps, taken by Central Government or the Authority constituted under Section 3(3) with power to issue directions under Section 5 or to take such measures as are necessary under sub-section 2 of Section 3, are the orders in respect whereof, Section 24 sub-section 1 provides that the same shall prevail over any other enactment having any inconsistent provision. The only exception is with regard to the offences and punishment, subject to the provisions of sub-section 2 of Section 24, which provides, where any Act or omission constitutes any offence punishable under EP Act 1986 and also under any other Act, then the offender found guilty of such offence, shall be liable to be punished under the other Act and not EP Act 1986...."

Para 107

".....Hence directions issued under Section 5 or orders issued on the matters referable to Section 3(2), in our opinion, are statutory orders. We have already discussed that EP Act 1986 is referable to Entry 13 List I Schedule VII of the Constitution read with Article 253, having been enacted pursuant to the International Conference and resolutions and to give effect thereto, it shall prevail over Provincial legislation. All Provincial enactments, relating to ground water, therefore, would have to subserve the Guidelines issued by CGWA since these guidelines are referable to Section 5 read with Section 3(2) of EP Act, 1986. These guidelines are not mere executive orders but statutory orders and, in any case, having been issued in exercise of powers under EP Act, 1986, as stated above, shall prevail over Provincial enactments/legislations. To the extent, subject is covered by EP Act 1986 and the orders issued by CGWA, Provincial legislature would lack power to make law, and if made, shall sub serve...."

68394/2023/O/o RD(CGWA)

"....Therefore, it is now established that irrespective of the legislative list contained in Schedule 7, whenever matter relates to environment is to be seen, if governed by the laws enacted on environment by Parliament, referable to entry 13 List 1 of 7th Schedule, the same shall prevail. In other words, when a subject is covered by a legislation referable to list 1 of Seventh Schedule of the Constitution, to the extent matter is covered by such Central legislation, Provincial legislature would cease to have any legislative competence to that extent, irrespective of entry in list 2. Provincial legislature can make law only on the aspects not covered by Parliamentary enactment...."

Para 117

"....Thus, we are clearly of the view that on the subject of regulation of ground water, provisions of EP Act 1986, the orders issued by Central Government under Section 3(3), and by CGWA under section 5 and/or section 3(2) of EP Act 1986 shall hold field and on this subject Provincial legislation cannot be brought in to impede, obstruct or deny or deprive CGWA, in its function for protection, perseverance and sustenance of ground water in the country...."

Para 237

"....CGWA is a Statutory Authority and has statutory powers to issue directions or take such measures as are necessary for protecting environment. These directions are referable to EP Act 1986, enacted vide Entry 13 List 1 of Constitution and therefore even Provincial legislations would have no competence to touch on this subject. Undoubtedly water is in List II Entry 17 but to the extent, the subject of ground water is part of pollution and governed by EP Act, 1986, for the reasons already discussed above, Provincial legislature would lack competence and it cannot make laws in respect of subject of water, covered by EP Act 1986 or orders, directions, rules, etc. made thereunder...."

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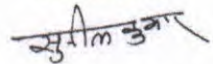
"....CGWA, while giving directions or laying down guidelines, had to take into consideration, and is under an obligation, to appreciate the mandate of Supreme Court and cannot abrogate or surrender to Provincial legislations on the ground that in some State there are Provincial legislations with regard to ground water and, therefore, Authorities under those enactments will deal with the issues relating to ground water...."

From the reading of above, it is evident that the provisions of ground water regulation and management implemented by State Ground Water Authorities has to be in consonance with MoJS Guidelines notified on 24.09.2020. Ground Water regulatory provisions of State not conforming to MoJS Guidelines may be construed by Hon'ble NGT as non-compliance of the Order of Hon'ble NGT/ Contempt of Court.

In view of the above, it is once again requested that suitable additions/ modifications may be incorporated in the respective Provincial Act/Rules in line with CGWA Guidelines dated 24.09.2020 and the status of adoption of said CGWA Guidelines may be intimated within 2 months.

With regards,

Yours sincerely



(Sunil Kumar)

To
Er.Sanjeev Kaul,
Engineer-in-Chief, Jal Shakti Vibhag,
Government of Himachal Pradesh,
Jal shakti Bhawan
Shimla-171005

Copy to: The Chief Secretary, Government of Himachal Pradesh, Department of Personnel, H.P. Secretariat, Shimla-171002.

68394/2023/O/o RD(CGWA)

सुनील कुमार
अध्यक्षSunil Kumar
Chairman

सत्यमेव जयते

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
और गंगा संरक्षण विभाग
केंद्रीय भूमि जल प्राधिकरण
Government of India
Ministry of Jal Shakti
Department of Water Resources,
River Development & Ganga Rejuvenation
Central Ground Water Authority

D.O. No. CGWA-21/6/2023-CGWA - 123

Dated: 24.02.2023

Sub: Adopting/ following Ministry of Jal Shakti Guidelines for Ground Water regulation by State Ground Water Authority/ Department in light of Order dated 25.02.2022 passed by Hon'ble National Green Tribunal in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) – reg.

Respected Jha Ji,

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The said Guidelines provide that "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."

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68394/2023/O/o RD(CGWA)

Para 116

"....Therefore, it is now established that irrespective of the legislative list contained in Schedule 7, whenever matter relates to environment is to be seen, if governed by the laws enacted on environment by Parliament, referable to entry 13 List 1 of 7th Schedule, the same shall prevail. In other words, when a subject is covered by a legislation referable to list 1 of Seventh Schedule of the Constitution, to the extent matter is covered by such Central legislation, Provincial legislature would cease to have any legislative competence to that extent, irrespective of entry in list 2. Provincial legislature can make law only on the aspects not covered by Parliamentary enactment...."

Para 117

"....Thus, we are clearly of the view that on the subject of regulation of ground water, provisions of EP Act 1986, the orders issued by Central Government under Section 3(3), and by CGWA under section 5 and/or section 3(2) of EP Act 1986 shall hold field and on this subject Provincial legislation cannot be brought in to impede, obstruct or deny or deprive CGWA, in its function for protection, perseverance and sustenance of ground water in the country...."

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"....CGWA is a Statutory Authority and has statutory powers to issue directions or take such measures as are necessary for protecting environment. These directions are referable to EP Act 1986, enacted vide Entry 13 List 1 of Constitution and therefore even Provincial legislations would have no competence to touch on this subject. Undoubtedly water is in List II Entry 17 but to the extent, the subject of ground water is part of pollution and governed by EP Act, 1986, for the reasons already discussed above, Provincial legislature would lack competence and it cannot make laws in respect of subject of water, covered by EP Act 1986 or orders, directions, rules, etc. made thereunder...."

Para 244

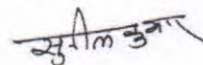
"....CGWA, while giving directions or laying down guidelines, had to take into consideration, and is under an obligation, to appreciate the mandate of Supreme Court and cannot abrogate or surrender to Provincial legislations on the ground that in some State there are Provincial legislations with regard to ground water and, therefore, Authorities under those enactments will deal with the issues relating to ground water...."

From the reading of above, it is evident that the provisions of ground water regulation and management implemented by State Ground Water Authorities has to be in consonance with MoJS Guidelines notified on 24.09.2020. Ground Water regulatory provisions of State not conforming to MoJS Guidelines may be construed by Hon'ble NGT as non-compliance of the Order of Hon'ble NGT/ Contempt of Court.

In view of the above, it is once again requested that suitable additions/ modifications may be incorporated in the respective Provincial Act/Rules in line with CGWA Guidelines dated 24.09.2020 and the status of adoption of said CGWA Guidelines may be intimated within 2 months.

With regards,

Yours sincerely



(Sunil Kumar)

To
Sh. Ghanshyam Jha,
Chairperson, Jammu & Kashmir Water Resources Regulatory Authority,
Government of Jammu & Kashmir,
Ashok Nagar, Satwari ,
Jammu - 180004

Copy to: The Chief Secretary, R. No. 2/7, 2nd, Floor Main Building, Civil Secretariat, Jammu – 180001.

68394/2023/O/o RD(CGWA)

सुनील कुमार
अध्यक्ष
Sunil Kumar
Chairman



भारत सरकार
जल शक्ति मंत्रालय
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Government of India
Ministry of Jal Shakti
Department of Water Resources,
River Development & Ganga Rejuvenation
Central Ground Water Authority

D.O. No. CGWA-21/6/2023-CGWA - 123

Dated: 24.02.2023

Sub: Adopting/ following Ministry of Jal Shakti Guidelines for Ground Water regulation by State Ground Water Authority/ Department in light of Order dated 25.02.2022 passed by Hon'ble National Green Tribunal in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) – reg.

Respected Ramachandraiah Ji,

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2. The said Guidelines provide that "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."

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".....Hence directions issued under Section 5 or orders issued on the matters referable to Section 3(2), in our opinion, are statutory orders. We have already discussed that EP Act 1986 is referable to Entry 13 List I Schedule VII of the Constitution read with Article 253, having been enacted pursuant to the International Conference and resolutions and to give effect thereto, it shall prevail over Provincial legislation. All Provincial enactments, relating to ground water, therefore, would have to subserve the Guidelines issued by CGWA since these guidelines are referable to Section 5 read with Section 3(2) of EP Act, 1986. These guidelines are not mere executive orders but statutory orders and, in any case, having been issued in exercise of powers under EP Act, 1986, as stated above, shall prevail over Provincial enactments/legislations. To the extent, subject is covered by EP Act 1986 and the orders issued by CGWA, Provincial legislature would lack power to make law, and if made, shall sub serve...."

68394/2023/O/o RD(CGWA)

Para 116
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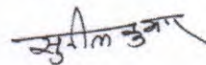
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With regards,

Yours sincerely



(Sunil Kumar)

To,
 Sh. B. G. Ramachandraiah,
 Government of Karnataka,
 O/o director, Ground Water Directorate
 2nd Floor, KSFC Bhawan,
 #1/1, Thimmiah Road,
 Bengaluru-560052

Copy to: The Chief Secretary, Room No. 320, 3rd floor, Vidhanasoudha, Bangalore-560001.

68394/2023/O/o RD(CGWA)

अध्यक्ष

Sunil Kumar
Chairman

सत्यमेव जयते

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
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केंद्रीय भूमि जल प्राधिकरण

Government of India

Ministry of Jal Shakti

Department of Water Resources,

River Development & Ganga Rejuvenation

Central Ground Water Authority

D.O. No. CGWA-21/6/2023-CGWA - 123

Dated: 24.02.2023

Sub: Adopting/ following Ministry of Jal Shakti Guidelines for Ground Water regulation by State Ground Water Authority/ Department in light of Order dated 25.02.2022 passed by Hon'ble National Green Tribunal in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) – reg.

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68394/2023/O/o RD(CGWA)

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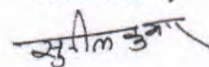
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With regards,

Yours sincerely



(Sunil Kumar)

To
Shri. Ashok Kumar Singh, IAS
Secretary, Water Resource Department,
Government of Kerala,
Room No. 393, 1st Floor,
Main Block, Secretariat,
Thiruvananthapuram-695001

Copy to: The Chief Secretary, Government Secretariat, Government of Kerala, Thiruvananthapuram, Kerala, PIN – 695001

68394/2023/O/o RD(CGWA)

अध्यक्ष

Sunil Kumar

Chairman



सत्यमेव जयते

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
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Government of India
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D.O. No. CGWA-21/6/2023-CGWA - 123

Dated: 24.02.2023

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"The steps, taken by Central Government or the Authority constituted under Section 3(3) with power to issue directions under Section 5 or to take such measures as are necessary under sub-section 2 of Section 3, are the orders in respect whereof, Section 24 sub-section 1 provides that the same shall prevail over any other enactment having any inconsistent provision. The only exception is with regard to the offences and punishment, subject to the provisions of sub-section 2 of Section 24, which provides, where any Act or omission constitutes any offence punishable under EP Act 1986 and also under any other Act, then the offender found guilty of such offence, shall be liable to be punished under the other Act and not EP Act 1986...."

Para 107

".....Hence directions issued under Section 5 or orders issued on the matters referable to Section 3(2), in our opinion, are statutory orders. We have already discussed that EP Act 1986 is referable to Entry 13 List I Schedule VII of the Constitution read with Article 253, having been enacted pursuant to the International Conference and resolutions and to give effect thereto, it shall prevail over Provincial legislation. All Provincial enactments, relating to ground water, therefore, would have to subserve the Guidelines issued by CGWA since these guidelines are referable to Section 5 read with Section 3(2) of EP Act, 1986. These guidelines are not mere executive orders but statutory orders and, in any case, having been issued in exercise of powers under EP Act, 1986, as stated above, shall prevail over Provincial enactments/legislations. To the extent, subject is covered by EP Act 1986 and the orders issued by CGWA, Provincial legislature would lack power to make law, and if made, shall sub serve...."

68394/2023/O/o RD(CGWA)

Para 116

"....Therefore, it is now established that irrespective of the legislative list contained in Schedule 7, whenever matter relates to environment is to be seen, if governed by the laws enacted on environment by Parliament, referable to entry 13 List 1 of 7th Schedule, the same shall prevail. In other words, when a subject is covered by a legislation referable to list 1 of Seventh Schedule of the Constitution, to the extent matter is covered by such Central legislation, Provincial legislature would cease to have any legislative competence to that extent, irrespective of entry in list 2. Provincial legislature can make law only on the aspects not covered by Parliamentary enactment...."

Para 117

"....Thus, we are clearly of the view that on the subject of regulation of ground water, provisions of EP Act 1986, the orders issued by Central Government under Section 3(3), and by CGWA under section 5 and/or section 3(2) of EP Act 1986 shall hold field and on this subject Provincial legislation cannot be brought in to impede, obstruct or deny or deprive CGWA, in its function for protection, perseverance and sustenance of ground water in the country...."

Para 237

"....CGWA is a Statutory Authority and has statutory powers to issue directions or take such measures as are necessary for protecting environment. These directions are referable to EP Act 1986, enacted vide Entry 13 List 1 of Constitution and therefore even Provincial legislations would have no competence to touch on this subject. Undoubtedly water is in List II Entry 17 but to the extent, the subject of ground water is part of pollution and governed by EP Act, 1986, for the reasons already discussed above, Provincial legislature would lack competence and it cannot make laws in respect of subject of water, covered by EP Act 1986 or orders, directions, rules, etc. made thereunder...."

Para 244

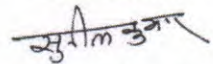
"....CGWA, while giving directions or laying down guidelines, had to take into consideration, and is under an obligation, to appreciate the mandate of Supreme Court and cannot abrogate or surrender to Provincial legislations on the ground that in some State there are Provincial legislations with regard to ground water and, therefore, Authorities under those enactments will deal with the issues relating to ground water...."

From the reading of above, it is evident that the provisions of ground water regulation and management implemented by State Ground Water Authorities has to be in consonance with MoJS Guidelines notified on 24.09.2020. Ground Water regulatory provisions of State not conforming to MoJS Guidelines may be construed by Hon'ble NGT as non-compliance of the Order of Hon'ble NGT/ Contempt of Court.

In view of the above, it is once again requested that suitable additions/ modifications may be incorporated in the respective Provincial Act/Rules in line with CGWA Guidelines dated 24.09.2020 and the status of adoption of said CGWA Guidelines may be intimated within 2 months.

With regards,

Yours sincerely



(Sunil Kumar)

To
Sh. Anil Kumar Singh,
Special Secretary (Env&Forest),
Government of NCT of Delhi,
Environment Department, 6th Level, C-Wing,
IP Estate, Delhi Secretariat,
Delhi-110002

Copy to: The Chief Secretary, Government of NCT of Delhi, 3rd Delhi Secretariat, IP Estate, New Delhi, Delhi 110002.

68394/2023/O/o RD(CGWA)

अध्यक्ष

Sunil Kumar

Chairman



सत्यमेव जयते

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
और गंगा संरक्षण विभाग
केंद्रीय भूमि जल प्राधिकरण

Government of India

Ministry of Jal Shakti

Department of Water Resources,

River Development & Ganga Rejuvenation

Central Ground Water Authority

D.O. No. CGWA-21/6/2023-CGWA - 123

Dated: 24.02.2023

Sub: Adopting/ following Ministry of Jal Shakti Guidelines for Ground Water regulation by State Ground Water Authority/ Department in light of Order dated 25.02.2022 passed by Hon'ble National Green Tribunal in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) – reg.

Respected Prabakaran Ji,

In reference to the subject cited above, your kind attention is invited to the meetings held under the chairmanship of Chairman, CGWA on 27.01.2022 and 27.06.2022 via VC to review the status of regulation and control of ground water abstraction by State/ UT Ground Water Authorities, wherein States/ UTs were requested to intimate in writing the status of adoption of guidelines notified by Ministry of Jal Shakti (MoJS) and time frame by which these guidelines will be adopted by them and status of development of portal for processing of NOC applications.

The said Guidelines provide that "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."

Hon'ble Supreme Court in MC Mehta vs. UOI, (1997) 11 SCC 312 vide Order dated 10.12.1996 had held that "Environment (Protection) Act, 1986 is made by Parliament under Entry 13 List I Schedule 7 read with Article 253 of the Constitution of India and shall have an over-riding effect."

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"The steps, taken by Central Government or the Authority constituted under Section 3(3) with power to issue directions under Section 5 or to take such measures as are necessary under sub-section 2 of Section 3, are the orders in respect whereof, Section 24 sub-section 1 provides that the same shall prevail over any other enactment having any inconsistent provision. The only exception is with regard to the offences and punishment, subject to the provisions of sub-section 2 of Section 24, which provides, where any Act or omission constitutes any offence punishable under EP Act 1986 and also under any other Act, then the offender found guilty of such offence, shall be liable to be punished under the other Act and not EP Act 1986...."

Para 107

".....Hence directions issued under Section 5 or orders issued on the matters referable to Section 3(2), in our opinion, are statutory orders. We have already discussed that EP Act 1986 is referable to Entry 13 List I Schedule VII of the Constitution read with Article 253, having been enacted pursuant to the International Conference and resolutions and to give effect thereto, it shall prevail over Provincial legislation. All Provincial enactments, relating to ground water, therefore, would have to subserve the Guidelines issued by CGWA since these guidelines are referable to Section 5 read with Section 3(2) of EP Act, 1986. These guidelines are not mere executive orders but statutory orders and, in any case, having been issued in exercise of powers under EP Act, 1986, as stated above, shall prevail over Provincial enactments/legislations. To the extent, subject is covered by EP Act 1986 and the orders issued by CGWA, Provincial legislature would lack power to make law, and if made, shall sub serve...."

68394/2023/O/o RD(CGWA)

"....Therefore, it is now established that irrespective of the legislative list contained in Schedule 7, whenever matter relates to environment is to be seen, if governed by the laws enacted on environment by Parliament, referable to entry 13 List 1 of 7th Schedule, the same shall prevail. In other words, when a subject is covered by a legislation referable to list 1 of Seventh Schedule of the Constitution, to the extent matter is covered by such Central legislation, Provincial legislature would cease to have any legislative competence to that extent, irrespective of entry in list 2. Provincial legislature can make law only on the aspects not covered by Parliamentary enactment...."

Para 117

"....Thus, we are clearly of the view that on the subject of regulation of ground water, provisions of EP Act 1986, the orders issued by Central Government under Section 3(3), and by CGWA under section 5 and/or section 3(2) of EP Act 1986 shall hold field and on this subject Provincial legislation cannot be brought in to impede, obstruct or deny or deprive CGWA, in its function for protection, perseverance and sustenance of ground water in the country...."

Para 237

"....CGWA is a Statutory Authority and has statutory powers to issue directions or take such measures as are necessary for protecting environment. These directions are referable to EP Act 1986, enacted vide Entry 13 List 1 of Constitution and therefore even Provincial legislations would have no competence to touch on this subject. Undoubtedly water is in List II Entry 17 but to the extent, the subject of ground water is part of pollution and governed by EP Act, 1986, for the reasons already discussed above, Provincial legislature would lack competence and it cannot make laws in respect of subject of water, covered by EP Act 1986 or orders, directions, rules, etc. made thereunder...."

Para 244

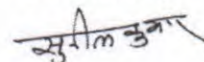
"....CGWA, while giving directions or laying down guidelines, had to take into consideration, and is under an obligation, to appreciate the mandate of Supreme Court and cannot abrogate or surrender to Provincial legislations on the ground that in some State there are Provincial legislations with regard to ground water and, therefore, Authorities under those enactments will deal with the issues relating to ground water...."

From the reading of above, it is evident that the provisions of ground water regulation and management implemented by State Ground Water Authorities has to be in consonance with MoJS Guidelines notified on 24.09.2020. Ground Water regulatory provisions of State not conforming to MoJS Guidelines may be construed by Hon'ble NGT as non-compliance of the Order of Hon'ble NGT/ Contempt of Court.

In view of the above, it is once again requested that suitable additions/ modifications may be incorporated in the respective Provincial Act/Rules in line with CGWA Guidelines dated 24.09.2020 and the status of adoption of said CGWA Guidelines may be intimated within 2 months.

With regards,

Yours sincerely



(Sunil Kumar)

To
Sh.S. Prabakaran,
Chief Engineer,
Government of Tamil Nadu,
Public Works Department, Water Resources Department,
State Ground Water & Surface
Water Resources Data Center, Taramani,
Chennai-600113

Copy to: The Chief Secretary, Shankar Rd, Fort St George, Tamil Nadu 600009.

68394/2023/O/o RD(CGWA)

अध्यक्ष

Sunil Kumar
Chairman



सत्यमेव जयते

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
और गंगा संरक्षण विभाग
केंद्रीय भूमि जल प्राधिकरण
Government of India
Ministry of Jal Shakti
Department of Water Resources,
River Development & Ganga Rejuvenation
Central Ground Water Authority

D.O. No. CGWA-21/6/2023-CGWA - 123

Dated: 24.02.2023

Sub: Adopting/ following Ministry of Jal Shakti Guidelines for Ground Water regulation by State Ground Water Authority/ Department in light of Order dated 25.02.2022 passed by Hon'ble National Green Tribunal in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) – reg.

Respected Sharath Ji,

In reference to the subject cited above, your kind attention is invited to the meetings held under the chairmanship of Chairman, CGWA on 27.01.2022 and 27.06.2022 via VC to review the status of regulation and control of ground water abstraction by State/ UT Ground Water Authorities, wherein States/ UTs were requested to intimate in writing the status of adoption of guidelines notified by Ministry of Jal Shakti (MoJS) and time frame by which these guidelines will be adopted by them and status of development of portal for processing of NOC applications.

The said Guidelines provide that "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."

Hon'ble Supreme Court in MC Mehta vs. UOI, (1997) 11 SCC 312 vide Order dated 10.12.1996 had held that "Environment (Protection) Act, 1986 is made by Parliament under Entry 13 List I Schedule 7 read with Article 253 of the Constitution of India and shall have an over-riding effect."

More recently, Hon'ble National Green Tribunal, New Delhi vide Order dated 25.02.2022 in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) has held that:-

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"The steps, taken by Central Government or the Authority constituted under Section 3(3) with power to issue directions under Section 5 or to take such measures as are necessary under sub-section 2 of Section 3, are the orders in respect whereof, Section 24 sub-section 1 provides that the same shall prevail over any other enactment having any inconsistent provision. The only exception is with regard to the offences and punishment, subject to the provisions of sub-section 2 of Section 24, which provides, where any Act or omission constitutes any offence punishable under EP Act 1986 and also under any other Act, then the offender found guilty of such offence, shall be liable to be punished under the other Act and not EP Act 1986...."

Para 107

".....Hence directions issued under Section 5 or orders issued on the matters referable to Section 3(2), in our opinion, are statutory orders. We have already discussed that EP Act 1986 is referable to Entry 13 List I Schedule VII of the Constitution read with Article 253, having been enacted pursuant to the International Conference and resolutions and to give effect thereto, it shall prevail over Provincial legislation. All Provincial enactments, relating to ground water, therefore, would have to subserve the Guidelines issued by CGWA since these guidelines are referable to Section 5 read with Section 3(2) of EP Act, 1986. These guidelines are not mere executive orders but statutory orders and, in any case, having been issued in exercise of powers under EP Act, 1986, as stated above, shall prevail over Provincial enactments/legislations. To the extent, subject is covered by EP Act 1986 and the orders issued by CGWA, Provincial legislature would lack power to make law, and if made, shall sub serve...."

68394/2023/O/o RD(CGWA)

“....Therefore, it is now established that irrespective of the legislative list contained in Schedule 7, whenever matter relates to environment is to be seen, if governed by the laws enacted on environment by Parliament, referable to entry 13 List 1 of 7th Schedule, the same shall prevail. In other words, when a subject is covered by a legislation referable to list 1 of Seventh Schedule of the Constitution, to the extent matter is covered by such Central legislation, Provincial legislature would cease to have any legislative competence to that extent, irrespective of entry in list 2. Provincial legislature can make law only on the aspects not covered by Parliamentary enactment....”

Para 117

“....Thus, we are clearly of the view that on the subject of regulation of ground water, provisions of EP Act 1986, the orders issued by Central Government under Section 3(3), and by CGWA under section 5 and/or section 3(2) of EP Act 1986 shall hold field and on this subject Provincial legislation cannot be brought in to impede, obstruct or deny or deprive CGWA, in its function for protection, perseverance and sustenance of ground water in the country....”

Para 237

“....CGWA is a Statutory Authority and has statutory powers to issue directions or take such measures as are necessary for protecting environment. These directions are referable to EP Act 1986, enacted vide Entry 13 List 1 of Constitution and therefore even Provincial legislations would have no competence to touch on this subject. Undoubtedly water is in List II Entry 17 but to the extent, the subject of ground water is part of pollution and governed by EP Act, 1986, for the reasons already discussed above, Provincial legislature would lack competence and it cannot make laws in respect of subject of water, covered by EP Act 1986 or orders, directions, rules, etc. made thereunder....”

Para 244

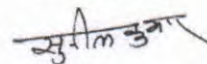
“....CGWA, while giving directions or laying down guidelines, had to take into consideration, and is under an obligation, to appreciate the mandate of Supreme Court and cannot abrogate or surrender to Provincial legislations on the ground that in some State there are Provincial legislations with regard to ground water and, therefore, Authorities under those enactments will deal with the issues relating to ground water....”

From the reading of above, it is evident that the provisions of ground water regulation and management implemented by State Ground Water Authorities has to be in consonance with MoJS Guidelines notified on 24.09.2020. Ground Water regulatory provisions of State not conforming to MoJS Guidelines may be construed by Hon'ble NGT as non-compliance of the Order of Hon'ble NGT/ Contempt of Court.

In view of the above, it is once again requested that suitable additions/ modifications may be incorporated in the respective Provincial Act/Rules in line with CGWA Guidelines dated 24.09.2020 and the status of adoption of said CGWA Guidelines may be intimated within 2 months.

With regards,

Yours sincerely



(Sunil Kumar)

To
Dr. A. Sharath, IAS
Commissioner, Government of Telangana
PR & RD & Administrator, TSWALTA,
Panchayath Raj Building, Urdu Hall Lane, Himayath Nagar,
Hyderabad -500029

Copy to: The Chief Secretary, 5th Floor, Burgula Rama Krishna Rao Bhavan, NH 44, Hill Fort, Adarsh Nagar, Hyderabad, Telangana 500063.

सुनील कुमार
अध्यक्ष

Sunil Kumar
Chairman



सत्यमेव जयते

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
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Government of India

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

D.O. No. CGWA-21/6/2023-CGWA - 123

Dated: 24.02.2023

Sub: Adopting/ following Ministry of Jal Shakti Guidelines for Ground Water regulation by State Ground Water Authority/ Department in light of Order dated 25.02.2022 passed by Hon'ble National Green Tribunal in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) – reg.

Respected Ghosh Ji,

In reference to the subject cited above, your kind attention is invited to the meetings held under the chairmanship of Chairman, CGWA on 27.01.2022 and 27.06.2022 via VC to review the status of regulation and control of ground water abstraction by State/ UT Ground Water Authorities, wherein States/ UTs were requested to intimate in writing the status of adoption of guidelines notified by Ministry of Jal Shakti (MoJS) and time frame by which these guidelines will be adopted by them and status of development of portal for processing of NOC applications.

The said Guidelines provide that "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."

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More recently, Hon'ble National Green Tribunal, New Delhi vide Order dated 25.02.2022 in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) has held that:-

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Para 107

".....Hence directions issued under Section 5 or orders issued on the matters referable to Section 3(2), in our opinion, are statutory orders. We have already discussed that EP Act 1986 is referable to Entry 13 List I Schedule VII of the Constitution read with Article 253, having been enacted pursuant to the International Conference and resolutions and to give effect thereto, it shall prevail over Provincial legislation. All Provincial enactments, relating to ground water, therefore, would have to subserve the Guidelines issued by CGWA since these guidelines are referable to Section 5 read with Section 3(2) of EP Act, 1986. These guidelines are not mere executive orders but statutory orders and, in any case, having been issued in exercise of powers under EP Act, 1986, as stated above, shall prevail over Provincial enactments/legislations. To the extent, subject is covered by EP Act 1986 and the orders issued by CGWA, Provincial legislature would lack power to make law, and if made, shall sub serve...."

68394/2023/O/o RD(CGWA)

"....Therefore, it is now established that irrespective of the legislative list contained in Schedule 7, whenever matter relates to environment is to be seen, if governed by the laws enacted on environment by Parliament, referable to entry 13 List 1 of 7th Schedule, the same shall prevail. In other words, when a subject is covered by a legislation referable to list 1 of Seventh Schedule of the Constitution, to the extent matter is covered by such Central legislation, Provincial legislature would cease to have any legislative competence to that extent, irrespective of entry in list 2. Provincial legislature can make law only on the aspects not covered by Parliamentary enactment...."

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"....Thus, we are clearly of the view that on the subject of regulation of ground water, provisions of EP Act 1986, the orders issued by Central Government under Section 3(3), and by CGWA under section 5 and/or section 3(2) of EP Act 1986 shall hold field and on this subject Provincial legislation cannot be brought in to impede, obstruct or deny or deprive CGWA, in its function for protection, perseverance and sustenance of ground water in the country...."

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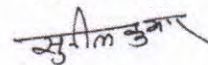
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In view of the above, it is once again requested that suitable additions/ modifications may be incorporated in the respective Provincial Act/Rules in line with CGWA Guidelines dated 24.09.2020 and the status of adoption of said CGWA Guidelines may be intimated within 2 months.

With regards,

Yours sincerely



(Sunil Kumar)

To
Shri Arindam Ghosh,
Director, SWID, Government of West Bengal,
Nirman Bhawan, 1st Floor, Salt Lake, Sector-III,
Kolkata - 700091

Copy to: The Chief Secretary, Nabanna (13th Floor), 325, Sarat Chatterjee Road, Shibpur, Howrah-711102.

68394/2023/O/o RD(CGWA)

सुनील कुमार
अध्यक्ष
Sunil Kumar
Chairman



सत्यमेव जयते

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
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Government of India
Ministry of Jal Shakti
Department of Water Resources,
River Development & Ganga Rejuvenation
Central Ground Water Authority

D.O. No. CGWA-21/6/2023-CGWA - 123

Dated: 24.02.2023

Sub: Adopting/ following Ministry of Jal Shakti Guidelines for Ground Water regulation by State Ground Water Authority/ Department in light of Order dated 25.02.2022 passed by Hon'ble National Green Tribunal in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) – reg.

Respected Anindita Ji,

In reference to the subject cited above, your kind attention is invited to the meetings held under the chairmanship of Chairman, CGWA on 27.01.2022 and 27.06.2022 via VC to review the status of regulation and control of ground water abstraction by State/ UT Ground Water Authorities, wherein States/ UTs were requested to intimate in writing the status of adoption of guidelines notified by Ministry of Jal Shakti (MoJS) and time frame by which these guidelines will be adopted by them and status of development of portal for processing of NOC applications.

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More recently, Hon'ble National Green Tribunal, New Delhi vide Order dated 25.02.2022 in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) has held that:-

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".....Hence directions issued under Section 5 or orders issued on the matters referable to Section 3(2), in our opinion, are statutory orders. We have already discussed that EP Act 1986 is referable to Entry 13 List I Schedule VII of the Constitution read with Article 253, having been enacted pursuant to the International Conference and resolutions and to give effect thereto, it shall prevail over Provincial legislation. All Provincial enactments, relating to ground water, therefore, would have to subserve the Guidelines issued by CGWA since these guidelines are referable to Section 5 read with Section 3(2) of EP Act, 1986. These guidelines are not mere executive orders but statutory orders and, in any case, having been issued in exercise of powers under EP Act, 1986, as stated above, shall prevail over Provincial enactments/legislations. To the extent, subject is covered by EP Act 1986 and the orders issued by CGWA, Provincial legislature would lack power to make law, and if made, shall sub serve...."

68394/2023/O/o RD(CGWA)

"....Therefore, it is now established that irrespective of the legislative list contained in Schedule 7, whenever matter relates to environment is to be seen, if governed by the laws enacted on environment by Parliament, referable to entry 13 List 1 of 7th Schedule, the same shall prevail. In other words, when a subject is covered by a legislation referable to list 1 of Seventh Schedule of the Constitution, to the extent matter is covered by such Central legislation, Provincial legislature would cease to have any legislative competence to that extent, irrespective of entry in list 2. Provincial legislature can make law only on the aspects not covered by Parliamentary enactment...."

Para 117

"....Thus, we are clearly of the view that on the subject of regulation of ground water, provisions of EP Act 1986, the orders issued by Central Government under Section 3(3), and by CGWA under section 5 and/or section 3(2) of EP Act 1986 shall hold field and on this subject Provincial legislation cannot be brought in to impede, obstruct or deny or deprive CGWA, in its function for protection, perseveration and sustenance of ground water in the country...."

Para 237

"....CGWA is a Statutory Authority and has statutory powers to issue directions or take such measures as are necessary for protecting environment. These directions are referable to EP Act 1986, enacted vide Entry 13 List 1 of Constitution and therefore even Provincial legislations would have no competence to touch on this subject. Undoubtedly water is in List II Entry 17 but to the extent, the subject of ground water is part of pollution and governed by EP Act, 1986, for the reasons already discussed above, Provincial legislature would lack competence and it cannot make laws in respect of subject of water, covered by EP Act 1986 or orders, directions, rules, etc. made thereunder...."

Para 244

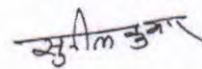
"....CGWA, while giving directions or laying down guidelines, had to take into consideration, and is under an obligation, to appreciate the mandate of Supreme Court and cannot abrogate or surrender to Provincial legislations on the ground that in some State there are Provincial legislations with regard to ground water and, therefore, Authorities under those enactments will deal with the issues relating to ground water...."

From the reading of above, it is evident that the provisions of ground water regulation and management implemented by State Ground Water Authorities has to be in consonance with MoJS Guidelines notified on 24.09.2020. Ground Water regulatory provisions of State not conforming to MoJS Guidelines may be construed by Hon'ble NGT as non-compliance of the Order of Hon'ble NGT/ Contempt of Court.

In view of the above, it is once again requested that suitable additions/ modifications may be incorporated in the respective Provincial Act/Rules in line with CGWA Guidelines dated 24.09.2020 and the status of adoption of said CGWA Guidelines may be intimated within 2 months.

With regards,

Yours sincerely



(Sunil Kumar)

To
Smt. Anindita Mitra,
Commissioner,
Government of Chandigarh
Municipal Cooperation, Sector-17,
Chandigarh

Copy to: The Chief Secretary, Raj Bhawan, Chandigarh, Sector 6, 160019.

68394/2023/O/o RD(CGWA)

अध्यक्ष

Sunil Kumar
Chairman

सत्यमेव जयते

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
और गंगा संरक्षण विभाग
केंद्रीय भूमि जल प्राधिकरण
Government of India
Ministry of Jal Shakti
Department of Water Resources,
River Development & Ganga Rejuvenation
Central Ground Water Authority

D.O. No. CGWA-21/6/2023-CGWA - 123

Dated: 24.02.2023

Sub: Adopting/ following Ministry of Jal Shakti Guidelines for Ground Water regulation by State Ground Water Authority/ Department in light of Order dated 25.02.2022 passed by Hon'ble National Green Tribunal in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) – reg.

Respected Manohar Ji,

In reference to the subject cited above, your kind attention is invited to the meetings held under the chairmanship of Chairman, CGWA on 27.01.2022 and 27.06.2022 via VC to review the status of regulation and control of ground water abstraction by State/ UT Ground Water Authorities, wherein States/ UTs were requested to intimate in writing the status of adoption of guidelines notified by Ministry of Jal Shakti (MoJS) and time frame by which these guidelines will be adopted by them and status of development of portal for processing of NOC applications.

The said Guidelines provide that "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."

Hon'ble Supreme Court in *MC Mehta vs. UOI*, (1997) 11 SCC 312 vide Order dated 10.12.1996 had held that "Environment (Protection) Act, 1986 is made by Parliament under Entry 13 List I Schedule 7 read with Article 253 of the Constitution of India and shall have an over-riding effect."

More recently, Hon'ble National Green Tribunal, New Delhi vide Order dated 25.02.2022 in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) has held that:-

Para 105

"The steps, taken by Central Government or the Authority constituted under Section 3(3) with power to issue directions under Section 5 or to take such measures as are necessary under sub-section 2 of Section 3, are the orders in respect whereof, Section 24 sub-section 1 provides that the same shall prevail over any other enactment having any inconsistent provision. The only exception is with regard to the offences and punishment, subject to the provisions of sub-section 2 of Section 24, which provides, where any Act or omission constitutes any offence punishable under EP Act 1986 and also under any other Act, then the offender found guilty of such offence, shall be liable to be punished under the other Act and not EP Act 1986...."

Para 107

".....Hence directions issued under Section 5 or orders issued on the matters referable to Section 3(2), in our opinion, are statutory orders. We have already discussed that EP Act 1986 is referable to Entry 13 List I Schedule VII of the Constitution read with Article 253, having been enacted pursuant to the International Conference and resolutions and to give effect thereto, it shall prevail over Provincial legislation. All Provincial enactments, relating to ground water, therefore, would have to subserve the Guidelines issued by CGWA since these guidelines are referable to Section 5 read with Section 3(2) of EP Act, 1986. These guidelines are not mere executive orders but statutory orders and, in any case, having been issued in exercise of powers under EP Act, 1986, as stated above, shall prevail over Provincial enactments/legislations. To the extent, subject is covered by EP Act 1986 and the orders issued by CGWA, Provincial legislature would lack power to make law, and if made, shall sub serve...."

68394/2023/O/o RP(CGWA)

"....Therefore, it is now established that irrespective of the legislative list contained in Schedule 7, whenever matter relates to environment is to be seen, if governed by the laws enacted on environment by Parliament, referable to entry 13 List 1 of 7th Schedule, the same shall prevail. In other words, when a subject is covered by a legislation referable to list 1 of Seventh Schedule of the Constitution, to the extent matter is covered by such Central legislation, Provincial legislature would cease to have any legislative competence to that extent, irrespective of entry in list 2. Provincial legislature can make law only on the aspects not covered by Parliamentary enactment...."

Para 117

"....Thus, we are clearly of the view that on the subject of regulation of ground water, provisions of EP Act 1986, the orders issued by Central Government under Section 3(3), and by CGWA under section 5 and/or section 3(2) of EP Act 1986 shall hold field and on this subject Provincial legislation cannot be brought in to impede, obstruct or deny or deprive CGWA, in its function for protection, perseverance and sustenance of ground water in the country...."

Para 237

"....CGWA is a Statutory Authority and has statutory powers to issue directions or take such measures as are necessary for protecting environment. These directions are referable to EP Act 1986, enacted vide Entry 13 List 1 of Constitution and therefore even Provincial legislations would have no competence to touch on this subject. Undoubtedly water is in List II Entry 17 but to the extent, the subject of ground water is part of pollution and governed by EP Act, 1986, for the reasons already discussed above, Provincial legislature would lack competence and it cannot make laws in respect of subject of water, covered by EP Act 1986 or orders, directions, rules, etc. made thereunder...."

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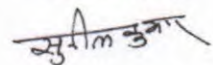
"....CGWA, while giving directions or laying down guidelines, had to take into consideration, and is under an obligation, to appreciate the mandate of Supreme Court and cannot abrogate or surrender to Provincial legislations on the ground that in some State there are Provincial legislations with regard to ground water and, therefore, Authorities under those enactments will deal with the issues relating to ground water...."

From the reading of above, it is evident that the provisions of ground water regulation and management implemented by State Ground Water Authorities has to be in consonance with MoJS Guidelines notified on 24.09.2020. Ground Water regulatory provisions of State not conforming to MoJS Guidelines may be construed by Hon'ble NGT as non-compliance of the Order of Hon'ble NGT/ Contempt of Court.

In view of the above, it is once again requested that suitable additions/ modifications may be incorporated in the respective Provincial Act/Rules in line with CGWA Guidelines dated 24.09.2020 and the status of adoption of said CGWA Guidelines may be intimated within 2 months.

With regards,

Yours sincerely



(Sunil Kumar)

To
Dr. S. Manohar,
Member Secretary,
Government of Puducherry,
No.15, III Cross (Extn), Mariamman Nagar,
Karamanikuppam,
Puducherry - 605004

Copy to: The Chief Secretary, Main Building, Chief Secretariat, Puducherry – 605001.

68394/2023/O/o RD(CGWA)

अध्यक्ष

Sunil Kumar
Chairman



सत्यमेव जयते

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
और गंगा संरक्षण विभाग
केंद्रीय भूमि जल प्राधिकरण
Government of India
Ministry of Jal Shakti
Department of Water Resources,
River Development & Ganga Rejuvenation
Central Ground Water Authority

D.O. No. CGWA-21/6/2023-CGWA - 123

Dated: 24.02.2023

Sub: Adopting/ following Ministry of Jal Shakti Guidelines for Ground Water regulation by State Ground Water Authority/ Department in light of Order dated 25.02.2022 passed by Hon'ble National Green Tribunal in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) – reg.

Respected Satija Ji,

In reference to the subject cited above, your kind attention is invited to the meetings held under the chairmanship of Chairman, CGWA on 27.01.2022 and 27.06.2022 via VC to review the status of regulation and control of ground water abstraction by State/ UT Ground Water Authorities, wherein States/ UTs were requested to intimate in writing the status of adoption of guidelines notified by Ministry of Jal Shakti (**MoJS**) and time frame by which these guidelines will be adopted by them and status of development of portal for processing of NOC applications.

The said Guidelines provide that "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."

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Para 105

"The steps, taken by Central Government or the Authority constituted under Section 3(3) with power to issue directions under Section 5 or to take such measures as are necessary under sub-section 2 of Section 3, are the orders in respect whereof, Section 24 sub-section 1 provides that the same shall prevail over any other enactment having any inconsistent provision. The only exception is with regard to the offences and punishment, subject to the provisions of sub-section 2 of Section 24, which provides, where any Act or omission constitutes any offence punishable under EP Act 1986 and also under any other Act, then the offender found guilty of such offence, shall be liable to be punished under the other Act and not EP Act 1986...."

Para 107

".....Hence directions issued under Section 5 or orders issued on the matters referable to Section 3(2), in our opinion, are statutory orders. We have already discussed that EP Act 1986 is referable to Entry 13 List I Schedule VII of the Constitution read with Article 253, having been enacted pursuant to the International Conference and resolutions and to give effect thereto, it shall prevail over Provincial legislation. All Provincial enactments, relating to ground water, therefore, would have to subserve the Guidelines issued by CGWA since these guidelines are referable to Section 5 read with Section 3(2) of EP Act, 1986. These guidelines are not mere executive orders but statutory orders and, in any case, having been issued in exercise of powers under EP Act, 1986, as stated above, shall prevail over Provincial enactments/legislations. To the extent, subject is covered by EP Act 1986 and the orders issued by CGWA, Provincial legislature would lack power to make law, and if made, shall sub serve...."

68394/2023/O/o RP(CGWA)

"....Therefore, it is now established that irrespective of the legislative list contained in Schedule 7, whenever matter relates to environment is to be seen, if governed by the laws enacted on environment by Parliament, referable to entry 13 List 1 of 7th Schedule, the same shall prevail. In other words, when a subject is covered by a legislation referable to list 1 of Seventh Schedule of the Constitution, to the extent matter is covered by such Central legislation, Provincial legislature would cease to have any legislative competence to that extent, irrespective of entry in list 2. Provincial legislature can make law only on the aspects not covered by Parliamentary enactment...."

Para 117

"....Thus, we are clearly of the view that on the subject of regulation of ground water, provisions of EP Act 1986, the orders issued by Central Government under Section 3(3), and by CGWA under section 5 and/or section 3(2) of EP Act 1986 shall hold field and on this subject Provincial legislation cannot be brought in to impede, obstruct or deny or deprive CGWA, in its function for protection, perseverance and sustenance of ground water in the country...."

Para 237

"....CGWA is a Statutory Authority and has statutory powers to issue directions or take such measures as are necessary for protecting environment. These directions are referable to EP Act 1986, enacted vide Entry 13 List 1 of Constitution and therefore even Provincial legislations would have no competence to touch on this subject. Undoubtedly water is in List II Entry 17 but to the extent, the subject of ground water is part of pollution and governed by EP Act, 1986, for the reasons already discussed above, Provincial legislature would lack competence and it cannot make laws in respect of subject of water, covered by EP Act 1986 or orders, directions, rules, etc. made thereunder...."

Para 244

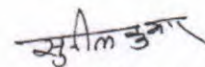
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From the reading of above, it is evident that the provisions of ground water regulation and management implemented by State Ground Water Authorities has to be in consonance with MoJS Guidelines notified on 24.09.2020. Ground Water regulatory provisions of State not conforming to MoJS Guidelines may be construed by Hon'ble NGT as non-compliance of the Order of Hon'ble NGT/ Contempt of Court.

In view of the above, it is once again requested that suitable additions/ modifications may be incorporated in the respective Provincial Act/Rules in line with CGWA Guidelines dated 24.09.2020 and the status of adoption of said CGWA Guidelines may be intimated within 2 months.

With regards,

Yours sincerely


(Sunil Kumar)

To
Shri Amit Satija, IAS
Secretary, Government of Lakshadweep,
1st Floor, Collector's Block,
Secretariat, Kavaratti,
Lakshadweep - 682555

Copy to: The Chief Secretary, District Collector and Development Commissioner, Government of Lakshadweep, Collector's Block, Secretariat, Kavaratti, Lakshadweep - 682555.

68394/2023/O/o RD(CGWA)

अध्यक्ष

Sunil Kumar
Chairman



सत्यमेव जयते

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
और गंगा संरक्षण विभाग
केंद्रीय भूमि जल प्राधिकरण
Government of India
Ministry of Jal Shakti
Department of Water Resources,
River Development & Ganga Rejuvenation
Central Ground Water Authority

D.O. No. CGWA-21/6/2023-CGWA - 123

Dated: 24.02.2023

Sub: Adopting/ following Ministry of Jal Shakti Guidelines for Ground Water regulation by State Ground Water Authority/ Department in light of Order dated 25.02.2022 passed by Hon'ble National Green Tribunal in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) – reg.

Respected Singh Ji,

In reference to the subject cited above, your kind attention is invited to the meetings held under the chairmanship of Chairman, CGWA on 27.01.2022 and 27.06.2022 via VC to review the status of regulation and control of ground water abstraction by State/ UT Ground Water Authorities, wherein States/ UTs were requested to intimate in writing the status of adoption of guidelines notified by Ministry of Jal Shakti (MoJS) and time frame by which these guidelines will be adopted by them and status of development of portal for processing of NOC applications.

The said Guidelines provide that "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."

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"The steps, taken by Central Government or the Authority constituted under Section 3(3) with power to issue directions under Section 5 or to take such measures as are necessary under sub-section 2 of Section 3, are the orders in respect whereof, Section 24 sub-section 1 provides that the same shall prevail over any other enactment having any inconsistent provision. The only exception is with regard to the offences and punishment, subject to the provisions of sub-section 2 of Section 24, which provides, where any Act or omission constitutes any offence punishable under EP Act 1986 and also under any other Act, then the offender found guilty of such offence, shall be liable to be punished under the other Act and not EP Act 1986...."

Para 107

".....Hence directions issued under Section 5 or orders issued on the matters referable to Section 3(2), in our opinion, are statutory orders. We have already discussed that EP Act 1986 is referable to Entry 13 List I Schedule VII of the Constitution read with Article 253, having been enacted pursuant to the International Conference and resolutions and to give effect thereto, it shall prevail over Provincial legislation. All Provincial enactments, relating to ground water, therefore, would have to subserve the Guidelines issued by CGWA since these guidelines are referable to Section 5 read with Section 3(2) of EP Act, 1986. These guidelines are not mere executive orders but statutory orders and, in any case, having been issued in exercise of powers under EP Act, 1986, as stated above, shall prevail over Provincial enactments/legislations. To the extent, subject is covered by EP Act 1986 and the orders issued by CGWA, Provincial legislature would lack power to make law, and if made, shall sub serve...."

68394/2023/O.P. RD(CGWA)

“....Therefore, it is now established that irrespective of the legislative list contained in Schedule 7, whenever matter relates to environment is to be seen, if governed by the laws enacted on environment by Parliament, referable to entry 13 List 1 of 7th Schedule, the same shall prevail. In other words, when a subject is covered by a legislation referable to list 1 of Seventh Schedule of the Constitution, to the extent matter is covered by such Central legislation, Provincial legislature would cease to have any legislative competence to that extent, irrespective of entry in list 2. Provincial legislature can make law only on the aspects not covered by Parliamentary enactment....”

Para 117

“....Thus, we are clearly of the view that on the subject of regulation of ground water, provisions of EP Act 1986, the orders issued by Central Government under Section 3(3), and by CGWA under section 5 and/or section 3(2) of EP Act 1986 shall hold field and on this subject Provincial legislation cannot be brought in to impede, obstruct or deny or deprive CGWA, in its function for protection, perseveration and sustenance of ground water in the country....”

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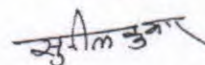
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In view of the above, it is once again requested that suitable additions/ modifications may be incorporated in the respective Provincial Act/Rules in line with CGWA Guidelines dated 24.09.2020 and the status of adoption of said CGWA Guidelines may be intimated within 2 months.

With regards,

Yours sincerely



(Sunil Kumar)

To
Sh. Karan Avtar Singh. IAS,
Government of Punjab,
Punjab Water Regulation and Development Authority (PWRDA),
S.C.O No. 149-152 (3rd Floor), Sector-17-C,
Chandigarh-160017

Copy to: The Chief Secretary, Chief Secretary Office, 6th Floor, Punjab Civil Secretariat -1, Sector 1, Chandigarh.

68394/2023/O/o RD(CGWA)

अध्यक्ष

Sunil Kumar

Chairman



सत्यमेव जयते

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
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Government of India

Ministry of Jal Shakti

Department of Water Resources,

River Development & Ganga Rejuvenation

Central Ground Water Authority

D.O. No. CGWA-21/6/2023-CGWA - 123

Dated: 24.02.2023

Sub: Adopting/ following Ministry of Jal Shakti Guidelines for Ground Water regulation by State Ground Water Authority/ Department in light of Order dated 25.02.2022 passed by Hon'ble National Green Tribunal in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) – reg.

Respected Mishra Ji,

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".....Hence directions issued under Section 5 or orders issued on the matters referable to Section 3(2), in our opinion, are statutory orders. We have already discussed that EP Act 1986 is referable to Entry 13 List I Schedule VII of the Constitution read with Article 253, having been enacted pursuant to the International Conference and resolutions and to give effect thereto, it shall prevail over Provincial legislation. All Provincial enactments, relating to ground water, therefore, would have to subserve the Guidelines issued by CGWA since these guidelines are referable to Section 5 read with Section 3(2) of EP Act, 1986. These guidelines are not mere executive orders but statutory orders and, in any case, having been issued in exercise of powers under EP Act, 1986, as stated above, shall prevail over Provincial enactments/legislations. To the extent, subject is covered by EP Act 1986 and the orders issued by CGWA, Provincial legislature would lack power to make law, and if made, shall sub serve...."

68394/2023/O/o RD(CGWA)

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"....Thus, we are clearly of the view that on the subject of regulation of ground water, provisions of EP Act 1986, the orders issued by Central Government under Section 3(3), and by CGWA under section 5 and/or section 3(2) of EP Act 1986 shall hold field and on this subject Provincial legislation cannot be brought in to impede, obstruct or deny or deprive CGWA, in its function for protection, perseveration and sustenance of ground water in the country...."

Para 237

"....CGWA is a Statutory Authority and has statutory powers to issue directions or take such measures as are necessary for protecting environment. These directions are referable to EP Act 1986, enacted vide Entry 13 List 1 of Constitution and therefore even Provincial legislations would have no competence to touch on this subject. Undoubtedly water is in List II Entry 17 but to the extent, the subject of ground water is part of pollution and governed by EP Act, 1986, for the reasons already discussed above, Provincial legislature would lack competence and it cannot make laws in respect of subject of water, covered by EP Act 1986 or orders, directions, rules, etc. made thereunder...."

Para 244

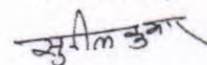
"....CGWA, while giving directions or laying down guidelines, had to take into consideration, and is under an obligation, to appreciate the mandate of Supreme Court and cannot abrogate or surrender to Provincial legislations on the ground that in some State there are Provincial legislations with regard to ground water and, therefore, Authorities under those enactments will deal with the issues relating to ground water...."

From the reading of above, it is evident that the provisions of ground water regulation and management implemented by State Ground Water Authorities has to be in consonance with MoJS Guidelines notified on 24.09.2020. Ground Water regulatory provisions of State not conforming to MoJS Guidelines may be construed by Hon'ble NGT as non-compliance of the Order of Hon'ble NGT/ Contempt of Court.

In view of the above, it is once again requested that suitable additions/ modifications may be incorporated in the respective Provincial Act/Rules in line with CGWA Guidelines dated 24.09.2020 and the status of adoption of said CGWA Guidelines may be intimated within 2 months.

With regards,

Yours sincerely



(Sunil Kumar)

To
Shri Durga Shankar Mishra,
Chief Secretary & Chairman (UPGWD)
Government of Uttar Pradesh.
101, Lok Bhawan, U.P. Civil Secretariat, Vidhan Sabha Marg,
Lucknow - 226001

Copy to: The Chief Secretary, Government of Uttar Pradesh, 101, Lok Bhawan, U.P. Civil Secretariat, Vidhan Sabha Marg, Lucknow – 226001.

68394/2023/O/o RD(CGWA)

अध्यक्ष

Sunil Kumar
Chairman



सत्यमेव जयते

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
और गंगा संरक्षण विभाग
केंद्रीय भूमि जल प्राधिकरण
Government of India
Ministry of Jal Shakti
Department of Water Resources,
River Development & Ganga Rejuvenation
Central Ground Water Authority

D.O. No. CGWA-21/6/2023-CGWA - 123

Dated: 24.02.2023

Sub: Adopting/ following Ministry of Jal Shakti Guidelines for Ground Water regulation by State Ground Water Authority/ Department in light of Order dated 25.02.2022 passed by Hon'ble National Green Tribunal in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) – reg.

Respected Keshni Ji,

In reference to the subject cited above, your kind attention is invited to the meetings held under the chairmanship of Chairman, CGWA on 27.01.2022 and 27.06.2022 via VC to review the status of regulation and control of ground water abstraction by State/ UT Ground Water Authorities, wherein States/ UTs were requested to intimate in writing the status of adoption of guidelines notified by Ministry of Jal Shakti (MoJS) and time frame by which these guidelines will be adopted by them and status of development of portal for processing of NOC applications.

The said Guidelines provide that "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."

Hon'ble Supreme Court in *MC Mehta vs. UOI*, (1997) 11 SCC 312 vide Order dated 10.12.1996 had held that "Environment (Protection) Act, 1986 is made by Parliament under Entry 13 List I Schedule 7 read with Article 253 of the Constitution of India and shall have an over-riding effect."

More recently, Hon'ble National Green Tribunal, New Delhi vide Order dated 25.02.2022 in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) has held that:-

Para 105

"The steps, taken by Central Government or the Authority constituted under Section 3(3) with power to issue directions under Section 5 or to take such measures as are necessary under sub-section 2 of Section 3, are the orders in respect whereof, Section 24 sub-section 1 provides that the same shall prevail over any other enactment having any inconsistent provision. The only exception is with regard to the offences and punishment, subject to the provisions of sub-section 2 of Section 24, which provides, where any Act or omission constitutes any offence punishable under EP Act 1986 and also under any other Act, then the offender found guilty of such offence, shall be liable to be punished under the other Act and not EP Act 1986...."

Para 107

".....Hence directions issued under Section 5 or orders issued on the matters referable to Section 3(2), in our opinion, are statutory orders. We have already discussed that EP Act 1986 is referable to Entry 13 List I Schedule VII of the Constitution read with Article 253, having been enacted pursuant to the International Conference and resolutions and to give effect thereto, it shall prevail over Provincial legislation. All Provincial enactments, relating to ground water, therefore, would have to subserve the Guidelines issued by CGWA since these guidelines are referable to Section 5 read with Section 3(2) of EP Act, 1986. These guidelines are not mere executive orders but statutory orders and, in any case, having been issued in exercise of powers under EP Act, 1986, as stated above, shall prevail over Provincial enactments/legislations. To the extent, subject is covered by EP Act 1986 and the orders issued by CGWA, Provincial legislature would lack power to make law, and if made, shall sub serve...."

68394/2023/O/o RD(CGWA)

Para 116

"....Therefore, it is now established that irrespective of the legislative list contained in Schedule 7, whenever matter relates to environment is to be seen, if governed by the laws enacted on environment by Parliament, referable to entry 13 List 1 of 7th Schedule, the same shall prevail. In other words, when a subject is covered by a legislation referable to list 1 of Seventh Schedule of the Constitution, to the extent matter is covered by such Central legislation, Provincial legislature would cease to have any legislative competence to that extent, irrespective of entry in list 2. Provincial legislature can make law only on the aspects not covered by Parliamentary enactment...."

Para 117

"....Thus, we are clearly of the view that on the subject of regulation of ground water, provisions of EP Act 1986, the orders issued by Central Government under Section 3(3), and by CGWA under section 5 and/or section 3(2) of EP Act 1986 shall hold field and on this subject Provincial legislation cannot be brought in to impede, obstruct or deny or deprive CGWA, in its function for protection, perseverance and sustenance of ground water in the country...."

Para 237

"....CGWA is a Statutory Authority and has statutory powers to issue directions or take such measures as are necessary for protecting environment. These directions are referable to EP Act 1986, enacted vide Entry 13 List 1 of Constitution and therefore even Provincial legislations would have no competence to touch on this subject. Undoubtedly water is in List II Entry 17 but to the extent, the subject of ground water is part of pollution and governed by EP Act, 1986, for the reasons already discussed above, Provincial legislature would lack competence and it cannot make laws in respect of subject of water, covered by EP Act 1986 or orders, directions, rules, etc. made thereunder...."

Para 244

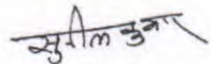
"....CGWA, while giving directions or laying down guidelines, had to take into consideration, and is under an obligation, to appreciate the mandate of Supreme Court and cannot abrogate or surrender to Provincial legislations on the ground that in some State there are Provincial legislations with regard to ground water and, therefore, Authorities under those enactments will deal with the issues relating to ground water...."

From the reading of above, it is evident that the provisions of ground water regulation and management implemented by State Ground Water Authorities has to be in consonance with MoJS Guidelines notified on 24.09.2020. Ground Water regulatory provisions of State not conforming to MoJS Guidelines may be construed by Hon'ble NGT as non-compliance of the Order of Hon'ble NGT/ Contempt of Court.

In view of the above, it is once again requested that suitable additions/ modifications may be incorporated in the respective Provincial Act/Rules in line with CGWA Guidelines dated 24.09.2020 and the status of adoption of said CGWA Guidelines may be intimated within 2 months.

With regards,

Yours sincerely



(Sunil Kumar)

To
Smt. Keshni Anand Arora IAS (Retd.)
Chairperson,
Government of Haryana,
Haryana Water Resources Authority,
Rear Building, 3rd Floor, HSVP, Sector-6, Panchkula,
Haryana-134108

Copy to: The Chief Secretary, 4th Floor, Haryana Civil Secretariat, Sector-1, Chandigarh.

सुनील कुमार
68394/2023/O/o RD(CGWA)
Sunil Kumar
Chairman



सत्यमेव जयते

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
और गंगा संरक्षण विभाग
केंद्रीय भूमि जल प्राधिकरण
Government of India
Ministry of Jal Shakti
Department of Water Resources,
River Development & Ganga Rejuvenation
Central Ground Water Authority

D.O. No. CGWA-21/6/2023-CGWA - 123

Dated: 24.02.2023

Sub: Adopting/ following Ministry of Jal Shakti Guidelines for Ground Water regulation by State Ground Water Authority/ Department in light of Order dated 25.02.2022 passed by Hon'ble National Green Tribunal in O.A. No. 69/2020 (Sushil Bhatt vs. Moon Beverages Ltd. & Ors.) and Appeal No. 45/2018 (Devidas Khatri vs. Union of India & Ors.) – reg.

Respected Sahoo Ji,

In reference to the subject cited above, your kind attention is invited to the meetings held under the chairmanship of Chairman, CGWA on 27.01.2022 and 27.06.2022 via VC to review the status of regulation and control of ground water abstraction by State/ UT Ground Water Authorities, wherein States/ UTs were requested to intimate in writing the status of adoption of guidelines notified by Ministry of Jal Shakti (MoJS) and time frame by which these guidelines will be adopted by them and status of development of portal for processing of NOC applications.

The said Guidelines provide that "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."

Hon'ble Supreme Court in MC Mehta vs. UOI, (1997) 11 SCC 312 vide Order dated 10.12.1996 had held that "Environment (Protection) Act, 1986 is made by Parliament under Entry 13 List I Schedule 7 read with Article 253 of the Constitution of India and shall have an over-riding effect."

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"The steps, taken by Central Government or the Authority constituted under Section 3(3) with power to issue directions under Section 5 or to take such measures as are necessary under sub-section 2 of Section 3, are the orders in respect whereof, Section 24 sub-section 1 provides that the same shall prevail over any other enactment having any inconsistent provision. The only exception is with regard to the offences and punishment, subject to the provisions of sub-section 2 of Section 24, which provides, where any Act or omission constitutes any offence punishable under EP Act 1986 and also under any other Act, then the offender found guilty of such offence, shall be liable to be punished under the other Act and not EP Act 1986...."

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".....Hence directions issued under Section 5 or orders issued on the matters referable to Section 3(2), in our opinion, are statutory orders. We have already discussed that EP Act 1986 is referable to Entry 13 List I Schedule VII of the Constitution read with Article 253, having been enacted pursuant to the International Conference and resolutions and to give effect thereto, it shall prevail over Provincial legislation. All Provincial enactments, relating to ground water, therefore, would have to subserve the Guidelines issued by CGWA since these guidelines are referable to Section 5 read with Section 3(2) of EP Act, 1986. These guidelines are not mere executive orders but statutory orders and, in any case, having been issued in exercise of powers under EP Act, 1986, as stated above, shall prevail over Provincial enactments/legislations. To the extent, subject is covered by EP Act 1986 and the orders issued by CGWA, Provincial legislature would lack power to make law, and if made, shall sub serve...."

68394/2023/OP&RD(CGWA)

"....Therefore, it is now established that irrespective of the legislative list contained in Schedule 7, whenever matter relates to environment is to be seen, if governed by the laws enacted on environment by Parliament, referable to entry 13 List 1 of 7th Schedule, the same shall prevail. In other words, when a subject is covered by a legislation referable to list 1 of Seventh Schedule of the Constitution, to the extent matter is covered by such Central legislation, Provincial legislature would cease to have any legislative competence to that extent, irrespective of entry in list 2. Provincial legislature can make law only on the aspects not covered by Parliamentary enactment...."

Para 117

"....Thus, we are clearly of the view that on the subject of regulation of ground water, provisions of EP Act 1986, the orders issued by Central Government under Section 3(3), and by CGWA under section 5 and/or section 3(2) of EP Act 1986 shall hold field and on this subject Provincial legislation cannot be brought in to impede, obstruct or deny or deprive CGWA, in its function for protection, perseveration and sustenance of ground water in the country...."

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"....CGWA is a Statutory Authority and has statutory powers to issue directions or take such measures as are necessary for protecting environment. These directions are referable to EP Act 1986, enacted vide Entry 13 List 1 of Constitution and therefore even Provincial legislations would have no competence to touch on this subject. Undoubtedly water is in List II Entry 17 but to the extent, the subject of ground water is part of pollution and governed by EP Act, 1986, for the reasons already discussed above, Provincial legislature would lack competence and it cannot make laws in respect of subject of water, covered by EP Act 1986 or orders, directions, rules, etc. made thereunder...."

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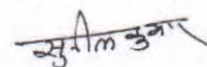
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From the reading of above, it is evident that the provisions of ground water regulation and management implemented by State Ground Water Authorities has to be in consonance with MoJS Guidelines notified on 24.09.2020. Ground Water regulatory provisions of State not conforming to MoJS Guidelines may be construed by Hon'ble NGT as non-compliance of the Order of Hon'ble NGT/ Contempt of Court.

In view of the above, it is once again requested that suitable additions/ modifications may be incorporated in the respective Provincial Act/Rules in line with CGWA Guidelines dated 24.09.2020 and the status of adoption of said CGWA Guidelines may be intimated within 2 months.

With regards,

Yours sincerely



(Sunil Kumar)

To
Sh. Ajeet Kumar Sahoo,
Commissioner Secretary (PHE/I&FC)
Civil Secretariat,
Leh-Ladakh 194101

Copy to: The Chief Secretary, The Commissioner Secretary, Jal Shakti Department, Civil Secretariat, Leh Ladakh-194101.



भारत का राजपत्र The Gazette of India

Annexure - 4

सी.जी.-डी.एल.-अ.-24092020-221952
CG-DL-E-24092020-221952

असाधारण
EXTRAORDINARY

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

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 2941]

नई दिल्ली, बृहस्पतिवार, सितम्बर 24, 2020/आश्विन 2, 1942

No. 2941]

NEW DELHI, THURSDAY, SEPTEMBER 24, 2020/ASVINA 2, 1942

जल संसाधन, नदी विकास और गंगा संरक्षण विभाग

(केंद्रीय भूमि जल प्राधिकरण)

अधिसूचना

नई दिल्ली, 24 सितम्बर, 2020

का.आ. 3289(अ).—जबकि, 1985 की सिविल रिट याचिका 4677, एमसी. मेहता बनाम भारत संघ में पारित दिनांक 10 दिसंबर, 1996 के माननीय उच्चतम न्यायालय के आदेश के माध्यम से इसके दिशा-निर्देशों पर केंद्र सरकार ने भूमि जल प्रबंधन और विकास के विनियमन और नियंत्रण के उद्देश्यों से और कतिपय शक्तियों का प्रयोग करने और उससे संबंधित कतिपय कार्यों को करने के लिए पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 5 के तहत शक्तियों का प्रयोग करने के लिए दिनांक 14 जनवरी, 1997 की अधिसूचना सं.का.आ. 38(अ) के माध्यम से केंद्रीय भूमि जल प्राधिकरण (इसके बाद इसे "प्राधिकरण" के रूप में कहा गया है) गठित किया है।

और जबकि प्राधिकरण उद्योगों, अथवा आधारभूत परियोजनाओं अथवा खनन परियोजनाओं इत्यादि के लिए भूजल निष्कर्षण के लिए "अनापत्ति प्रमाणपत्र" जारी करके भूजल विकास और प्रबंधन को विनियमित करता रहा है और बाइस राज्यों और दो संबंधित संघ शासित क्षेत्रों में, जहां पर भूजल विकास संबंधित राज्य सरकारों तथा संघ शासित प्रशासनों द्वारा विनियमित नहीं किया जा रहा है, समय-समय पर इस संबंध में इसने दिशा-निर्देश तैयार किये थे।

और जबकि, कुछ राज्य सरकारों अथवा, संघ शासित क्षेत्रों ने विधान अधिनियमित किए हैं और भूजल विकास और प्रबंधन को विनियमित करनेकेलिए विनियामक दिशा-निर्देश अथवा आदेश जारी किए हैं।

और जबकि, माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली ने 2014 की ओ.ए. सं. 204/205/206 में दिनांक 15 अप्रैल 2015 के आदेश के माध्यम से प्राधिकरण को निर्देश जारी किए हैं कि वह सुनिश्चित करें कि ऐसे किसी भी व्यक्ति जो भूजल निष्कर्षण के लिए ठूबवेल, अथवा कोई अन्य साधन संचालित कर रहा है, को प्राधिकरण से अनुमति प्राप्त करनी

होगी और वह इसे लागू कानून की शर्त पर संचालित करेगा चाहे ऐसी यूनिट मौजूद यूनिट हो अथवा यूनिट को अभी स्थापित करना हो;

और जबकि, उक्त माननीय अधिकरण ने 2014 की ओ.ए. सं. 34 और 37 में दिनांक 09 जुलाई 2015 को अपने आदेश के माध्यम से सभी औद्योगिक इकाइयों को, जो सामान्य बहिर्वाव परिशोधन संयंत्र (सीईटीपीएस) की सदस्य हैं, कानून के अनुसार "अनापत्ति प्रमाणपत्र" प्राप्त करने के लिए राज्य प्रदूषण नियंत्रण बोर्ड के माध्यम से प्राधिकरण से संपर्क करने के निर्देश दिए हैं;

और जबकि, माननीय अधिकरण ने 2014 के ओ.ए. सं. 200 में दिनांक 13 जुलाई, 2017 के आदेश के माध्यम से निर्देश दिए कि प्रत्येक उद्योग को ऐसे जल की निकासी के लिए भुगतान करने के निर्देश दिये जाने चाहियें और वह भी, कि यह ऐसी जल निकासी की अनुमति देने के आदेश में बताई गई शर्तों के अनुरूप हो।

और जबकि, उक्त माननीय अधिकरण ने क्रमशः 2015 की ओ.ए. सं. 176 और 2012 की 59 में दिनांक 28 अगस्त 2018 के अपने आदेश में जल संसाधन, नदी विकास और गंगा संरक्षण मंत्रालय को भूजल संसाधनों के संरक्षण के लिए प्रभावी कदम सुनिश्चित करने के लिए मौजूदा तंत्र की आगे समीक्षा करने के निर्देश दिए;

और जबकि, माननीय राष्ट्रीय हरित अधिकरण के निर्देशों और पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 और धारा 5 की उप धारा (3) के तहत प्रदत्त शक्तियों के अनुसरण में प्राधिकरण ने भूजल संसाधनों के बचाव की दृष्टि से 11 अक्टूबर, 2017 को "अनापत्ति प्रमाणपत्र" प्रदान करने के लिए प्रारूप दिशा-निर्देश परिचालित किये जिसमें सभी स्टेकहोल्डरों से टिप्पणियां और सुझाव मांगे गए।

और जबकि, उक्त प्रारूप दिशा-निर्देश के प्रत्युत्तर में प्राप्त सभी आपत्तियों और सुझावों पर केंद्र सरकार द्वारा विधिवत रूप से विचार किया गया है, प्राधिकरण दिनांक 12 दिसंबर, 2018 की अधिसूचना सं.का.आ. 6140 (अ) के माध्यम से देश में भूजल के अति-दोहन को विनियमित करने और भूजल संसाधनों के संरक्षण के दिशा-निर्देश अधिसूचित किए;

और जबकि, उक्त माननीय अधिकरण ने 2015 की ओ.ए. सं. 176 में दिनांक 03 जनवरी, 2019 के आदेश के माध्यम से निर्देश दिए थे कि दिनांक 12 दिसंबर, 2018 की उपर्युक्त अधिसूचना को लागू नहीं किया जा सकता, क्योंकि यह स्थाई नहीं है यदि इसकी "पूर्वोपाय सिद्धांत सतत विकास और अंतर-उत्पादन इक्विटी सिद्धांतों" पर जांच की जाती है तो यह स्थाई नहीं है और यदि यह कार्यान्वित की जाती है, तो भूजल में बहुत तेजी से गिरावट आएगी और जल निकाय क्षतिग्रस्त हो जाएंगे और भारत के संविधान के अनुच्छेद 21 के तहत जीवन के मौलिक अधिकार का हनन होगा;

और जबकि, माननीय अधिकरण ने दिनांक 11 सितंबर, 2019 के आदेश के माध्यम से भूजल की गिरावट को रोकने के लिये, गैर अधिकृत जल निष्कासन के विरुद्ध सख्त मॉनीटरिंग तंत्र और "अनापत्ति प्रमाणपत्र" शर्तों को पूरा करने, पर्यावरण क्षतिपूर्ति इत्यादि पर चर्चा करने के लिए एक समिति गठित की है और इस पर रिपोर्ट प्रस्तुत करने को कहा गया है;

और जबकि, उक्त समिति ने भूजल निष्कर्षण को विनियमित करने और भूजल संरक्षण के प्रारूप दिशा-निर्देशों सहित रिपोर्ट दिनांक 16 मार्च, 2020 को माननीय अधिकरण में प्रस्तुत कर दी है;

और जबकि, उक्त माननीय अधिकरण ने दिनांक 20 जुलाई, 2020 के अपने आदेश के माध्यम से प्राधिकरण द्वारा वाणिज्यिक स्थापनाओं को "अनापत्ति प्रमाणपत्र" जारी करते समय सतत भूजल प्रबंधन के लिए कतिपय बिन्दुओं के साथ अनुकरण करने का निर्देश दिया है।;

अब इसलिए माननीय राष्ट्रीय हरित अधिकरण के दिशा-निर्देशों और पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 की 29) की धारा 5 के साथ पठित धारा 3 की उपधारा (3) द्वारा प्रदत्त शक्तियों के अनुकरण में जल संसाधन, नदी विकास और गंगा संरक्षण विभाग एतद द्वारा नीचे दी गई अधिसूची के अनुसार इस मंत्रालय की अधिसूचना का.आ. 6140 (अ), दिनांक 12 दिसंबर, 2018 का अधिक्रमण करके देश में भूजल निकासी को विनियमित और नियंत्रित करने के दिशा-निर्देश अधिसूचित करता है।

अनुसूची

भारत में भूजल निकासी को विनियमित और नियंत्रित करने के दिशा-निर्देश
(तत्काल प्रभाव से)

इंडेक्स

मद	पृष्ठ सं.
प्रस्तावना और पृष्ठभूमि सूचना	
1.0 'अनापत्ति प्रमाण पत्र' प्राप्त करने से छूट	5
2.0 रेजीडेंशियल अपार्टमेंट/ग्रुप हाउसिंग सोसाइटी/शहरी क्षेत्रों में सरकार जलापूर्ति एजेंसियों के लिए पेय और घरेलू उपयोग	5
3.0 कृषि क्षेत्र	6
4.0 वाणिज्यिक उपयोग	6
4.1 औद्योगिक प्रयोग	6
4.2 खनन परियोजनाएं	8
4.3 अवसंरचनात्मक परियोजनाएं	8
5.0 भूजल निकासी/रेस्टोरेशन प्रभार	12
5.1 भूजल निकासी/रेस्टोरेशन प्रभार दरें	10
6.0 बड़ी मात्रा में जलापूर्ति	12
7.0 लवणीय भूजल की निकासी	13
8.0 नम भूमि क्षेत्रों का संरक्षण	13
9.0 अनापत्ति प्रमाणपत्र में सामान्य अनुपालन की शर्तें	13
10.0 अनापत्ति प्रमाणपत्र की शर्तों के अनुपालन की मॉनिटरिंग	14
11.0 अनापत्ति प्रमाणपत्र का नवीकरण	14
12.0 अनापत्ति प्रमाणपत्र की अवधि को बढ़ाना	15
13.0 असंवैधानिक रूप से भूजल निकासी के विरुद्ध शक्तियों का प्रत्यायोजन	15
14.0 भूजल स्तर मॉनिटरिंग	15
15.0 पर्यावरणीय प्रतिपूर्ति	16
15.1 पर्यावरणीय प्रतिपूर्ति की दरें	16
15.2 हानि और पर्यावरणीय नुकसान (सीलबंद पेयजल इकाइयां, खनन, उद्योग और आधारभूत डिवाटरिंग परियोजनाएं) की प्रतिपूर्ति के लिए निवारक कारक	17
16.0 दंड का प्रावधान	17
17.0 अन्य महत्वपूर्ण शर्तें (सभी पर लागू)	19

[फा. सं. सीजीडब्ल्यूए-21/4/2020- सीजीडब्ल्यूए]

आशीष कुमार, निदेशक

(61)

अनुलग्नक

- अनुलग्नक I: पेय और घरेलू उपयोग के लिए जल की आवश्यकता का अनुमान।
- अनुलग्नक II: पीजोमीटर के निर्माण और भूजल स्तरों और गुणवत्ता की मॉनिटरिंग के लिए दिशा-निर्देश।
- अनुलग्नक III: प्रदूषित करने वाले उद्योगों/परियोजनाओं के संयंत्र क्षेत्रों में प्रदूषण निवारण को सुनिश्चित करने के लिए अपनाए जाने वाले उपाय।
- अनुलग्नक IV: उद्योगों के लिए अनापत्ति प्रमाण पत्र प्राप्त करने हेतु जल-भूवैज्ञानिक रिपोर्ट की रूपरेखा।
- अनुलग्नक V: भूजल स्थिति (खनन परियोजनाओं के लिए) संबंधी रिपोर्ट का फार्मेट।
- अनुलग्नक VI: आधारभूत परियोजनाओं की सांकेतिक सूची।
- अनुलग्नक VII: परित्यक्त बोरवेलों और ट्यूबवेलों में बच्चों के गिर जाने की गंभीर दुर्घटनाओं को रोकने के उपायों के संबंध में 2009 की सिविल रिट याचिका 36 में उच्चतम न्यायालय के आदेश।
- अनुलग्नक VIII: उन राज्यों/संघ राज्य क्षेत्रों की सूची, जहां भूजल की निकासी सीजीडब्ल्यूए द्वारा विनियमित की जा रही है।
- अनुलग्नक IX: प्रयुक्त तकनीकी शर्तों की शब्दावली
- अनुलग्नक X: उद्योगों द्वारा वार्षिक जल लेखा परीक्षा।

भारत में भूजल निकासी को विनियमित और नियंत्रित करने के दिशा-निर्देश**प्रस्तावना और पृष्ठभूमि सूचना:**

एमसी मेहता बनाम भारत संघ की 1985 की सिविल रिट याचिका सं. 4677 में जारी दिनांक 10 दिसंबर, 1986 के माननीय उच्चतम न्यायालय के आदेश के माध्यम से इसके दिशा-निर्देशों पर केंद्र सरकार ने भूजल प्रबंधन और विकास के विनियमन और नियंत्रण के उद्देश्यों और उक्त अधिनियम के अनुसार कतिपय शक्तियों का प्रयोग करने और कतिपय कार्य करने के लिए पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 5 के तहत शक्तियों का प्रयोग करने के लिए 14 जनवरी, 1997 की अधिसूचना सं.का.आ. 38 (अ) के माध्यम से केंद्रीय भूमि जल बोर्ड को प्राधिकरण के रूप में गठित किया है।

प्राधिकरण उद्योगों अथवा अवसंरचनात्मक परियोजनाओं अथवा खनन परियोजनाओं इत्यादि के लिए भूजल निकासी के लिए 'अनापत्ति प्रमाणपत्र' जारी करके भूजल विकास और प्रबंधन को विनियमित कर रहा है और 22 राज्यों और 2 यू टी में, जहां राज्य सरकार, संबंधित यू टी प्रशासनों द्वारा भूजल विकास विनियमित नहीं किया जा रहा है, लागू इस संबंध में समय समय पर दिशा-निर्देश तैयार किए हैं।

देश में जल के संसाधन के सतत विकास के लिए देश में भूजल निकासी को विनियमित करने और कम भूजल संसाधनों को संरक्षित करने के लिए भूजल निकासी दिशा-निर्देश तैयार किए गए हैं।

ये दिशा-निर्देश राजपत्र अधिसूचना की तारीख से तत्काल प्रभावी होंगे और केंद्रीय भूमि जल प्राधिकरण (सीजीडब्ल्यूए) द्वारा जारी पहले के सभी दिशा-निर्देश के स्थान पर होंगे।

ये दिशा-निर्देश पैन-इंडिया में लागू होंगे। राज्य/संघ राज्य क्षेत्र (जो भूजल निकासी को विनियमित नहीं कर रहे हैं) में भूजल निकासी केंद्रीय भूमि जल प्राधिकरण द्वारा विनियमित की जानी जारी रखी जाएगी।

इसके अलावा, जिन राज्यों/संघ राज्य क्षेत्रों के अपने भूजल निकासी दिशा-निर्देश हैं, जो सीजीडब्ल्यूए के अनुरूप नहीं हैं, वहां सीजीडब्ल्यूए के दिशा-निर्देशों के प्रावधान लागू होंगे। तथापि यदि ऐसे राज्यों/संघ राज्य क्षेत्रों द्वारा अनुसरण किए जाने वाले दिशा-निर्देशों में सीजीडब्ल्यूए के दिशा-निर्देशों से अधिक कठोर प्रावधान हैं, तो वहां सीजीडब्ल्यूए के दिशा-निर्देशों में निहित प्रावधानों के अलावा राज्य/संघ राज्य क्षेत्र के प्राधिकरणों द्वारा उन प्रावधानों को भी लागू किया जाएगा। राज्य स्थानीय जल-भूवैज्ञानिक स्थितियों के आधार पर अतिरिक्त शर्तों/मानदंडों का सुझाव देने के लिए स्वतंत्र हो सकते हैं, जिसकी स्वीकार करने से पहले सीजीडब्ल्यूए/जल शक्ति मंत्रालय, भारत सरकार द्वारा समीक्षा की जाएगी।

सभी नए/ मौजूद तथा विस्तार माँगने वाले उद्योगों, अवसंरचनात्मक परियोजनाओं और खनन परियोजनाओं को, जब तक कि पैरा 1.0 के अंतर्गत इसे विशिष्ट रूप से छूट प्राप्त न हो, वेब आधारित एप्लीकेशन प्रणाली के माध्यम से अनापत्ति प्रमाण पत्र (एनओसी) प्राप्त करना अपेक्षित होगा।

जल प्रबंधन योजनाएं अतिदोहित यूनिटों के साथ शुरू करके सभी अतिदोहित, गंभीर और अर्ध-गंभीर मूल्यांकन यूनिटों के लिए सभी राज्य भूजल प्राधिकरणों/संगठनों द्वारा तैयार की जाएंगी। जल प्रबंधन योजनाओं की समीक्षा की जाएगी और यह आवधिक रूप से अद्यतन की जाएगी। इस संबंध में तैयार जल प्रबंधन योजनाएं जल उपलब्धता और कमी के आंकड़े तथा नीति केंद्रीय भूमि जल प्राधिकरण/राज्य भूमि जल प्राधिकरण की वेबसाइटों पर दर्शाई जाएगी।

1.0 एनओसी प्राप्त करने से छूट:

उपभोक्ताओं की निम्नलिखित श्रेणियों को भूजल निकासी के लिए एनओसी प्राप्त करने से छूट दी जाएगी:

- (i) पेयजल और घरेलू उपयोग के लिए ग्रामीण और शहरी दोनों क्षेत्रों में वैयक्तिक घरेलू उपभोक्ता।
- (ii) ग्रामीण पेयजल आपूर्ति स्कीमें।
- (iii) ग्रामीण और शहरी दोनों क्षेत्रों में सशस्त्र बलों के प्रतिष्ठान और केन्द्रीय सशस्त्र पुलिस बल।
- (iv) कृषि कार्यकलाप।
- (v) 10 सी यू एम / दिन से कम भूजल का आहरण करने वाले माइक्रो और स्माल उद्योग।

1.1 ड्रिलिंग रिगों का पंजीकरण

राज्य/संघ राज्य सरकारें अपने क्षेत्राधिकार में संचालित ड्रिलिंग रिगों के पंजीकरण और उनके द्वारा ड्रिल किए गए कुओं के डेटाबेस के रख-रखाव के लिए जिम्मेदार होंगी। सीजीडब्ल्यूए को आंकड़े उपलब्ध कराने के लिए सीजीडब्ल्यूए पोर्टल में उपयुक्त लिंक दिए जाएंगे।

2.0 शहरी क्षेत्रों में रेजीडेंसियल अपार्टमेंट/ग्रुप हाउसिंग सोसाइटी/सरकारी जलापूर्ति एजेंसियों के लिए पेय और घरेलू प्रयोग के लिए जल

भूजल निकासी के लिए अनापत्ति प्रमाण पत्र (एनओसी) देने के लिए परियोजना प्रस्तावक को सीजीडब्ल्यूए वेबसाइट में उपलब्ध उपयुक्त फॉर्मेट में सीजीडब्ल्यूए द्वारा जारी दिशा-निर्देशों के अनुसार ब्यौरा भेजना होता है। नए/मौजूदा कुओं के लिए एनओसी केवल ऐसे मामलों में ही दिया जाता है, जहां स्थानीय सरकारी जलापूर्ति एजेंसी उस क्षेत्र में अपेक्षित मात्रा में जल की आपूर्ति करने में सक्षम नहीं है।

एनओसी तभी दिया जाएगा बशर्ते कि निम्नलिखित विशिष्ट शर्तें पूरी हों:

- i) सीवेज परिशोधन संयंत्रों का संस्थापन सभी रेजीडेंसियल अपार्टमेंट/ग्रुप हाउसिंग सोसाइटी के लिए अनिवार्य होगा जहां भूजल, की आवश्यकता 20 घनमीटर/दिन से अधिक है। एसटीपी का जल शौचालय फ्लशिंग, कार धोने, बागवानी इत्यादि के लिए उपयोग किया जाएगा।
- ii) यह एनओसी जारी होने की तारीख से 5 वर्षों की अवधि अथवा परियोजना क्षेत्र के लिए स्थानीय सरकार द्वारा जलापूर्ति करने के समय तक, जो भी पहले हो, वैध होगा। यदि परियोजना प्रस्तावक एनओसी की वैधता के दौरान संबंधित स्थानीय सरकार से जलापूर्ति प्राप्त करता है, तो परियोजना प्रस्तावक को सीजीडब्ल्यूए को जलापूर्ति की उपलब्धता के संबंध में सूचित करना होगा और प्राधिकरण द्वारा एनओसी रद्द कर दिया जाएगा। अन्य मामलों में परियोजना प्रस्तावक एनओसी की समाप्ति के 90 दिनों से पहले एनओसी के नवीकरण के लिए आवेदन करेगा।
- iii) प्रस्तावक को तालिका 6.1 में उल्लिखित दरों के अनुसार जल निकासी के प्रस्तावित भूजल के लिए भूजल निकासी प्रभार का भुगतान करना होगा।

आवेदन के साथ प्रस्तुत किए जाने वाले दस्तावेज

- क) फ्लाशिंग इत्यादि के लिए पुनः चक्रित/परिशोधित जल के पुनः प्रयोग को ध्यान में रखते हुए राष्ट्रीय भवन कोड, 2016 (अनुलग्नक-I) के अनुसार अपेक्षित जल के ब्यौर।

- ख) आवेदक द्वारा 10/- रु. के गैर-न्यायिक स्टैप पर हलफनामा जिसमें पेय/घरेलू उपयोग के लिए 10 घनमीटर/दिन तक उपभोक्ता की भूजल की आवश्यकता होने की स्थिति में लोक जलापूर्ति की गैर/अपर्याप्त उपलब्धता की पुष्टि की जाये।
- ग) पेय/घरेलू उपयोग के लिए 10 घनमीटर/दिन से अधिक भूजल आवश्यकता के मामलों में स्थानीय सरकारी जलापूर्ति एजेंसियों को एनओसी के लिए आवेदन करते समय कार्यान्वित की जाने वाली स्कीम/प्रस्तावित परियोजना के लिए सरकारी अनुमोदन की प्रति प्रस्तुत करनी होगी।
- घ) किसी भी नेशनल अक्रेडिटेशन बोर्ड फॉर टेस्टिंग एंड कैलिब्रेशन लैबोरेटरी (एनएबीएल) से प्रत्यायित प्रयोगशाला अथवा सरकार से अनुमोदित प्रयोगशाला से (एनओसी के लिए आवेदन कर रही मौजूदा परियोजनाओं के मामले में) मौजूदा बोरवेल/ट्यूबवेल के भूजल गुणवत्ता आंकड़े।
- ड.) आवास और शहरी कार्य मंत्रालय द्वारा जारी मॉडल भवन उपनियमों के अनुसार क्षेत्र के भीतर वर्ष जल संचयन/पुनर्भरण के लिए प्रस्ताव।

3.0 कृषि क्षेत्र

कृषि क्षेत्र भारतीय अर्थव्यवस्था की रीढ़ की हड्डी है। वर्ष 2013-14 की लघु सिंचाई गणना के अनुसार 87.86 प्रतिशत कुएं 4 हेक्टेयर तक की भूमि वाले सीमान्त, लघु और अर्ध-मध्यम किसानों के हैं। लगभग 9.18 प्रतिशत कुएं 4-10 हेक्टेयर की भूमि वाले मध्यम किसानों के हैं और 2.96 प्रतिशत कुएं 10 हेक्टेयर से अधिक भूमि वाले किसानों के हैं।

भूजल निकासी संरचनाओं की संख्या पर विचार करते हुए 'कमांड एंड कंट्रोल' नीति के माध्यम से कृषि क्षेत्र में भूजल का विनियमन करना कठिन कार्य होगा। इसलिए सतत भूजल प्रबंधन के लिए भागीदारी दृष्टिकोण अधिक सार्थक होगा।

राज्यों/संघ राज्य क्षेत्रों को किसानों के लिए मुफ्त/रियायती विद्युत नीति की समीक्षा करने, उपयुक्त विद्युत मूल्य नीति तैयार करने और भूजल पर अत्यधिक निर्भरता को कम करने के लिए फसलों की अदला-बदली/विविधीकरण/अन्य पहलों के प्रति कार्य करने की सलाह दी जाती है।

कृषि क्षेत्र को भूजल निकासी के लिए एनओसी प्राप्त करने से छूट दी जाएगी।

4.0 वाणिज्यिक प्रयोग

नीति दिशा-निर्देशों के अनुरूप के अतिरिक्त अतिदोहित मूल्यांकन क्षेत्रों में किसी भी नये वृहद उद्योग को एनओसी नहीं दिया जाएगा।

वाणिज्यिक प्रयोग के लिए एनओसी देने हेतु आवेदन पर विचार करते समय भूजल संसाधनों की उपलब्धता पर पर्याप्त ध्यान दिया जाएगा।

भूजल निकालने वाले वाणिज्यिक उद्यमों को संदर्भित धाराओं में उल्लिखित जल प्रयोग के लेखा सहित वार्षिक जल लेखा परीक्षा रिपोर्ट ऑनलाइन प्रस्तुत करनी होगी। सीजीडब्ल्यू/राज्य भूजल प्राधिकरण (एसजीडब्ल्यू) सभी ऐसी लेखा परीक्षा रिपोर्ट ऑनलाइन प्रकाशित करेगा।

सीजीडब्ल्यू/एसजीडब्ल्यू आवधिक रूप से एनओसी के अनुपालन की जांच करने के लिए स्वायत्त एजेंसियों को कार्य पर लगाएगा।

4.1 औद्योगिक प्रयोग

अतिदोहित मूल्यांकन इकाइयों में सूक्ष्म, लघु और मध्यम उद्यमों (एमएसएमई) की श्रेणी में आने वालों के अलावा किसी भी नए उद्योग को भूजल निकासी के लिए एनओसी नहीं दिया जाएगा। तथापि कार्यबल के लिए पेयजल/घरेलू प्रयोग, इन नए उद्योगों द्वारा ग्रीनबेल्ट उपयोग के लिए एनओसी की अनुमति होगी। अतिदोहित क्षेत्रों में नए सीलबंद जल उद्योगों को, चाहे वे एमएसएमई श्रेणी में आते हों, एनओसी नहीं दिया जाएगा।

उद्योगों द्वारा भूजल निकासी के लिए एनओसी दिया जाएगा बशर्ते कि निम्नलिखित शर्तें पूरी हों:-

1. ऐसे मामलों में ही एनओसी प्रदान किया जाएगा, जहां स्थानीय सरकारी जलापूर्ति एजेंसियां जल की अपेक्षित मात्रा की आपूर्ति करने में सक्षम नहीं हैं।

64

- II. सभी उद्योगों को अद्यतन जल दक्ष प्रौद्योगिकी को अपनाना अपेक्षित होगा, ताकि भूजल संसाधन पर निर्भरता कम की जा सके।
- III. 100 घनमीटर/दिन से अधिक भूजल की निकासी वाले सभी उद्योगों को कंफेडरेशन ऑफ इंडियन इंडस्ट्रीज (सीआईआई)/फेडरेशन इंडियन चेम्बर ऑफ कॉमर्स एंड इंडस्ट्रीज (एफआईसीसीआई)/नेशनल प्रोडक्टिविटी काउंसिल (एनपीसी) को प्रमाणित लेखा परीक्षकों के माध्यम से वार्षिक जल लेखा परीक्षा करवाना और इसके पूरे होने के तीन माह के भीतर लेखा परीक्षा रिपोर्ट सीजीडब्ल्यू को प्रस्तुत करना अपेक्षित होगा। ऐसे सभी उद्योगों को उपयुक्त साधनों के माध्यम से अगले तीन वर्षों तक अपने भूजल प्रयोग को कम से कम 20 प्रतिशत कम करना अपेक्षित होगा।
- IV. अपने क्षेत्र के भीतर पर्यवेक्षण कुएं, पीजोमीटर का निर्माण और धारा 15 में यथा उल्लिखित उपयुक्त जल स्तर मॉनीटरिंग तंत्र की संस्थापना करना 10 घनमीटर/दिन से अधिक की भूजल निकासी करने का प्रस्ताव करने वाले उद्योगों के लिए अनिवार्य होगा। जल स्तर की मॉनीटरिंग परियोजना प्रस्तावक द्वारा की जाएगी। बोरवेल/प्रोडक्शन वेल से कम से कम 15 मीटर की दूरी पर पीजोमीटर (अन्वेषण कुएं) का निर्माण किया जाएगा। पीजोमीटर में गहराई और चिह्नित जलभृत क्षेत्र पम्पिंग कुएं/कुओं के समान ही होंगे। पीजोमीटर के डिजाइन और निर्माण के विस्तृत दिशा-निर्देश अनुलग्नक-II में दिए गए हैं। मासिक जल स्तर आंकड़े वेब पोर्टल के माध्यम से सीजीडब्ल्यू को प्रस्तुत किए जाएंगे।
- V. प्रस्तावक को परियोजना क्षेत्र में छतका वर्षाजल संचयन/पुनर्भरण करना अपेक्षित है। भूजल को प्रदूषित करने की संभावना वाले उद्योगों (रसायन, फार्मास्यूटिकल, ड्राई, पिगमेंट, पेंट, वस्त्र, टैनिंग, पेस्टिसाइड/कीटनाशक, उर्वरक, स्लॉटर हाउस, विस्फोटक इत्यादि) को उद्योग में प्रयोग करने के लिए सतह संग्रह टैंकों में वर्षाजल संचय करना होगा।
- VI. जलभृत सिस्टम में शोधित/गैर शोधित अपशिष्ट जल डालने की सख्त मनाही है।
- VII. भूजल प्रदूषण के सम्भावित कारक उद्योगों जैसे टैनिंग, स्लॉटर हाउस, ड्राई, रसायन/पेट्रोकेमिकल, कोयला वांशरीज, अन्य खतरनाक इकाइयों आदि को (सी पी सी बी लिस्ट के अनुसार) भूजल प्रदूषण के निवारण को सुनिश्चित करने के लिये आवश्यक वेल हेड संरक्षण उपायों को करने की आवश्यकता है (अनुलग्नक-III)।
- VIII. सुरक्षित, अर्ध गंभीर और गंभीर आकलन यूनिटों में भूजल की निकासी करने वाले सभी उद्योगों को तालिका 5.2 क और 5.3 क के अनुसार लागू भूजल निकासी प्रभार का भुगतान करना अपेक्षित होगा।
- IX. अतिदोषित आकलन यूनिटों में भूजल निकासी करने वाले सभी मौजूदा उद्योगों को तालिका 5.2 ख और 5.3 ख के अनुसार लागू भूजल निकासी प्रभारों का भुगतान करना होगा।

आवेदन के साथ प्रस्तुत किए जाने वाले दस्तावेज

- (क) ऐसे मामलों में, जहां भूजल 10 घनमीटर/दिन तक अपेक्षित है, स्थानीय सरकारी एजेंसियों से जलापूर्ति उपलब्ध न होने के संबंध में 10/- रु. के गैर न्यायिक स्टैंप पेपर पर एक हलफनामा।
- (ख) ऐसे मामलों में, जहां भूजल 10 घनमीटर/दिन से अधिक अपेक्षित है, स्थानीय सरकारी जलापूर्ति एजेंसियों से ताजे जल/शोधित अपशिष्ट जल की आपूर्ति की उपलब्धता न होने/आंशिक रूप से होने का प्रमाणपत्र।
- (ग) किसी भी एनएबएल प्रत्यायित प्रयोगशाला अथवा सरकार से अनुमोदन प्राप्त प्रयोगशाला (एनओसी के लिए आवेदन कर रही मौजूदा परियोजनाओं के मामले में) से मौजूदा बोरवेल/ट्यूबवेल/डगवेल के भूजल गुणवत्ता आंकड़े।
- (घ) एनएबीएल प्रत्यायित प्रयोगशाला/सरकार से अनुमोदन प्राप्त प्रयोगशालाओं से मौजूदा उद्योगों के संबंध में बोरवेल/ट्यूबवेल/डगवेल के जल गुणवत्ता आंकड़े।
- (ङ) आवासन और शहरी कार्य मंत्रालय द्वारा जारी मॉडल भवन उप-विधियों के अनुसार क्षेत्र के भीतर वर्षा जल संचयन/पुनर्भरण के लिए प्रस्ताव।

- (च) **प्रभाव आकलन रिपोर्ट:** अतिदोहित, गंभीर और अर्ध गंभीर क्षेत्रों में 100 घनमीटर/दिन से अधिक भूजल निकालने वाली/प्रस्तावित सभी परियोजनाओं के लिए भूजल रिजीम पर मौजूदा/प्रस्तावित भूजल निकासी की प्रभाव आकलन रिपोर्ट और प्रत्यायित सलाहकारों द्वारा तैयार सामाजिक-आर्थिक प्रभाव रिपोर्ट भी प्रस्तुत करना अनिवार्य होगा। इस रिपोर्ट का प्रोफार्मा अनुलग्नक-IV में दिया गया है।

4.2 खनन परियोजनाएं-

सभी मौजूदा और नई खनन परियोजनाओं को भूजल निकासी के लिए एनओसी प्राप्त करना अपेक्षित होगा। चूंकि खनन परियोजनाएं स्थान विशिष्ट होती हैं, इसलिए अतिदोहित आकलन यूनिटों में ऐसी परियोजनाओं के लिए भूजल निकासी हेतु एनओसी देने पर कोई रोक नहीं होगी।

खनन परियोजनाओं के लिए एनओसी प्रदान किया जाएगा, बशर्ते कि निम्नलिखित विशिष्ट शर्तें पूरी हों:

- सभी खनन उद्योगों के लिए यह सुनिश्चित करना अनिवार्य होगा कि डी-वाटरिंग कार्यों से उपलब्ध जल उपयुक्त रूप से शोधित है और इसे सिंचाई, डस्ट सप्रेसन, खनन प्रक्रिया, अनुप्रवाह में पुनर्भरण और नदी सिस्टम में ई-फ्लो के रख-रखाव के लिए लाभप्रद रूप से उपयोग किया जाना चाहिए।
- मासिक भूजल स्तर मॉनीटरिंग के लिए क्षेत्र में परिधि के साथ अन्वेषण कुएं (पीजोमीटर) का निर्माण, भूजल की 10 घनमीटर/दिन से अधिक की निकासी करने वाली/इसका प्रस्ताव करने वाली खानों के लिए अनिवार्य होगा। गहराई और पीजोमीटर में चिह्नित जलभृत क्षेत्र पम्पिंग कुएं/कुओं के अनुरूप होगा।
- इसके अतिरिक्त, प्रस्तावक एनओसी में बताए गए मुख्य और प्रतिरोधक क्षेत्रों में अन्वेषण कुओं (पीजोमीटर) की स्थापना करके भूजल स्तरों को मॉनीटरिंग करेगा।
- कोयला और अन्य मूल धातु खनन के मामले में परियोजना प्रस्तावक सतही जल के संदूषण से बचाव के लिए उच्च स्तर की डिवाटरिंग प्रौद्योगिकी (डिवाटरिंग अवरोधक संरचनाओं की श्रृंखला का निर्माण करके) का प्रयोग करेगा।
- इसके अलावा सभी खनन यूनिटें एनएवीएल प्रत्यायित/सरकार से अनुमोदन प्राप्त प्रयोगशालाओं के माध्यम से खान रिसाव और खानडिस्चार्जकी जल गुणवत्ता को भी मॉनीटर करेंगी और स्वयं अनुपालन के समय इसे प्रस्तुत किया जायेगा।
- सुरक्षित, अर्ध गंभीर और गंभीर आकलन यूनिटों में भूजल की निकासी करने वाली सभी खनन परियोजनाएं तालिका 5.4 क के अनुसार लागू भूजल निकासी प्रभारों का भुगतान करेंगी।
- अतिदोहित आकलन यूनिटों में भूजल की निकासी करने वाली सभी खनन परियोजनाओं को तालिका 5.4 ख के अनुसार भूजल संग्रहण प्रभार का भुगतान करना होगा।

आवेदन के साथ प्रस्तुत किए जाने वाले दस्तावेज

- संबंधित सरकारी एजेंसी/विभाग द्वारा अनुमोदित खनन योजना।
- आवासन और शहरी कार्य मंत्रालय द्वारा जारी मॉडल भवन उप नियमों के अनुसार क्षेत्र के भीतर वर्षा जल संचयन/पुनर्भरण के लिए प्रस्ताव।
- खनन के मूल और प्रतिरोधक क्षेत्रों दोनों में भूजल स्थिति का गहराई वार और वर्षवार खनन रिसाव गणना, खनन और डिवाटरिंग का भूजल क्षेत्र में आकलन प्रभाव और इसका सामाजिक-आर्थिक प्रभाव, पुनर्चक्रण, पुनः प्रयोग और पुनर्भरण का ब्यौरा, स्थानीय परिस्थितियों के आधार पर भूजल पर प्रतिकूल प्रभाव को न्यूनतम और समाप्त करने के लिए खनन और जल प्रबंधन के लिए प्रौद्योगिकी का प्रयोग करके पम्पिंग को कम करने के संबंध में प्रत्यायित सलाहकार द्वारा तैयार की गई व्यापक रिपोर्ट। रिपोर्ट का फॉर्मेट अनुलग्नक V में दिया गया है।

4.3 आधारभूत परियोजनाएं

चूंकि आधारभूत परियोजनाएं स्थान विशिष्ट होती हैं, अतिदोहित आकलन यूनिटों में स्थित ऐसी परियोजनाओं को एनओसी देने पर कोई रोक नहीं होगी। नई आधारभूत परियोजनाओं/आवासीय भवनों को निर्माण कार्यकलाप के दौरान डिवाटरिंग और / अथवा निर्माण के लिए भूजल का उपयोग अपेक्षित होगा। दोनों ही मामलों में आवेदक कार्य आरम्भ होने से पहले

सीजीडब्ल्यूए से एनओसी प्राप्त करेगा। तथापि अतिदोहित आकलन यूनिटों में निर्माण कार्यकलापों के लिए भूजल का प्रयोग तभी अनुमत्य होगा। यदि उस स्थान के 10 किलोमीटर की परिधि के भीतर कोई भी शोधित सीवेज जल उपलब्ध न हो। नई और मौजूदा आधारभूत परियोजनाओं को भूजल निकासी के लिए एनओसी प्राप्त करना भी अपेक्षित होगा।

अतिदोहित आकलन यूनिटों में वाटर पार्क, थीम पार्क, और मनोरंजन पार्कों के लिए भूजल की निकासी हेतु एनओसी नहीं दिया जाएगा।

आधारभूत परियोजनाओं की सांकेतिक सूची अनुलग्नक VI में दी गई है।

भूजल की निकासी के लिए एनओसी दिया जाएगा बशर्ते कि निम्नलिखित विशिष्ट शर्तें पूरी हों:

- i) आधारभूत परियोजनाएं, जिनके लिए डिवाटरिंग अपेक्षित हैं, के मामले में प्रस्तावक को डिवाटरिंग बहिर्भाव दर (डिजीटल वाटर फ्लो मीटर का प्रयोग करके) की नियमित मॉनीटरिंग करनी और सीजीडब्ल्यूए/एसजीडब्ल्यूए जो भी लागू हो, के वेब पोर्टल के माध्यम से आंकड़े प्रस्तुत करना आवश्यक होगा। मॉनीटरिंग रिकॉर्डों और परिणामों को सीजीडब्ल्यूए/एसजीडब्ल्यूए की अपेक्षानुसार निरीक्षण अथवा रिपोर्टिंग के लिए प्रस्तावक द्वारा दो वर्ष तक रखना अपेक्षित होगा।
- ii) ऐसी नई परियोजनाओं के लिए, जहां 20 घनमीटर/दिन से अधिक भूजल की आवश्यकता है, सीवेज परिशोधन संयंत्रों (एसटीपी) की संस्थापना अनिवार्य होगी। एसटीपी का जल शौचालय फ्लशिंग, कार धोने, बागवानी करने इत्यादि के लिए प्रयोग किया जाएगा।
- iii) आधारभूत डिवाटरिंग/निर्माण कार्यकलापों के लिए परियोजना प्रस्तावक द्वारा प्रस्तुत विस्तृत प्रस्ताव के अनुसार विशिष्ट अवधि के लिए एनओसी वैध होगा।
- iv) सुरक्षित, अर्ध गंभीर और गंभीर आकलन यूनिटों में भूजल निकासी की सभी आधारभूत परियोजनाओं को तालिका 5.3 क के अनुसार लागू भूजल निकासी प्रभार देना अपेक्षित होगा।
- v) अति-दोहित आकलन यूनिटों में भूजल निकालने वाली सभी आधारभूत परियोजनाओं (नई/मौजूदा) को तालिका 5.3 ख के अनुसार भूजल संग्रहण प्रभार का भुगतान करना होगा।

आवेदन के साथ प्रस्तुत किए जाने वाले दस्तावेज

- (क) ऐसे मामले, जहां डिवाटरिंग होती है, में पम्पिंग की विस्तृत योजना बताते हुए क्षेत्र में भूजल की स्थिति, पंप किए गए जल का प्रस्तावित प्रयोग और उसका भूजल रिजीम पर व्यापक प्रभाव आकलन के सम्बंध में प्रत्यायित सलाहकार द्वारा तैयार की गई प्रभाव आकलन रिपोर्ट प्रस्तुत करना अनिवार्य होगा। रिपोर्ट में भूजल स्तर की गिरावट, भूमि धंसान इत्यादि जैसे किन्हीं विशिष्ट पर्यावरणीय मुद्दों से जुड़ने के लिए पर्यावरणीय जोखिम और प्रस्तावित प्रबंधन नीतियों को दर्शाया जाना चाहिए।
- (ख) सुरक्षित और अर्ध गंभीर क्षेत्रों में निर्माण के लिए जल की अपेक्षा होने की स्थिति में किसी अन्य स्रोत से जल उपलब्ध न होने के संबंध में 10/-रु. के गैर-न्यायिक स्टैंप पेपर पर एक हलफनामा।
- (ग) गंभीर और अतिदोहित क्षेत्रों में स्थल की 10 कि.मी. की परिधि के भीतर निर्माण के लिए परिशोधित सीवेज जल के उपलब्ध न होने के संबंध में सरकारी एजेंसी से प्रमाणपत्र।
- (घ) वाणिज्यिक प्रयोग के लिए आकलन यूनिटों की सभी श्रेणियों के संबंध में स्थानीय सरकारी जलापूर्ति एजेंसी से जल के उपलब्ध न होने के संबंध में प्रमाण पत्र।
- (ङ) आवासन और शहरी कार्य मंत्रालय द्वारा जारी मॉडल भवन उप-नियमों के अनुसार क्षेत्र के भीतर वर्षाजल संचयन/पुनर्भरण के लिए प्रस्ताव।
- (च) फ्लशिंग इत्यादि के लिए परिचक्रण/परिशोधित जल के पुनः उपयोग (वाणिज्यिक प्रयोग के लिए पूरी हो चुकी आधारभूत परियोजनाओं के मामले में) को ध्यान में रखते हुए राष्ट्रीय भवन कोड, 2016 (अनुलग्नक-I) के अनुसार संगणित जल आवश्यकता का व्यौरा।
- (छ) वाणिज्यिक प्रयोग के लिए जल की आवश्यकता वाली आधारभूत परियोजनाओं के लिए संबंधित एजेंसी से पूरा होने का प्रमाणपत्र।

5.0 भूजल निकासी/संग्रहित प्रभार

शहरी क्षेत्रों में सभी रेजीडेंशियल अपार्टमेंट/ग्रुप हाउसिंग सोसाइटी/सरकारी जलापूर्ति एजेंसियों को भूजल निकासी के लिए भुगतान करना अपेक्षित होगा।

सुरक्षित, अर्ध गंभीर और गंभीर आकलन यूनिटों में भूजल की निकासी करने वाले सभी उद्योगों/खनन/आधारभूत परियोजनाओं को भूजल निकासी की मात्रा और इस दिशा-निर्देश में दिए गए व्यौरों के अनुसार आकलन यूनिट की श्रेणी के आधार पर भूजल निकासी प्रभार का भुगतान करना होगा।

अतिदोहित आकलन यूनिटों में भूजल की निकासी करने वाले एमएसएमई सहित सभी मौजूदा खनन/आधारभूत परियोजनाओं और मौजूदा उद्योगों को भूजल निकासी की मात्रा के आधार पर भूजल संग्रहण प्रभार देने होंगे। इसके अतिरिक्त, अतिदोहित क्षेत्रों में नए एमएसएमई, नई अवसंरचना और नई खनन परियोजनाओं को भी भूजल संग्रहण प्रभार का भुगतान करना अपेक्षित होगा।

एनओसी देते समय अथवा उसके नवीकरण के समय मौजूद भूजल दिशा-निर्देशों में निर्धारित शर्तों के अनुकरण में जिन मौजूदा उद्योगों, आधारभूत यूनिटों और खनन परियोजनाओं ने कृत्रिम पुनर्भरण संरचनाएं संस्थापित/निर्मित की हैं, को भूजल निकासी प्रभार/ भूजल संग्रहण प्रभार में 50 प्रतिशत की छूट मिलेगी, बशर्ते कि उनका कार्य निष्पादन और जांच संतोषजनक हो।

प्रस्तावित जल निकासी/संग्रहण प्रभार से सृजित राजस्व स्थल विशिष्ट उपयुक्त मांग/आपूर्ति पक्ष के कार्यों के कार्यान्वयन हेतु अलग निधि में रखा जाएगा।

5.1 भूजल निकासी/संग्रहण प्रभार की दरें

I. शहरी क्षेत्रों में रेजीडेंशियल अपार्टमेंट/ग्रुप हाउसिंग सोसाइटी/सरकार जलापूर्ति एजेंसियों के लिए पेय और घरेलू प्रयोग।

केवल पेय/घरेलू प्रयोग के लिए जल की आवश्यकता वाले सभी रेजीडेंशियल अपार्टमेंट/ग्रुप हाउसिंग सोसाइटी को एनओसी लेने के लिए तालिका 5.1 में दी गई दरों के अनुसार भूजल निकासी प्रभार देना होगा।

तालिका 5.1 में पेय और घरेलू प्रयोग के लिए भूजल निकासी प्रभार

निकाले गए भूजल की मात्रा (घनमीटर/माह)	भूजल निकासी प्रभार की दर (रु. प्रति घनमीटर)
0-25	कोई प्रभार नहीं
26-50	1.00
>50	2.00

सरकारी जलापूर्ति एजेंसियों और सरकारी आधारभूत परियोजनाओं को 0.50 रु. प्रति घनमीटर की दर से भूजल निकासी प्रभार का भुगतान करना होगा।

II. सीलबंद पेयजल यूनिटें

सुरक्षित, अर्ध गंभीर और गंभीर आकलन यूनिटों में सीलबंद पेयजल यूनिटों के लिए भूजल निकासी प्रभारों की दर तालिका 5.2 क में दी गई है और अति दोहित आकलन यूनिटों में भूजल संग्रहण प्रभार तालिका 5.2 ख दिए गए हैं।

तालिका 5.2 क: सीलबंद पेयजल यूनितों के लिए भूजल निकासी प्रभार की दरें (रु. प्रति घनमीटर)

क्र.सं.	क्षेत्र की श्रेणी ↓ भूमिजल प्रयोग →	निकाले गए भूजल की मात्रा				
		50 घनमीटर/ दिन तक	51 से < 200 घनमीटर/दिन	200 से < 1000 घनमीटर/दिन	1000 से < 5000 घनमीटर/दिन	5000 घनमीटर/ दिन और अधिक
1.	सुरक्षित	1.00	3.00	5.00	8.00	10.00
2.	अर्ध-गंभीर	2.00	5.00	10.00	15.00	20.00
3.	गंभीर	4.00	10.00	20.00	40.00	60.00

तालिका 5.2 ख सीलबंद पेयजल यूनितों के लिए भूजल रेस्टोरेशन प्रभार की दरें (रु. प्रति घनमीटर)

क्र.सं.	क्षेत्र की श्रेणी ↓ भूमिजल प्रयोग →	निकाले गए भूजल की मात्रा				
		50 घनमीटर/ दिन तक	51 से < 200 घनमीटर/दिन	200 से < 1000 घनमीटर/दिन	1000 से < 5000 घनमीटर/दिन	5000 घनमीटर/ दिन और उससे अधिक
1.	अतिदोहित (केवल मौजूदा उद्योग)	8.00	20.00	40.00	80.00	120.00

III. अन्य उद्योग और आधारभूत परियोजनाएं

सुरक्षित, अर्ध-गंभीर और गंभीर आकलन यूनितों में अन्य उद्योगों और आधारभूत परियोजनाओं के लिए भूमिजल निकासी प्रभार की दरें तालिका 5.3 क में दी गई हैं और अतिदोहित आकलन यूनितों में भूजल संग्रहण प्रभार तालिका 5.3 ख में दिए गए हैं।

तालिका 5.3 क: अन्य उद्योगों और आधारभूत परियोजनाओं के लिए भूजल निकासी प्रभार की दरें (रु. प्रति घनमीटर)

क्र.सं.	क्षेत्र की श्रेणी ↓ भूमिजल प्रयोग →	निकाले गए भूजल की मात्रा			
		< 200 घनमीटर/ दिन	200 से < 1000 घनमीटर/दिन	1000 से < 5000 घनमीटर/ दिन	5000 घनमीटर/दिन और उससे अधिक
1.	सुरक्षित	1.00	2.00	3.00	5.00
2.	अर्ध-गंभीर	2.00	3.00	5.00	8.00
3.	गंभीर	4.00	6.00	8.00	10.00

69

तालिका 5.3 ख: अन्य उद्योगों और आधारभूत परियोजनाओं के लिए भूजल निकासी प्रभार की दरें (रु. प्रति घनमीटर)

क्र.सं.	क्षेत्र की श्रेणी ↓ भूमिजल प्रयोग →	निकाले गए भूजल की मात्रा			
		< 200 घनमीटर/ दिन	200 से < 1000 घनमीटर/दिन	1000 से < 5000 घनमीटर/ दिन	5000 घनमीटर/दिन और उससे अधिक
1.	अतिदोहित (वर्तमान दिशा-निर्देशों के अनुसार मौजूद उद्योग/नए उद्योग)	6.00	10.00	16.00	20.00

IV. खनन परियोजनाएं

सुरक्षित, अर्ध-गंभीर और गंभीर आकलन यूनिटों में भूजल निकालने वाले खनन के लिए भूजल निकासी प्रभार की दरें तालिका 5.4 क में दी गई हैं और अतिदोहित आकलन यूनिटों में भूजल निकालने वाली परियोजनाओं के मामले में भूजल संग्रहण प्रभार तालिका 5.4 ख में दिया गया है।

तालिका 5.4 क: खनन के लिए भूजल निकासी प्रभार की दरें (रु. प्रति घनमीटर)

क्र.सं.	क्षेत्र की श्रेणी ↓ भूमिजल प्रयोग →	निकाले गए भूजल की मात्रा			
		< 200 घनमीटर/ दिन	200 से < 1000 घनमीटर/दिन	1000 से < 5000 घनमीटर/ दिन	5000 घनमीटर/दिन और उससे अधिक
1.	सुरक्षित	1.00	2.00	2.50	3.00
2.	अर्ध-गंभीर	2.00	2.50	3.00	4.00
3.	गंभीर	3.00	4.00	5.00	6.00

तालिका 5.4 ख खनन के लिए भूजल निकासी प्रभार की दरें (रु. प्रति घनमीटर)

क्र.सं.	क्षेत्र की श्रेणी ↓ भूमिजल प्रयोग →	निकाले गए भूजल की मात्रा			
		< 200 घनमीटर/ दिन	200 से < 1000 घनमीटर/दिन	1000 से < 5000 घनमीटर/ दिन	5000 घनमीटर/दिन और उससे अधिक
1.	अति-दोहित	4.00	5.00	6.00	7.00

6.0 प्रचुर जलापूर्ति

भूजल निकालने और उसकी आपूर्ति करने वाले सभी निजी टैंकर, जो प्रचुर जलापूर्ति करते हैं, को भूजल निकासी के लिए एनओसी प्राप्त करना अब जरूरी होगा। सुरक्षित, अर्ध-गंभीर और गंभीर आकलन इकाइयों में भूजल निकालकर टैंकरों के

70

माध्यम से प्रचुर जलापूर्ति करने वाले आपूर्तिकर्ता को तालिका 6.1 के अनुसार भूजल निकासी प्रभार का भुगतान करना होगा। अति-दोहित आकलन इकाइयों में भूजल निकालने वाले प्रचुर मात्रा में जलापूर्तिकर्ताओं को तालिका 6.1 ख के अनुसार भूजल संग्रहण प्रभार का भुगतान करना होगा। सभी टैंकरों में उनकी मूवमेंट/कार्य क्षेत्र की मॉनिटरिंग के लिए जीपीएस आधारित सिस्टम संस्थापित करना होगा।

प्रचुर/टैंकर जलापूर्ति के लिए एनओसी जारी करने की कार्य प्रणाली राज्यों/संघ राज्य क्षेत्रों के साथ परामर्श करके तैयार की जायेगी और इस संबंध में उपयुक्त दिशा-निर्देश तैयार किए जाएंगे और उनके लिए अलग से जारी किए जाएंगे।

तालिका 6.1 क प्रचुर/ टैंकर जलापूर्ति के लिए भूजल निकासी प्रभार	
श्रेणी	प्रति घनमीटर की दर (रु. में)
सुरक्षित	10
अर्ध-गंभीर	20
गंभीर	25

तालिका 6.1 ख प्रचुर/ टैंकर जलापूर्ति के लिए भूजल निकासी प्रभार	
श्रेणी	प्रति घनमीटर की दर (रु. में)
अतिदोहित	35

7.0 लवणीय भूजल की निकासी

अति-दोहित क्षेत्रों में स्थित आधारभूत / खनन परियोजनाओं द्वारा उद्योगों/डिवाटरिंग द्वारा प्रयोग के लिए ताजे जल की अपेक्षा सभी गहराइयों पर लवणीय भूजल अथवा अन्यथा लवणीय ताजे जल क्षेत्र में लवणीय भूजल की पॉकेटों से युक्त क्षेत्रों में लवणीय भूजल की निकासी को प्रोत्साहित किया जाएगा। ऐसे उद्योगों को भूजल निकासी प्रभार का भुगतान करने से छूट दी जाएगी।

डायनामिक भूजल संसाधन के अद्यतन मूल्यांकन के अनुसार सभी गहराइयों पर लवणीय भूजल वाली ऐसी आकलन इकाइयों की सूची सीजीडब्ल्यूए द्वारा उनकी वेबसाइट पर उपलब्ध कराई जाएगी। तथापि, यूनितों द्वारा बहिस्राव के निपटान के संबंध में पर्याप्त ध्यान दिया जाएगा ताकि जल निकायों और जलभृतों को प्रदूषण से बचाया जा सके।

इस संबंध में विस्तृत दिशा-निर्देश तैयार कर लिए गए हैं और अलग से जारी कर दिए गए हैं।

8.0 आद्र भूमि क्षेत्रों का संरक्षण

देश में आद्र भूमि क्षेत्र बहुत महत्वपूर्ण होते हैं क्योंकि वे ही ऐसे क्षेत्रों में भूजल की उपस्थिति का प्रत्यक्ष प्रतिबिंब होते हैं। आद्र भूमि प्राधिकरणों द्वारा आद्र भूमि क्षेत्रों की सुरक्षा का रखरखाव अलग से किया जा रहा है। चूंकि आद्र भूमि क्षेत्र के अस्तित्व के लिए भूजल बहुत महत्वपूर्ण होता है इसलिए आद्र भूमि क्षेत्र में किसी भी भूजल विकास की गतिविधि से उस क्षेत्र में जल की मात्रा प्रभावित होती है।

आद्र भूमि क्षेत्रों की 500 मीटर परिधि की सीमा के भीतर आने वाली परियोजनाओं को अनिवार्य रूप से एक विस्तृत प्रस्ताव प्रस्तुत करना होगा जिसमें यह दर्शाना होगा कि परियोजना प्रस्तावक द्वारा निकाले जाने वाले भूजल का संरक्षित आद्र भूमि क्षेत्रों पर प्रभाव नहीं पड़ेगा। इसके अलावा, सीजीडब्ल्यूए से अनुमति लेने से पहले, परियोजना क्षेत्र में अपनी परियोजनाओं को स्थापित करने के लिए उपयुक्त आद्र भूमि प्राधिकरणों से सहमति/अनुमोदन लेना होगा।

9.0 अनापत्ति प्रमाणपत्र में सामान्य अनुपालन की शर्तें

- एनओसी प्राप्त करने वाले सभी उपयोगकर्ताओं को डिजिटल वॉटर फ्लो मीटर (बीआईएस/आईएस मानकों के अनुरूप) को स्थापित करना और एक्सट्रैक्शन संरचना (ओं) में टेलीमेट्री सिस्टम लगाना अनिवार्य होगा और एनओसी देने के 30 दिनों के भीतर वेब-पोर्टल के माध्यम से सीजीडब्ल्यूए को इसकी स्थापना के बारे में सूचित किया जाएगा।

(71)

- ii. प्रस्तावकों द्वारा जल प्रवाह मीटर की अधिकृत एजेंसी से अनिवार्य रूप से एक वर्ष में एक बार जांच कराई जाएगी।
- iii. प्रस्तावक परियोजना क्षेत्र में छत पर वर्षा जल संचयन और पुनर्भरण प्रणाली स्थापित करेंगे।
- iv. प्रस्तावक धारा 6 में दी गई दरों के अनुसार भूजल निष्कर्षण की मात्रा के आधार पर भूजल निकालने/पुनर्भरण शुल्क का भुगतान करेंगे।
- v. भूजल स्तर निगरानी के उद्देश्य से निर्मित अवलोकन कुओं (पाईजोमीटर) का निर्माण धारा 15 के अनुसार अनिवार्य होगा। जल स्तर का डाटा सीजीडब्ल्यू को वेब पोर्टल के माध्यम से उपलब्ध कराया जाएगा। पाईजोमीटर के निर्माण के लिए विस्तृत दिशानिर्देश अनुबंध- II में दिए गए हैं।
- vi. प्रस्तावकों को वर्ष में एक बार निष्कर्षण संरचना (ओं) से भूजल की गुणवत्ता की निगरानी करनी होगी। बोरवेल/नलकूपों/खोदे गए कुओं से जल के नमूने को हर साल अप्रैल/मई के दौरान एकत्र किया जाएगा और बुनियादी मानकों (धनायन और आयन), भारी धातुओं, कीटनाशकों/ जैविक यौगिकों इत्यादि का एनएबीएल अधिकृत प्रयोगशालाओं में विश्लेषण किया जाएगा। जल की गुणवत्ता के आंकड़ों को वेब पोर्टल के माध्यम से सीजीडब्ल्यू को उपलब्ध कराया जाएगा।
- vii. यदि एनओसी की वैधता अवधि के भीतर यांत्रिक विफलता के कारण मौजूदा कुंआ अस्तित्व में नहीं रह जाता है, तो उपयोगकर्ता वेब पोर्टल पर सीजीडब्ल्यू को सूचना देकर इसी तरह का दूसरे कुएं का निर्माण कर सकता है। अप्रचलित कुंआ ठीक से सील किया जाएगा (अनुबंध VII का संदर्भ लें)। उपयोगकर्ता को इस संबंध में दस्तावेजी प्रमाण प्रस्तुत करना आवश्यक होगा। यदि मौजूदा निष्कर्षण संरचनाएं जल प्रदान करने में विफल रहती हैं और प्रस्तावक उसी परिसर में एक और ड्यूबवेल ड्रिल करने की इच्छा रखता है तो प्राधिकरण की पूर्व अनुमति लेना अपेक्षित होगा। यदि प्रतिस्थापन कुएं को दूसरी अलग जगह पर ड्रिल किया जाना है तो प्रस्तावक को नया एनओसी प्राप्त करना होगा।
- viii. जहां कहीं भी संभव हो, वहां रि-साईकिल्ड/अपशिष्ट जल शोधन से ग्रीनबेल्ट (बागवानी) में जल की आवश्यकता को पूरा किया जाएगा।
- ix. स्वामित्व परिवर्तन के मामले में, उद्योग के नए मालिक द्वारा परिसर पर कब्जा लेने के 60 दिनों के भीतर दस्तावेजी प्रमाण के साथ एनओसी में आवश्यक परिवर्तनों को शामिल करने के लिए आवेदन करना होगा।

10.0 एनओसी शर्तों के अनुपालन की निगरानी

एनओसी की शर्तों के अनुपालन की निगरानी के लिए केंद्रीय भूजल प्राधिकरण और राज्य/संघ शासित क्षेत्रों के भूजल प्राधिकरण निम्नलिखित कदम उठाएंगे:

- क. अनुपालन निगरानी के लिए उपयुक्त एमआईएस विकसित किया जाएगा।
- ख. जिला कलेक्टर/उपायुक्त (डीसी) / जिला मजिस्ट्रेट (डीएम) अनधिकृत भूजल निष्कर्षण संरचनाओं को सील करना, बिजली काटना, एनओसी की शर्तों का उल्लंघन करने वालों के खिलाफ अभियोजन शुरू करना और पर्यावरण क्षतिपूर्ति की कार्रवाई जैसे बाध्यकारी उपायों को करने के लिए अधिकृत हैं।
- ग. सक्षम प्राधिकारी के अनुमोदन से सीजीडब्ल्यूबी/ सीजीडब्ल्यूए और राज्य भूजल संगठनों के तकनीकी अधिकारियों को निगरानी और आवधिक निरीक्षण की कार्रवाई करने के लिए अधिकृत किया जाता है।
- घ. एनओसी शर्तों में किसी भी तरह के उल्लंघन के मामले में, प्रस्तावक धारा 16 के अनुसार दंड का भुगतान करने के लिए उत्तरदायी होंगे।

11.0 एनओसी का नवीनीकरण

एनओसी का समय-समय पर नवीनीकरण किया जाएगा, जिसमें निम्नलिखित शर्तों का अनुपालन किया जाएगा:

- i. आवेदक को इसकी वैधता की समाप्ति से कम से कम 90 दिन पहले एनओसी के नवीकरण के लिए आवेदन करना होगा।
- ii. एनओसी के नवीकरण का आवेदन अनुपालन रिपोर्ट के साथ होगा।

72

iii. नवीनीकरण प्रदान करने से पहले, केंद्रीय भूजल प्राधिकरण या राज्य / संघ राज्य क्षेत्र प्राधिकरण को स्वयं को संतुष्ट करेगा कि एनओसी की शर्तों का अनुपालन किया गया है।

iv. मूल्यांकन श्रेणी में परिवर्तन के मामले में, नई श्रेणी में निर्धारित शर्तों के साथ नवीकरण की अनुमति दी जाएगी।

v. निर्दिष्ट शर्तों के अनुसार विभिन्न उपयोगों के लिए एनओसी का नवीनीकरण निम्नानुसार किया जाएगा:

श्रेणी	उपयोग	नवीनीकरण की अवधि
गंभीर, अर्ध-गंभीर और सुरक्षित	पीने और घरेलू उपयोग एवं शहरी जल आपूर्ति एजेंसियों के लिए बुनियादी ढांचा परियोजनाएं	5 वर्ष
	इंडस्ट्रीज	3 वर्ष
	खान	2 वर्ष
अति दोषित	अति-दोषित क्षेत्रों में सभी उपयोगकर्ता	2 वर्ष

vi. यदि नवीनीकरण का आवेदन समय पर प्रस्तुत किया गया है और सीजीडब्ल्यूए / संबंधित राज्य / संघ राज्य क्षेत्र के प्राधिकरण, समय पर आवेदन की प्रक्रिया को आगे बढ़ाने में असमर्थ हैं तो एनओसी को एनओसी के नवीकरण की तारीख से बढ़ाया जाना माना जाएगा।

vii. यदि प्रस्तावक एनओसी की समाप्ति की तारीख से 3 महीने के भीतर नवीकरण के लिए आवेदन करने में विफल रहता है तो प्रस्तावक पर एनओसी की समाप्ति की तारीख से शुरू होने वाली अवधि और सक्षम प्राधिकारी द्वारा नवीनीकरण किए जाने की तारीख तक पर्यावरण क्षतिपूर्ति के भुगतान का उत्तरदायी होगा।

12.0 एनओसी का विस्तार

यदि प्रस्तावक वास्तविक कारणों से एनओसी की वैधता अवधि में कुएं (ओं) का निर्माण करने में असमर्थ रहता है तो प्रस्तावक को एनओसी के विस्तार के लिए आवेदन करना होगा। विस्तार के आवेदन में विलंब के कारणों को दस्तावेजों के आधार पर पुष्ट किया जाना चाहिए। एनओसी को विस्तार दिए जाने की अन्य शर्तें, नई एनओसी के समान ही होंगी।

एनओसी को अधिकतम दो वर्षों के लिए बढ़ाया जाएगा। इस बढ़ाई गई अवधि की समाप्ति के बाद इसमें कोई और विस्तार नहीं दिया जाएगा। ऐसी स्थिति में, आवेदक को एनओसी लेने के लिए नए सिरे से आवेदन करना होगा।

13.0 अवैध भूजल निकासी के खिलाफ शक्तियों का प्रत्यायोजन

केंद्रीय भूजल प्राधिकरण ने प्रत्येक राजस्व जिला/ सब डिविजनल के जिला मजिस्ट्रेटों/जिला कलेक्टरों/ सब डिविजनल मजिस्ट्रेटों को प्राधिकृत अधिकारी नियुक्त किया है, जिन्हें अवैध कुओं को सील करने, कुओं को मिलने वाली बिजली को काटने, उल्लंघन करने वालों के खिलाफ अभियोजन इत्यादि शुरू करने की शक्ति प्रदान की गई है, जिसमें उनके संबंधित अधिकारक्षेत्र में भूजल से संबंधित शिकायतों का निवारण शामिल है।

दिशा-निर्देशों के अनुसार निगरानी और अनुपालन तंत्र को और अधिक विकेंद्रीकृत और मजबूत बनाने के लिए, राज्यों/संघ राज्य क्षेत्रों के राजस्व और उद्योगों के संबंधित विभागों के अधिकारियों को राज्य/संघ राज्य क्षेत्रों की सरकारों के परामर्श से प्राधिकृत अधिकारी के रूप में नियुक्त किया जाएगा।

सीजीडब्ल्यूए द्वारा एनओसी एप्लीकेशन पोर्टल (एनओसीएपी) में जारी एनओसी की एक प्रति संबंधित जिला मजिस्ट्रेट/जिला कलेक्टर को भेजी जाएगी। केंद्रीय भूजल प्राधिकरण के निर्देशों के उल्लंघन और एनओसी में निर्धारित शर्तों को पूरा न करने की स्थिति में प्राधिकृत अधिकारी, पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 15 से 21 के तहत उचित याचिका/मूल आवेदन आदि उचित न्यायालयों में दायर करेंगे।

14.0 भूजल स्तर की निगरानी

भूजल स्तर की निगरानी के लिए सभी परियोजना प्रस्तावकों (10 सीयूएम/डी से अधिक भूजल निकासी) को अपने परिसर के भीतर अनिवार्य रूप से पाईजोमीटर (अवलोकन कुओं) का निर्माण करना पड़ता है। अनुपालन शर्तों की ऐसी व्यवस्था यह सुनिश्चित करने के लिए बनाई गई है जिससे कि हर महीने परियोजना क्षेत्र में भूजल स्तर की निगरानी और अवलोकन किया जा सके। इस संबंध में परियोजना प्रस्तावकों द्वारा पाईजोमीटर के माध्यम से जल स्तर की निगरानी के आवश्यक मानदंडों को तालिका 15.1 में दिया गया है।

निर्माण किए जाने वाले पीजोमीटर और जल स्तर निगरानी तंत्र के प्रकार की तालिका 15.1					
क्र.सं.	भूजल निकासी की मात्रा (सीयूएम/डी)	अपेक्षित पीजोमीटर की संख्या	निगरानी प्रणाली		
			मैनुअल	डीडब्ल्यूएलआर	डीडब्ल्यूएलआरके साथ टेलीमेटरी
1	<10	0	0	0	0
2	11-50	1	1	0	0
3	51-500	1	0	1	0
4	>500	2	0	1	1

पाईजोमीटर उपयुक्त ढंग से स्थापित किया जाएगा जिससे पाईजोमीटर में टैप किए गए जलभृत क्षेत्र की समानता पंपड कुएं के समान सुनिश्चित हो सके।

15.0 पर्यावरणीय क्षतिपूर्ति

उपयुक्त प्राधिकरण से वैध एनओसी लिए बिना उद्योगों, इंफ्रास्ट्रक्चर इकाइयों और खदान परियोजनाओं द्वारा व्यावसायिक उपयोग के लिए भूजल निष्कर्षण अवैध माना जाएगा और इस तरह के निकाय भूजल निकासी की मात्रा के लिए पर्यावरण क्षतिपूर्ति के भुगतान के लिए उत्तरदायी होंगे। नीचे उल्लिखित केंद्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी) द्वारा निर्धारित मानदंडों का उपयोग पर्यावरणीय क्षतिपूर्ति की गणना के लिए किया जाएगा:

ईसीजीडब्ल्यू = प्रतिदिन भूजल खपत x पर्यावरण क्षतिपूर्ति दर (ईसीआरजीडब्ल्यू) x दिन की संख्या x निवारण घटक

जहां भूजल खपत घन मीटर/ दिन और ईसीआरजीडब्ल्यू रु./ सीयूएम में है

15.1 पर्यावरणीय क्षतिपूर्ति की दरें:

मूल्यांकन इकाइयों की विभिन्न श्रेणियों में अलग-अलग उपयोगकर्ताओं की पर्यावरणीय क्षतिपूर्ति (ईसीआरजीडब्ल्यू) की दरें तालिका 15.1 से 15.3 में दी गई हैं।

तालिका 15.1 : पैकेज्ड पेयजल इकाइयों के लिए ईसीआरजीडब्ल्यू

क्र.सं.	क्षेत्र वर्गीकरण	जल की खपत (सीयूएम/दिन)			
		<200/	200 to <1000	1000 to <5000	5000 & above
		पर्यावरणीय क्षतिपूर्ति दर (ईसीआरजीडब्ल्यू) रु./घन मीमें .			
	सुरक्षित	12	18	24	30
2	अर्ध-गंभीर	24	36	48	60
3	गंभीर	36	48	66	90
4	अति-दोहित	48	72	96	120

टिप्पणी:-न्यूनतम ईसीजीडब्ल्यू 1,00,000/- रुपए से कम नहीं होगा।

तालिका 15.2: खनन/इंफ्रास्ट्रक्चर डि-वाटरिंग परियोजनाओं के लिए ईसीआरजीडब्ल्यू

क्र.सं.	क्षेत्र वर्गीकरण	जल खपत (सीयूएम/दिन)			
		<200	200 to <1000	1000 to <5000	5000 & above
		पर्यावरणीय क्षतिपूर्ति दर (ईसीआरजीडब्ल्यू) रु./घन मीमें .			
1	सुरक्षित	15	21	30	40
2	अर्ध-गंभीर	30	45	60	75
3	गंभीर	45	60	85	115
4	अति-दोहित	60	90	120	150

टिप्पणी: न्यूनतम ईसीजीडब्ल्यू 1,00,000/- रुपए से कम नहीं होगा।

तालिका 15.3: औद्योगिक इकाइयों के लिए ईसीआरजीडब्ल्यू

क्र.सं.	क्षेत्र वर्गीकरण	जल की खपत (सीयूएम/दिन)			
		<200	200 to <1000	1000 to <5000	5000 & above
		पर्यावरणीय क्षतिपूर्ति दर (ईसीआरजीडब्ल्यू) रु./घन मीमें .			
1	सुरक्षित	20	30	40	50
2	अर्ध-गंभीर	40	60	80	100
3	गंभीर	60	80	110	150
4	अति-दोहित	80	120	160	200

टिप्पणी: न्यूनतम ईसीजीडब्ल्यू 1,00,000/- रुपए से कम नहीं होगा।

15.2 नुकसान और पर्यावरणीय क्षति की भरपाई के लिए निवारक कारक (पैकेज्ड पेयजल यूनिट्स, खनन, उद्योग और इंफ्रास्ट्रक्चर से जुड़ी परियोजनाओं के लिए)

अवैध भूजल निष्कर्षण की अवधि के आधार पर निम्नलिखित निवारक कारकों को नुकसान और पर्यावरणीय क्षति की भरपाई का विवरण तालिका 15.4 में दिया गया है।

तालिका 15.4: भूजल निकासी की मात्रा और अवैध निकासी के वर्षों की संख्या के आधार पर निवारक कारक

क्र.सं.	जल की खपत	निवारक कारक		
		< 2 वर्ष	2-5 वर्ष	>5 वर्ष
1	<1000 केएलडी	1.00	1.00	1.25
2	1000-5000 केएलडी	1.00	1.00	1.50
3	>5000 केएलडी	1.00	1.25	2.00

टिप्पणी: केएलडी – किलोमीटर प्रतिदिन

16.0 दंड का प्रावधान

उपयुक्त प्राधिकारी द्वारा जारी एनओसी शर्तों का पालन न करने की स्थिति में प्रस्तावकों पर जुर्माना लगाया जाएगा। एनओसी की विभिन्न शर्तों का पालन नहीं करने की प्रस्तावित दंड की दरें तालिका 16.1 में दी गई हैं। जल शक्ति मंत्रालय में सक्षम प्राधिकारी के अनुमोदन से दंड की दरों की समय-समय पर समीक्षा की जाएगी।

तालिका 16.1: एनओसी शर्तों का अनुपालन न करने पर दंड का प्रावधान

क्र.सं.	मर्दे	शुल्क रुपए में
1	टेलीमेट्री सिस्टम के साथ स्थापित नहीं होना/ दोषपूर्ण डिजिटल वॉटर फ्लो मीटर।	200000
2	अतिरिक्त भूजल निष्कर्षण संरचनाओं का अप्रकटीकरण/निर्माण क) गैर-कार्यात्मक संरचनाएं। ख) अप्रचलित/ परित्यक्त टिप्पणी: दी गई दरे गैर-कार्यात्मक/अप्रचलित/ परित्यक्त संरचनाओं के लिए हैं। समेकित दंड के लिए इस तरह की संरचनाओं की कुल संख्या के साथ इसे गुणा किया जाएगा।	200000 100000
3	ताजे जल क्षेत्रों की रिपोर्टिंग आवेदन में त्रैकिश/लवणता क्षेत्र के रूप में।	200000
4	पाईज़ोमीटर को स्थापित नहीं किया जाना।	200000
5	दोषपूर्ण डीडब्ल्यूएलआर / टेलीमेट्री प्रणाली / स्थापित नहीं होना	100000
6	पुनर्भरण की अपर्याप्त क्षमता / जल संरक्षण संरचनाओं का निर्माण नहीं होना।	500000
7	पुनर्भरण संरचनाओं का रखरखाव न होना।	200000
8	शोधित / बिना शोधित जल को जलभृत प्रणाली में पहुंचाना। नोट: जुमनि के अलावा, प्रस्तावक पर्यावरण (संरक्षण) अधिनियम, 1886 के प्रावधानों के अनुसार जलभृत सुधार लागत वहन करेगा।	1000000
9	जल स्तर / जल गुणवत्ता डाटा को प्रस्तुत नहीं करना।	50000
10	भूजल की दैनिक निकासी/निष्कर्षण आंकड़ों की लॉग बुक का रखरखाव नहीं करना।	50000
11	पुनर्भरण संरचना (ओं) की तस्वीर न प्रस्तुत करना।	50000
12	अपनी अनुपालन रिपोर्ट प्रस्तुत न करना।	100000
13	प्राधिकृत/अपंजीकृत ड्रिलिंग रिग्स (प्रति संरचनाओं) द्वारा भूजल निष्कर्षण संरचनाओं का निर्माण।	100000
14	जलापूर्ति टैंकों का पंजीकरण न करना।	500000
15	गलत सूचना / वचन देना।	100000

मौजूदा जारी एनओसी पत्र में सुधार / संशोधन के लिए शुल्क का भुगतान भी करना होगा। ऐसे शुल्कों का विवरण तालिका 16.2 में दिया गया है।

तालिका 16.2: जारी मौजूदा एनओसी में सुधार / संशोधन के लिए प्रस्तावित शुल्क

क्र.सं.	मर्दे	शुल्क रुपए में
1	पुनर्भरण मात्रा में बदलाव	10000
2	उपयोगकर्ता आईडी में परिवर्तन।	5000
3	फर्म के नाम में बदलाव	5000
4	एनओसी को बढ़ाया जाना	5000
5	एनओसी को प्रतिरूप में जारी करना	5000
6	एनओसी के शुद्धिपत्र को जारी करना	5000
7	कोई अन्य मद / सुधार आदि	5000

17.0 अन्य महत्वपूर्ण शर्तें (सभी पर लागू):

- i. केंद्रीय भूजल बोर्ड/ राज्य भूजल प्राधिकरण से जारी होने वाली वैध एनओसी के बिना किसी व्यक्ति/एजेंसी को भूजल की बिक्री करने की अनुमति नहीं है।
- ii. इंफ्रास्ट्रक्चर परियोजनाओं में भूजल समावेशन/भंडारण सुनिश्चित करने के लिए पट्टे / पार्किंग क्षेत्र को इंटरलॉकिंग / छिद्रित टाइलों या अन्य उपयुक्त उपायों के साथ कवर किया जाना चाहिए।
- iii. इंफ्रास्ट्रक्चर परियोजनाओं के मामले में, फर्म/संस्था, परियोजनाओं में दोहरी जलापूर्ति प्रणाली के कार्यान्वयन को सुनिश्चित करेगी। इसका अनुपालन वेब पोर्टल के माध्यम से प्रस्तुत किया जाएगा।
- iv. एनओसी में उल्लिखित शर्तों का अनुपालन न करने पर प्रदान की गई एनओसी के रद्द होने / एनओसी के नवीकरण न होने का पर्याप्त कारण माना जा सकता है।
- v. संबंधित श्रेणियों में निर्दिष्ट पुख्ता दस्तावेजों के बिना किसी भी आवेदन पर विचार नहीं किया जाएगा।
- vi. निष्कर्षण संरचना (ओं) को परियोजना संपत्ति परिसर के अंदर स्थित होना चाहिए।
- vii. एनओसी में निर्धारित शर्तों का अनुपालन उपयोगकर्ताओं द्वारा सीजीडब्ल्यूए / राज्य भूजल प्राधिकरण के वेब पोर्टल में ऑनलाइन रिपोर्ट किया जाएगा।
- viii. निर्धारित प्रसंस्करण शुल्क, यदि कोई हो, समय-समय पर विभिन्न सेवाओं के लिए, लिया जाएगा।

टिप्पणी:

1. दिशानिर्देश समय-समय पर संशोधन के अधीन हैं।
2. इस दस्तावेज़ में अनुलग्नक सहित हिंदी और अंग्रेजी संस्करणों के बीच किसी भी विसंगति के मामले में, बाद वाला मान्य होगा।

अनुलग्नक I**पेयजल और घरेलू उपयोग के लिए जल की आवश्यकताओं का अनुमान****(स्रोत: नेशनल बिल्डिंग कोड 2016, बीआईएस)**

क) आवासीय भवन:

आवास	आबादी
1 शयनकक्ष आवास इकाई	4
2 शयनकक्ष आवास इकाई	5
3 शयनकक्ष आवास इकाई	6
4 शयनकक्ष आवास इकाई और उससे अधिक	7

टिप्पणियां:

- 1) उपरोक्त आंकड़े सहयोगी कार्मिकों सहित घरेलू परिवारों पर विचार करते हैं, जहां कहीं भी लागू हो।
- 2) प्लॉट किए गए विकास में घरेलू परिवार इकाइयों की अपेक्षित संख्या और इनके प्रकार पर विचार करने के बाद आबादी का अनुमान लगाया जा सकता है।
- 3) ईडब्ल्यूएस श्रेणी के तहत आवासीय इकाई में अपेक्षित आबादी 4 होगी और स्टूडियो अपार्टमेंट में अपेक्षित आबादी 2 होगी।

एक सामान्य नियम के अनुसार घरेलू और गैर-घरेलू जरूरतों के लिए प्रति व्यक्ति प्रति दिन निम्नलिखित दरों पर विचार किया जा सकता है:

क) 20,000 तक की आबादी वाले समुदायों के लिए:

1)	स्टैंड पोस्ट के माध्यम से जलापूर्ति:	40 एलपीएचडी (न्यूनतम)
2)	घरेलू सेवा के माध्यम से जलापूर्ति: कनेक्शन	70 से 100 एलपीएचडी

77

ख) उन समुदायों के लिए: 100 से 135 एलपीएचडी

पूर्ण फ्लशिंग प्रणाली के साथ 20,000

से 100,000 की एक साथ आबादी

ग) उन आबादी वाले समुदायों के लिए: 150 से 200 एलपीएचडी

पूर्ण फ्लशिंग प्रणाली के साथ 100,000

से अधिक आबादी के लिए

टिप्पणी - मौजूदा परिस्थितियों और जल की उपलब्धता पर निर्भरता को ध्यान में रखते हुए मध्यम आय समूह (एमआईजी) और निम्न आय वर्ग (एलआईजी) और आर्थिक रूप से कमजोर वर्ग (ईडब्ल्यूएस) के लिए घरों में प्रति दिन 150 से 200 लीटर प्रति व्यक्ति के हिसाब से की जाने वाली जलापूर्ति को प्रति दिन 135 लीटर तक घटाया जा सकता है। 150 से 200 लीटर प्रति दिन प्रति व्यक्ति में से 45 लीटर प्रति व्यक्ति जल की मात्रा फ्लशिंग और दूसरे घरेलू उद्देश्यों में प्रयोग की जा सकती है।

क. आवासीय इमारतों के अलावा अन्य भवनों में जल की आवश्यकता

क्र. सं.	भवन का प्रकार	घरेलू लीटर प्रति व्यक्ति प्रतिदिन	फ्लशिंग लीटर प्रति व्यक्ति प्रतिदिन	कुल खपत लीटर प्रति व्यक्ति प्रतिदिन
1.	कैंटीन सहित कारखाने जहां स्नानगृह उपलब्ध कराना आवश्यक है	30	15	45
2.	कैंटीन सहित कारखाने जहां स्नानगृह उपलब्ध कराना आवश्यक नहीं है	20	10	30
3.	अस्पताल (कपड़े धोना और रसोई को छोड़कर):			
	क) बिस्तरों की संख्या 100 से अधिक नहीं	230	110	340
	ख) बिस्तरों की संख्या 100 से अधिक	300	150	450
	ग) बाह्य रोगी विभाग (ओपीडी)	10	5	15
4.	नर्सों के घर और मेडिकल क्वार्टर	90	45	135
5.	हॉस्टल	90	45	135
6.	होटल (3 सितारा तक) कपड़े धोना, रसोई, कर्मचारियों और जल निकायों को छोड़कर	120	60	180
7.	होटल (4 सितारा और इससे अधिक) कपड़े धोना, रसोई, कर्मचारियों और जल निकायों को छोड़कर	260	60	320
8.	कार्यालय (कैंटीन सहित)	25	20	45
9.	रसोई के लिए अपेक्षित जल सहित रेस्तरां और फूड कोर्ट:			
	क) रेस्तरां	55 प्रति सीट	15 प्रति सीट	70 प्रति सीट
	ख) फूड कोर्ट	25 प्रति सीट	10 प्रति सीट	35 प्रति सीट
10.	क्लब हाउस	25	20	45
11.	स्टेडियम	4	6	10
12.	सिनेमा, कॉन्सर्ट हॉल, थियेटर और मल्टीप्लेक्स	5 प्रति सीट	10 प्रति सीट	15 प्रति सीट
13.	13. स्कूल / शैक्षणिक संस्थान:			
	क) बिना बोर्डिंग सुविधाओं के	25	20	45
	ख) बोर्डिंग सुविधाओं सहित	90	45	135

14.	खरीदारी और खुदरा (मॉल)			
	क) कर्मचारी	25	20	45
	ख) आगंतुक	5	10	15
15.	ट्रेफिक टर्मिनल स्टेशन			
	क) हवाई अड्डे	40	30	70
	ख) स्नान की सुविधा सहित रेलवे स्टेशन (जंक्शन)	40	30	70
	ग) बिना स्नान की सुविधा वाले रेलवे स्टेशन (जंक्शन)	30	15	45
	घ) स्नान की सुविधा सहित रेलवे स्टेशन (इंटरमीडिएट)	25	20	45
	ड) बिना स्नान की सुविधा वाले रेलवे स्टेशन (इंटरमीडिएट)	15	10	25
	च) अंतरराज्यीय बस टर्मिनल	25	20	45
	छ) अंतरराज्यीय बस टर्मिनल/मेट्रो स्टेशन	10	5	15

टिप्पणियां:

1. आगंतुकों के लिए जल की मांग की गणना प्रति दिन प्रति व्यक्ति 15 लीटर की खपत हो सकती है।
2. जल की मांग में रोगियों, परिचारकों, आगंतुकों और कर्मचारियों की आवश्यकता शामिल है। रसोई, कपड़े धोना और क्लीनिकल जल की अतिरिक्त मांग की गणना वास्तविक आवश्यकताओं के आधार पर की जाएगी।
3. कर्मचारियों और विक्रेताओं द्वारा प्रयोग की जा रही सुविधाओं पर विचार करते हुए स्टेशनों द्वारा नियंत्रित किए जाने वाले यात्रियों की औसत संख्या के आधार पर लोगों की संख्या का निर्धारण किया जाएगा।
4. औसत सीजनल पीक आवश्यकताओं पर विचार किया जाना चाहिए।
5. अस्पतालों को श्रेणी क (25 से 50 बिस्तर), श्रेणी ख (51 से 100 बिस्तर), श्रेणी ग (101 से 300 बिस्तर), श्रेणी घ (301 से 500) और श्रेणी ड (501 से 750 बिस्तर) में वर्गीकृत किया जा सकता है।

अनुलग्नक II

पाईजोमीटर के निर्माण और भूजल स्तर और गुणवत्ता की निगरानी के लिए दिशानिर्देश

पाईजोमीटर एक बोरवेल/ट्यूबवेल है जिसका उपयोग केवल टेप को घटाकर/साउंडर या स्वचालित / डिजिटली जल स्तर मापने वाले उपकरण के तौर पर किया जाता है। जब भी जरूरत होती है तो जल की गुणवत्ता के परीक्षण के लिए जल नमूना लेने के लिए भी इसका उपयोग किया जाता है। पाईजोमीटर को स्थापित करने के सामान्य दिशानिर्देश निम्नानुसार हैं:

- पंपिंग कुएं से 50 मीटर की न्यूनतम दूरी पर पाईजोमीटर को स्थापित/निर्माण किया जाना होता है जहां से भूजल निकाला जा रहा है। पाईजोमीटर का व्यास लगभग चार इंच से छह इंच होना चाहिए।
- पाईजोमीटर की गहराई पंपिंग कुएं से समान होनी चाहिए, जहां से भूजल निकाला जा रहा है। अगर, एक से अधिक पंपिंग कुओं का निर्माण एक्स्क्रिफर्स को अलग-अलग गहराई पर करने के लिए किया जाता है, तो एक से अधिक पाईजोमीटरों को अलग-अलग एक्स्क्रिफर्स को टैप करने वाले कुओं की तरह बनाने की आवश्यकता होगी।
- आसपास के ट्यूबवेल से पंपिंग को लगभग चार से छह घंटे के लिए रोक जाने के बाद ही पाईजोमीटर में जल स्तर की माप ली जानी चाहिए।

- उद्योगों और खनन द्वारा जल की निकासी के लिए ग्री-मानसून (अप्रैल / मई) की अवधि के दौरान वर्ष में एक बार भूजल गुणवत्ता की निगरानी की जानी चाहिए। एनएबीएल मान्यता प्राप्त प्रयोगशाला से भूजल के नमूनों का विश्लेषण किया जाना चाहिए।
- मानदंडों और पहचान के लिए पाईज़ोमीटर / ट्यूबवेल की संख्या, गहराई और पाईज़ोमीटर / ट्यूबवेल ज़ोन टैप की जानकारी उपलब्ध कराने के लिए पाईज़ोमीटर / ट्यूबवेल साइट पर एक स्थायी डिस्प्ले बोर्ड स्थापित किया जाना चाहिए।
- मापन के लिए सुरक्षा और पहुंच के संबंध में किसी अन्य साइट की विशिष्ट आवश्यकताओं का ध्यान रखा जा सकता है।

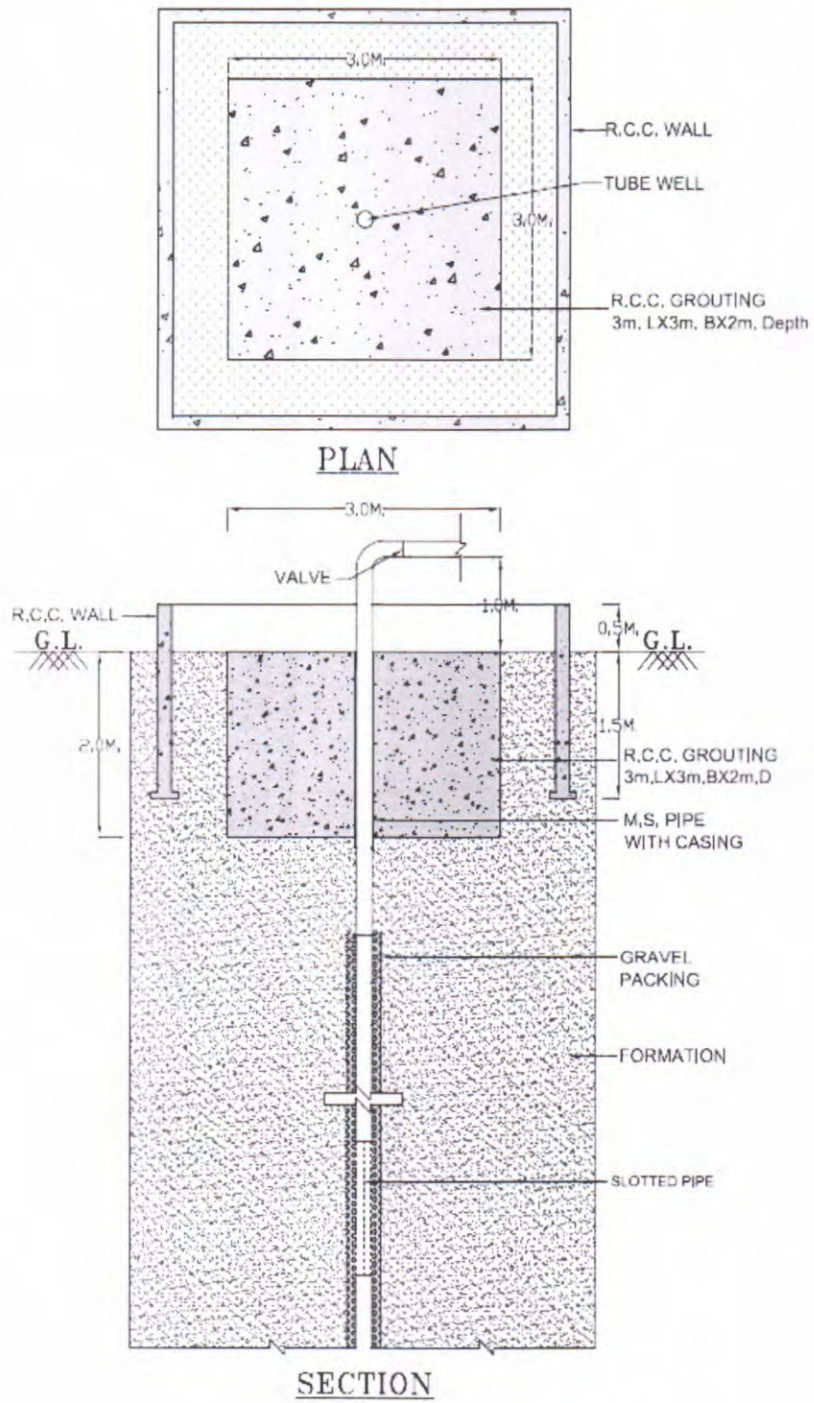
अनुलग्नक III

प्रदूषणकारी उद्योगों / परियोजनाओं के संयंत्र परिसर में प्रदूषण की रोकथाम को सुनिश्चित करने के लिए अपनाए जाने वाले उपाय

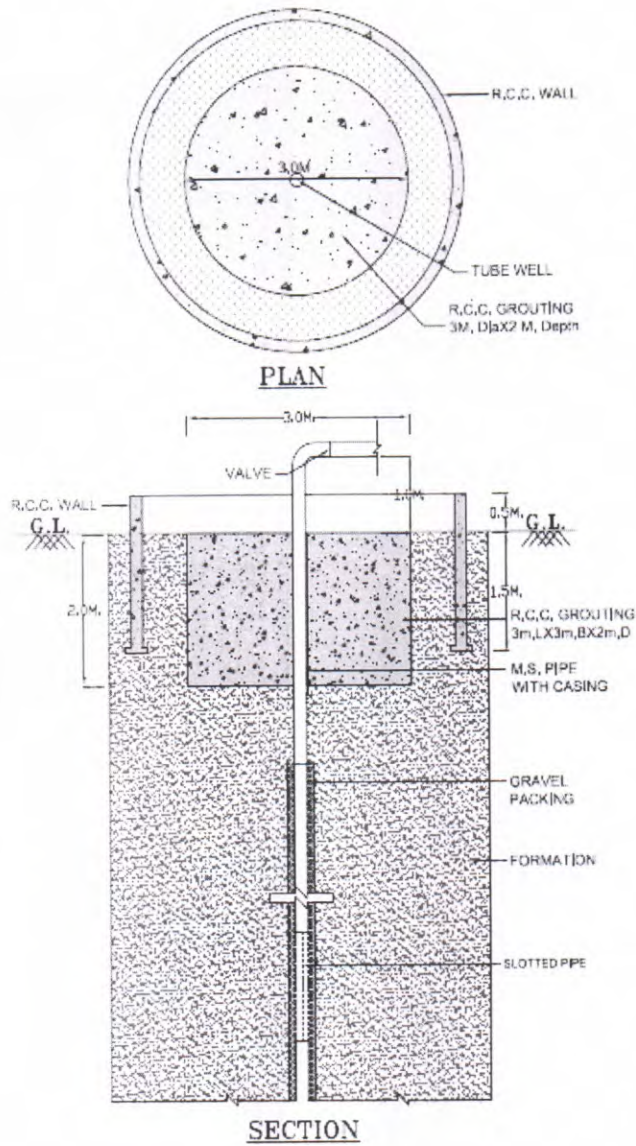
यह देखा गया है कि चर्मशोधन, स्लॉटर हाउस, ड्राई, केमिकल, कोलवाशरी, अन्य खतरनाक इकाइयों आदि जैसे प्रदूषित उद्योगिक स्थलों में और इसके आसपास के क्षेत्रों में भूजल प्रदूषित होता है। भूजल की गुणवत्ता में और अधिक गिरावट को रोकने के लिए आवश्यक है कि इसको संरक्षित करने के सभी जरूरी उपाय किए जाएं। इस श्रेणी के अंतर्गत आने वाले सभी उद्योग / परियोजनाओं को मौजूदा और नई श्रेणी दोनों के तहत निम्नलिखित प्रक्रिया का पालन करने का निर्देश दिया जाता है।

1. किसी भी नलकूप / बोरवेल / कुएं का निर्माण प्रसंस्करण इकाई के आसपास के क्षेत्र में नहीं किया जाना चाहिए। नलकूप / बोरवेल का निर्माण उस स्थान पर किया जाना चाहिए जहां स्वच्छता हो।
2. असेंबली / केमिंग और पीवीसी (पॉली विनाइल क्लोराइड) के लिए केवल हल्के स्टील पाइप का उपयोग किया जाना चाहिए या इस तरह के अन्य पाइप का उपयोग नहीं किया जाना चाहिए। पीवीसी या इसी तरह के दूसरे पाइप वाले ट्यूबवेल / बोरवेल को छोड़ दिया जाना चाहिए और उसे भर देना चाहिए।
3. नलकूप / बोरवेल के आसपास, आरसीसी (प्रबलित कंक्रीट सीमेंट) 3 मीटर (लंबाई) x 3 मीटर (चौड़ाई) x 2 मीटर (गहराई) की ग्राउटिंग की जानी चाहिए। नलकूप / बोरवेल के पाइप को जमीन के स्तर (1 एमएजीएल) से 1 मीटर ऊपर उठाया जाना चाहिए। किसी भी सतही संदूषण को रोकने के लिए नलकूप / बोरवेल को 0.5 मीटर ऊंचाई और 1.5 मीटर गहराई की आरसीसी दीवार से घिरा होना चाहिए जिससे निर्माणाधीन ट्यूबवेल / बोरवेल में संदूषण को रोका जा सके। योजना / अनुभागीय आरेख को संदर्भ के लिए (परिशिष्ट 1 और 2) में संलग्न किया गया है।
3. नलकूप / बोरवेल में नॉन रिटर्न बॉल्व लगाया जाना चाहिए जिससे यह सुनिश्चित हो सके कि निर्मित नलकूप / बोरवेल का उपयोग केवल भूजल निष्कर्षण के लिए किया जाता है।
4. किसी भी समय निर्माणाधीन नलकूप / बोरवेल / पाईज़ोमीटर में जल या तरल पदार्थ नहीं जाना चाहिए।
5. इस श्रेणी के अंतर्गत आने वाले उद्योगों / परियोजनाओं को संयंत्र परिसर के भीतर किसी भी तरह के पुनर्भरण उपाय लागू नहीं करने चाहिए।
6. एसटीपी (सीवेज ट्रीटमेंट प्लांट) या ईटीपी (एफ्लुएंट ट्रीटमेंट प्लांट) के आसपास के क्षेत्र में स्थित किसी भी नलकूप / बोरवेल को छोड़ दिया जाना चाहिए और उसे भर देना चाहिए।
7. निगरानी के उद्देश्य से बनाए जाने वाले पाइज़ोमीटर में नलकूप / बोरवेल के निर्माण में अपनाई जाने वाली प्रक्रिया का पालन होना चाहिए।

कुएं की ऊपरी हिस्से को सुरक्षित करने की योजना / अनुभागीय आरेख



कुएं की ऊपरी हिस्से को सुरक्षित करने की योजना / अनुभागीय आरेख





अनुबंध-IV

उद्योगों द्वारा एनओसी प्राप्त करने के लिए हाइड्रो-जियोलॉजिकल रिपोर्ट की रूपरेखा

1. प्रस्तावित परियोजना के बारे में परियोजना क्षेत्र का सीमांकन करते हुए इसकी जगह का विवरण, निर्देशांक, गूगल / टोपोशीट मानचित्र आदि का संक्षिप्त विवरण।
2. परियोजना और उसके आसपास के क्षेत्र में जल स्तर और इसकी गुणवत्ता के आंकड़ों एवं नक्शों सहित इससे जुड़े मुद्दों को शामिल करते हुए भूजल की स्थिति, यदि कोई हो। खदान के मामले में, कोर और बफर जोन दोनों में भूजल स्थिति का वर्णन किया जाना चाहिए।
3. प्रस्तावित निर्माणाधीन ब्लूवैल / बोरवेल का विवरण। इसमें ड्रिलिंग गहराई, व्यास, संभावित लिथोलॉजिकल लॉग, कम किए जाने वाले पंप का विवरण, पंप का एच.पी., नलकूपों / बोरवेलों की संभावित निकासी आदि को शामिल किया जाता है। जगहों को साइट योजना / मानचित्र पर चिह्नित किया जाना चाहिए। प्रस्तावित पाईजोमीटर की जगह।
4. परियोजना और उसके आसपास क्षेत्र में किए गए जियो-फिजिकल अध्ययनों का विवरण। परियोजना वाले ब्लॉक में भूजल संसाधन की गणना।
5. खदानों के मामले में स्वीकृत खदान योजना और खान / इंफ्रास्ट्रक्चर परियोजनाओं के मामले में विस्तृत डि-वाटरिंग परियोजनाएं।
6. खनन / इंफ्रास्ट्रक्चर डि-वाटरिंग परियोजनाओं के मामले में पंप किए गए जल का प्रस्तावित उपयोग।
7. परियोजना और उसके आसपास क्षेत्र में भूजल पर पड़ने वाले प्रभाव का व्यापक मूल्यांकन और इसके जोखिमों को उजागर करते हुए किसी भी महत्वपूर्ण पर्यावरणीय मुद्दों के समाधान के लिए प्रस्तावित प्रबंधन रणनीतियां।
8. लवणता युक्त जल निकालने वाले उद्योगों द्वारा अपशिष्ट जल के निपटान के लिए प्रस्तावित उपाय।
9. जल संरक्षण के लिए अपनाए जाने वाले उपायों में रि-साइक्लिंग, पुनः उपयोग, शोधन आदि उपाय शामिल हैं, इसमें फर्म द्वारा अपनाए जा रहे जल संतुलन चार्ट के साथ-साथ अपनाए जाने वाले जल संरक्षण के तरीके भी शामिल रहते हैं।
- परियोजना के अंतर्गत मौजूदा / प्रस्तावित एसटीपी / ईटीपी / सीईपीटी की क्षमता और प्रवाह चार्ट का संक्षिप्त लेख।
- भूजल व्रचाने के लिए अपनाए जाने वाले जल संरक्षण उपायों का विवरण।
- विभिन्न प्रक्रियाओं में जल के उपयोग को दर्शाने वाला कुल जल संतुलन चार्ट।
10. परियोजना से संबंधित कोई अन्य विवरण।

अनुलग्नक-V

भूजल स्थितियों पर रिपोर्ट का फॉर्मेट

- परिचय
- परियोजना वर्णन
- पृष्ठ भूमि
- लक्ष्य और अवसर
- क्षेत्रीय व्यवस्था
- स्थान
- भूमि उपयोग
- जलवायु
- स्थालाकृति और जल निकास
- भूविज्ञान-क्षेत्रीय और स्थानीय

83

- सामान्य हाइड्रोज्योलॉजी (जलीय प्रकार, जलीय गहराई, जोन टेप- किया गया आदि) भूजल स्थिति (कोर और बफर जोन में)
- भूजल गुणवत्ता के जल स्तर में स्थानिक और लैकिक भिन्नता (छिछला और गहरा जलभृत)
- स्थानीय भूजल पर भूजल निष्कर्षण का प्रभाव जल स्तर का जलारेख/निगरानी कुओं में दाबमापी ऐतिहासिक और जल स्तर के प्रचलन विश्लेषण शुद्ध विश्लेषण है। (भूजल के बहाव की दिशा)
- अनुमोदित खनन योजना के अनुसार वर्षावार/बेचवार खनन जल निष्कासन का अभिकलन
- निष्कर्ष

अनुलग्नक-VI

परियोजनाओं के आधारभूत संरचना का निर्देशात्मक सूची

वाणिज्यिक इमारतों सहित आवासीय नगर क्षेत्र

कार्यालय इमारत

विद्यालय कॉलेज

विश्वविद्यालय

सेज

मेट्रो स्टेशन

बस डिपो

हाइवे आधार भूत संरचना

दमकल केन्द्र

गोदाम

व्यापार प्लाजा

मॉल और मल्टीप्लेक्स

अस्पताल

नर्सिंग होम

रिजोर्ट

होटल/रेस्टोरेन्ट/फुड प्लाजा

होलीडे होम/अतिथि गृह/छात्रावास

वैक्वेट हॉल/

मैरिज गार्डन

आईटी कॉम्प्लेक्स

आईटी कॉम्प्लेक्स

लॉजिस्टिक एण्ड कारगो

क्लबस

व्यापार केन्द्र

84

अनुलग्नक-VII

2009 के सिविल रिट याचिका में सुपरिम कोर्ट के आदेश में परित्यक्त वेध कूपों और नल कूपों में उनके गिरने के कारण छोटे बच्चों के घातक दुर्घटनाओं के रोकथाम के लिए पैमाना जवाब में परित्यक्त वेध कूपों और नल कूपों में उनके गिरने के कारण छोटे बच्चों के घातक दुर्घटनाओं के रोकथाम के लिए पैमाना भारतीय संघ और संगठन उत्तर देने वाला आदेश वर्तमान रिट याचिका में कुछ नहीं है, विषय में हल्के, इसके साथ न्यायालय के आदेश दिनांक 11 फरवरी, 2010 के जारी किये गए आपेक्षित दिशा-निर्देश देखिए।

वह संशोधन इस प्रकार है:

- i) जमीन/परिसर के मालिक को वेध कूप/नल कूप बनाने के लिए कोई कदम उठाने से पहले क्षेत्र में संबंधित अधिकारी को लिखित में सूचना देना चाहिए, जो है, जिलाधिकारी, जिला मजिस्ट्रेट/ग्राम पंचायत के सरपंच/कोई अन्य सांत्वधिक अधिकारी/भूजल विभाग के संबंधित अधिकारी/लोक स्वास्थ्य/नगर निगम, जैसा मामला हो सकता है, वेध कूप/नल कूप के निर्माण के लिए।
- ii) सभी ड्रिलिंग एजेंसियों का पंजीयन, मुख्यतः सरकारी/अर्द्ध सरकारी निजीइत्यादि जिला प्रशासन/वैधानिक अधिकारी जहां भी लागू हो के साथ अनिवार्य होना चाहिए।
- iii) निम्नलिखित विवरण के साथ कुएं के समीप निर्माण के समय पर सूचना पट्ट की स्थापना:-
(क) कुएं के सुधार/निर्माण के समय पर ड्रिलिंग एजेंसी का पूरा पता।
(ख) कुएं के मालिक/उपयोग करने वाले एजेंसी का पूरा पता
- iv) निर्माण के दौरान कुएं के चारों ओर कांटेदार तार घेराबंदी या कोई अन्य उपयुक्त घेरा का स्थापना।
- v) कुएं के चारों ओर के आवरण से (0.30 मीटर जमीन स्तर से ऊपर और 0.30 मीटर जमीन स्तर से नीचे) 0.50x0.50x0.60 मीटर की दूरी पर कोंक्रीट प्लेट फार्म/सिमेंट का निर्माण।
- vi) बोल्ट्स और नट्स के साथ पाइप के आवरण को फिक्स करने के लिए मजबूत कैप उपलब्ध कराते हुए स्टील की वेलिंग द्वारा कुएं के सज्जीकरण का कैपिंग।
- vii) पम्प मरम्मत के मामले में नल कूप को खुला नहीं छोड़ना चाहिए।
- viii) कार्य के पूरे होने के पश्चात् कीचड़ के गड्ढे और नाली को भरना।
- ix) परित्यक्त वेध कूपों को नीचे से जीमन स्तर तक मिट्टी/रेत/पत्थर/कंकड़/ड्रिल कटिंग आदि से भरना।
- x) खास जगह पर ड्रिलिंग प्रचालन के पूरे होने पर, ड्रिलिंग के शुरू होने से पहले जमीन के स्थिति का मरम्मत करना।
- xi) जिलाधिकारी को सत्यापित करने अधिकार होना चाहिए कि उपरोक्त निशा-निर्देश को अनुसरण ओर उचितनगरानी किया जा रहा है, केन्द्रीय सरकार एजेंसियों/संबंधित राज्य द्वारा नल कूपों/वेध गड्ढों की स्थिति के विषय में जांच का ख्याल रखा जा रहा है।
- xii) जिला स्तर पर जिला/प्रखण्ड/ग्राम-वार ड्रिलड नल कूपों/वेध कूपों की स्थिति जिला/प्रखण्ड/ग्राम-वार अर्थात् उपयोग में कूपों की संख्या, परित्यक्त वेध कूप/खूले पायेगए नल कूपों की संख्या, परित्यक्त वेध कूपों/जमीनी स्तर तक उचितसे भरे गए नल कूपों और परित्यक्त वेध कूपों/जमीनी स्तर तक भरे गये नल कूपों को बनाए रखा जाता है।
ग्रामीण क्षेत्रों में उपरोक्त निगरानी कृषि विभाग से कार्यपालक और ग्राम सरपंच द्वारा किया जाता है। गहरी क्षेत्र के मामले में, उपरोक्त निगरानी कनिष्ठ अभियंता और संबंधित भूजल विभाग से कार्यपालक/लोक स्वास्थ्य/नगर निगम आदि द्वारा किया जाता है।
- xiii) यदि कोई स्तर पर परित्यक्त वेध कूप/नल कूप है, तो संबंधित भूजल विभाग/लोक स्वास्थ्य/नगर निगम/निजी ठेकेदार आदि से एक प्रमाण पत्र पूर्व कथित एजेंसी द्वारा लेनी चाहिए कि परित्यक्त वेध कूप और नल कूप उचितरूप से जमीन स्तर तक भरा गया। संबंधित विभाग/एजेंसी के कार्यपालक द्वारा बिना सोचे समझे जांच किया जाना है। उपरोक्त ऐसी सभी आंकड़ों की सूचना राज्य के प्रखण्ड विकास कार्यालय/जिला अधिकारी के पास उपलब्ध होनी है।

(85)

हमें सूचना दिया गया कि दिनांक 11 फरवरी, 2010 के पहले आदेश का अंतिम पैराग्राफ से संबंधित पब्लिसिटी का विधिवत अनुपालन किया गया है।

उपरोक्त के अधिन, रिट याचिका का निपटारा किया गया है।

.....सीजेआई

[एस.एच.कपाडिया]

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के.एम. राधाकृष्णन

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स्वतंत्र कुमार

नई दिल्ली,

06 अगस्त, 2010

अनुलग्नक-VIII

सीजीडब्ल्यूए द्वारा राज्यों/मंघीय प्रदेशों की सूची जहां भूजल निकर्षण नियंत्रित किया जाता है-

1. अंडमान और निकोबार
2. असम
3. अरुणाचल प्रदेश
4. बिहार
5. छत्तीसगढ़
6. दादर और नगर हवेली और दमन और दीव
7. गुजरात
8. हरियाणा
9. झारखंड
10. मध्य प्रदेश
11. महाराष्ट्र
12. मणिपुर
13. मेघालय
14. मिजोरम
15. नागालैंड
16. ओडिशा
17. पंजाब
18. राजस्थान
19. सिक्किम
20. त्रिपुरा
21. उत्तर प्रदेश
22. उत्तराखंड
23. आंध्र प्रदेश (केवल खनन परियोजनाएं)
24. तेलंगाना (केवल खनन परियोजनाएं)



प्रयुक्त तकनीकी शब्दों के शब्दावली

- 1) **सुरक्षित क्षेत्र:** सीजीडब्ल्यूबी और राज्य भूजल संगठनों द्वारा संयुक्त रूप से किए गये नवीनतम भूजल संसाधनों के आकलन के आधार पर भूजल संसाधनों की दृष्टिकोण से सुरक्षित के रूप में वर्गीकृत किया गया है। एनओसीएपी और सीजीडब्ल्यूबी के वेबसाइट पर विवरण उपलब्ध है।
- 2) **अर्द्ध-नाजुक क्षेत्र:** सीजीडब्ल्यूबी और राज्य भूजल संगठनों द्वारा संयुक्त रूप से किए गये नवीनतम भूजल संसाधनों के आकलन के आधार पर भूजल संसाधनों की दृष्टिकोण और सीजीडब्ल्यूबी के वेबसाइट पर विवरण उपलब्ध है।
- 3) **नाजुक क्षेत्र:** सीजीडब्ल्यूबी और राज्य भूजल संगठनों द्वारा संयुक्त रूप से किये गये नवीनतम भूजल संसाधनों के आकलन के आधार पर भूजल संसाधनों की दृष्टिकोण से नाजुक के रूप में वर्गीकृत किया गया है। एनओसीएपी और सीजीडब्ल्यूबी के वेबसाइट पर विवरण उपलब्ध है।
- 4) **अतिदोहित क्षेत्र:** सीजीडब्ल्यूबी और राज्य भूजल संगठनों द्वारा संयुक्त रूप से किये गये नवीनतम दृष्टिकोण से अतिदोहित के रूप में वर्गीकृत किया गया है। एनओसीएपी और सीजीडब्ल्यूबी के वेबसाइट पर विवरण उपलब्ध है।
- 5) **जलभृत:** भूवैज्ञानिक संरचना भूजल संचारण और भंडारण के लिए सक्षम है।
- 6) **गहरा जलभृत:** बहुधा जलभृत प्रणाली के क्षेत्र में ऊपर वाले जलभृत के नीचे जलभृत घटित हुई।
- 7) **कुआ:** भूजल के निष्कर्षण के लिए उपयोग किया जाने वाला कोई भी ढांचा, जिसमें खुले कुएं, खोदे गए कुएं, बोरवेल, खोदने वाले कुएं, नल कुल, फिल्टर प्वाइंट, कलेक्टर कुएं, घुसपैठ गैलरियां, रिचार्ज कुएं या उनके किसी भी संयोजन या विविधताएं शामिल हैं।
- 8) **सरकारी ऐजेंसी:** केन्द्रीय या राज्य सरकार का निकाय हो सकता है।
- 9) **आपूर्तिकर्ता:** सरकार/सरकार ने जल आपूर्ति ऐजेंसी को मंजूरी दी।
- 10) **खनन:** खनन के पश्चात् परित्यक्त क्षेत्र या क्षेत्र जहां खनन गतिविधियां चल रही हैं।
- 11) **गैर कानूनी भूजल निष्कर्षण संरचना:** केन्द्रीय जल प्राधिकरण से ठोस एनओसी के बिना भूजल को निकालने के लिए प्रयोग किया जा रहा है जो कोई ऊर्जावान निष्कर्षण संरचना है अर्थात् डगवेल, नलकूप, वैध कूप।
- 12) **वर्षाजल संचयन:** भूजल के रिचार्ज के लिए या भविष्य के उपयोग के लिए रूफ-टॉप संचयन को शामिल करते हुए सूक्ष्म जल विभाजक पैमाने पर वर्षाजल के भंडारण और जमाव की प्रणाली और तकनीक।
- 13) **खनन परियोजना:** परियोजना जो खनन गतिविधि को शामिल करती है या तो खुली कास्ट या भूमिगत या दोनों।
- 14) **भूजल प्रारूप:** भूजल निकासी का अपेक्षित मात्रा।
- 15) **लवणीय जल:** 25° से. पर 2500M साइमेन्स/से.मी. की अधिकता में लवणता वाला जल युक्त जल।
- 16) **वाटर टेबल इंटरसेक्शन:** खनन या अन्य गतिविधियों के कारण ऑवर लेईंग सामग्री की खुदाई पर जल वाटर टेबल इंटरसेक्शन।
- 17) **पेय और घरेलू उपयोग:** पेय और घरेलू उपयोग के अलावा, यह श्रेणी अस्पताल, होटल, मॉल और मल्टीप्लेक्स संस्थान, कार्यालय बैंकेट हॉल, फायर स्टेशन, मेट्रो स्टेशन, रेलवे स्टेशन, हवाई अड्डा, बंदगाह, स्टेडियम आदि औद्योगिक प्रक्रिया के लिए आवश्यक जल नहीं बल्कि औद्योगिक के पेय जरूरतों को कवर करेगी।
- 18) **रिसाइकल/पुनः उपयोग:** विभिन्न उद्देश्यों के लिए ट्रिटेटेड वेस्ट जल का उपयोग/बहुल उपयोग के लिए जल को रखना।
- 19) **सरकारी विभाग:** केन्द्रीय या तो राज्य।
- 20) **नगरपालिका:** नगरपालिका, नगर निगम या अन्य दूसरे नाम द्वारा स्थानीय शहरी शासन का समान निकाय।

- 21) **भूजल** : पानी जो संतुष्टि के क्षेत्र में सतह के नीचे मौजूद है और कुओं या किसी अन्य माध्यम से निकाला जा सकता है या झरनों और नदियों में झरनों और आधार प्रवाह के रूप में उभरता है।
- 22) **बीजीएल** : जमीनी स्तर के नीचे।
- 23) **बीसएम** : बिलियन क्यूबिक मीटरम्।
- 24) **भूजल निष्कर्षण संरचना** : भूजल निकासी के लिए प्रयुक्त संरचना जैसे वैध कूल/नल कूप/डगवेल/डग कम बोर वेल/मुरंग कुआं।
- 25) **अवलोकन कुआं या पीजोमीटर** : एक बोरवेल/जल स्तर मापने के लिए केवल प्रयुक्त नल कूप/पाईजोमेट्रिक हेड और समय-समय पर पानी का नमूना लेने के किया जाता है, लेकिन भूजल पृथक्करण के लिए इसका उपयोग नहीं किया जाता है।
- 26) **वाटर ऑडिट** : पानी के उपयोग को कम करने और अक्सर अनावश्यक पानी के उपयोग पर पैसे बचाने के उद्देश्य से सरल या जटिल प्रणालियों में पानी की उपयोग की मात्रा निर्धारित करने की एक विधि।
- 27) **भूजल प्रदूषण** : यदि भूजल में किसी भी पैरामीटर की सांद्रता भारतीय मानक ब्यूरो द्वारा निर्धारित पेयजल की अधिकतम अनुज्ञेय सीमा से अधिक है।
- 28) **सहकारी समूह हाउसिंग सोसायटी/बिल्डर फ्लैट** : एक हाउसिंग सोसायटी एक आवासीय परिसर के भीतर घर के मालिकों द्वारा गठित एक सोसायटी है। गठित हाउसिंग सोसायटी को औपचारिक रूप से सहकारी समितियों के रजिस्ट्रार के साथ पंजीकृत होना चाहिए।
- 29) **केएलडी** - प्रतिदिन कि.मी
- 30) **ईसीजीडब्ल्यू** - अवैध भूजल निकासी के लिए पर्यावरण क्षतिपूर्ति।
- 31) **ईसीजीडबल्यूआर** - अवैध भूजल निकासी के लिए पर्यावरण क्षतिपूर्ति दर।

अनुलग्नक-X

उद्योगों द्वारा वार्षिक वाटर ऑडिट (स्रोत-(11))

वाटर ऑडिट उद्देश्यपूर्ण तरीके से वितरण प्रणाली के माध्यम से जल की निकासी या उपचार के स्थल से जल के प्रवाह को मापकर और इसका उपयोग किये जाने वाले क्षेत्रों में और अंततः छोड़ दिया जाता है। वाटर ऑडिट आयोजित करने में जलके संतुलन की गणना, जल का उपयोग और जल का बचत के तरीकों की पहचान करना शामिल है।

वाटर ऑडिट में प्रारंभिक जल सर्वेक्षण और विस्तृत जल लेखा शामिल है। प्रारंभिक जल सर्वेक्षण संयंत्र गतिविधियों, जल की खपत और जल निर्वहन पैटर्न और जल बिलिंग, दरों और जल उपकरण के बोर में पृष्ठभूमि की जानकारी एकत्र करने के लिए किया जाता है। उद्योग से एकत्र किए गए माध्यमिक आंकड़ों के विश्लेषण के बाद, विस्तृत जल ऑडिट आयोजित की जाती है, जिसमें निम्नलिखित चरण शामिल हैं:-

- साइट पर प्रशिक्षण और सुविधा प्रबंधक और कर्मियों के साथ चर्चा
- जल प्रणाली विश्लेषण
- आधारभूत जल मानचित्र का परिमाण
- दबाव और प्रवाह मीटर और विभिन्न अन्य उपकरणों का उपयोग करके निगरानी और माप
- अक्षमताओं और लीक की मात्रा
- पानी की गुणवत्ता लोड और निर्वहन की मात्रा

- प्रवाह और गुणवत्ता मानकों में परिवर्तनशीलता की मात्रा
- जल उपचार और पुनः उपयोग का प्रत्यक्ष उपयोग के लिए रणनीतियाँ।

एक विस्तृत जल संतुलन आखिरकर विकसित होता है। विभिन्न विभिन्न उपयोगकर्ता क्षेत्रों में पानी की गुणवत्ता की आवश्यकता गैप की गई है, जो रीसाइकल और पुनः उपयोग के अवसरों को विकसित करने में मदद करता है।

विस्तृत वाटर ऑडिट रिपोर्ट में निम्नलिखित शामिल हैं:

- पानी की खपत और अपशिष्ट जल उत्पादन पैटर्न
- विशिष्ट जल का उपयोग संरक्षण
- सुविधाका पूर्ण जल संतुलन
- जल के बचत के अवसर
- प्रस्तावों को लागू करने की विधि
- पूर्ण विवरण और आंकड़े
- निवेश की आवश्यकता

जल संरक्षण के लिए उद्योग निम्नलिखित उपाय कर सकते हैं:-

- जल बजट के लिए मानदंड स्थापित करना
- जल के खपत को कम करने के लिए औद्योगिक प्रक्रिया का आधुनिकीकरण
- पुनः परिसंचारी शीतलन प्रणाली के साथ पुनर्चक्रित जल
- ओजोनेशन कूलिंग वाटर एप्रोच जिसके परिणाम स्वरूप पारंपरिक रासायनिक उपचार की तुलना में पांच गुना कमी हो सकती है।
- कुल प्लेनम फ्लश को समाप्त करके डी आयोनाइज्ड जल के पुनः उपयोग में कभी, निरंतर प्रवाह से एक आंतरिक प्रवाह प्रणाली में परिवर्तन करना और उपयोग पर नियंत्रण में सुधार करना
- ब्रागवानी के लिए अपशिष्ट जल का उपयोग
- निपटान के मानदंडों का पालन करने के लिए अपशिष्टों का उचित प्रसंस्करण।

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)

INDEX

<u>ITEM</u>	<u>Page No.</u>
Preamble and Background	
1.0 Exemptions from seeking No Objection Certificate.....	35
2.0 Drinking & Domestic use for Residential apartments/ Group Housing Societies/ Government water supply agencies in urban areas	35
3.0 Agriculture Sector	36
4.0 Commercial Use	36
4.1 Industrial Use.....	36
4.2 Mining Projects	37
4.3 Infrastructure projects.....	38
5.0 Ground water abstraction/ restoration charges	39
5.1 Rates of Ground water abstraction /restoration charges	40
6.0 Bulk Water Supply	42
7.0 Abstraction of Saline ground water	42
8.0 Protection of Wetland Areas.....	42
9.0 General compliance conditions in No Objection Certificate	43
10.0 Monitoring of compliance of No Objection Certificate Conditions.....	43
11.0 Renewal of No Objection Certificate	44
12.0 Extension of No Objection Certificate	44
13.0 Delegation of powers against illegal groundwater withdrawal	44
14.0 Ground Water Level Monitoring	45
15.0 Environmental Compensation	45
15.1 Rates of Environmental Compensation:	45
15.2 Deterrent Factors to compensate losses and environmental damage (for packaged drinking water units, mining, industries and infrastructural dewatering projects).....	46
16.0 Provision of Penalty	46
17.0 Other important Conditions (Applicable to all):	48

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

ASHISH KUMAR, Director

ANNEXURES

- Annexure I: Estimation of water requirements for drinking and domestic use.
- Annexure II: Guidelines for construction of piezometers and monitoring of groundwater levels and quality.
- Annexure III: Measures to be adopted to ensure prevention from pollution in the plant premises of polluting industries/ projects.
- Annexure IV: Outline of hydro-geological report for obtaining No Objection Certificate for industries.
- Annexure V: Format of the Report on ground water conditions (for mining projects).
- Annexure VI: Indicative list of Infrastructure projects.
- 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.
- Annexure VIII: List of States/ Union territories where ground water extraction is being regulated by Central Ground Water Authority (CGWA)
- 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

92

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

93

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

94

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.

95

96

- 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.

97

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 ↓ Ground water use →	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	5000 m ³ /day and above
1.	Safe	1.00	3.00	5.00	8.00	10.00
2.	Semi-critical	2.00	5.00	10.00	15.00	20.00
3.	Critical	4.00	10.00	20.00	40.00	60.00

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

S.No.	Category of area ↓ Ground water use →	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	5000 m ³ /day and above
1.	Over-exploited (existing industries only)	8.00	20.00	40.00	80.00	120.00

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	5000 m ³ /day and above
1.	Safe	1.00	2.00	3.00	5.00
2.	Semi-critical	2.00	3.00	5.00	8.00
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	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	5000 m ³ /day and above
1.	Safe	1.00	2.00	2.50	3.00
2.	Semi-critical	2.00	2.50	3.00	4.00
3.	Critical	3.00	4.00	5.00	6.00

99

Table 5.4 B: Rates of ground water restoration 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	5000 m ³ /day and above
1.	Over-exploited	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 m3 (in Rs.)
Safe	10
Semi Critical	20
Critical	25

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

Category	Rate per m3 (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.

100

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	DWL.R with Telemetry
1	<10	0	0	0	0
2	11-50	1	1	0	0
3	51-500	1	0	1	0
4	>500	2	0	1	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	5000 & above
		Environmental Compensation Rate (ECR _{GW}) in Rs./m ³			
	Safe	12	18	24	30
2	Semi critical	24	36	48	60
3	Critical	36	48	66	90
4	Over- exploited	48	72	96	120

Note :-Minimum ECR_{GW} shall not be less than Rs 1,00,000/-

103

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	5000 & above
		Environmental Compensation Rate (ECR _{GW}) in Rs./m ³			
1	Safe	15	21	30	40
2	Semi critical	30	45	60	75
3	Critical	45	60	85	115
4	Over- exploited	60	90	120	150

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	5000 & above
		Environmental Compensation Rate (ECR _{GW}) in Rs./m ³			
1	Safe	20	30	40	50
2	Semi critical	40	60	80	100
3	Critical	60	80	110	150
4	Over- exploited	80	120	160	200

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 – Kilolitre 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.

104

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 unauthorized/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

105

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 service connection	70 to 100 lphd

106

- b) For communities with: 100 to 135 lphd
population 20,000 to 100,00 together with
full flushing system
- c) For communities with population: 150 to 200 lphd
above 100,000 together with
full flushing system

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

107

12.	Cinemas, concert halls and theatres and multiplex	5 per seat	10 per seat	15 per seat
13.	Schools/Educational institutions:			
	a) Without boarding facilities	25	20	45
	b) With boarding facilities	90	45	135
14.	Shopping and retail (mall)			
	a) Staff	25	20	45
	b) Visitors	5	10	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 15 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

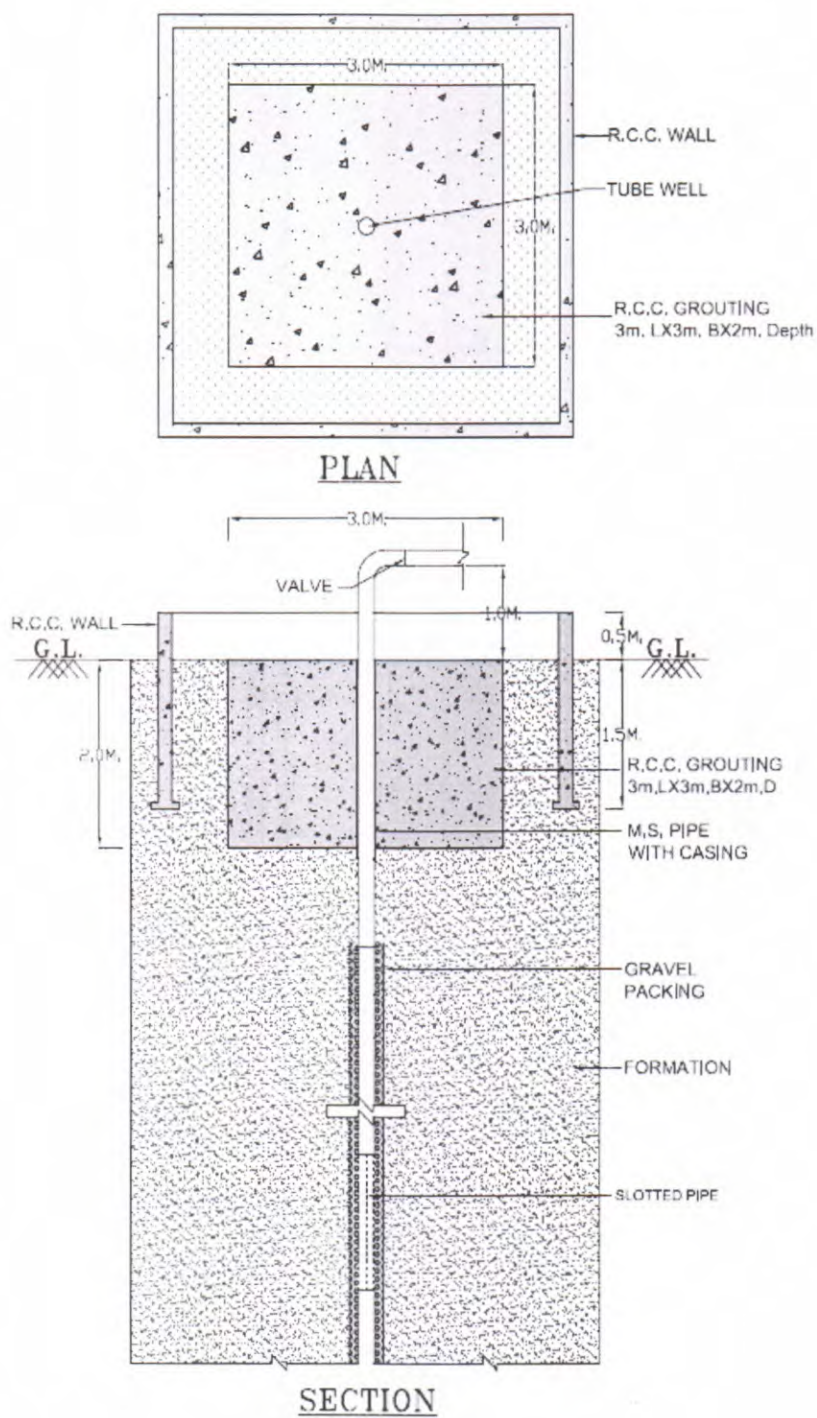
Measures to be adopted to ensure prevention from pollution in the plant premises of polluting industries/ projects

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.

109

Plan/ Sectional diagram showing well head protection



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.

(114)

.....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 – CII)

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

(117)

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.

Annexure-5



भारत का राजपत्र The Gazette of India

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जल शक्ति मंत्रालय

(जल संसाधन, नदी विकास और गंगा संरक्षण विभाग)

(केंद्रीय भूमिजल प्राधिकरण)

अधिसूचना

नई दिल्ली, 29 मार्च, 2023

का.आ. 1509(अ).—पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 5 के साथ पठित धारा 3 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जल संसाधन, नदी विकास और गंगा संरक्षण विभाग एतद द्वारा भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में अधिसूचना संख्या एस.ओ. 3289 (अ) 24 सितंबर, 2020, में भूजल के निष्कर्षण को विनियमित और नियंत्रित करने के लिए प्रकाशित दिशानिर्देशों में निम्नलिखित संशोधन करता है अर्थात्:-

उक्त अधिसूचना में अनुसूची के लिए अनुसूची में निम्नलिखित परिवर्तनों को प्रतिस्थापित/जोड़ा जाएगा, अर्थात्:-

"अनुसूची

1. भारत में भूजल निकासी को विनियमित और नियंत्रित करने के लिए दिशानिर्देश, 2020 में-

(क) इंडेक्स में मद संख्या 16.0 में, "दंड का प्रावधान" शब्दों के लिए "एनओसी में सुधार/संशोधन के लिए दंड और शुल्क का प्रावधान" शब्दों को प्रतिस्थापित किया जाएगा।

(ख) इंडेक्स में, अनुलग्नक में, "अनुबंध VI: आधारभूत परियोजनाओं की सांकेतिक सूची", शब्दों के स्थान पर, "अनुबंध VI: स्थान विशिष्ट आधारभूत परियोजनाओं की सांकेतिक सूची" शब्दों को प्रतिस्थापित किया जाएगा।

(ग) इंडेक्स में, अनुलग्नक में, "अनुबंध X: उद्योगों द्वारा वार्षिक जल लेखा परीक्षा", शब्दों के स्थान पर, "अनुबंध X: उद्योगों द्वारा जल लेखा परीक्षा" शब्दों को, प्रतिस्थापित किया जाएगा।

2. उक्त दिशानिर्देशों में पैरा 1.0 में, खंड (v) के बाद, खंड (vi), (vii) को जोड़ा जाएगा, अर्थात्: -

"(vi) सभी आकलन इकाइयों में केवल पीने/घरेलू प्रयोजनों के लिए 5 घन मीटर/दिन तक भूजल की निकासी करने वाले सभी उद्योग/खनन परियोजनाएं/अवसंरचना परियोजनाएं।

(vii) आवासीय अपार्टमेंट और ग्रुप हाउसिंग सोसाइटी:

(क) दिशानिर्देशों के पैरा 2.0 में उल्लिखित शर्तों के अधीन पेय जल और घरेलू उपयोग के लिए 20 घन मीटर /दिन तक भूजल की निकासी।

(ख) सरकारी योजनाओं के तहत आर्थिक रूप से कमजोर वर्गों (ईडब्ल्यूएस) के लिए आवास इकाइयां"।

3. उक्त दिशानिर्देशों के पैरा 2.0 में:-

(i). उप-पैरा 2 जोड़ा जाएगा अर्थात्:-

"सभी आवासीय अपार्टमेंट और ग्रुप हाउसिंग सोसाइटी के लिए सभी निष्कर्षण संरचना (ओं) में डिजिटल जल प्रवाह मीटर (बीआईएस / आईएस मानकों के अनुरूप) की संस्थापना अनिवार्य होगी। ऐसे सभी आवासीय अपार्टमेंट और ग्रुप हाउसिंग सोसाइटी, जिनमें स्वमिंग पूल हैं और भूजल की निकासी की जा रही है, के लिए अनापत्ति प्रमाण पत्र प्राप्त करना अनिवार्य होगा।"

(ii). खंड (घ) के लिए निम्नलिखित खंड को प्रतिस्थापित किया जाएगा, अर्थात्: -

"घ) खारे भूजल के निष्कर्षण के मामले में, किसी भी नेशनल अक्रेडिशन बोर्ड फॉर टेस्टिंग एंड कैलिब्रेशन लैबोरेटरी (एनएवीएल) से मान्यता प्राप्त प्रयोगशाला या सरकार द्वारा स्वीकृत प्रयोगशाला से मौजूदा बोरवेल / नलकूप / खोदे गए कुएं का भूजल गुणवत्ता डेटा।

नोट: नई परियोजनाओं के मामले में खारे भूजल की निकासी के लिए उपर्युक्त प्रयोगशालाओं से निकटवर्ती मौजूदा कुओं के जल की गुणवत्ता के आंकड़े/ की रिपोर्ट प्रस्तुत की जाए।

(iii) खंड (ङ) के लिए निम्नलिखित खंड को प्रतिस्थापित किया जाएगा, अर्थात्:-

"ङ) आवेदक द्वारा सरकारी एजेंसी को प्रस्तुत वर्षा जल संचयन योजना की प्रति अथवा आवास और शहरी मामलों के मंत्रालय, भारत सरकार द्वारा जारी मॉडल बिल्डिंग उपनियमों के अनुसार परियोजना परिसर में वर्षा जल संचयन/पुनर्भरण के लिए प्रस्ताव।"

(iv). पैरा 2.0 में, खंड (ङ) के बाद, एक और खंड (च) अंतःस्थापित / जोड़ा जाएगा, अर्थात्:-

"च) सभी नई परियोजनाओं के लिए, परियोजना के पूरा होने की तारीख के उल्लेख सहित एक स्वतः घोषणा/शपथ पत्र (विधिवत नोटरीकृत) अनिवार्य होगा।"

4. पैरा 4.0 में उप पैरा 3 के स्थान पर निम्नलिखित उप पैरा प्रतिस्थापित किया जाएगा, अर्थात्:-

"भूजल का निष्कर्षण करने वाली वाणिज्यिक संस्थाओं को प्रासंगिक धाराओं में उल्लिखित अनुसार जल के उपयोग के लेखापरीक्षा सहित ऑनलाइन जल लेखापरीक्षा रिपोर्ट जमा करनी होगी। मीजीडब्ल्यूए/राज्य भूजल प्राधिकरण (एसजीडब्ल्यूए) ऐसी सभी ऑडिट रिपोर्ट को ऑनलाइन प्रकाशित करेगा।

5. पैरा 4.1 में:-

(i). खंड (iii) के स्थान पर निम्नलिखित खंड को प्रतिस्थापित किया जाएगा, अर्थात्:-

"(iii) 100 घनमीटर/दिन से अधिक भूजल का निष्कर्षण करने वाले सभी उद्योगों को सीजीडब्ल्यूए द्वारा अनुमोदित एजेंसियों के प्रमाणित लेखा परीक्षकों के माध्यम से द्विवार्षिक (दो वर्ष में एक बार) जल लेखा परीक्षा करनी होगी और इसके पूरा होने के तीन माह के भीतर सीजीडब्ल्यूए को लेखापरीक्षा रिपोर्ट प्रस्तुत करनी होगी। पहले दी गई रिपोर्टों के अनुपालन की जाँच एक वर्ष के बाद प्रमाणित जल लेखा परीक्षकों द्वारा की जाए और इस संबंध में रिपोर्ट सीजीडब्ल्यूए के साथ साझा की जाए।

ऐसे सभी उद्योगों को उपयुक्त उपायों के माध्यम से अगले तीन वर्षों में अपने भूजल के उपयोग में कम से कम 20% तक कटौती करनी होगी।"

(ii) खंड (iv) के लिए निम्नलिखित खंड को प्रतिस्थापित किया जाएगा, अर्थात्:-

"(iv). औद्योगिक क्षेत्रों (केंद्रीय/राज्य सरकार द्वारा निर्दिष्ट या अधिसूचित) में, केंद्रीय भूमि जल बोर्ड (सीजीडब्ल्यूबी) स्थानीय जल-भूवैज्ञानिक स्थितियों के अनुसार आवश्यकता-आधारित पीजोमीटर का निर्माण करेगा और जल स्तर की मॉनिटरिंग करेगा।

ऊपर उल्लिखित औद्योगिक क्षेत्रों के अतिरिक्त हार्ड राँक एक्विफर प्रकार के लिए 100 घन मीटर /दिन से अधिक और एल्यूवियम एक्विफर प्रकार के लिए 500 घन मीटर /दिन से अधिक भूजल की निकासी के लिए परिसर के भीतर प्रेक्षण कुओं/(पीजोमीटर) का निर्माण और धारा 14 में उल्लिखित उपयुक्त जल स्तर मॉनिटरिंग तंत्र की स्थापना उद्योगों/अवसंरचना निकासी / निकासी के प्रस्ताव के लिए अनिवार्य होगी। इन क्षेत्रों में जल स्तर की मॉनिटरिंग परियोजना प्रस्तावकों द्वारा की जाएगी। यदि टैप किया गया जलभृत कठोर चट्टानी है तो निष्कर्षण संरचना और पीजोमीटर के बीच न्यूनतम दूरी 15 मीटर होगी और यदि जलभृत जलोढ़ है तो यह दूरी 50 मीटर होगी। पीजोमीटर में टैप की गई गहराई और जलभृत क्षेत्र पम्पिंग कुएं/कुओं के समान होंगे। पीजोमीटर के डिजाइन और निर्माण के लिए विस्तृत दिशा-निर्देश अनुबंध II में दिए गए हैं। वेब पोर्टल के माध्यम से सीजीडब्ल्यूए को मासिक जल स्तर डेटा प्रस्तुत किया जाएगा।"

(iii) खंड (ग) के लिए, निम्नलिखित खंड को प्रतिस्थापित किया जाएगा, अर्थात्:-

"(ग). खारे भूजल के निष्कर्षण के मामले में, किसी भी एनएबीएल मान्यता प्राप्त प्रयोगशाला या सरकार द्वारा अनुमोदित प्रयोगशाला से मौजूदा बोरवेल/ट्यूबवेल/कुएं के भूजल गुणवत्ता डेटा।

नोट: नई परियोजनाओं के मामले में खारे भूजल की निकासी के लिए उपर्युक्त प्रयोगशालाओं से जल की गुणवत्ता के आंकड़े/निकटवर्ती मौजूदा कुओं की रिपोर्ट प्रस्तुत की जा सकती है।

(iv) खंड (घ) के लिए, निम्नलिखित खंड को प्रतिस्थापित किया जाएगा, अर्थात्:-

"(घ) सभी नई परियोजनाओं के लिए नई स्थापना/प्रचालन के आरंभ के प्रमाण के रूप में दस्तावेज अर्थात् स्थापना के लिए सहमति/पर्यावरणीय मंजूरी/किसी वैधानिक एजेंसी से कोई अन्य दस्तावेज।

(v) खंड (ङ) के लिए, निम्नलिखित खंड को प्रतिस्थापित किया जाएगा, अर्थात्:-

"(ङ) आवेदक द्वारा सरकारी एजेंसी को प्रस्तुत वर्षा जल संचयन योजना की प्रति अथवा आवास और शहरी मामलों के मंत्रालय, भारत सरकार द्वारा जारी प्रचलित मॉडल बिलडिंग उपनियमों के अनुसार परियोजना परिसर में वर्षा जल संचयन / पुनर्भरण का प्रस्ताव।

(vi) खंड (च) के लिए, निम्नलिखित खंड को प्रतिस्थापित किया जाएगा, अर्थात्:-

"(च) **प्रभाव आकलन रिपोर्ट:** अति-दोहित, गंभीर और अर्ध-महत्वपूर्ण क्षेत्रों में 100 घन मीटर/दिन से अधिक और गैर-जलोढ़ आच्छादित क्षेत्रों में 500 घन मीटर/दिन से अधिक और सुरक्षित आकलन इकाइयों में जलोढ़ क्षेत्रों में 2000 घन मीटर/दिन से अधिक भूजल निकालने वाली सभी परियोजनाओं को अनिवार्य रूप से मान्यता प्राप्त सलाहकारों द्वारा तैयार परियोजना स्थल के आसपास के 5 किमी त्रिज्या क्षेत्र को शामिल करते हुए भूजल प्रणाली पर मौजूदा / प्रस्तावित भूजल निकासी के प्रभाव मूल्यांकन रिपोर्ट और भूजल मॉडलिंग अध्ययन को अनिवार्य रूप से प्रस्तुत करना होगा। रिपोर्ट का प्रपत्र अनुबंध IV में दिया गया है।"

6. पैरा 4.2 में,

(i). खंड (ii) के स्थान पर निम्नलिखित खंड को प्रतिस्थापित किया जाएगा, अर्थात्:-

"(ii) 100 घन मीटर/दिन से अधिक भूजल निकालने/प्रस्तावित करने वाले खानों के लिए के लिए मासिक भूजल स्तर की मॉनिटरिंग के लिए परिसर में परिधि के साथ प्रेक्षण कुएं (पीजोमीटर) का निर्माण अनिवार्य होगा। पीजोमीटर में टैप की गई गहराई और जलभृत क्षेत्र बफर क्षेत्र में सिंचाई/ पेय जल के लिए उपयोग किए जाने वाले जलभृत के अनुरूप होगा। पीजोमीटर के डिजाइन और निर्माण के लिए विस्तृत दिशा-निर्देश अनुबंध II में दिए गए हैं।"

(ii). खंड (ख) के लिए, निम्नलिखित खंड को प्रतिस्थापित किया जाएगा, अर्थात्:-

"(ख) आवेदक द्वारा सरकारी एजेंसी को प्रस्तुत वर्षा जल संचयन योजना की प्रति अथवा आवास और शहरी मामलों के मंत्रालय, भारत सरकार द्वारा जारी प्रचलित मॉडल भवन उपनियमों के अनुसार परियोजना परिसर में वर्षा जल संचयन / पुनर्भरण के लिए प्रस्ताव अथवा जैसा कि खान के परिसर में व्यवहार्य है और जैसा कि सीजीडब्ल्यू/राज्य एजेंसियों द्वारा अनुमोदित है।"

(iii). खंड (ग) के बाद, एक और खंड (घ) अंतःस्थापित किया जाएगा, अर्थात्:-

"(घ) सभी नई परियोजनाओं के लिए नई परियोजना/प्रचालन की शुरुआत के प्रमाण के रूप में दस्तावेज अर्थात् स्थापना के लिए सहमति/पर्यावरणीय मंजूरी/किसी वैधानिक एजेंसी से कोई अन्य दस्तावेज।"

7. पैरा 4.3 में:-

(i). उप पैरा 3 में, "आधारभूत परियोजनाओं की सांकेतिक सूची अनुलग्नक VI में दी गई है" शब्दों के स्थान पर, "पेय / घरेलू उपयोग के लिए भूजल की आवश्यकता वाले वाणिज्यिक आधारभूत परियोजनाओं को भी इस श्रेणी के अंतर्गत शामिल किया जाएगा। इसके अतिरिक्त स्थान विशिष्ट आधारभूत परियोजनाओं की सांकेतिक सूची अनुबंध VI में दी गई है" को इसके बाद दिए गए संशोधित अनुबंध VI द्वारा प्रतिस्थापित किया जाएगा।

(ii). खंड (v) के बाद, एक और खंड (vi) जोड़ा जाएगा, अर्थात्:-

"(vi) सभी स्टेडियम, क्रिकेट मैदान और अन्य खेल मैदान/कोर्ट, गोल्फ कोर्स आदि भूजल के कृत्रिम पुनर्भरण/वर्षा जल संचयन के लिए उपयुक्त प्रणाली तंत्र का निर्माण/स्थापना करेंगे।

(iii). खंड (क) के लिए, निम्नलिखित खंड को प्रतिस्थापित किया जाएगा, अर्थात्:-

"(क) ऐसे मामलों में जहां डीवाटरिंग शामिल है, मान्यता प्राप्त सलाहकार द्वारा क्षेत्र में भूजल की स्थिति पर 5 किमी के दायरे में भूजल मॉडलिंग सहित प्रभाव आकलन रिपोर्ट प्रस्तुत करना, जिसमें पंपिंग की विस्तृत योजना, पंप किए गए जल के प्रस्तावित उपयोग और व्यापक भूजल व्यवस्था के प्रभाव का आकलन अनिवार्य होगा। इस रिपोर्ट में किसी भी प्रकार के महत्वपूर्ण पर्यावरणीय मुद्दों जैसे भूजल स्तर में गिरावट, भूस्खलन आदि को दूर करने के लिए पर्यावरणीय जोखिमों और प्रस्तावित प्रबंधन कार्यनीतियों को उजागर करना होगा।

(iv). खंड (ड) के लिए, निम्नलिखित खंड को प्रतिस्थापित किया जाएगा, अर्थात्: -

"(ड) आवेदक द्वारा सरकारी एजेंसी को प्रस्तुत वर्षा जल संचयन योजना की प्रति या आवास और शहरी मामलों के मंत्रालय, भारत सरकार द्वारा जारी प्रचलित मॉडल बिल्डिंग उपनियमों के अनुसार परियोजना परिसर में वर्षा जल संचयन / पुनर्भरण के लिए प्रस्ताव।"

(v). खंड (छ) के बाद, एक और खंड (ज) अंतःस्थापित किया जाएगा, अर्थात्: -

"(छ) सभी नई परियोजनाओं के लिए भवन योजना अनुमोदन या किसी वैधानिक एजेंसी से नई परियोजना के प्रमाण के रूप में कोई अन्य प्रासंगिक दस्तावेज।"

8. पैरा 5.1 के तहत खंड 1 में, तालिका 5.1 के स्थान पर, निम्नलिखित तालिका 5.1 को प्रतिस्थापित किया जाएगा, अर्थात्:

तालिका 5.1 पेय और घरेलू उपयोग के लिए भूजल निकासी शुल्क

भूजल निकासी की मात्रा (घन मीटर /दिन)	भूजल निकासी शुल्क की दर (रु. प्रति घन मीटर)
0-25	कोई शुल्क नहीं
> 25- < 200	1.00
200 और अधिक	2.00

पेय /घरेलू उपयोग के लिए जल की आपूर्ति करने वाली सरकारी/सरकार द्वारा अधिकृत एजेंसियां तथा सरकारी आधारभूत परियोजनाओं को भूजल निकासी की मात्रा पर विचार किए बिना भूजल निकासी शुल्क @ 0.50 रुपये प्रति घन मीटर का भुगतान करना होगा।"

9. पैरा 6.0, उप पैरा 2 में निम्नलिखित को प्रतिस्थापित किया जाएगा, अर्थात्:-

"ऐसे सभी उपयोगकर्ता जिनके द्वारा भूजल की निकासी की जा रही है और निजी टैंकरों के माध्यम से थोक जल आपूर्ति के उद्देश्य से इसका उपयोग किया जा रहा है, उन्हें सीजीडब्ल्यूए द्वारा समय-समय पर जारी और अद्यतन किए गए थोक जल आपूर्तिकर्ताओं के दिशानिर्देशों के अनुसार अनिवार्य रूप से भू-जल निकासी के लिए अनापत्ति प्रमाण पत्र प्राप्त करना होगा।"

10. पैरा 7.0, उप पैरा 3 में निम्नलिखित को प्रतिस्थापित किया जाएगा, अर्थात्:-

"खारे भूजल का निष्कर्षण सीजीडब्ल्यूए द्वारा खारे भूजल निकासी के लिए समय-समय पर जारी और अद्यतन दिशानिर्देशों के अनुसार होगा।"

11. पैरा 8.0 में,

उप पैरा 2 में निम्नलिखित को प्रतिस्थापित किया जाएगा, अर्थात्:-

"सीमांकित आर्द्र-भूमि क्षेत्रों की परिधि से 500 मीटर के भीतर आने वाली परियोजनाओं को अनिवार्य रूप से विस्तृत प्रस्ताव प्रस्तुत करना होगा, जिसमें यह उल्लेख किया गया हो कि परियोजना प्रस्तावक द्वारा भूजल निकासी से किसी भी संरक्षित आर्द्रभूमि क्षेत्र पर विपरीत प्रभाव नहीं पड़ रहा है। इसके अतिरिक्त सीजीडब्ल्यूए से अनुमति लेने से पूर्व परियोजनाओं को क्षेत्र में अपनी परियोजनाओं को स्थापित करने के लिए उपयुक्त आर्द्रभूमि प्राधिकरण/राज्य प्राधिकरण या किसी अन्य उपयुक्त स्थानीय सरकारी प्राधिकरण से सहमति/अनुमोदन लेना होगा।"

12. पैरा 9.0 में:-

(i). खंड (i) के स्थान पर निम्नलिखित खंड को प्रतिस्थापित किया जाएगा, अर्थात्:-

"(i). अनापत्ति प्रमाण पत्र का आवेदन करने वाले सभी उपयोगकर्ताओं के लिए एब्स्ट्रैक्शन स्ट्रक्चर में टेलीमेट्री सिस्टम सहित टैम्पर प्रूफ डिजिटल वाटर फ्लो मीटर/प्री पेड मीटर (एस) (बीआईएस/आईएस मानकों के अनुरूप) की संस्थापना अनिवार्य होगी और अनापत्ति प्रमाण पत्र प्रदान करने के 30 दिनों के भीतर इसकी संस्थापना के विषय में वेब-पोर्टल के माध्यम से सीजीडब्ल्यूए को सूचित किया जाए।"

यदि भूजल निष्कर्षण एक ही परिसर के भीतर कई बोर/नलकूपों से होता है, तो टैम्पर-प्रूफ डिजिटल जल प्रवाह मीटर/टेलीमेट्री के साथ ग्री पेड मीटर को सामान्य आउटलेट बिंदु पर स्थापित किया जा सकता है।

(ii). खंड (iv) के लिए, निम्नलिखित खंड को प्रतिस्थापित किया जाएगा, अर्थात्:-

"iv. प्रस्तावक द्वारा धारा 5 में दी गई दरों के अनुसार भूजल निकासी की मात्रा के आधार पर भूजल निकासी / बहाली शुल्क का भुगतान किया जाएगा।

(iii). खंड (v) के स्थान पर निम्नलिखित खंड को प्रतिस्थापित किया जाएगा, अर्थात्:-

"v. भूजल स्तर की मॉनिटरिंग के उद्देश्य से निर्मित प्रेक्षण कुएं (पीजोमीटर) धारा 14 के अनुसार संस्थापित किए जाएंगे। जल स्तर के आंकड़े वेब पोर्टल के माध्यम से सीजीडब्ल्यूए को उपलब्ध कराए जाएंगे। पीजोमीटर के निर्माण के लिए विस्तृत दिशा-निर्देश अनुबंध-II में दिए गए हैं।"

(iv). खंड IX के लिए, निम्नलिखित खंड को प्रतिस्थापित किया जाएगा, अर्थात्:-

"ix. स्वामित्व में परिवर्तन के मामले में, परिसर के नए मालिक को परिसर का कब्जा लेने के 60 दिनों के भीतर दस्तावेजी प्रमाण के साथ अनापत्ति प्रमाण पत्र में आवश्यक परिवर्तन शामिल करने के लिए आवेदन करना होगा।"

13. पैरा 14.0 में,

(i). उप पैरा 1 के स्थान पर निम्नलिखित को प्रतिस्थापित किया जाएगा, अर्थात्:-

"इसके पश्चात उल्लिखित औद्योगिक क्षेत्रों के अतिरिक्त, सभी परियोजना प्रस्तावकों (हार्ड रॉक एक्स्प्लोर प्रकार के लिए 100 घन मीटर /दिन से अधिक और एल्यूवियम एक्स्प्लोर प्रकार के लिए 500 घन मीटर /दिन से अधिक भूजल की निकासी के लिए) को अनिवार्य रूप से भूजल स्तर की मॉनिटरिंग के लिए अपने परिसर के भीतर पीजोमीटर (प्रेक्षण कुएं) का निर्माण करना होगा। इसके अतिरिक्त औद्योगिक क्षेत्रों में (केंद्र / राज्य सरकार द्वारा निर्दिष्ट या अधिसूचित), केंद्रीय भूमि जल बोर्ड (सीजीडब्ल्यूबी) स्थानीय भूगर्भीय स्थितियों और जल स्तर की मॉनिटरिंग के अनुसार आवश्यकता-आधारित पीजोमीटर का निर्माण करेगा। परियोजना क्षेत्र में भूजल स्तर की नियमित मॉनिटरिंग को सुनिश्चित करने के उद्देश्य से ऐसा अनुपालन तंत्र बनाया गया है। इस संबंध में परियोजना प्रस्तावकों द्वारा पीजोमीटर के माध्यम से जल स्तर की मॉनिटरिंग के लिए आवश्यक मानदंड तालिका 14.1 में दिए गए हैं।"

(ii). तालिका 14.1 के लिए निम्नलिखित तालिका को प्रतिस्थापित किया जाएगा, अर्थात्:-

तालिका 14.1 डिजिटल वाटर लेवल रिकॉर्डर (डीडब्ल्यूएलआर)और टेलीमेट्री के साथ निर्माण किए जाने वाले पीजोमीटर की संख्या और जल स्तर मॉनिटरिंग तंत्र के प्रकार		
क्र. सं.	भूजल निकासी की मात्रा (घन मीटर /दिन)	पीजोमीटर की संख्या (डीडब्ल्यूएलआर और टेलीमेट्री की सहित)
1.	0-100	0
2.	>100 (औद्योगिक क्षेत्रों के अतिरिक्त में हार्ड रॉक एक्स्प्लोर)	1
3.	>500 (औद्योगिक क्षेत्रों के अतिरिक्त में जलोढ़ जलभृत)	1

14. पैरा 16.0 में तालिका 16.1 में,

(i). क्रम संख्या 2, अर्थात् "गैर प्रकटीकरण / अतिरिक्त भूजल निष्कर्षण संरचनाओं का निर्माण

ए) गैर-कार्यात्मक संरचनाएं।

बी) अप्रचलित / परित्यक्त

नोट: दी गई दरें गैर-कार्यात्मक/अप्रचलित /परित्यक्त संरचनाओं के लिए हैं। समेकित जुमनि के आंकड़े के लिए इसे ऐसी कुल संरचनाओं से गुणा किया जाएगा।

को निम्नलिखित से प्रतिस्थापित किया जाएगा

"अतिरिक्त भूजल निष्कर्षण संरचनाओं का गैर-प्रकटीकरण/निर्माण

क) कार्यात्मक / गैर-कार्यात्मक संरचनाएं।

बी) अप्रचलित / परित्यक्त

नोट: दी गई दरें कार्यात्मक/गैर-कार्यात्मक/अप्रचलित /परित्यक्त संरचनाओं के लिए हैं। समेकित जुमनि के आंकड़े के लिए इसे ऐसी कुल संरचनाओं से गुणा किया जाएगा।

(ii). क्रम संख्या 7 के तहत, "पुनर्भरण संरचनाओं का रखरखाव न होना" शब्दों के स्थान पर "जल संरक्षण संरचनाओं/पुनर्भरण संरचनाओं का रखरखाव न होना" शब्दों को प्रतिस्थापित किया जाएगा।

(iii). पैरा 16.0 में उप पैरा 2 को प्रतिस्थापित किया जाएगा, अर्थात्:

" नए एनओसी / एनओसी के नवीनीकरण के लिए आवेदन शुल्क समय-समय पर सीजीडब्ल्यूए द्वारा निर्धारित दरों के अनुसार लिया जाएगा और इसे आधिकारिक वेब पोर्टल के माध्यम से सूचित किया जाएगा। मौजूदा जारी किए गए अनापत्ति प्रमाण पत्र में सुधार/संशोधन के लिए भी शुल्क देय होगा।".

(iv). तालिका 16.2 में,

i. तालिका के शीर्षक/शीर्षक के अंतर्गत, "प्रस्तावित शुल्क" शब्दों के स्थान पर "शुल्क" शब्द प्रतिस्थापित किया जाएगा।

ii. क्रम संख्या 1 (अर्थात् शब्द "लागू शुल्क सहित रिचार्ज मात्रा में परिवर्तन") का लोप किया जाएगा।

15. अनुलग्नक II में बुलेट बिंदु 1 के स्थान पर निम्नलिखित बुलेट बिंदु प्रतिस्थापित किया जाएगा, अर्थात्:-

यदि टैप किए जाने वाला जलभृत कठोर चट्टान है तो भूजल निकाले जाने वाले पम्पिंग कुएं से पीज़ोमीटर को 15 मीटर की न्यूनतम दूरी पर संस्थापित / निर्मित किया जाना है। यदि जलभृत जलोढ़ है तो यह दूरी 50 मीटर होगी। पीज़ोमीटर का व्यास लगभग चार इंच से दस इंच होना चाहिए।

16. उक्त दिशा-निर्देशों में, अनुलग्नक VI को निम्नलिखित अनुसार प्रतिस्थापित किया जाएगा:

"अनुबंध VI

स्थान विशिष्ट अवसंरचना परियोजनाओं की सांकेतिक सूची

क्र. सं.	अवसंरचनात्मक परियोजनाएं
1.	विशेष आर्थिक क्षेत्र
2.	मेट्रो स्टेशन/रेलवे स्टेशन और बस डिपो
3.	हवाई अड्डे, बंदरगाह, लॉजीस्टिक, कार्गो और गोदाम

4.	हाईवे इंफ्रास्ट्रक्चर
5.	अग्निशमन केंद्र
6.	अस्पताल और नर्सिंग होम
7.	स्कूल, कॉलेज, विश्वविद्यालय, कोचिंग संस्थान, प्रशिक्षण केंद्र/कौशल विकास केंद्र सहित शैक्षणिक संस्थान

नोट:- भूजल उपयोग के लिए एनओसी की आवश्यकता में पेयजल/घरेलू उपयोग के लिए जल की आवश्यकता भी शामिल है।

17. उक्त दिशा-निर्देशों में अनुलग्नक VIII को निम्नलिखित अनुसार प्रतिस्थापित किया जाएगा:

"अनुबंध VIII

ऐसे राज्यों/केंद्र शासित प्रदेशों की सूची जहां केंद्रीय भूजल प्राधिकरण द्वारा भूजल निकासी का विनियमन किया जा रहा है

1.	अंडमान और निकोबार
2.	असम
3.	अरुणाचल प्रदेश
4.	बिहार
5.	छत्तीसगढ़
6.	दादरा और नगर हवेली एवं दमन और दीव
7.	गुजरात
8.	झारखंड
9.	मध्य प्रदेश
10.	महाराष्ट्र
11.	मणिपुर
12.	मेघालय
13.	मिजोरम
14.	नागालैंड
15.	ओडिशा
16.	राजस्थान
17.	सिक्किम
18.	त्रिपुरा
19.	उत्तराखंड

नोट: उपरोक्त सूची परिवर्तनशील है और इसमें किसी भी प्रकार के जोड़/लोप को सीजीडब्ल्यूए द्वारा अपने आधिकारिक वेब पोर्टल के माध्यम से राज्यों/संघ शासित प्रदेशों, परियोजना प्रस्तावकों सहित उद्योगों को सूचित किया जाएगा।

18. अनुलग्नक IX (प्रयुक्त तकनीकी शब्दों की शब्दावली) में क्रम संख्या 17 के तहत, "पेय और घरेलू उपयोग: पेय और घरेलू उपयोग के अलावा, यह श्रेणी अस्पताल, होटल, मॉल और मल्टीप्लेक्स, संस्थानों, कार्यालय, बैंकेट हॉल, फायर स्टेशन, मेट्रो स्टेशन, रेलवे स्टेशन, हवाई अड्डा, बंदरगाह, स्टेडियम आदि औद्योगिक प्रक्रिया के लिए आवश्यक जल नहीं बल्कि औद्योगिक के पेय जरूरतों को कवर करेगी" शब्दों के स्थान पर " **पेय और घरेलू उपयोग:** स्वच्छ उद्देश्यों यथा खाना पकाने, स्नान, सफाई/ धुलाई, स्वच्छता आदि सहित दैनिक घरेलू गतिविधियों के लिए आवश्यक जल। पेय और घरेलू उपयोग के अलावा, यह श्रेणी अस्पताल, होटल, मॉल और मल्टीप्लेक्स, संस्थानों, कार्यालय, बैंकेट हॉल, फायर स्टेशन, मेट्रो

126

स्टेशन, रेलवे स्टेशन, हवाई अड्डा, बंदरगाह, स्टेडियम आदि औद्योगिक प्रक्रिया के लिए आवश्यक जल नहीं बल्कि औद्योगिक के पेय जरूरतों को कवर करेगी" प्रतिस्थापित किया जाएगा।

19. अनुलग्नक X में, शीर्षक के अंतर्गत, "उद्योगों द्वारा वार्षिक वाटर ऑडिट (घोत-CII)" शब्दों के स्थान पर, "उद्योगों द्वारा जल ऑडिट" शब्दों को प्रतिस्थापित किया जाएगा। "

[फा. सं. 23014/29/2021-समन्वय अनुभाग-भाग(2)]

आशीष कुमार, निदेशक

नोट: 'भारत के भूजल निकासी को विनियमित और नियंत्रित करने के दिशानिर्देश' भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में एस.ओ. 3289 (ई) द्वारा दिनांक 24 सितंबर, 2020 को प्रकाशित किए गए थे।

MINISTRY OF JAL SHAKTI

(Department of Water Resources, River Development and Ganga Rejuvenation)

(CENTRAL GROUND WATER AUTHORITY)

NOTIFICATION

New Delhi, the 29th March, 2023

S.O. 1509(E).— In exercise of 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 makes the following amendments to the guidelines to regulate and control groundwater extraction in India, published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii), vide Notification number S.O. 3289 (E) 24th September, 2020, namely:-

In the said notification, for the Schedule, the following changes in the Schedule shall be substituted/added, namely:-

"Schedule

1. In the Guidelines to regulate and control groundwater extraction in India, 2020 -

(a). in the Index, Item no. 16.0, for the words "Provisions of Penalty" the words "Provision of Penalty and Charges for correction/modifications in NOCs" shall be substituted.

(b). in the index, in the Annexures, for the words, "Annexure VI : Indicative list of Infrastructure projects", the words, "Annexure VI : Indicative list of location specific Infrastructure projects" shall be substituted.

(c). in the index, in the Annexures, for the words, "Annexure X : Annual water audits by the industries", the words, "Annexure X : Water audits by the industries" shall be substituted.

2. In the said guidelines, in the paragraph 1.0, after clause (v), clauses (vi),(vii) shall be added namely:-

"(vi) All industries/ mining projects/ infrastructure projects drawing ground water only for drinking/ domestic purposes up to 5 Cum /day in all assessment units.

(vii) Residential Apartments and Group Housing Societies:

(a) For drinking water and domestic uses, drawing ground water upto 20 m³/day subject to the conditions mentioned in Para 2.0 of the guidelines.

(b) Dwelling units for Economically Weaker Sections (EWS) under Government schemes."

3. In the said guidelines, in the paragraph 2.0:-

(i). Sub-para 2 shall be added namely:-

"Installation of digital water flow meter (conforming to BIS/ IS standards) in all abstraction structure(s) shall be mandatory for all Residential Apartments and Group Housing Societies. All Residential Apartments and Group Housing Societies having swimming pools drawing ground water shall be mandatorily required to seek No Objection Certificate."

(ii). for the clause (d), the following clause shall be substituted, namely:-

“d) In case of saline ground water extraction, 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.

Note: In case of new projects, water quality data/report of nearby existing wells from above-mentioned laboratories may be submitted for saline ground water extraction.”.

(iii). for the clause (e), the following clause shall be substituted, namely:-

“e) Copy of Rain Water Harvesting Plan submitted to Government agency by the applicant or a proposal for rain water harvesting/ recharge in the project premises as per the prevailing Model Building Bye Laws issued by Ministry of Housing & Urban Affairs, Government of India.”.

(iv). in the paragraph 2.0, after the clause (e), one more clause (f), shall be inserted/added, namely:-

“f) For all New projects, a self declaration/ affidavit (duly notarized) indicating date of completion of project shall be required.”.

4. In the paragraph 4.0, for sub para 3, the following sub para shall be substituted, namely:-

“Commercial entities extracting ground water shall be required to submit online 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.”.

5. In the paragraph 4.1:-

(i). for clause (iii), the following clause shall be substituted, namely:-

“(iii). All industries abstracting ground water in excess of 100 m³/day shall be required to undertake biennial (once in two years) water audit through certified auditors of agencies as approved by CGWA and submit audit reports within three months of completion of the same to CGWA. Compliance of the earlier given reports may be checked by certified water auditors after one year and the report in this regard may be shared with 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.”.

(ii). for clause (iv), the following clause shall be substituted, namely:-

“(iv). In industrial areas (as designated or, notified by Central/State Government), Central Ground Water Board (CGWB) shall construct need-based piezometers as per local hydro-geological conditions and further monitor water levels.

In other than industrial areas as mentioned above, construction of observation well(s)/(piezometer)(s) within the premises and installation of appropriate water level monitoring mechanism as mentioned in Section 14 shall be mandatory for industries/Infrastructure drawing/ proposing to draw more than 100 m³ /day of ground water for Hard rock aquifer type and more than 500 m³ /day of ground water for Alluvium aquifer type. Monitoring of water levels in these areas shall be done by the project proponents. Minimum distance between the abstraction structure and piezometer will be 15 m if the aquifer tapped is hard rock and 50 m if the aquifer is alluvium. 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.”.

(iii). for clause (e), the following clause shall be substituted, namely:-

“(c). In case of saline ground water extraction, ground water quality data of existing bore well/ tube well/ dug well from any NABL accredited laboratory or Government approved laboratory.

Note: In case of new projects, water quality data / report of nearby existing wells from above-mentioned laboratories may be submitted for saline ground water extraction.”.

(iv). for clause (d), the following clause shall be substituted, namely:-

“(d). For all new projects, document as proof of new establishment / commencement of operation i.e. Consent to Establish/ Environmental Clearance/ any other document from a statutory agency.”.

(v). for clause (e), the following clause shall be substituted, namely:-

“(e). Copy of Rain Water Harvesting Plan submitted to Government agency by the applicant or a proposal for rain water harvesting/ recharge in the project premises as per the prevailing Model Building Bye Laws issued by Ministry of Housing & Urban Affairs, Government of India.”.

(vi). for clause (f), the following clause shall be substituted, namely:-

“(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 and in excess of 500 m³/day in areas underlain by non-alluvium and 2000 m³/day in areas underlain by alluvium in Safe assessment units shall have to mandatorily submit impact assessment report and ground water modeling study of existing/ proposed ground water withdrawal on the ground water regime covering 5 KM radius area around the project site prepared by accredited consultants. Pro-forma for the report is given in Annexure IV.”.

6. In the paragraph 4.2,

(i). for clause (ii), the following clause shall be substituted, namely:-

“(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 100 m³/day of ground water. Depth and aquifer zone tapped in the piezometer shall be commensurate with aquifer used for irrigation/drinking water in the buffer area. Detailed guidelines for design and construction of piezometers are given in Annexure II.”.

(ii). for clause (b), the following clause shall be substituted, namely:-

“(b) Copy of Rain Water Harvesting Plan submitted to Government agency by the applicant or a proposal for rain water harvesting/ recharge in the project premises as per the prevailing Model Building Bye Laws issued by Ministry of Housing & Urban Affairs, Government of India or as feasible in the mine premises and as approved by CGWA/State agencies”.

(iii). after clause (c), one more clause (d) shall be inserted, namely:-

“(d) For all New projects, document as proof of new project / commencement of operation i.e. Consent to Establish/ Environmental Clearance / any other document from a statutory agency.”.

7. In the paragraph 4.3:-

(i). in the sub para 3, for the words “Indicative list of Infrastructure projects is given in Annexure VI”, the words “Commercial infrastructure projects requiring ground water for drinking /domestic use shall also be covered under this category. Further, the Indicative list of location specific Infrastructure projects is given in Annexure VI” shall be substituted by revised Annexure VI given hereafter.

(ii). after clause (v), one more clause (vi) shall be inserted, namely:-

“(vi) All stadiums, cricket grounds, and other sports grounds/courts, golf courses etc shall construct/install appropriate mechanism for artificial recharge of ground water / rain water harvesting.

(iii). for clause (a), the following clause shall be substituted, namely:-

“(a) In cases where dewatering is involved, submission of impact assessment report along with groundwater modelling in 5 km radius 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.”.

(iv). for clause (e), the following clause shall be substituted, namely:-

129

“(c) Copy of Rain Water Harvesting Plan submitted to Government agency by the applicant or a proposal for rain water harvesting/ recharge in the project premises as per the prevailing Model Building Bye Laws issued by Ministry of Housing & Urban Affairs, Government of India.”.

(v). after clause (g), one more clause (h) shall be inserted, namely:-

“(h) For all New projects, building plan approval or any other relevant document as proof of new project from a statutory agency.”.

8. In the Section I under paragraph 5.1, for the table 5.1, the following table 5.1 shall be substituted, namely:-

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

Quantum of Groundwater withdrawal (m ³ /day)	Rate of ground water abstraction charges (Rs. per m ³)
0-25	No Charge
> 25- < 200	1.00
200 and above	2.00

Government/ Government authorized agencies supplying water for drinking/ domestic use and Government infrastructure projects shall pay ground water abstraction charges @ Rs. 0.50 per m³ irrespective of quantum of ground water abstraction.”.

9. In the paragraph 6.0, sub para 2, the following shall be substituted, namely:-

“All those users abstracting ground water and using it for supply as bulk water supplies through private tankers shall mandatorily seek No Objection Certificate for ground water abstraction as per Guidelines for Bulk water suppliers as issued and updated by CGWA from time to time.”.

10. In the paragraph 7.0, sub para 3, the following shall be substituted, namely:-

“Abstraction of saline ground water shall be according to the Guidelines for Saline Ground Water Abstraction as issued and updated by CGWA from time to time.”.

11. In the paragraph 8.0,

In the sub para 2, the following shall be substituted, namely:-

“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 Authority/ State Authority or any other appropriate local government authority to establish their projects in the area.”.

12. In the paragraph 9.0:-

(i). for clause (i), the following clause shall be substituted, namely:-

“(i). Installation of tamper proof digital water flow meter/ Pre Paid Meter (s) (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.

In case the ground water extraction is from multiple bore/tube wells within the same premises, tamper-proof digital water flow meter(s)/Pre Paid Meter (s) with telemetry can be installed at common outlet point(s).”.

(ii). for clause (iv), the following clause shall be substituted, namely:-

“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 5.”.

(iii). for clause (v), the following clause shall be substituted, namely:-

“v. Purpose-built observation wells (piezometers) for ground water level monitoring shall be installed as per Section 14. Water level data shall be made available to CGWA through web portal. Detailed guidelines for construction of piezometers are given in Annexure-II.”.

(iv). for clause ix, the following clause shall be substituted, namely:-

“ix. In case of change of ownership, new owner of the premises 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.”.

13. In the paragraph 14.0,

(i). for sub para 1, the following shall be substituted, namely:-

“In other than industrial areas as mentioned hereafter, all the project proponents (drawing ground water more than 100 m³/day of ground water for Hard rock aquifer type and more than 500 m³/day of ground water for Alluvium aquifer type have to mandatorily construct Piezometers (observation wells) within their premises for monitoring of the ground water levels. Further, in industrial areas (as designated or notified by Central/State Government), Central Ground Water Board (CGWB) shall construct need-based piezometers as per local hydro-geological conditions and further monitor water levels. Such a mechanism of compliance conditions has been made to ensure regular monitoring of ground water level in the project area. In this regard the necessary criteria for monitoring of water levels through piezometers by the project proponents is given in Table 14.1.”.

(ii). for Table 14.1, the following Table shall be substituted, namely:-

Table 14.1 No. of Piezometers with Digital Water Level Recorder (DWLR) and telemetry to be constructed & Type of Water Level Monitoring Mechanism		
Sl. No.	Quantum of Ground water withdrawal (cum/day)	No. of piezometer(s) (with DWLR and telemetry required)
1.	0-100	0
2.	>100 (Hard rock aquifer type in other than industrial areas)	1
3.	>500 (Alluvium aquifer type in other than industrial areas)	1

14. In the paragraph 16.0, in the Table 16.1,

(i). Serial no. 2, i.e. “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”.

shall be substituted with

“Non disclosure/ construction of additional groundwater abstraction structures

a) Functional / Non-functional Structures.

b) Defunct / Abandoned

Note: Given rates are for unit Functional/non-functional/ defunct/ abandoned structures. This shall be multiplied with total such structures to arrive at consolidated penalty.”

(ii). under the serial no. 7, for the words, “Non maintenance of Recharge structures”, the words “Non maintenance of water conservation structures/ recharge structures” shall be substituted.

(iii). in the paragraph 16.0, the sub para 2 shall be substituted, namely:-

"Application fee for fresh/ renewal of NOC shall be charged as per the rates prescribed by CGWA from time to time and intimated through the official web portal. Fee shall also be payable for correction/ modification in the existing issued No Objection Certificate letter."

(iv). in the Table 16.2,

- i. under the heading/heading of the table, for the words "Proposed Charges" the words "Charges" shall be substituted.
- ii. the serial no. 1 (i.e the words " Change in recharge quantum including applicable charges") shall be deleted.

15. In the Annexure II, for bullet point 1, the following bullet point shall be substituted, namely:-

"The piezometer is to be installed / constructed at the minimum distance of 15 m if the aquifer tapped is hard rock and 50 m if the aquifer is alluvium from the pumping well through which ground water is being withdrawn. The diameter of the piezometer should be about four inches to six inches."

16. In the said guidelines, **Annexure VI** shall be substituted as given hereafter:

"Annexure VI

Indicative list of location specific Infrastructure Projects

Sl. No.	Infrastructure Projects
1.	Special Economic Zone
2.	Metro Station/Railway Station & Bus Depot
3.	Airport, Seaport, Logistics, Cargo & Warehouse
4.	Highway Infrastructure
5.	Fire station
6.	Hospitals & Nursing Homes
7.	Educational Institutions including schools, colleges, universities, coaching institutes, Training Centres/ Skill development centres

Note:- The requirement of NOC for Groundwater use may include the water requirement for drinking water/domestic uses also.

17. In the said guidelines, **Annexure VIII** shall be substituted as given hereafter:

"Annexure VIII

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

1.	Andaman & Nicobar
2.	Assam
3.	Arunachal Pradesh
4.	Bihar
5.	Chhattisgarh
6.	Dadra and Nagar Haveli and Daman & Diu
7.	Gujarat
8.	Jharkhand
9.	Madhya Pradesh
10.	Maharashtra

132

11.	Manipur
12.	Meghalaya
13.	Mizoram
14.	Nagaland
15.	Odisha
16.	Rajasthan
17.	Sikkim
18.	Tripura
19.	Uttarakhand

Note: The above list is dynamic in nature and any addition/deletion in this regard shall be communicated to the States/UTs, project proponents including industries by CGWA through its official web portal.”.

18. In the **Annexure IX (Glossary of technical terms used)**, under the serial no. 17, for the words “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.”, the words, “**Drinking and domestic use:** Water required for daily household activities including hygienic purposes, such as cooking food, bathing, cleaning / washing, sanitation etc. 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.” shall be substituted.”.

19. In the **Annexure X**, under the heading, for the words “Annual water audits by the industries (Source CII)”, the words, “Water audits by the industries” shall be substituted. ”

[F. No. 23014/29/2021-Coordination Section- Part(2)]

ASHISH KUMAR, Director

Note: he ‘Guidelines to control and regulate ground water extraction in India’ were published in Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) vide S.O. 3289 (E) dated 24th September, 2020.

I/83018/2023

Annexure-6 (133)

Minutes of the meeting held under the Chairmanship of Secretary, DoWR, RD&GR, Ministry of Jal Shakti on 05.04.2023 with State Ground Water Authorities/ Principal Secretaries of Departments dealing with Ground Water in States

A meeting was held under the chairmanship of the **Secretary, DoWR, RD & GR, Ministry of Jal Shakti** in hybrid mode on **05.04.2023** to discuss status of implementation of MoJS guidelines for ground water regulation and functioning of rainwater harvesting systems in the States. Representatives from all the States, except Arunachal Pradesh and DD & DNH attended the meeting. List of the participants is annexed.

2. At the outset, the Joint Secretary (A, IC & GW) welcomed all the participants and presented a brief introduction about the context of the meeting, citing C&AG observations in its report on 'Ground Water Management and Regulation' and Hon'ble NGT directives on functioning of Rain Water Harvesting structures in the country.

3. Member, CGWA made presentation on salient provisions of MoJS guidelines and amendment thereof and present status of syncing of State guidelines with MoJS guidelines along with NOC pendency status of SGWAs. Present status of constitution of State Ground Water Authorities was also presented. Action Taken on Hon'ble NGT directives regarding RWH systems was informed.

4. The Secretary, DoWR, RD & GR stressed on the crucial role of groundwater in the country and set out following specific points on which the Principal Secretaries/ Secretaries/ representative of States were asked to provide their view/ present status in their respective States.

- i. Present status/ plan for constitution of State Ground Water Authority in those states where the same has not been constituted as water being State subject the regulation needs to be done by the States themselves, preferably.
- ii. Present status of syncing of State guidelines with MoJS guidelines. The SGWAs were also requested to take note of recent amendments in guidelines and align their guidelines accordingly.
- iii. Status of pendency of NOC applications, urging them to reduce the pendency.
- iv. Status/plan of action on Bulk Water Suppliers/ Packaged Drinking Water units extracting ground water illegally.
- v. Status of action on 253 units identified by CAG in 18 States.
- vi. Status of providing inputs on State-specific observations by CAG in its report.
- vii. Present status of RWH rules in the State and status of action taken on advisory issued by MoJS for prevention of contamination of groundwater/ mixing of sewage water due to deficiency in RWH design. States may take a note of the problems highlighted.

5. The Secretary, DoWR also urged all the States to regularly carry out random inspection of RWH structures before onset of rains for keeping them functional. Any deficiency having potential of causing contamination may be appropriately addressed for improvement.

Interaction with States

I/83018/2023

134

6. State-wise interaction took place to get the inputs/ views of States. States where State is regulating groundwater were taken up first, followed by States regulated by CGWA.

A. Status of Syncing of Guidelines where Ground Water is being regulated by State themselves.

Representatives from States of **Goa, Haryana, Himachal Pradesh, Lakshadweep, Uttar Pradesh and Punjab** informed that the respective States have either adopted or have aligned their guidelines in conformity with MoJS guidelines.

States of **Andhra Pradesh, Karnataka, Kerala, Telanagana and Puducherry** have framed guidelines in consonance with MoJS guidelines. In States of Andhra Pradesh, Karnataka and Telanagana, the guidelines is at final stage of approval. In Puducherry, the guidelines are expected to be notified shortly. Representative from **J&K** informed that State guidelines will be aligned in sync with MoJS guidelines **within 3 months.**

States of **Delhi** and **Tamil Nadu** have been regulating groundwater under Government Orders. Delhi Jal Board has prepared the draft on the lines of MoJS guidelines in consultation with all concerned departments. The notification is expected by the end of April, 2023. In **Tamil Nadu**, State Water Policy is under finalisation by State Planning Commission and is to be issued by April, 2023. Based on this, Groundwater Regulation Act will be finalised soon.

B. Status of Enactment of Ground Water Act and Constitution of Ground Water Authority in the States/ UTs where CGWA is Regulating

Process of enactment of Ground Water Act/ constitution of State GW Authority is in **advanced stages or has been completed** in the States of Assam, Bihar, Chhattisgarh, Gujarat, Maharashtra, Nagaland and Odisha.

- **Assam:** the authority has been constituted and framing of guidelines is in final stages.
- **Bihar:** authority has been constituted vide notification dated 31.01.2023 and State guidelines are in consonance with MoJS guidelines.
- **Chhattisgarh:** Draft bill has been passed in the Cabinet. SGWA is expected to take over GW regulation in about a month.
- **Gujarat:** Draft GW Act have been prepared and is going to be submitted to the Chief Secretary shortly.
- **Maharashtra:** Maharashtra Groundwater (Development and Management) Act, 2009 has been in force since 1st June 2014. In order to align with MoJS guidelines, new Act has been drafted and submitted to Government on 29.03.2023. As regard to bulk water suppliers, condition of minimum 200 sqm plot is a constraint.
- **Nagaland:** Draft bill has been placed in the Cabinet for necessary approval.
- **Odisha:** Ground Water (Regulation, Development and. Management) Act, 2011 enacted but SGWA not formed. Rules and Regulations are being formed which are mostly in sync with that of MoJS. The process has been

I/83018/2023

135

paused as Government of Odisha desires to form State Water Authority. Secretary, DoWR advised them to constitute SGWA which may be integrated later with State Water Authority, as and when same is constituted.

- **As per representative of other States, status of enactment of GW Act/ constitution of Authority is as follows :**
- Manipur: Draft bill has been prepared and may be placed before the Cabinet during Monsoon Session.
- Mizoram: Draft bill has been placed before the Cabinet for necessary approval and is expected to be enacted soon.
- Rajasthan: State Ground Water Department has prepared a draft model bill and submitted to the Administrative Department, Government of Rajasthan for approval and further necessary action. The bill is under examination by Law Ministry. Their draft guidelines are as per MoJS guidelines.
- Sikkim: process for constitution of State GW Authority has been initiated.
- Madhya Pradesh: Draft Bill has been prepared and is under process for getting passed in Legislatures in soon.
- Jharkhand: Ground Water Directorate has prepared draft Model Bill which will be put up for approval after incorporation of modifications as per new guidelines of CGWA.
- Tripura: Government is in the process of drafting the Act and guidelines.
- Andaman & Nicobar Islands: Draft guidelines have been framed. CGWB, ER, Kolkata received the guidelines on 04.04.2023 and forwarded the same to CGWA, CHQ for comments/ guidance/ advice. **It was assured by Member, CGWA to provide the comments at the earliest.**

The Secretary DoWR advised the State representative of **Uttarakhand** to convey to concerned Principal Secretary to expedite taking over of groundwater regulation. He also requested **Meghalaya State** to initiate the process for drafting Act/ framing guidelines for taking over groundwater regulation from CGWA.

Member, CGWA informed that SOP for handing over of applications to newly created authorities has been prepared and shared with States.

The Secretary, DoWR requested the above States to expedite enactment of bill/ constitution of GW Authority and align their rules/ guidelines in conformity with MoJS guidelines dated 24.09.2020 and amendments thereof dated 29.03.2023. In reference to peculiar situations (such as in Maharashtra as regard to minimum 200 sqm plot), he said that State may take its own view on guidelines. He also urged the states, especially the larger States to expedite process for enactment of GW Act and taking over groundwater regulation from CGWA.

C. Clearance of NOC Applications

NOC issuance status where States are regulating themselves was discussed. Some of the States informed that in most of the cases, reply to queries raised to project proponents are awaited for further processing of applications. Hence,

pendency is being reflected. States of Delhi, J&K, Haryana, Himachal Pradesh, Karnataka, Kerala, Uttar Pradesh, Puducherry and West Bengal have online system of NOC. **Ladakh** State informed that they have asked all the projects proponents to apply and would like to adopt NOCAP system of CGWA.

D. Action on Advisory issued by MoJS for Prevention of Contamination of Ground Water from RWH Structures

In compliance to Hon'ble NGT directives, MoJS issued advisory regarding prevention of contamination of groundwater from RWH systems to all State Chief Secretaries on 31.03.2023. Central Ground Water Authority forwarded the advisory to concerned ACS/ Principal Secretaries/ Secretaries of all the States on 31.03.2023. The advisory was also forwarded to all Regional Directors of CGWB for follow-up.

The Regional Directors informed that they have forwarded the advisory to concerned State departments and are following it up.

Almost all State Representatives informed that RWH is mandatory in their respective States. The provision for mandatory RWH is inherent where GW Acts/ Guidelines are proposed. Since, UT of **Ladakh** is rainfall deficient, the administration is planning to implement ice harvesting techniques in association with NIH, Roorkee.

The **Secretary, DoWR** stressed on the need of Rain Water Harvesting system and correct any deficiency/ fault observed before onset of Monsoon.

E. State-specific Inputs on CAG Report on Ground Water Management and Regulation

Inputs State-specific paras in CAG Report 9 of 2021, especially Paras **2.10** (Institutional Framework for Ground Water Management in States/ UTs); **2.11.1** (Human Resource Constraints); **2.11.2** (Infrastructure Constraints); **3.9** (Submission of Quarterly Progress by CGWA) and **3.11** (Registration of Drilling Rigs and Borewells); and some other paras pertaining to particular States of the report including illegal extraction by certain industries etc were sought from the States. E-mails were sent from CGWB, CHQ to all Regions in September, 2022, with the request to seek comments from States. Inputs have been received from Delhi, Haryana, Karnataka, Rajasthan and Telangana. Representative from Andhra Pradesh informed that it had already provided the inputs. It was requested to forward the same again. RDs were advised to forward the e-mail again to States for seeking inputs.

F. Status of 253 Units identified by CAG (having CTO from Pollution Control Boards and no GW NOC)

There were **166** such units in 11 CGWA-regulated States/UTs and 87 in 7 States, where State is regulating GW. Out of 166 units in CGWA-regulated States/ UTs, 26 units located in 9 States (Arunachal Pradesh, Bihar, Chhattisgarh, Gujarat, Jharkhand, Madhya Pradesh, Odisha, Rajasthan and Tripura) are yet to take NOC from CGWA. Concerned Regional Directors informed that Regions had issued show-cause notices to these units and have also written to respective DMs for

I/83018/2023

(137)

initiating action like sealing of borewell. Regarding 87 units, as per information available with CGWA, 56 units have not yet applied for NOC to respective States. Delhi Government has already sealed borewells. All defaulting units have been issued show-cause notice.

G. Illegal Extraction of Groundwater

Representatives from some of the States where ground water is being regulated by themselves informed the following.

Andhra Pradesh, Delhi: Instructions have been issued to concerned departments to identify projects operating without valid NOC; **Chandigarh:** After notification of guidelines, notice will be issued to all projects to apply for renewal; **Haryana:** Notices issued to 169 Packaged Drinking Water Units. Enforcement being done through Pollution Control Board; **J&K:** Power has been delegated to Chief Engineers to initiate action on defaulting projects; **Karnataka:** Around 2,500 notices have been issued to projects to obtain NOC. Awareness is being generated among industries in this regard; **Kerala:** Provision of penalty is there, however, they will incorporate EC provisions in their guidelines; **Lakshadweep:** There is no industry/ commercial activity in the island; **Punjab:** Rules have come to force since 01.02.2023. All projects have been directed to obtain NOC with grace period as per quantum of withdrawal.

In CGWA-regulated States, on getting to know about units operating without valid NOC, show cause notices are issued to the units marking a copy to respective DM/ DC.

The Secretary, DoWR requested all the States to take adequate measures to address the issue of groundwater withdrawal without permission and initiate suitable action against defaulting units as per extant guidelines.

H. Concluding Remarks by Secretary, DoWR

The Secretary, DoWR thanked all the States for their participation in the meeting and response to agenda items. He urged those States where presently CGWA is regulating groundwater, to expedite enactment of GW Act/ framing guidelines in sync with MoJS guidelines and take over the regulation of groundwater. The States where groundwater is being regulated by States themselves were requested to align State guidelines with MoJS guidelines, also taking into consideration the recent amendments. States where online system for NOC is not existing were requested to bring NOC processing online. He stressed the need for inspection of RWH systems and rectification of any defect/ deficiency before the onset of monsoon in order to prevent contamination of ground water. He also impressed upon clearing of NOC pendency. It was once again requested to provide inputs on state-specific paras in CAG Report (9 of 2021). Regional Directors of CGWB were advised to forward the earlier e-mail to States again. **It was desired that such meetings may be held once in three months.**

The meeting ended with vote of thanks.

Annex

In chair: Shri Pankaj Kumar, Secretary, DoWR, RD&GR, MoJS

DoWR, MoJS

1. Shri Subodh Yadav, JS (A, IC & GW)
2. Shri Ashish Kumar, Director, DoWR, RD & GR
3. Shri Madhukar Singh, Sc-C & TS to JS (A, IC & GW)

CGWA, New Delhi

4. Shri Sunil Kumar, Chairman, CGWA
5. Shri A K Agrawal, Member, CGWA
6. Dr. Bhushan R Lamsoge, Sc E & HoO
7. Shri A K Patre, Sc E
8. Dr. Vikas Ranjan, Sc D

CGWB Regions

9. Regional Directors/ HoO, CGWB Regions or their representatives

A & N Islands (Online)

10. Er. Arun Kumar, Executive Engineer & Director, ANSWSM

Andhra Pradesh (Online)

11. Shri B. Janardhan Reddy, Joint Commissioner, PR&RD Department
12. Shri M. John Satya Raju, Director, GW&WA Department
13. Shri Srinivas Nalluri, Joint Director, GW&WA Department

Assam (Online)

14. Shri Pabritra Ram Khaund, IAS (Secretary, Irrigation Deptt)
15. Shri Arup Kumar Sharma (Deputy Secretary, Irrigation Deptt)
16. Shri Gopal Chetri (Under Secretary, Irrigation Deptt)

Bihar

17. Shri Ravi Manubhai Parmar, IAS, Additional Chief Secretary, Minor Water Resources Department

Chandigarh (Online)**Chhattisgarh (Online)**

18. Shri Anbalagan Ponnusamy (IAS), Secretary, WRD

Delhi**Goa**

19. Shri Subhash Chandra (IAS), Secretary, WRD

20. Shri P. B. Badami, CE, WRD

Gujarat

21. Shri K. B. Rabadiya, Special Secretary (WR), Narmada Water Resources, Water Supply & Kalpsar department

22. Shri R. M. Patel, Managing Director, GWRDC, Gandhinagar

Haryana

23. Dr. Satbir Singh Kadian, EIC, LCU, I&WRD

24. Shri Pankaj Mahala, Hydrologist, GWC, I&WRD and Sh. A.K. Bhatia Consultant, HWRA

25. Shri A K Bhatia, Consultant, HWRA

Himachal Pradesh (Online)

26. Er. Vijay Kumar Dhatwalia, Chief Engineer (D&M)

27. Er. Hemant Tanwar, Superintending Engineer, (P&I) II, JSV, H.P.

Jammu & Kashmir (Online)

28. Shri Shaleen Kabr (IAS), Principal Secretary, Jal Shakti Department

Jharkhand

29. Shri Rajesh Kumar Tigga, Engineer-in-Chief, WRD

Karnataka (Online)

30. Shri Jayanna, Dy. Director, GWD

31. Smt. Jagadeeshwari, Sr. Geologist, GWD

32. Shri H.M. Nagaraj, Sr. Geologist, GWD

Kerala (Hybrid)

33. Shri Ashok Kumar Singh IAS, Secretary, Water Resources

34. Shri A.G.Gopakumar Superintending Hydrogeologist, Kerala GWD (Online)

Ladakh (Online)

35. Shri Ajeet Kumar Sahoo IAS, Commissioner Secretary, Department of PHE, and Irrigation & Flood Control Administration

Lakshadweep (Online)

36. Shri Shashank Mani Tripathi IAS, Secretary (Works) in charge

37. Shri C.N.Shajahan, Superintending Engineer, PWD

Madhya Pradesh (Online)

38. Shri S.N.Mishra, Addiotanl Chief Secretary, WRD

Maharashtra (Online)

39. Dr. V. Pakhmode, Additional Director, GSDA

Manipur (Online)

I/83018/2023

(140)

- 40. Shri C Arthur Worchuiyo, IAS (Commissioner (MI))
- 41. Shri H.Brajendra Singh (Chief Engineer, MI)
- 42. Shri RK Dipankar Salam (Suptdg Engg, MI)

Meghalaya (Online)

- 43. Smt Juncy Lyngdoh, Superintending Engineer, WRD

Mizoram (Online)

- 44. Shri C . Lalremsiama, Secretary, PHED
- 45. Shri F. Liantluanga, Engineer-in-chief, PHED

Nagaland (Online)

- 46. Shri K. Libanthung Lotha (IAS), Commissioner and Secretary, Geology and Mining

Odisha (Online)

- 47. Er Chandra Sekhar Padhi, E-i-C,WR

Puducherry (Online)

- 48. Shri. L. Kumar (IAS), Secretary(Agriculture)

Punjab

- 49. Sh. Suraj Bhan Singh, Chief Engineer, GWD

Rajasthan (Online)

- 50. Sh. Suraj Bhan Singh, Chief Engineer, GWD

Sikkim (Online)

- 51. Er. B. S. Nirola, Chief Engineer, Water Resources & River Development

Tamil Nadu (Online)

- 52. Shri R. Kannan, Addl. Secretary (WRD), Govt. of Tamil Nadu

Telangana (Online)

- 53. Shri N. Shankar, Additional Secretary, I & CAD & Director (FAC), GWD
- 54. Shri Seshu Kumar, Joint Commissioner, Rural Development.

Tripura (Online)

- 55. Shri Biswajit Saha, EE, PWD(WR)

Uttar Pradesh (Online)

- 56. Shri V K Upadhyaya, Director, GWD

Uttarakhand (Online)**West Bengal**

I/83018/2023

57. Er. Arindam Ghosh, Director, State Water Investigation Directorate, WRI &
DD

141

Annexure-7

(By-Email)

142

No. T-81011/33/2022-GW Section-MoWR

भारत सरकार

Government of India

जल शक्ति मंत्रालय

Ministry of Jal Shakti

जल संसाधन, नदी विकास और गंगा संरक्षण विभाग

D/o WR, RD & GR

(भूजल अनुभाग / Ground Water Section)

Shram Shakti Bhawan, Rafi Marg
New Delhi, Dated: 17-08-2023

To,

The Chief Secretaries/Administrators of the States/UTs (as per the list attached).

Subject:- Creation of State Ground Water Authority (SGWA) - reg.

Sir/Madam,

I am directed to refer to D.O. letter No. T-63012/1/2020-GW dated 04.01.2021 and subsequent reminders vide D.O. letter of even no. dated 07.07.2022 and letter of even no. dated 06.02.2023 sent from this Ministry with the request to strengthen the institutional mechanism to ensure sustainable management and lawful regulation of ground water resources by initiating necessary steps to constitute a State Ground Water Authority in your State/UT (SGWA)(copies enclosed) .

2. This Department has notified "Guidelines to Control and Regulate Groundwater Extraction in India' vide gazette notification number S.O. 3289(E) dated 24.09.2020 and subsequent amendments dated 29.03.2023 to these guidelines which have pan-India applicability. As per the guidelines, Central Ground Water Authority (CGWA) is currently regulating extraction of groundwater in 19 States/UTs, including in your State/UT.

3. However, water is a State subject and it is, therefore, essential that every State has its own independent and well equipped State Ground Water Authority(SGWA) with adequate administrative and technical capabilities (wherever not constituted till date) for effective regulation of groundwater in its jurisdiction.

4. In view of the above, it is once again requested to bestow your personal attention on the matter to take this initiative forward. I shall be grateful if the details of current progress in establishing the SGWA in your state along with likely date of its constitution is communicated to this Ministry at an earliest possible.

Signed by Vinayak Bhat
Date: 17-08-2023 14:08:59
Reason: Approved

Encls.:- As above

Yours sincerely,

(Vinayak Bhat)

Director

Email: gwdesk-mowr@nic.in

Copy to:

- i. PPS to Secretary, DoWR, RD & GR
- ii. PPS to Special Secretary, DoWR, RD & GR
- iii. PPS to JS(A,IC& GW), DoWR, RD & GR

The List of the States/UTs where regulation is done by CGWA.

1	Arunachal Pradesh
2	Assam
3	Bihar
4	Chhattisgarh
5	Gujarat
6	Jharkhand
7	Madhya Pradesh
8	Maharashtra
9	Manipur
10	Meghalaya
11	Mizoram
12	Nagaland
13	Odisha
14	Rajasthan
15	Sikkim
16	Tripura

I/87203/2023

144

17	Uttarakhand
18	Andaman and Nicobar Islands
19	Dadra and Nagar Haveli and Daman & Diu

Annexure 8

(By-Email)

145

No. T-81011/33/2022-GW Section-MoWR

भारत सरकार

Government of India

जल शक्ति मंत्रालय

Ministry of Jal Shakti

जल संसाधन, नदी विकास और गंगा संरक्षण विभाग

D/o WR, RD & GR(भूजल अनुभाग / **Ground Water Section**)

Shram Shakti Bhawan, Rafi Marg
New Delhi, Dated: 24-08-2023

To,

The Chief Secretaries/Administrators of the States/UTs (as per the list attached).

Subject:- Creation of State Ground Water Department (SGWD) – reg.

Sir/Madam,

I am directed to refer to this Department's D.O. letter No. T-63012/1/2020-GW dated 04.01.2021 with the request to strengthen the institutional mechanism to ensure sustainable development and management of ground water resources in your State/UT by initiating the necessary steps to constitute State Ground Water Department/Board.

2. Further, During a CoS meeting held on 02.11.2020 under the Chairmanship of Cabinet Secretary, the guidelines for the regulation and control of ground water extraction in India notified on 24.09.2020 were discussed. After detailed deliberations, the committee recommended following :-

4.(i). DoWR may continue to engage with States/UTs to have their own Boards and Regulations for ground water extraction in-place, within the overall ambit of the Gol guidelines.

3. Since water is a State subject, it is essential that every State constitutes its own independent, dedicated and well equipped State Ground Water Board/Department (wherever not constituted till date) for sustainable development & effective management of groundwater resources in its jurisdiction. Further, it is imperative that such Board/Department should be empowered by posting sufficient number of officials and delegating adequate financial/administrative power for their effective functioning.

4. In view of the above, it is requested to kindly take appropriate action in the

matter and apprise the current status/progress made in creation of a dedicated Ground water Board/Department to this Ministry at the earliest. Otherwise, practical/administrative constraints hindering the creation of such a dedicated Board/Department along with alternative arrangement recommended/put in place may please be conveyed.

Encls.- As above

Yours sincerely,

Signed by Vinayak Bhat

Date: 24-08-2023 15:22:33

Reason: Approved

(Vinayak Bhat)

Director

Email: gwdesk-mowr@nic.in

Copy to:

- i. PPS to Secretary, DoWR, RD & GR
- ii. PPS to Special Secretary, DoWR, RD & GR
- iii. PPS to JS(A,IC& GW), DoWR, RD & GR

The List of the States/UTs not having SGWD

1	Andaman and Nicobar Islands
2	Arunachal Pradesh
3	Assam
4	Bihar
5	Chandigarh
6	Chhattisgarh
7	Dadra and Nagar Haveli and Daman & Diu
8	Goa
9	Jammu & Kashmir
10	Lakshadweep
11	Madhya Pradesh
12	Manipur

I/87409/2023

147

13	Meghalaya
14	Mizoram
15	Nagaland
16	NCT of Delhi
17	Sikkim
18	Tripura
19	Uttarakhand
20	Ladakh