



International Environmental
Law Research Centre

Haryana State Groundwater Management & Regulation Bill, 2013

This document is available at ielrc.org/content/e1309.pdf

Note: This document is put online by the International Environmental Law Research Centre (IELRC) for information purposes. This document is not an official version of the text and as such is only provided as a source of information for interested readers. IELRC makes no claim as to the accuracy of the text reproduced which should under no circumstances be deemed to constitute the official version of the document.

GOVERNMENT OF HARYANA

BILL

**“TO REGULATE AND MANAGE
THE DEVELOPMENT OF GROUNDWATER AND THE MATTERS
CONNECTED THEREWITH AND
INCIDENTAL THERETO”**

BILL

“TO REGULATE AND MANAGE THE DEVELOPMENT OF GROUNDWATER AND THE MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO”.

CHAPTER-1**PRELIMINARY****1. SHORT TITLE EXTENT AND COMMENCEMENT**

1. This Act may be called the “**Haryana State Groundwater Management & Regulation Act, 2013.**”
2. It shall extend to the whole of State of Haryana.
3. It shall come into force on such date as the State Government may, by notification, in the official Gazette specify.

2. STATEMENT OF REASONS

- I. The Fresh Groundwater resources in Haryana are limited and the rate of utilization in many area exceed the annual recharge thus cause imbalance.
- II. There is need to regulate the development and use of groundwater and check saline-fresh interface.
- III. There is a need for enhancing groundwater recharge by utilizing different sources of water (e.g. rainwater, surplus floodwaters, Canal water during monsoon and tertiary treated waste water).
- IV. There is need to check and control groundwater contamination and pollution.
- V. There is a need to explore, develop and regulate deep aquifers.
- VI. There is need to check and control commercial selling of ground water.
- VII. Legislation is considered necessary for the optimum development of groundwater potential and protects it from over-development and pollution.

3. DEFINITIONS

In this Act, unless the context otherwise requires:

- I. “**Act**” means the **Haryana State Ground Water Management and Regulation Act.**

- II. **“Artificial Recharge to Ground Water”** means the process by which ground water reservoir is augmented at a rate exceeding that under natural condition of replenishment.
- III. **“Availability of Water”** means total estimated water available in a particular area during an assessment period and calculated with the standard prescribed procedures.
- IV. **“Borewell”** means a well drilled in hard rock areas where the bore can stand on its own and where lining by pipes is not necessary, and includes a dug-cum-bore well.
- V. **“Consumptive use”** means the use of water by the plant for its growth metabolism and the loss of water to the atmosphere due to evapo-transpiration.
- VI. **“Cropping pattern”** means variety of crops grown in the area during the year in a particular season.
- VII. **“Drinking water purpose”** in relation to the use of water, means consumption or use of water by human population for drinking and for other domestic purposes and includes consumption of water for similar relevant purposes for cattle Explanation: For the purposes of this clause, the expression “domestic purposes” shall include consumption or use of water for cooking, bathing, washing, cleansing and other day to day activities.
- VIII. **“Government”** means the Government of Haryana.
- IX. **“Groundwater”** means the water which exists below the ground surface of the zone of saturation and can be extracted through wells or any other means or emerges as springs and base flows in streams and rivers.
- X. **“Groundwater Authority”** means an Authority prescribed or established under this Act.
- XI. **“Irrigation water”** means quality water from any source whether surface or sub-surface which is applied artificially to the soil to supplement the soil moisture already available due to rainfall, for the purpose of raising any type of crop, vegetation plantation, grassing lawn .
- XII. **“Groundwater Monitoring Station”** means a dug well or peizometric tube selected or installed to regularly record the fluctuations of under ground water level and water quality.

- XIII. **“Notified Area”** means the area notified under section 12 of the Act.
- XIV. **“Prescribed”** means prescribed by rules made under this Act as framed by authority.
- XV. **“Public Drinking Water Source”** means a well from which State Government or a local authority or such other authority as the State Government may by notification in the official Gazette specify, provides potable water to public, and includes such water or any other drinking water source as may be notified .by the authority.
- XVI. **“Public Water Supply System”** means the structures relating to a public drinking water source, including conveying pipelines, storage reservoir stand posts cisterns, hand pump, power-pump and all other materials connected thereto, through which water is supplied for drinking purposes.
- XVII. **“Rainwater harvesting”** is the technique of collection and storage of rainwater at surface or in sub-surface aquifer.
- XVIII. **“Sink”** with all its grammatical variations and Cognate expression in relation to a well includes any digging, drilling or boring of new well or deepening carried to the existing wells.
- XIX. **“Farmers”** means a person as prescribed.
- XX. **“Technical Officer”** means a Hydrologist/Assistant Geologist in the office of Ground Water Cell of Department of Agriculture.
- XXI. **“Tubewell”** means wells drilled into the ground for the purpose of drawing water through one or series of permeable layers of water bearing strata.
- XXII. **“User of Groundwater”** means the person or persons an institution including a Company or an Establishment, whether Government or non-government who or which extract or use or sell ground water for any purpose including domestic use made either on a personal or community basis.
- XXIII. **“Water Scarcity Area”** declared as such by the Groundwater Authority.
- XXIV. **“Watershed Area”** means an area confined within the topographic water divide line, as identified and notified by the Groundwater Authority having regard to the purposes of this Act.
- XXV. **“Well”** means a well sunk for the search or extraction of groundwater and includes open well, dug well, point collector well and infiltration gallery.

- XXVI. **“Words”** and expressions used in this Act, but not defined herein shall have the meanings assigned to them in the relevant Acts.
- XXVII. **“Business/ commercial”** means users using ground water: sale supply through tankers as earning business or as a raw material like packaged drinking & soft drinking water, distilleries, breweries, construction works and cooling system in industrial & commercial complexes etc.

CHAPTER-II

CONSTITUTION OF HARYANA STATE GROUND WATER AUTHORITY

4. Constitution of Groundwater Authority

I. The State Government may by notification in the Officials Gazette, constitute an authority called the “Haryana State Ground Water Management and Regulation Authority.” With effect from the date of notification.

A) The Authority shall consist of following members:

- | | | |
|-----|--|------------------------------------|
| 1. | Agriculture Minister Haryana | Chairperson |
| 2. | Administrative Secretary, Agriculture Deptt. | Vice-Chairperson |
| 3. | Director of Agriculture Deptt. | Secretary |
| 4. | Administrative Secretary, Irrigation Deptt. | Member |
| 5. | Administrative Secretary, Town & Country Planning Deptt. | Member |
| 6. | Administrative Secretary, Public Health Engineering Deptt. | Member |
| 7. | Administrative Secretary, Urban Local Bodies Deptt. | Member |
| 8. | Administrative Secretary, Industries Deptt. | Member |
| 9. | Administrative Secretary, Development & Panchayats Deptt. | Member |
| 10. | Administrative Secretary, Environment Deptt. | Member |
| 11. | Chairman, Haryana State Pollution Control Board Deptt. | Member |
| 12. | Administrative Secretary, Revenue Department Deptt. | Member |
| 13. | Law Secretary-Cum-Legal Remembrancer,
Law & Legislative Department, Haryana | Member |
| 14. | Chief Engineer, HUDA | Member |
| 15. | Engineer-in-Chief, Irrigation Deptt. | Member |
| 16. | Regional Director, CGWB, Chandigarh | Member |
| 17. | Chief Hydrologist, State Ground water cell of
Agriculture Deptt. | Nodal officer cum Member Secretary |

B) Deputy Commissioner, of the concern district will act as Authorized officers on behalf of State Groundwater Authority till the regular appointment of technical officers and relevant staff of the Authority. He will constitute a District Technical Advisory committee of the following officers as under:-

- | | |
|--|---------------------------------------|
| a) Deputy Commissioner | Chairman |
| b) Officers of Ground water cells
in Distts. of their jurisdiction | Nodal Officer cum
Member Secretary |
| c) The Senior Officer of relevant Deptt in their jurisdiction
(i.e. Panchayat Development, Urban local bodies
Department, Public health department, HUDA,
Pollution control Board, HSIIDC and Industries Deptt) | Member |
| d) Regional Director, Central Ground Water Board,
Chandigarh | Member |
| e) Chief Hydrologist of Ground water cell, Agriculture
Deptt. Cum Nodal Deptt. | Member |
| f) Recognized public representative of Distt. | Non-official Member |

The purpose of said committee:-

- 1) To grant permission for installation of new Tubewell/well.
- 2) To declare any area in the State as notified or de-notified area for development and regulation of ground water resources.
- 3) To provide suggestions for efficient ground water development and regulations in the district from time to time.
- 4) To provide the guidelines to implement the provisions of the act from time to time.

C) Further the Deputy Commissioner will constitute a sub-committee on behalf of State Ground water authority of following officer in the district as under:-

- | | |
|--|---------------------------------------|
| a) Deputy Commissioner | Chairman |
| b) Addl. Deputy Commissioner | Vice Chairman |
| c) Officers of Ground water cell
in Distts. of their jurisdiction | Nodal Officer cum
Member Secretary |
| d) The concerned Officers of relevant | |

Deptt. in their respective jurisdiction in the Distt.
(i.e. Panchayat Development, urban local bodies

Department, Public health department, HUDA,

Pollution control Board, HSIIDC,

Agriculture Deptt. and Industries Deptt.)

Member

The purpose of the sub-committee:

- 1) Registration of existing ground water abstraction structure/devices in entire Distt..
- 2) Registration of all kinds of boring rig machine in the district.
- 3) Registration of installation of new Tubewell/well and other ground water abstraction structure in non-notified area of entire district as prescribed.
- 4) To implement the directions of State ground water authority and compliance with the provision of the act in the district and taking action against violator/offender of the provisions of the act and submission of action taken report against violator/offender to the district authority as well as State Ground water Authority.

- II. The Authority constituted under sub-section (I) shall be a body corporate 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 purpose of this Act and may sue and be sued by the said name.

5. Meeting of the State Authority

- I. The Authority shall meet at least once in three months at such place and time as the Chairman may decide;
- II. The quorum to constitute a meeting of the authority shall be one third of the total number of members.

- III. Save as otherwise expressly provided by or under this Act, the procedure for the conduct of business at the meetings of the Authority shall be such as may be prescribed.

6. Staff of the Groundwater Authority

- I. The State Government may for the purpose of enabling the Groundwater Authority to perform its functions efficiently and exercise its powers under the Act appoint such number of specific technical officer/scientists of the Geohydrology stream and other relevant staff in each district as it may consider necessary to solve the purpose of ground water development in the State.
- II. The functions as well as the terms and conditions of service of such employees shall be such as may be prescribed.

7. Members and Employees of the Groundwater Authority to be Public Servants Central Act 45 of 1860.

All members and employees of the Groundwater 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.

8. Powers of the Groundwater Authority

- I. The Ground water authority or any other official authorized by it in writing in this behalf shall have power:-
- a) To collect information and to investigate and make any measurements concerning the land or the water located on the surface and underground.
 - b) To give necessary directive for submitting the boreholes record and soil samples.
 - c) To inspect the well, which is being sunk or has been sunk and take the specimens of the soils and other materials excavated there from such wells.
 - d) To serve or cause to be served a notice requiring any user or groundwater to furnish such information or returns in such form, at such intervals and with such particulars, as may be prescribed and thereupon such person shall comply with such requisition

- e) To give necessary directives to users of groundwater to install water measuring devices on any water supplies when necessary to properly administer the water or where there is reason to believe that the user does not comply with the provisions contained in this Act or any other sufficient reason for defending the public interest; Provided that where the user of groundwater does not comply with the requisition issued to him within a period of thirty days, the groundwater authority itself may install such water-measuring device and recover the cost from the defaulting user of groundwater.
- f) To seize any illegal Tubewell or any mechanical equipment utilized for illegal sinking of Tubewell or any structure for abstraction of ground water;
- g) To require any user of groundwater who does not comply with the provision of this Act and rules framed there under to close down any water supply, disconnect power supply or destroy any hydraulic work found to be illegal as per the provisions of this Act and the rules framed there under:
 Provided that where the user of groundwater does not comply with the requisition issued to him within a period of sixty days, the Groundwater Authority itself may carry out the necessary work and recover the cost from the illegal user of groundwater.
- h) To enter any property (Private or Government own) with the right to investigate and make any measurements concerning the land or the water located on the surface or the underground.
- i) To exercise such other powers as may be necessary for carrying out the purposes of this Act or any rules made there under.

- II. The provisions of the Code of Criminal Procedure 1973 (2 of 1974), shall so far as may be, apply to any search or seizure under this section as they apply to any search or seizure under this section as they apply to any under Section 93 of the said Code.
- III. Where the Groundwater Authority seizes any mechanical equipment under Clause (f) of sub-section (1), it shall as soon as may be inform to Deputy Commissioner and take orders as to the custody thereof.

9. Delegation of power and duties

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

10. Functions of the Authority

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

- I. Regulate and Control of Ground water development in the State. The authority will monitor the overlapping of the different schemes in the same area and will conduct the impact study and make coordination with different State and Central Govt. Deptt./ Agencies those are implementing the various kind of schemes in the State for water conservation to control the depletion of natural ground water resources.
- II. Make rules for the functioning of the authorities at State level as well as at District level constituted under the Act.
- III. Advise the Government on the legislative and administrative measures to be taken from time to time for the conservation of ground water resources and its protection from pollution.
- IV. Advise on economic measures to be taken by the Government as incentives or disincentives relating to taxes, levies, fees or other charges to regulate over-exploitation and water quality of ground water, promote conservation and recharge of ground water.
- V. Advise on any other matter that may be referred to it by the Government.

11. Service of orders, etc.

1. Every order under sub-section 1 of Section 8 shall be served :-
 - a) by giving or tendering the order of the notice or by sending it by post to the users for whom it is intended or

- b) if such user cannot be found, by affixing the order of notice on some conspicuous part his last known abode or place of business or by giving or tendering of the notice to some adult member/servant of this family or by affixing on some conspicuous part of the land or building in which kind of offence / violating the provision of this act is being done.
2. If where the persons or whom an order are a notice is to be served is a minor, service upon his guardian in the manner provided in Sub-Section 1 shall be deemed to be served upon the minor.

12. Power to Notify any area as “Notified area” for Management and regulation of Groundwater Development

- I. If the Groundwater Authority received a District Geohydrological report from the State ground water cell/Deptt. that the Stage of ground water development exceeds 175% and significant long term decline in ground water level and block falls under over exploited category and other relevant factors if deemed fit, as per ground water resource assessment procedure through Deputy Commissioner of the district or otherwise is of opinion that it is necessary or expedient in the public interest of control and/or regulate the extraction or the use or both of groundwater in any form in any area, it may, by notification in the Official Gazette 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. A area is notified on the basis of Stage of development
- Provided that the date so specified in the notifications shall not be earlier than three months from the date of publication of the said notification.
- II. Every such notification shall, in addition to its publication in the official Gazette, be published in not less than one daily regional language newspaper having wide circulation in the State, and shall also be served in such manner as the State Government may think fit and all or any of the following modes may be followed in affecting such service, namely:-
- a. by putting on the website of the authority

- b. by affixing a copy of the notification to some conspicuous part of the offices of the village Panchayats ;located in the said area:
- c. In such other manner as may be prescribed.

CHAPTER-III

GROUND WATER PROTECTION MEASURES

13. Registration of Existing Users in Notified Areas

- I Every existing user of groundwater in the notified area of the State shall within a period of ninety days from the date specified in the notification under sub-section (I) of Section 12 apply to the Groundwater Authority for the grant of a certificate of registration recognizing its existing use in such form and in such manner as may be prescribed and no need to apply for registration certificate by the users for those tubewells, which have already registered with CGWA, New Delhi, they have to provide the copy of registration certificate of the tubewells to the Distt. Authority for the purpose of estimation of withdrawal of Ground water and for ground Water Assessment & Development. Such users are bound to abstract the ground water from these registered tubewells only for irrigation, drinking and domestic purpose, not for any other commercial/business purpose. Further, provided that the Groundwater Authority may entertain any such applications after the expiry of the said period of ninety days, if it is satisfied that the user was prevented by sufficient cause from filing the application in time.
- II. The details to be furnished in an applications under sub-section (I) shall include the following, namely:
- a. The description of the source of water, such as type of well, its exact location, size and specifications and date of installation.
 - b. The device used for lifting water;
 - c. The quantity of groundwater extracted;
 - d. The purpose or purposes for which the water is being extracted
 - e. The period of use in each year for the purpose or purposes.
 - f. In the case of irrigation, the location, extent of the area served and crops grown,
 - g. In the case of State, Municipal or Community run water supply schemes, the details of the services involved in addition to the quantities of water extracted the diversion or pumping points and their location.
 - h. The quality of ground water available/ extracted i.e. fresh/saline/brackish.
- III. On receipt of an application under sub-section (I) if the Groundwater Authority is satisfied that it shall not be against the public interest to do so, it may grant, subject to such conditions and restriction as may be specified, a certificate of registration authorizing the continued use of the water. Provided that no person shall be refused a certificate of registration unless he has been given an opportunity of being heard.

- IV. The decision regarding the grant or refusal of the registration shall be intimated by the Groundwater Authority to the applicant within a period of 60 days from the receipt of the application. A copy of this refusal may also be sent to the concerned Department including Haryana State Pollution Control Board, Distt. Administration etc. so that further action in the matter be taken by Deptt. concerned.
- V. In granting or refusing a certificate of registration under sub-section (IV) the Groundwater Authority shall have regard to:-
 - a. the purpose or purposes for which groundwater is being used.
 - b. the existence or other competitive users;
 - c. the availability of groundwater;
 - d. any other fact relevant thereto.
- VI. The certificate of registration shall be in such form and by such authority as may be prescribed.
- VII. Pending the communication by the Groundwater Authority of the decision on an application under sub-section (I), every existing user of groundwater in the notified area shall be entitled to the continued use of the groundwater in the same manner and to the same quantity as he was entitled prior to the date of his application.
- VIII. If a registered well becomes defunct, this fact should be immediately brought to the notice of the Ground Water Authority by the user of groundwater.
- IX. There should be some provision of renewal/deepening/alternate well in place of defunct registered well.

14. Registration of Ground water users of new wells/tubewells/any other ground water abstraction structure/devices in non-notified area of the district.

1) All wells /tubewells/other ground water obstruction structures/devices sunk/installed in the District shall have to be registered in the non-notified area of the district with District authority.

2) Such users have to intimate as prescribed application for installation of new tubewells before ten days in advance to the district authorized officers.

3) After completion of ground water abstraction structure/ Tubewell, the user will have to again intimate as prescribed application within 30 days to the district authorities for registration purpose as prescribed.

15. **Registration of drilling rigs**

- I. Every rig owner shall register his machinery with the Authority in such manner and on payment of such fees as may be prescribed.
- II. Every rig owner or operator shall follow the instructions issued by the Authority from time to time.

16. **Power to Alter Amend or Vary the Terms of the Permitted/ Certificate of Registration of Tubewell.**

At any time after getting permission of Tubewell/ certificate of registration of existing Tubewell/well has been granted, the Groundwater Authority may, for any reason, alter, amend or vary the terms of the permission or certificate of registration, as the case may be with a view to limit the use of water either permanently or temporarily on specific technical grounds in any particular area.

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

17 **Cancellation of Permission/Certificate of Registration**

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

- I. the permission of Tubewell or certificate of registration of Tubewell granted, has been obtained by fraud or misrepresentation as to an essential fact, or
- II. the holder of the permission or certificate of registration has without reasonable cause failed to comply with the conditions subject to which the permission or certificate of registration has been granted or has contravened any of the provisions of this Act or the rules made there under, or
- III. a situation has arisen which warrants limiting of the use or extraction of groundwater then without prejudice to any other penalty to which the holder of the permission or of the certificate of registration may be liable under this Act or any other law, the Groundwater Authority may after giving the holder of the permission, certificate of registration, an

opportunity for showing cause, cancel the permission or certificate of registration, as the case may be.

18. Grant of Permission to extract and Use of Groundwater in the Notified area.

- I. Any user of groundwater other than Govt. & Semi Govt. Deptt./Agencies desiring to sink a well/Tubewell in the notified area for any purpose either on personal or community basis, shall apply to the Groundwater Authority in prescribed performa for the permission for this purpose, and shall not proceed with any activities connected with such sinking unless the permission has been given by concerned Authority alongwith specific terms & condition of the adoption of Rain water harvesting system in or near by the premises of T/well site & installation of water meter devices on the T/wells to maintain the log book of withdrawal of Groundwater .
- II. The users of Ground water in Agriculture/ Horticulture/ Floriculture/ Forestation sectors/Dairy farming (group of milk animals) seeking permission for T/well from the authority are also bound to comply with the specific terms and conditions laid down by the authority for the purpose of adoption of water saving technologies i.e. micro irrigation system & adopting of less water intensive viable cropping pattern and tube well or other groundwater structure shall be restricted the depth of tubewells which is technically feasible and viable as per prevailing Geohydrological conditions of the aquifer in the area & will follow the guidelines framed by the authority in this regard.

The tube well installed by the Govt. / Semi Govt. civic Deptt./ Agencies i.e. Municipal Corporation/Panchyat Deptt., other local civic agencies exclusively engaged for drinking & domestic water supply shall be exempted from the permission. Such users will intimate to the authority after installation of T/well & provide the technical parameters & specification and other details of T/well as prescribed performa. However such users are bound to install Rainwater Harvesting structure in or near by around the premises of T/well site and shall maintain the Rainwater Harvesting structure in working condition and water meter devices to maintain the log book of withdrawal of ground water. In the urban, semi urban region in notified area of State,

Govt./Semi Govt. civic agencies i.e. HUDA/ Municipal committee/council/corporation, HSIIDC, Public Health & Panchayat Deptt., will install STP/ETP (domestic/industrial effluent treatment plant) for three phases treatment of waste water in their respective jurisdiction and it is made mandatory and treated water should be recycled & reused other than drinking purposes by the concerned Department in their respective jurisdiction.

- III. The Prohibition regarding installation of any Tubewell, the norms of Distance form a State tubewell and Irrigation Channels/Minors shall be followed as per the provisions of **Section 5 of The Haryana Canal and Drainage Act, 1974 as amended from time to time.**
- IV. Similarly no need of permission for repair of defunct registered Tubewells, which are registered with CGWA, New Delhi will be required for existing users of ground water through these Tubewells for the purpose of irrigation, drinking and domestic only not for commercial purpose, for construction of the new tube well in place of the old registered defunct tube well or for erecting /deepening of existing registered tube wells, subject to restricting the use and depth of tubewells which is technically feasible and viable as per prevailing Geohydrological conditions of the aquifer in the notified area. However, they would have to inform the Distt. Groundwater Authority in prescribed application form before taking up construction of such Tube wells/wells/borewells 15 days in advance and registering the same with the authority and such users are also bound to adopt micro irrigation system and less water intensive viable cropping pattern in their agriculture farms and in case of drinking and domestic, the user are bond to adopt Rainwater Harvesting System in or near by premises of tube well site.
- V. On the receipt of an application under sub-section (I), if the Groundwater Authority after obtaining a report is satisfied that it shall not be against public interest to do so, it may grant, subject to such conditions and restrictions (including a certain specified cropping pattern & micro irrigation system) as may be specified.

- VI. The decision regarding the grant or refusal of the permission shall be intimated by concerned authority to the applicant within a period of sixty days from the receipt of the application.
- VII In granting or refusing a permit under sub-section (V) the Groundwater Authority shall have regard to: -
 - a. The purpose or purposes for which water is to be used;
 - b. The existence of other competitive users;
 - c. The availability of water;
 - d. Quality of groundwater with reference to use;
 - e. Any other factor relevant thereto.
- VIII The permission shall be in such form as maybe prescribed.
- IX New power connection for energizing any tubewell in notified areas will not be granted by the HVPN or any other authority without obtaining a “No Objection Certificate” from the Ground Water Authority & it will be provided on the ground of permission of tubewell granted by Authority or old T/wells will be registered with the said authority. The instructions of HBVN, 4-star rated and ISI marked pump sets, power capacitors, foot/reflex valves etc. made mandatory to reduce frequency & energy losses.
- X The Authority may review from time to time the status of Ground water condition in the notified area and results achieved after taking the necessary measures, it may denotify any area by the declaration of over exploited category of blocks or any other relevant factor as made under sub-section (I) of Section-12 and permit sinking of wells duly specifying the number of Tubewell/wells to be sunk, depth of the well, distance between two adjoining Tubewell/wells and other conditions as technically deemed fit after satisfying itself that such sinking shall not adversely affect the public drinking water source.
- XI No need of permission to extract and use of Groundwater except the use for business purpose in non notified area in the State. Such users have to intimate through application along with purpose of use to District Ground Water authority as prescribed.

19. Special Protection Measures for public Drinking Water Sources and Regulation of wells in proximity of Public Drinking Water Sources

- I. Notwithstanding anything contained in any other law for the time being in force, land having regard to the interest of the general public to have the supply of requisite quantity of waters for drinking water purposes from a public drinking water source, no person shall sink any new well for any purpose in the vicinity of a public drinking water source (consisting of single/multiple wells) within a distance to be so prescribed by the Groundwater Authority on the basis of Geohydrological parameters of the area, if both are in the area of the same watershed.
- II. Every permission granted under this section shall be subject to:-
 - a. the condition that the Groundwater Authority may, for reasons to be recorded in writing, by order, prohibit, restrict or regulate from time to time the extraction of water from such well if in its opinion it is necessary to do so in public interest;
 - b. such other conditions and restriction as may be prescribed

20. Grant of permission for business purpose by Sinking of New Wells

- I. Any person or institution whether Government or not, desiring to carry on the business by sinking of wells and/or installation of devices for abstraction of groundwater in water logged area/saline/brackish ground water zone in the notified area of the Distt. or in non notified area of the concerned Distt. in the State may apply to the State Groundwater Authority in prescribed application form.
- II. Every application under sub-section (I), shall be made in such form, shall contain such particulars, shall be made to such Authority, and shall be accompanied by such fees as may be prescribed.
- III. On the receipt of an application under sub-section (I), the Groundwater Authority may, after such enquiry, as it deems fit and after satisfying itself that the person/institution whether Government or not concerned has the means and the knowledge to undertake sinking operations and/or extraction of groundwater grant permission in such form as may be prescribed and subject to such conditions as may be specified therein & water audit & suitable pricing system should be made applicable for commercial/business use of T/well subject to the

terms & conditions prescribed by the authority as per prevailing Geohydrological conditions of the area.

21. **Bar to claim compensation**

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

22. **Bar of Jurisdiction by Civil Courts.**

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

23. **Protection against Action Taken in Good Faith**

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

24. **Cognizance and Trial of Offences**

- I. No prosecution for an offence under this Act shall be instituted except by or with the written consent of the Chairman Haryana Groundwater Authority or a person authorized in this behalf by the Groundwater Authority.
- II. No Court inferior to that of a Metropolitan Magistrate or a Magistrate of first Class shall try any offence under this Act.

CHAPTER –IV

RECHARGE, CONSERVATION AND REUSE

25. **Water Harvesting**

The continuous development of groundwater from the same aquifers have led to fall in groundwater table, drying up of wells, reduced sustainability of tubewells, environment degradation etc. in many parts of the State. It is therefore essential to undertake groundwater recharge through rainwater harvesting and using water from other sources in all residential, commercial and other premises and open spaces in the manner prescribed.

- I. Notwithstanding anything contained in the relevant laws, the Municipal Corporation or Municipal Committee or any other local authorities, as the case may be, shall impose a condition for providing appropriate rainwater harvesting structures in the building plans having roof top area of 100 sq mtr. or more, while according approval for construction plans.
- II. To improve the groundwater situation, the Authority may issue necessary guidelines and ground water recharge working manuals for adoption of rainwater harvesting for groundwater recharge in these areas.
- III. The infrastructure developers, corporate sector shall take up Artificial Recharge structure, make plan for reuse of domestic tertiary treated waste water for full utilization. They will also take up intensive geophysical, hydro-geological studies and exploratory drilling in an around there areas to find out the deeper aquifer zone up to the bedrock having alluvial thickness of approximate 200 meter. In case hard rock areas they will locate the fracture zone up to the depth of approximate 350 meters. They will take prior permission from the authority for undertaking feasibility study by exploratory drilling in notified areas. The authority on receiving feasibility study taken by users may consider giving approval for partial utilization of deep aquifer zones subject to certain guidelines.
- IV) No contaminated water or untreated effluents from industries should find its way into the groundwater system.

26. **Reuse/Recycling of water**

The Authority may formulate guidelines for recycling and reuse of wastewater by all infrastructure developers, SEZ, multiplexes industrial and housing societies after proper treatment. Saline/brackish ground water and reuse of waste water after proper treatment is to be encouraged which can be used for secondary purposes such as irrigating the lawns, for flushing, washing and also in centrally air conditioning plants of commercial complex, shopping malls, construction etc.

27. **Prohibition on water contamination**

No groundwater resources shall be contaminated in any manner by any body including municipal and local bodies, industrial and agriculture. Direct disposal of wastewater into the aquifers will be punishable offence. Highly polluting industries as declared by Central Pollution Control Board, MOEF Govt. of India, shall be placed in the list of sensitive Industries in their Department & no incentives will be given by any Govt. & semi Govt. Deptt./Agencies and they are bound to install the proper treatment plant for their extracted effluent in their premises.

28. **Mass Awareness**

The authority shall take steps for promotion of Mass Awareness and Training programmes on different aspects of groundwater development, management practices through different user groups. The scheme of Rainwater Harvesting and Artificial recharge of groundwater have to be taken on mass level through Govt. Agencies/ non Govt. Organizations (NGO's)/Volunteers organizations (VOs)/ Educational Institutions/ Industrial/ Individuals household in different private sectors.

CHAPTER-V

MISCELLANEOUS

29. **Power to Remove Doubts and Difficulties**

If any difficulty arises in giving effect to the provision 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. The government may, by order make provisions or give such directions, not inconsistent with the provision of this Act, as may appear to it to be necessary or expedient or the removal of the doubt of difficulty.

30. **Offences and Penalties**

If any user of groundwater:-

- I. contravenes or fail to comply with any of the provisions of this Act or any rule made there under, or
- II. obstructs the Groundwater Authority or any other person authorized by it to exercise any of the power under this Act, or

He shall be punishable:-

- a. for the first offence with a penalty of Rs.5000/- which may extend to Rs. 10000/-, and
 - b. for the second and subsequent offence, penalty may extend to Rs. 10000/- or simple imprisonment for a term which may extend to 6 months or both;
 - c. if any person contravenes the provisions of this act for third time, he shall be punishable with a penalty of Rs. 10000/- in addition to the penalties mentioned at (a) and (b) above, for every day till such contravention continues.
- III. Compounding of any offences under this act may be compounded by the authority as prescribed, either before or after the initiation of the proceedings subject to such conditions as may be prescribed.

31. **Compounding of offences**

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

32. **Offences By Companies**

- I. Whenever an offence under this Act has been committed by a Company, every person who at the time the offence is committed was in charge of, or was responsible to the company for the conduct of the business of the Company, as well as the Company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- II. Notwithstanding anything contained in sub-section (I), where an offence under this Act has been committed by a Company and that the offence has been committed with the consent or connivance or, or is attributable to any neglect on the part of any Director, Manager, Secretary or other officers of the Company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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

EXPLANATION: - For the purpose of this Section-

- a. ‘**Company**’ means any body corporate and includes a firm or other association of individuals, and
- b. ‘**Director**’ in relation to a firm, means a partner in the firm.

33. **Appeals**

- I. Any person aggrieved by any decision or action of the Groundwater Authority at district for grant or refusal of permit or certificate of registration and for grant or refusal of licence by the Groundwater Authority at headquarter under this Act may within a period of sixty days from the date on which the decision is communicated and on payment of

such fees as may be prescribed prefer an appeal to the Divisional Commissioner of the districts following under respective divisions and to Principal Secretary Agriculture at the State level.

Provided that appellate authority may entertain the appeal after the expiry of the said period of sixty days, if it is satisfied that the Applicant was prevented by sufficient cause from filling the appeal in time.

- II. On receipt of an appeal under sub section (I), the appellate Authority shall, after giving the appellant an opportunity of being heard and after obtaining the comments from experts for concerned quarter or otherwise dispose of the appeal as expeditiously as possible. Every speaking order made by the appellate Authority in such appeal shall be final.
- III. Save as otherwise provided in sub-section (I) every speaking order made and every viable direction issued under this Act shall be final and shall not be called in question in any court.

34. **Power to Make Rules**

- I. The State Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.
- II. In particular and without prejudice to the generality of the foregoing power, such rules may provide for
 - (a) the term of office and manner of filling vacancies and other conditions of service among the members and Chairman of the Groundwater Authority.
 - (b) the functions and the terms and conditions of service of the employees of the Groundwater Authority;
 - (c) any other manner of affecting service of the notification under Clause (c) of sub-section (II) of section (12).
 - (d) the form of application under sub-section (IV) of section 18 and sub-section (II) of section 20 and the particulars that may be furnished with these applications;
 - (e) the form of application under Section 13;
 - (f) fees to accompany the application of licence under sub-section (II) of Section 20;

- (g) the form of the permit and certificate of registration under sub-section (VII) of Section 13 and 18.
- (h) the form of the licence under sub-section (III) of section 20 and the conditions that may be specified therein;
- (i) the manner in which the specimens of soils or other material shall be kept and preserved under Clause (b) of Sub-section (1) of Section 8;
- (j) any other matter which is to be or may be prescribed.

III. Every rule made under this Section shall be laid, as soon as may be after it is made, before the legislative Assembly while it is in session for a total period of fifteen days, which may be comprised in one session or in two successive Sessions, and if before the expiry of the Session in which it is so laid or the Session immediately following. If the Assembly agrees, in making any modification in the rule or the Assembly agrees that the rule should not be made, the rule thereafter shall have effect only in such modified form or be of no effect, as the case maybe, so however that any such modification or annulment shall be without prejudice to the validity or anything done earlier under that rule.

35. **The fund**

The authority shall create a separate fund to be called the “Haryana State Ground Water Management & Regulation Authority Fund”, to which shall be credited all monies received by the Authority including.

- I. All cesses or surcharges levied and collected under the Act;
- II. All penalties received by the Authority as prescribed under the Act;
- III. All money received by the Authority as fees prescribed under the Act;
- IV. All grants made by the Government to control the depletion of natural ground water resources.
- V. All these funds/grants is governed by the said State authority by making proper planning and coordination with all Govt. Deptt./ Agencies working on this issue.

36. **Budget**

The Authority shall, on or before 31st day of October every year prepare in such form as maybe prescribed by the rules an annual budget estimate in respect of the ensuing financial year of the estimated income and expenditure of the Authority for ground water development, management and regulation including those at district level and shall submit it to the /Government for approval and inclusion in the State budget.

37. **Accounts and Audit**

- I. The Authority shall maintain books of account and other books in relation to the business and transactions in such form in such manner as may be prescribed.
- II. The accounts of the Authority shall be audited by an auditor appointed by the Government.
- III. The Authority shall send a copy of accounts audited together with a copy of the report of the auditor thereon to the Government within nine months from end of the financial year.
- IV. The Government shall cause the accounts of the Authority together with the audit report thereon forwarded to it under sub-section (3) to be laid before the Legislative Assembly of the State, as far as possible before the expiry of the year next succeeding the year to which the accounts and report relate.
