

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

O.A. NO. 500 OF 2022

IN THE MATTER OF:

Bhagwant Rai

..... Applicant

VERSUS

State of Punjab & Ors

..... Respondents

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Place: Chandigarh

Dated: 19.07.2023


19.7.2023
J.K. Jain,

Additional Secretary,
Punjab Water Regulation And
Development Authority
(On behalf of Respondent No. 2)

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****O.A. NO. 500 OF 2022**

IN THE MATTER OF:

Bhagwant Rai **Applicant****VERSUS****State of Punjab & Ors.** **Respondents**

Short reply by way of affidavit of J.K. Jain, Additional Secretary, Punjab Water Regulation & Development Authority on behalf of Respondent No. 2.

MOST RESPECTFULLY SHOWETH:

1. That the answering Respondent has been impleaded as Respondent No. 2 in the above noted Original Application vide order dated 13.12.2022 passed by this Hon'ble Tribunal.
2. That this Hon'ble Tribunal vide order dated 29.08.2022 constituted a Joint Committee comprising of State PCB, Executive Officer MC Barnala, DFO and Deputy Commissioner, Barnala which submitted a detailed report dated 8.12.2022 stating, inter alia, that seeking Permission for extraction of groundwater for Drinking and Domestic usage is exempted



under paragraph 5.1 of the Punjab Guidelines for Groundwater Extraction and Conservation, 2020 (**Annexure 2**).

3. That the Punjab Water Regulation and Development Authority (hereinafter mentioned as Authority) was established under Section 3 of the Punjab Water Resources (Management and Regulation) Act, 2020 (**Annexure 1**) vide Notification No. 11/42/2018-PJ-3/598 dated 18.03.2020 to ensure judicious, equitable and sustainable utilization and management of water resources of the State.
4. The relevant Sections of **The Punjab Water Resources (Management and Regulation) Act, 2020** (hereinafter mentioned as Act) are reproduced below:
 1. **Section 15 (2)** empowers the Authority to "*issue directions regarding the development, management, or use of water*".
 2. **Proviso to Section 15 (2)** states that that "*no directions shall be issued for extraction of water for drinking and domestic use*".
 3. **Section 16:** "*Notwithstanding anything contained in sections 14 and 15 of this Act, the Authority shall not impose any ban on extraction of groundwater for drinking or domestic use*".
5. That the Authority in pursuance of its powers under Section



15(2) of the Act has issued the **Punjab Groundwater Extraction and Conservation Directions, 2023**. Para 3.1 (**Annexure 3**) thereof exempts seeking permission for extraction of groundwater for Drinking and Domestic usage. It is reproduced below:

“3.1 PERMISSION AND EXEMPTIONS:

No User shall extract groundwater or conduct any activity connected therewith without obtaining Permission of the Authority except for the following cases:

i for Drinking and Domestic usage;

Explanation: A Unit shall be exempted under this clause only if the groundwater is utilized exclusively for Drinking and domestic use.

i. for exclusive usage in Agriculture;

ii. for use in a place of worship;

iii. for a drinking and Water Supply Scheme of the Government

iv. for use by an Establishment of the Military or the Central Paramilitary Forces;

v. an Urban Local Body, Panchayati Raj Institution, Cantonment Board, Improvement Trust or Area Development Authority; and

vi. a Unit extracting not more than 300 cubic metres of groundwater per month.”

6. That in the view of the above facts, the prayer/relief sought by

the applicant does not pertain to the Authority. The answering respondent no. 2 is a Proforma respondent in this application. It is therefore most respectfully prayed that this Hon'ble Tribunal may:

- A. delete the name of Respondent No. 2 from the array of parties, or
- B. pass any such order as it may deem fit in the facts and circumstances of the case.

Place: Chandigarh

Dated: 19.07.2023


19.7.2023.
(J.K. Jain)

Additional Secretary
Punjab Water Regulation
& Development Authority
(On behalf of Respondent No. 2)

Verification:

Verified that the contents of the above reply are true and correct to my knowledge as derived from the official record. No part of it is false and nothing material has been concealed therein.

Place: Chandigarh

Dated: 19.07.2023


19.7.2023.
(J.K. Jain)

Additional Secretary
Punjab Water Regulation
& Development Authority
(On behalf of Respondent No. 2)

Regd. No. NW/CH-22

Regd. No. CHD/0092/2018-2020



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(MAGHA 23, 1941 SAKA)

LEGISLATIVE SUPPLEMENT

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(x)

- (q) "State" means the State of Punjab;
- (r) "volumetric" means a measurement of water on the basis of volume; and
- (s) "water" includes surface, sub-surface and groundwater.

(2) The words and expressions used but not defined in this Act, but defined in various irrigation or water resources related laws in the State, shall have the same meanings respectively assigned to them in those laws.

3. (1) The Government shall, by notification in the Official Gazette, establish with effect from such date as may be specified in the notification, an Authority to be known as the Punjab Water Regulation and Development Authority. Establishment and incorporation of Authority.

(2) The Authority shall consist of a Chairperson and two other members to be appointed by the Government.

(3) The Authority established under sub-section (1) shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to contract, acquire, hold and dispose of property, both movable and immovable, and to do all things necessary for the purposes of this Act, and may sue or be sued by its corporate name.

(4) The Head Office of the Authority shall be at such place, as may be notified by the Government.

4. (1) The Chairperson of the Authority shall be a person of ability and integrity with demonstrable experience in the field of water and its management and possessing sound understanding of public administration, law and economics. Qualification for appointment of Chairperson and other Members.

(2) The other Members of the Authority shall be persons of ability, integrity and standing who have an adequate experience and capacity in dealing with the management of Water Resources or are experts in the fields of Water Resources Engineering, Environment, Agriculture, Law, Finance, Management, Administration or Economics.

(3) The Chairperson and other Members of the Authority shall be appointed on the recommendation of the Selection Committee constituted under section 5.

(4) The Chairperson or any other Member of the Authority shall not hold any other office during his tenure as Chairperson or Member.

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(MAGHA 23, 1941 SAKA)

Powers to issue
directions and
impose
restrictions.

15. (1) The Authority shall ensure development, management and conservation of water resources of the State in accordance with the Integrated State Water Plan.

(2) The Authority may issue directions regarding the development, management, or use of water which may include the following, namely:-

- (i) construction and installation of any new structure for extraction of groundwater through energized means;
- (ii) conditions subject to which the construction and installation of any new or existing water extracting structures may be allowed;
- (iii) conditions for operation of existing water extracting structures and their reinstallation;
- (iv) restrictions on the utilization of groundwater;
- (v) installation and maintenance of instruments for measuring the quality and level of ground water and for volumetric measurement of the quantum of ground water extraction;
- (vi) specifying areas in which an industrial operation or process or class of industrial operations or processes utilizing groundwater shall not be carried out or shall be carried out subject to certain conditions and safeguards;
- (vii) optimal use of surface water for irrigation, industrial or domestic use;
- (viii) efficient use of water and to minimize the wastage or misuse of water and to promote recycling and reuse of water;
- (ix) water conservation and groundwater recharge, including rain water harvesting;
- (x) drilling or digging of wells for extraction of groundwater without registration with the Authority or with such entity, as may be stipulated by the Authority;
- (xi) users drawing groundwater to register the extraction structure with the Authority or with such entity, as may be stipulated by the Authority within a given period; and
- (xii) any other directions, as may be considered necessary to achieve the objectives of this Act:

Provided that no directions shall be issued for extraction of water for drinking and domestic use.

(3) No direction(s) issued by the Authority under sub-section (2) shall come into force unless a notice in this regard is published in not less than two newspapers, including at least one daily regional language newspaper having wide circulation in the State.

(4) Any person may file written objection(s) against the proposed direction(s) along with such fee, as may be specified, within one month from the date of its publication.

(5) The Authority shall consider and settle all objections received against such direction(s) expeditiously and notify the final directions on such date, as it may deem fit.

(6) Where the direction(s) is issued by the Authority to any specific person, such person shall be bound to implement such direction(s) of the Authority within such time, as may be stipulated by the Authority:

Provided that before issuing any direction(s) to a specific person, the Authority shall give him an opportunity to be heard after a notice of not less than fifteen days.

(7) The Authority may, from time to time, issue advisories to the Government regarding policies and programs for development, management and conservation of water. These may include advisories regarding the following, namely: -

- (i) sustainable operation and maintenance of the water infrastructure and delivery systems within the State;
- (ii) utilization and storage of surface runoff;
- (iii) optimum utilization of the irrigation potential created in the State;
- (iv) fixing priorities for use of canal water for different purposes;
- (v) adoption of the latest technologies in the water sector;
- (vi) promoting water conservation awareness;
- (vii) detection and prevention of contamination of water; and
- (viii) increasing water efficiency in agriculture and other sectors.

(8) The Authority may publish or cause to be published such reports to disseminate scientific data and information to generate public awareness about water and its management after deliberations with the Advisory Committee

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(MAGHA 23. 1941 SAKA)

Exemption from
ban on extraction
of groundwater.

16. Notwithstanding anything contained in sections 14 and 15 of this Act, the Authority shall not impose any ban on extraction of groundwater for drinking or domestic use.



PUNJAB GUIDELINES FOR GROUNDWATER EXTRACTION AND CONSERVATION, 2020



Punjab Water Regulation and Development Authority
S.C.O 149-152, Sector-17, Chandigarh

CHAPTER 5

PERMISSION FOR GROUNDWATER EXTRACTION

5.1 EXEMPTIONS FROM SEEKING PERMISSION

- a) The following categories of uses shall be exempted from seeking permission for groundwater extraction and conservation:
 - i. Drinking and Domestic water usage;
 - ii. All Agricultural water usage, that is water used for any activities included in the definition of 'Agriculture and related activities' by the Government;
- b) The following categories of water users shall be exempted from seeking permission for groundwater extraction and conservation:
 - i. Drinking Water Supply schemes of Government, whether managed or operated by Government or by any other person including a water users' association;
 - ii. Establishments of the Military and Central Paramilitary Forces;
 - iii. Urban Local Bodies and Panchayati Raj Institutions, Improvement Trusts and Area Housing and Urban Development Authorities; and Places of Worship.

Note: It is clarified that all other categories of water usage and water users including industrial, commercial, infrastructure, institutional, construction and mining shall require permission for groundwater extraction and conservation.



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EXTRAORDINARY

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CHANDIGARH, FRIDAY, JANUARY 27, 2023 (MAGHA 7, 1944 SAKA)

GOVERNMENT OF PUNJAB

PUNJAB WATER REGULATION AND DEVELOPMENT AUTHORITY

NOTIFICATION

The 27th January, 2023

No. 75340/PWRDA-PWRD0GENL/37/2021-PWRDA-BR/418.-

Whereas, the Draft Directions, titled the 'Punjab Guidelines for Ground Water Extraction and Conservation 2020,' issued by the Authority were published on the websites www.irrigation.punjab.gov.in and www.punjab.gov.in and were thus made available to the public on the said websites.

And whereas, a notice was issued in accordance with the provisions of the sub-section 3 of Section 15 of the Punjab Water Resources (Management and Regulation) Act, 2020 in the newspapers, namely *The Tribune*, *Ajit* and *Jag Bani* on the 13th of November, 2020 inviting objections from all persons, likely to be affected, by 18th of December, 2020.

And whereas, the objections received have been considered by the Authority.

And whereas, the Government has approved the Groundwater Charges contained in these Directions under Section 17 (5) of the Punjab Water Resources (Management and Regulation) Act, 2020.

Now, therefore, in exercise of powers conferred under Section 15 (2) of the Punjab Water Resources (Management and Regulation) Act, 2020 and all other powers enabling it in this behalf, the Punjab Water Regulation and Development Authority hereby issues the following Directions:

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CHAPTER 3

PERMISSION FOR GROUNDWATER EXTRACTION

3.1 PERMISSION AND EXEMPTIONS

No User shall extract groundwater or conduct any activity connected therewith without obtaining Permission of the Authority except for the following cases:

- i. for Drinking and Domestic usage:

Explanation: A Unit shall be exempted under this clause only if the groundwater is utilized exclusively for Drinking and Domestic use.

- ii. for exclusive usage in Agriculture;
- iii. for use in a place of worship; &
- iv. for a drinking and domestic Water Supply Scheme of Government;
- v. for use by an Establishment of the Military or of the Central Paramilitary Forces;
- vi. an Urban Local Body, Panchayati Raj Institution, Cantonment Board, Improvement Trust or Area Development Authority; and
- vii. a Unit extracting not more than 300 cubic metres of groundwater per month.