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Jharkhand State Ground Water Development & Management (Regulation & Control) Act, 2019

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झारखंड सरकार

***Jharkhand State Ground Water
Development & Management (Control & Regulation)
Act-2019***

***Water Resources Department
Government of Jharkhand***

CHAPTER-I PRELIMINARY

1. SHORT TITLE, EXTENT AND COMMENCEMENT:

- 1.1 This Act may be called Jharkhand State Ground Water Development & Management (Regulation & Control) Act, 2019.
- 1.2 It shall extend to the whole of the State of Jharkhand.
- 1.3 It shall come into force on such date as the State Government may by notification in the official Gazette, notify.

2. DEFINITIONS:

In this act, unless the context otherwise requires:

- 2.1 **Act** means Jharkhand State Ground Water Development and Management (Regulation & Control) Act, 2019
- 2.2 **Artificial Recharge to Ground Water** means the process by which ground water is augmented through artificial measures, in addition to natural conditions of replenishment.
- 2.3 **Authority** means Jharkhand State Ground Water Authority established in accordance with the provisions of this Act.
- 2.4 **Commercial Usages** means use of water for commercial (bottling plant, beverage, etc.) purposes.
- 2.5 **Department** means Water Resources Department, Govt. of Jharkhand.
- 2.6 **Designated Officer** means officer posted/ deployed by Water Resource Department, Government of Jharkhand or by Jharkhand State Ground Water Authority for executing the prescribed roles.
- 2.7 **Directorate** means State Ground Water Directorate, Water Resources Department, Govt. of Jharkhand.
- 2.8 **Drinking Water** means water for human consumption for drinking and for other domestic uses. It shall also include consumption by livestock.
- 2.9 **Government** means the State Government of Jharkhand.
- 2.10 **Ground Water** means the water, which exists below the surface in the zone of saturation and below and can be extracted through wells or any other means or emerges as springs and base flow in streams and rivers.
- 2.11 **JGWA** means Jharkhand State Ground Water Authority.
- 2.12 **Prescribed** means prescribed by rules made under this Act.

- 2.13 **Rain Water Harvesting** means the technique of collection and storage of rain water on surface or in sub surface aquifers.
- 2.14 **Sink** means with all its grammatical variations and cognate expression in relation to a well includes digging, drilling or boring of new tube-well or in existing tube-well, deepening and modification (of redials & galleries) of the existing tube-wells;
- 2.15 **Small farmers** means cultivating agriculture land of more than 1 hectare and upto 2 hectare and **marginal farmers** means a farmer cultivating agriculture land upto 1 hectare.
- 2.16 **User of Ground Water** means the person or persons or an institution including a company or an establishment, whether government or non-governmental who or which extract or use or sell ground water for any purpose including domestic use, made either on a personal or community basis;
- 2.17 **Well/Tube-well** means a structure dug or sunk or bored or drilled for the search or extraction of ground water by a person or persons, except by the authorized officials of the State or Central Government for carrying out scientific investigation, exploration, development, augmentation, conservation, protection or management of ground water and shall include open well, dug well, bore well, dug-cum-bore well, tube well, filter point, collector well, infiltration gallery, recharge well, disposal well or any of their combinations or variations.

Words and expressions used in this Act, but not defined herein shall have the meanings assigned to them in the relevant Acts.

CHAPTER – II CONSTITUTION OF THE AUTHORITY

3. ESTABLISHMENT OF JHARKHAND STATE GROUND WATER AUTHORITY

- 3.1 The State 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 **Jharkhand State Ground Water Authority (JGWA)**.

3.2 The Governing Body of Jharkhand State Ground Water Authority shall consist of;

SI No.	Name of the officers	Designation
1	ACS Principal Secretary/Secretary, Water Resources Department, Govt. of Jharkhand.	Chairperson
2	Engineer-in-Chief (I & II), Water Resources Department, Govt. of Jharkhand.	Member
3	Engineer-in-Chief, Drinking Water and Sanitation Department, Govt. of Jharkhand.	Member
4	Chief Engineer, Project monitoring and Planning, Water Resources Department, Govt. of Jharkhand.	Member
5	All Chief Engineers, Water Resources Department, Govt. of Jharkhand.	Member
6	Director, Jharkhand Space Application Centre, Govt. of Jharkhand.	Member
7	Director, Ground Water Directorate, Water Resources Department, Govt. of Jharkhand cum Chief Executive Officer (CEO), JGWA.	Member Secretary
8	The Chairperson may nominate two members as a special invitee in the Executive Committee.	

Ground Water Directorate, Water Resources Department, Government of Jharkhand along with all staff, infrastructure, equipments, etc. shall act as an executive set up of JGWA.

4. Disqualification for the members of the authority- A person shall be disqualified for being nominated as, and for being a non-official member of the Authority if such member.-

- 4.1 Has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Government involves moral turpitude; or
- 4.2 Is of unsound mind and is so declared by a competent court;
- 4.3 Is an un-discharged insolvent; or
- 4.4 Has been removed or dismissed from the service of the Central Government or the Government or a Corporation owned or controlled by the Central Government or the Government or from the membership of the Authority; or

- 4.5 Has directly or indirectly, by himself or in any contract or employment with, or under, or by, or on behalf of the Authority' or
- 4.6 Is employed as legal practitioner on behalf of the Authority or accepts employment as a legal practitioner against the Authority;

5. Terms of Office and Condition of Service –

- 5.1 Subject to the pleasure of the Government and the provisions of section 3.2, non-official members nominated by the Government shall hold office for a period of three years from the date on which they assume office and shall be eligible for reappointment under such conditions as may be prescribed.
- 5.2 A non-official member nominated by the Government, may at any time resign his office by writing under his hand addressed to the Government but shall continue in office till his resignation is accepted by the Government.
- 5.3 The non-official member nominated by the Government shall be entitled to such allowances as may be prescribed.

6. Removal of a Member.-

- 6.1 The Government may remove a nominated non-official member, if such member,-
 - 6.1.1 becomes subject to any of the disqualifications specified in section 4; or
 - 6.1.2 refuses to act or becomes incapable of acting; or
 - 6.1.3 without obtaining the leave of absence from the Chairperson absents himself from three consecutive meetings of the Authority; or
 - 6.1.4 In the opinion of the Government, has so abused his position as to render his continuance detrimental to the interest of the Authority.
- 6.2 No order of removal of a nominated non-official member under clause (6.1.1) and (6.1.4) of sub-section (6.1), shall be made unless such member has been given an opportunity of making his representation.

7. Meetings of the Authority.-

- 7.1 The Authority shall ordinarily meet at least once in three months at the office of the Authority or at such other place as the Chairperson may decide and shall, subject to the provisions of sub-sections (5.1), (5.2) and (5.3), observe such rules of procedure in regard to the transaction of business at its meeting as may be provided by regulations.
- 7.2 The Chairperson or in his absence, any member chosen by the members present from among themselves, shall preside at a meeting of the Authority.

- 7.3 If any member, being an officer of the Government is unable to attend any meeting of the Authority he may under intimation to the Chairperson, authorize his representative to attend meeting in writing, to do so.
- 7.4 All questions at a meeting of the Authority shall be decided by a majority of the votes of the members present and voting and in the case of equality of votes, Chairperson or in his absence the member presiding shall have a casting vote.
- 7.5 Quorum for a meeting shall be seven.

8. Staff of the Authority.-

- 8.1 In order to enable JGWA to function properly or exercise the powers under the Act, the State Government may appoint such numbers of technical personnel and other staff as it may consider necessary. Technical Personnel and other staff may also be appointed on contract or on deputation from state government departments.
- 8.2 In situation, where special funding for fulfilling the objectives of JGWA is available from Govt. of India or from any bilateral projects, necessitating the need of additional person power, the Authority shall have powers to take services of experts/ consultants/ firms or appoint staff of required qualifications needed for this purpose on contractual basis with the approval of Governing Body of JGWA. However, no financial liability shall be created for the state Government on account of such appointments, unless concurrence of the State Govt. has been obtained.
- 8.3 JGWA shall form Divisional or District level branch offices, as per requirement, for effective implementation of the provisions of the Act.

9. Power to notify areas to regulate and control the development and Management of Ground Water.

- 9.1 The Authority shall function under the overall control and supervision of the Department.
- 9.2 If the authority, after consultations with various expert bodies is of the opinion that it is necessary or expedient in the public interest to regulate the extraction or the use or both of Ground water in any form in any area, it shall advise the Department to declare any such area to be a notified area for the purpose of this Act with effect from such date as may be specified therein.

9.3 The Department on the advice of the Authority may, by notification in the official Gazette, declare any such area to be a notified area for the purposes of this Act with effect from such date as may be specified therein.

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

9.4 Every such notification shall in addition to its publication in the official Gazette, be published in not less than one daily regional language newspaper having wide circulation in the State and in such other manner as may be prescribed.

9.5 If in the opinion of the authority, the availability of ground water has improved in a notified area, it may, in consultation with various expert bodies advise the Department to de-notify such area and the Government may do so according to the procedure prescribed.

9.6 The authority shall also take steps to ensure that exploitation of Ground water Resources does not exceed the natural replenishment to the aquifers.

9.7 The Department on the advice of the authority may take steps as far as possible to ensure augmentation of ground water resources in addition to regulatory measures.

9.8 The authority shall maintain and upkeep the data base on ground water related information.

10. Grant to permit to extract and use ground water in the notified area.

10.1 No grant of permit shall be required for domestic purposes in rural areas.

10.2 No grant of permit shall be required for irrigation purposes for small and marginal farmers.

10.3 No grant of permit shall be required for domestic purposes up to Ground + Two storeys building in urban areas. Provided the diameter of the boring is not greater than four inches.

10.4 All other users (Individual, Commercial, Industrial, Institutional, etc.) of ground water not falling under above three categories (10.1, 10.2 and 10.3) shall have to take permit from the Authority for extraction of ground water.

11. Registration of existing users.

11.1 Every existing user under clause (10.0) of sub-section (10.1 to 10.4) of section 4 in the State within a period of one hundred eighty days from the date of establishment of Authority, shall apply to the JGWA for grant of a certificate of Registration

recognizing its existing use in such form and in such manner as may be prescribed. However, this provision shall not be applicable to the state and central Government offices and their schemes,

Provided that the Authority may entertain any such application after the expiry of the said period of **one hundred eighty days**, if it is satisfied that the user was prevented by sufficient cause from filing application in time. The details/documents shall be furnished in the prescribed format (Annexure-I) along with the application.

- 11.2 On receipt of the application under sub-section (11.1), the Authority or the designated officer, shall examine the same as per the provisions laid down in the Act or Rules framed thereof. In the event of fulfilling or not fulfilling all the required conditions, it shall grant or not grant Certificate of Registration authorising the continued use of ground water.

Provided that no person shall be refused a Certificate of Registration unless the has been given an opportunity of being heard.

- 11.3 Decision regarding the grant or refusal of a Certificate of Registration shall be intimated by the Authority or the designated officer to the applicant within a period of 90 (ninety) days from the receipt of the application.

- 11.4 In granting or refusing of a permit, the JGWA shall examine the following:

11.4.1 Purpose or purposes for which ground water is to be used;

11.4.2 The status (Safe / Semi – Critical / Critical / Over-exploited) of Community Development Block respect to Ground Water Availability, as per the latest Dynamic Ground Water Resources Estimation Report of Ground Water Directorate, Water Resources Department, Govt. of Jharkhand and CGWB. Further,

11.4.2.1 In Over-Exploited and Critical areas no permission shall be granted for any other usages except domestic, drinking use of Ground Water with a condition of construction of proper Ground Water recharge structure though rain water.

11.4.2.2 No permission shall be granted for commercial purposes in Over-Exploited and Critical areas.

11.4.2.3 Generally permission shall not be granted for use of Ground Water for Industrial purpose in any area. However, in special cases permission may be granted by Executive Committee of JGWA.

- 11.4.3 JGWA or the designated officer shall ensure no permission shall be granted where the Ground Water Quality in not fit for human consumption.

- 11.4.4 Replenishment of Ground Water Resource by means of artificial recharge to Ground Water through scientific techniques duly approved by JGWA shall be the mandatory condition for grant of permit. This will be also applicable for existing users.
- 11.4.4.1 The applicant shall submit a comprehensive artificial recharge plan to JGWA or its offices, which shall be approved by JGWA or designated officers within a period of thirty days.
- 11.4.4.2 Such approved plan shall be implemented by the applicant at their own cost, within a period of 90 days from the date of approval of plan, failing which, the permit shall not be granted.
- 11.4.5 The Certificate of Registration shall be in such format as may be prescribed.
- 11.4.6 Pending the communication by the JGWA of the decision on an application under sub-section (11.3), every existing user of ground water in the notified area shall continue to use ground water in the same manner and to the same quantity as the applicant was using prior to the date of application.

12. Registration for new users of ground water

- 12.1 On receipt of the application under sub-section 12.1, the Authority or the designated officer, shall examine the same as per the provisions laid down in the Act or Rules framed thereof. In the event of fulfilling or not fulfilling all the required conditions, it shall grant or not grant Certificate of Registration authorizing the continued use of ground water.

Provided that no person shall be refused a Certificate of Registration unless the applicant has been given an opportunity of being heard.

- 12.2 Decision regarding the grant or refusal of a Certificate of Registration shall be intimated by the Authority or the designated officer to the applicant within a period of 90 (ninety) days from the receipt of the application.
- 12.3 In granting or refusing of a permit, the JGWA shall examine the following:
- 12.3.1 Purpose or purposes for which ground water is to be used;
- 12.3.2 The status (Safe// Semi – Critical / Critical / Over-exploited) of Community Development Block respect to Ground Water Availability, as per the latest Dynamic Ground Water Resources Estimation Report of Ground Water Directorate, Water Resources Department, Govt. of Jharkhand and CGWB. Further,

- 12.3.2.1 In Over-Exploited and Critical areas no permission shall be granted for any other usages except domestic, drinking use of Ground Water with a condition of construction of proper Ground Water recharge structure through rain water.
- 12.3.2.2 No permission shall be granted for commercial purposes in Over-Exploited and Critical areas.
- 12.3.2.3 Generally permission shall not be granted for use of Ground Water for Industrial purpose in any area. However, in special cases permission may be granted by Executive Committee of JGWA.
- 12.4 JGWA or the designated officer shall ensure no permission shall be granted where the Ground Water Quality is not fit for human consumption.
- 12.5 Replenishment of Ground Water Resource by means of artificial recharge to Ground Water through scientific techniques duly approved by JGWA shall be the mandatory condition for grant of permit. This will be also applicable for existing users.
- 12.5.1 The applicant shall submit a comprehensive artificial recharge plan to JGWA or its offices, which shall be approved by JGWA or designated officers within a period of thirty days.
- 12.5.2 Such approved plan shall be implemented by the applicant at their own cost, within a period of 90 days from the date of approval of plan, failing which, the permit shall not be granted.
- 12.6 The Certificate of Registration shall be in such format as may be prescribed.
- 12.7 Pending the communication by the JGWA of the decision on an application under sub-section (11.3), every existing user of ground water in the notified area shall continue to use ground water in the same manner and to the same quantity as the applicant was using prior to the date of application.

13. Registration of drilling agencies

- 13.1 Every person desiring to carry on the business of drilling or digging well or extraction of ground water shall register his machinery with authority in such manner as may be prescribed.

- 13.2 No person by himself or through any person on his behalf shall, after expiry of a period of six months from the date of commencement of this Act carry on the business of drilling of digging well or extraction of ground water except under and in accordance with the terms and conditions of the registration granted by the Authority under this Act.
- 13.3 Every person for the purpose of getting a registration under sub-section (13.1) shall make an application to the Authority in such form, containing such particulars and accompanied by such fees as may be prescribed.
- 13.4 On receipt of an application under sub-section (13.2), the Authority may after such enquiry as it may deem fit and after satisfying itself that the applicant has the means and knowledge to undertake drilling or digging operations and extraction of ground water, grant a certificate of registration in such form for such period and subject to such conditions as may be prescribed.
- 13.5 At any time after a Permit/Certificate of Registration, as the case may be, has been granted, JGWA may alter, amend or vary the terms of the Permit/Certificate of Registration or any such matter, as the case may be, in the interest of state.

14. Cancellation of permit/certificate of registration

If the Authority is satisfied either on a reference made to it or on its behalf or otherwise, that:

- 14.1 the Permit or Certificate of Registration granted, as the case may be, is not based on facts;
- 14.2 the holder of the Permit/Certificate of Registration has without reasonable cause failed to comply with the conditions subject to which the Permit/Certificate of Registration has been granted or has contravened any of the provisions of this Act. Or the rules made there under or
- 14.3 a situation has arisen which warrants limiting of the use, or extraction of ground water;

then without prejudice to any other penalty to which the holder of the Permit/Certificate of Registration may be liable under this Act, the Authority may after giving the holder of the Permit/Certificate of Registration an opportunity of being heard, cancel the Permit/Certificate of Registration as the case may be.

- 15. Ineligibility to avail financial assistance, power connection etc.-** A person, who does not possess a permit for extraction or use of GW in notified area shall not be eligible.-
- 15.1 to get any subsidy, grant or loan by the Government or any other agency, organization or financing institution to dig well and extract ground water;
 - 15.2 to get from the Electricity Supply Company or any other authority, the power connection and supply of electricity to extract water from a well without obtaining a permit;
 - 15.3 for any subsidies or incentives from the Government, who is a farmer and who does not adopt sprinkler or drip irrigation in the notified areas.

16. POWERS AND FUNCTIONS OF THE AUTHORITY

- 16.1 The Authority shall function under the overall control and supervision of the Government.
- 16.2 The Authority in consultation with Ground Water Directorate and Central Ground Water Board shall advise the Department in respect of development and management including perspective plan of Ground Water Resources falling within the geographical area of the state.
- 16.3 The Authority shall ensure that exploitation of ground water resource does not exceed the natural replenishment of the aquifers.
- 16.4 The Authority shall maintain and upkeep the data base on ground water status within the state and related information.
- 16.5 To improve the ground water situation, the Authority may identify the recharge worthy areas in the State and issue necessary guidelines for adoption of rain water harvesting for ground water recharge in these areas.
- 16.6 The Authority shall advise the Government to include Rain Water Harvesting in all developmental schemes falling under critical, semi-critical or over exploited area.
- 16.7 JGWA shall take necessary steps for Awareness & Training Programmes on Rain Water Harvesting and Artificial Recharge to Ground Water through Government Agencies/Non Governmental Organizations (N.G.Os) / Volunteer Organizations (V.O's) / Educational Institutions / Industries / Individuals, etc.
- 16.8 Grant of permit to extract and use ground water as written herein:
 - 16.8.1 No grant of permit shall be required for domestic purposes in rural areas

- 16.8.2 No grant of permit shall be required for irrigation purposes for small and marginal farmers
- 16.8.3 No grant of permit shall be required for domestic purposes up to Ground two storey's building in urban areas. Provided that diameter of boring is not greater than four inches.
- 16.8.4 All other users (Individual, Commercial, Industrial, Institutional, etc.) of ground water not falling under above three categories (16.8.1, 16.8.2 and 16.8.3) shall have to take permit from the Authority for extraction of ground water.
- 16.9 The Authority or Designated officer by it in writing on its behalf, shall have power:
- 16.9.1 to enter any property (private or government) with the right to investigate and make any measurement concerning the land or the water located on surface or underground;
- 16.9.2 to inspect and enquire the existing/under drilling Tube wells, dug wells/under construction dug wells and materials excavated there from and take specimen of soil strata or water discharge and quality or materials extracted thereof.
- 16.9.3 to order in writing to the persons sinking a Tube well, to keep and preserve in the prescribed manner specimen of soil strata or water discharge and quality or materials excavated there from.
- 16.9.4 to direct the user of ground water to install water measuring device on any ground water extraction devices, provided that where the user of Ground Water does not comply with the direction issued within a period of thirty days,
- 16.9.5 the Authority itself shall install such water measuring device and recover the cost from the defaulting user of ground water;
- 16.9.6 to duly seize any equipment/device utilized for illegal sinking of Tube well and demolish the work executed fully or partly;
- 16.9.7 to direct any user of ground water who does not comply with the provision of this Act and rules framed there under to close down the extraction of ground water, cause its power supply to be disconnected and demolish any hydraulic work found to be illegal according to the provisions of this Act and the rules framed there under;

- 16.9.8 to enter and search with such assistance, if any, as it considers necessary, any place in which it has reason to believe that offence under this Act, has been or is being committed and order in writing the person who has been or is committing the offence not to extract or use the ground water for a specified period not exceeding thirty days.
- 16.9.9 To exercise such other powers as may be necessary for carrying out the purpose of this Act or any rules made there under;
- 16.10 The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) shall so far as may apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under Section 93 of the said Code.
- 16.11 The power conferred by section (94) includes the power to break, open the door of any premise where sinking, extraction and use of ground water may be going on. Provided that the power to break open the door shall be exercised only after the owner or any other person in occupation of the premise, if s/he is present therein, refuse to open the door on being called to do so.
- 16.12 Where the Authority seizes any mechanical equipment/device under clause 94 sub-section e, it shall report to the concerned Magistrate and take her/his orders as to the custody thereof.
- 16.12.1 All such matters will come under the judiciary of Jharkhand State.

17. Prohibition of sinking wells in notified area without permit:-

- 17.1 No person shall, either himself or through any person on his behalf, engage in sinking any well or any other activity connected therewith in any notified area without obtaining a permit;
- Provided that this sub-section shall not apply for sinking of well or extraction or use of ground-water for domestic purpose.
- 17.2 Any person desiring to sink a well in a notified area, for any purpose other than domestic purpose, shall apply to the Authority in such form and in such manner together with such fee as may be prescribed for the grant of a permit.
- 17.3 On receipt of an application under sub-section (17.2), if the authority is satisfied after enquiry that it shall not be against public interest to do so, may grant, subject to such conditions and restrictions as it may specify, a permit authorizing the

sinking of well and the extraction and use of the ground water from such well, or refuse to grant permit;

Provided that, before granting a permit under this sub-section, the Authority shall obtain no objection certificate from the local body concerned. If the concerned local body fails to issue no objection certificates, its refusal within a period of 15 days from the date of forwarding the application, it shall be presumed that the concerned local body doesn't have any objection and the Authority should proceed accordingly.

Provided further that no applicant shall be refused a permit unless he has been given an opportunity of being heard;

Provided also that where the authority to whom an application is made under sub-section (17.2) fails to inform the applicant of its decision on the application within a period of thirty days from the date of receipt of such application, the permit shall be deemed to have been granted to the applicant and he shall, for the purpose of this act, be deemed to be a holder of a permit.

Explanation : for the purpose of this sub-section, "Local body" means the Municipal Corporation, Municipality, Town Panchayat, Cantonment or village Panchayat, as the case may be.

- 17.4 In granting or refusing to grant a permit under sub-section (17.3), the authority shall have regard to the following matters, namely:
 - 17.4.1 The purpose for which ground water is to be used, the quantum and the mode of extraction;
 - 17.4.2 The existence of other users including prior users and any community well in the neighborhood;
 - 17.4.3 The quantum of available ground water resources in the notified area; and
 - 17.4.4 Whether the applicant concerned has the means and competence to extract water; and
 - 17.4.5 Any other matter as may be prescribed.

18. Grant of permit for transportation of ground water from notified area :

- 18.1 No person shall transport ground water by means of lorry, trailer or any other motor vehicle from any notified area for any purpose without obtaining a permit under sub-section (17.3).

18.2 Any person desiring to transport ground water from any notified area for any purpose, by means of lorry, trailer or any other motor vehicle shall apply to the authority for the grant of a permit in such form and in such manner and shall contain such particulars as may be prescribed.

18.3 On receipt of an application under sub-section (17.2), if the authority is satisfied that it shall not be against interest to do so, may grant, on payment of such fees as may be prescribed, a permit subject to such conditions and restrictions as may be specified therein, authorizing the transportation of ground water from the notified area, or refuse to grant a permit;

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

Provided further that where the authority to whom an application is made under sub-section (17.2), fails to inform the applicant of its decision on the application within a period of thirty days from the date of receipt of such application, the permit shall be deemed to have been granted to the applicant and such person shall for the purposes of this Act, be deemed to be a holder of a permit.

18.4 Notwithstanding anything contained in sub-sections (18.1) to (18.3) any person transporting ground water by means of lorry, trailer or any other motor vehicle immediately before the date of publication of the final notification under subsection (1) of section 9 may continue to transport ground water for a period not exceeding thirty days from such date.

Explanation: For the purpose of this section, the expression motor vehicle shall have the same meaning assigned to it in clause (28) of section 2 of the Motor Vehicles Act, 1988. (Central Act 59 of 1988).

Chapter-III

FUNDS, ACCOUNTS AND AUDIT

19. Fund of the Authority-

19.1 The Authority shall have and maintain a separate fund called the Jharkhand Ground Water Authority Fund to which shall be credited,-

- 19.1.1 Such sums as may be placed at the disposal of the Authority from time to time by way of grant of loan or otherwise by the Government;
- 19.1.2 Grants and loans received from the Central Government;
- 19.1.3 Loans raised with prior concurrence of the Government by the Authority from the financial agencies;
- 19.1.4 The proceeds of any fees, charges and fines levied;
- 19.1.5 Such other sums received by the Authority from any other source;
- 19.2 All the new appointments in the establishment of the Authority, whether temporary or permanent will appropriate scale of pay and purchase of new vehicles shall be made with the concurrence of the Government;
- 19.3 The Authority may impose appropriate charges on the quantum of ground water extracted for industrial, commercial and entertainment purposes with the approval with of the Government in such manner as may be prescribed.
- 19.4 The fund shall be applied for the purpose of the Act in such manner as may be prescribed.
- 19.5 The fund shall be kept in such deposit and drawn in such manner as may be prescribed.
- 20. Budget of the Authority** – The Authority shall prepare in such form and at such time every year, as may be prescribed, a budget for the next financial year showing estimated receipts and expenditure of the Authority in respect of the administration of the Act and shall forward to the Government such number of copies thereof, as may be prescribed.
- 21. Accounts and Audit** –
- 21.1 The Authority shall maintain a true and proper account and other relevant records and prepare annual statements of accounts including the balance sheet in such form as may be prescribed.
- 21.2 The accounts of the Authority shall be subject to audit annually by the Controller of State Accounts. A copy of annual statement of accounts together with a copy of the report of the auditor shall be forwarded annually to the Government.
- 22. Annual Report-**
- The authority shall prepare every year a report of its activities during the year and submit the report to the Government in such form and on or before such date as may be prescribed and the Government shall cause the same to be laid before each house of the State Legislature.

Chapter-IV

RAIN WATER HARVESTING

23. Construction of Rain Water Harvesting Structures:

The construction of the water harvesting structures in all existing and new residential, commercial, public and open areas shall be governed by the guidelines and schemes adopted by the respective urban and local bodies. They shall also be responsible for monitoring execution of the construction in accordance with the design and the scheme.

24. Rain Water Harvesting for Ground Water Recharge:

24.1 To improve the ground water situation, the Authority shall identify the recharge worthy areas in the State. The Authority in rural areas shall encourage through community participation the watershed management to facilitate ground water recharge.

24.2 The Authority shall give appropriate directions to the concerned departments of the Government to include Rain Water Harvesting in all developmental schemes falling under notified areas.

24.3 In urban areas, falling in notified areas, the Authority shall issue directives for constructing appropriate rain water harvesting structures in all residential, commercial and other premises having an area of 50 square meters or more in manner prescribed within the stipulated period.

24.4 Notwithstanding anything contained in the relevant laws, the Municipal Corporation or any other local Authority as the case may be, may impose stipulated conditions for providing roof top rain water harvesting structures in the building plan in an area of 100 Square meters or more, while according approval for construction, and permanent water and electricity connections shall be extended only after compliance of the directions given in this regard.

24.5 The Authority shall take steps for promotion of Mass Awareness and Training Programmes on Rain Water Harvesting and Artificial Recharge to Ground Water through Government Agencies/Non-Government Organizations (NGOs) Voluntary Organizations (VOs)/ Educational Institutions/Industries/Individuals.

24.6 The Authority shall take steps to extend incentives/subsidies to farmers who are following water conservation and rain water harvesting/recharge schemes.

25. Rain Water Harvesting to be mandatory for obtaining permission under the Act.

Chapter-V

MISCELLANEOUS

26. Delegation of power and duties:

The JGWA may, by general or special order in writing direct that all or any of the powers or duties which may be exercised or discharged by it shall, in such circumstances and under such conditions, if any, as may be specified in its order, be exercised or discharged also by any employee of JGWA or an agency / institution/ body as notified by the Department and specified in this behalf in the order.

27. Public to give information regarding contravention of the Act.-

27.1 Any person, who is aware of any contravention of the provisions of this Act, may in writing inform the same to the Authority.

27.2 On receipt of such information, the Authority may on enquiry take action in respect of such Contravention under this Act.

28. Services of orders, etc.:

28.1 Every order issued under section (94) of the code of Criminal Procedure, 1973 shall be served;

28.1.1 by giving notice to the user and receipt of the same by the user/owner for whom it is intended, or

28.1.2 if such user/owner cannot be found or does not receive the notice, then by affixing the notice on some conspicuous part of his last known abode or place of business or by giving to adult member of his/her family or by affixing on some conspicuous part of the land or building or machinery.

28.1.3 Where the person on whom an order or a notice is to be served is a minor, service upon his guardian in the manner provided in sub-section (94) shall be deemed to be served upon the minor.

29. Bar to claim compensation:

No person shall be entitled to claim any damage or compensation from JGWA or the Government for any loss sustained by her/him by virtue of any action taken under this Act.

30. Employees of JGWA to be public servants:

All employees of the Authority shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rules made there under, be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

31. Protection against action taken in good faith:

No prosecution, suit or other legal proceeding shall be instituted against JGWA or the Government or other employees of JGWA for any act done or intended to be done in good faith under this Act or the rules made there under except with prior sanction of the government.

32. Cognizance and trial of offences:

32.1 No prosecution for an offence under this Act shall be instituted except or with the written consent of JGWA or Designated officer on its' behalf

32.2 No court inferior to that of a Metropolitan Magistrate or a Magistrate of first class, shall try any offence under this Act.

33. Offences and penalties:

33.1 In case user of ground water:

33.1.1 Contravenes or fails to comply with any of the provisions of this Act or any rule made there under;

33.1.2 Obstructs the Authority or any other person authorized by it to exercise any of the powers under this Act,

33.2 shall be punishable-

33.2.1 for the first offence with fine which may extend to Rs. Ten Thousand; and

33.2.2 for the subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to Rs. Twenty Thousand or both, including sealing of the Ground Water extraction device/s.

33.3 In case of non- compliance by rig owners,

33.3.1 for the first offence with fine which may extend to Rs. Twenty Five Thousand; and

33.3.2 for the subsequent offence, with imprisonment for a term which may extend to one year or with fine which may extend to Rs. Fifty Thousand or both.

33.4 In case of offences by company/Commercial Users:

33.4.1 Whenever an offence under this Act has been committed by a company, every person who at time of the commission of offence was in charge of, or was responsible to the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

33.4.2 Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed with the consent or connivance of, or is attributable to any neglect on the part of any Director, Manager, secretary or

other Officer of the Company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

33.4.3 The punishment shall be 5 times of Section (33.3.1) and two times of Section (33.3.2) respectively or both.

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

Explanation- For the purpose of this section-

Company as defined by prevailing acts in the country or states in India.

Director, in relation to a firm, means a partner in the firm.

34. Fines to be credited to the fund of the Authority.- All fines recovered under this Act by or under the order of a Court shall be paid to the credit of the Fund of the authority.

35. Online Services.

The Department shall set up an online mechanism for transparent and quick implementation of various provisions of this Act. Such online mechanism will provide for registration, application, grant of permit, cancellation of permit/certificate of registration, monitoring of management of ground water data and various other related issues.

36. Power to make rules:

36.1 The Government may make, rules to carry out the purposes of this Act

36.2 Every rule made of every notification issued under this act shall, as soon as possible after it is made or issued, be placed on the Table of the Legislative assembly and if, before the expiry of the session in which it is so placed or next session, the assembly makes any modification in any such rule or notification or the Assembly makes any modification in any such rule or notification or the assemble decides that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be no effect as the case may be so however, that any such modification or annulment

shall be without prejudice to the validity of anything previously done under that rule or notifications.

37. Power to remove difficulties:

If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by order, do anything, which appears to it, to be necessary or expedient to remove the difficulty.

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

38. APPEAL:

38.1 Any person aggrieved by any order or decision of the Authority or an employee referred to in section 33.4.3 may file an appeal to the Government within a period of thirty days from the date on which such order or decision is communicated to him.

38.2 On receipt of an appeal under sub-section 38.1, the Government shall, after examining the case and after giving the petitioner an opportunity of being heard, pass such order as they may deem fit.

39. Power of Government to give direction:

39.1 The Government may, in the public interest, by order, direct the authority to make an enquiry or to take appropriate proceedings under this act in any case specified in the order, and the authority shall report to the Government the result of the enquiry made of the proceedings taken by it within such period as may be prescribed.

39.2 The Government may issue such orders and directions of a general character as they consider necessary in respect of any matter relating to the powers and

functions of the authority and thereupon the authority shall give effect to such orders and directions.

The Jharkhand State Ground Water Development and Management (Control & Regulation) Act-2019

Aims & Objectives

Due to continuous population increase in the country, the exploitation of ground water is also increasing for the purpose of drinking, industrial use and irrigation water. In order to control the exploitation of ground water as per availability, the Government of India had circulated a draft model bill for enacting law on control of ground water. The Government of India has been requesting regularly for enactment of such a law.

2. This bill is being presented with an objective to keep control on exploitation of ground water in those regions where ground water exploitation exceeds its availability. In addition to this, provision is being made to improve the ground water status in the critical areas by adopting methods which can conserve the rain water and ensure the recharge of ground water. The control over ground water is essential for meeting the needs of future generations.