

The Chennai Metropolitan Area Groundwater (Regulation) Act, 1987

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Act 27 of 1987

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The Chennai Metropolitan Area Groundwater (Regulation) Act, 1987 Tamil Nadu Act 27 of 1987 Statement of Objects and Reasons - Madras Metropolitan Area Ground-water (Regulation) Act, 1987 (Tamil Nadu Act 27 of 1987. - There is often acute scarcity of water in the Madras city due to consecutive failure of monsoon rains. The available water in the Poondi, Cholavaram and Red Hills reservoirs which are situate in the Chengalpattu District and which are the main sources of supply of water to the Madras city is inadequate to meet the requirements for drinking and other domestic purposes. The United Nations Mission which investigated the possibility of supplementing water supply to the Madras city had recognised that a better economic answer might lie in the development of groundwater potential and had identified the Minjur, Duranallur-Panjetti and Tamaraipakkam-Kilanur well fields in the Arni-Korteliyar basin, the Poondi, Korteliyar Flood Plains and Kannigaiper aquifers and also Poonamallee-Porur aquifer in Cooum-Adayar basin as having groundwater for extraction. The United Nations Development Programme which also conducted pre-investment studies on improving water supply and sewerage system of Madras City concurred with the estimation of the Geological Survey of India that groundwater can be extracted from the twenty kilometre stretch of the coastal zone between South Madras and Kovalam. The Madras Metropolitan Water Supply and Sewerage Board has reported that all other possibilities of augmenting water supply to the Madras City have been exhausted and that it is necessary to regulate and control the extract ion and use of groundwater in any form and to conserve the same in the City of Madras and certain revenue villages in the Chengalpattu District and to regulate and control the transport of groundwater. Further, there is indiscriminate extraction of groundwater, by industries and by private individuals and no authority has, at present, powers to regulate and control such extraction of groundwater.² The Government have, after careful examination of all aspects decided that it is necessary in the public interest to regulate and control the extraction and use of groundwater in any form and to conserve groundwater in the scheduled area and also to regulate and control the transport of groundwater in such area. Further, for the effective implementation of

the proposed Act, it has also been decided to make necessary provision for regulating the sinking of well in the scheduled area.³ The Bill seeks to give effect to the above decisions. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated 11th May 1987. Statement of Objects and Reasons - Chennai Metropolitan Area Groundwater (Regulation) (Amendment) Act, 2002 (Tamil Nadu Act 37 of 2002). - The Chennai Metropolitan Area Groundwater (Regulation) Act, 1987 (Tamil Nadu Act 27 of 1987) was enacted to regulate and control the extraction, use or transport of groundwater in the city of Chennai and in certain villages specified in the Schedule to the said Act. In order to check the depleting groundwater levels and to improve the groundwater through recharge and to regulate the extraction of groundwater more effectively, it has been considered necessary to make Rain Water Harvesting mandatory; restrict the depth of the wells based on hydrogeological nature, groundwater potential and yield of the aquifer of the area; register the existing wells and regulate the use of groundwater in scheduled area; authorise the competent authority to grant or refuse a licence for extraction of groundwater considering the availability of groundwater, enhance the quantum of the fine for violation of the provisions of the Act and for seizure and confiscation of properties used in the commission of any offence under the said Act.² To achieve the above objects, the Government have decided to amend the said Act suitably.³ The Bill seeks to give effect to the above decision. Published in Part IV - Section 1 of the Tamil Nadu Government Gazette Extraordinary dated the 8th May 2002. Statement of Objects and Reasons - Chennai Metropolitan Area Groundwater (Regulation) (Amendment) Act, 2008 (Tamil Nadu Act 43 of 2008). - As per sub-section (2) of section 1 of the Chennai Metropolitan Area Groundwater (Regulation) Act, 1987 (Tamil Nadu Act 27 of 1987), the said Act extends to the whole of the City of Chennai and the revenue villages in the Chengalpattu District specified in the Schedule to the said Act. Since the erstwhile Chengalpattu District has been bifurcated into Kancheepuram and Tiruvallur Districts, the Government have decided to amend the said subsection (2) of section 1 and the Schedule to the said Act, suitably.² The Government have for administrative convenience also decided to amend section 8 of the said Act so as to make the Managing Director, Chennai Metropolitan Water Supply and Sewerage Board or any officer of the said Board not below the rank of Executive Engineer, in the City of Chennai and in relation to the villages specified in the Schedule to the said Act, the Collector of Kancheepuram or Tiruvallur District, as the case may be, or any officer not below the rank of Zonal Deputy Tahsildar authorised by the Government, within whose jurisdiction the village is situated, as competent authorities for the purpose of the said Act.³ The Bill seeks to give effect to the above decision. Published in Part IV -Section 1 of the Tamil Nadu Government Gazette Extraordinary dated the 8th May 2002. Received the assent of the Governor on the June, 1987 and published in the Part IV-Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated 17th June 1987. An Act to regulate and control the extraction, use or transport of groundwater and to conserve groundwater in certain areas in the State of Tamil Nadu. Whereas there is often acute scarcity of water due to consecutive failure of monsoon rains; And Whereas the available water in the Poondi, Cholavaram and Red Hills reservoirs which are the main sources of supply of water to the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City is inadequate to meet the requirements for drinking and other domestic purposes of the people in the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City; And Whereas the United Nations Mission which investigated the possibility of supplementing water supply to [Chennai] [Substituted for the word 'Madras' by the City of Madras

(Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] has recognised that a better economic answer might lie in the development of groundwater potential and had identified the Minjur, Duranallur-Panjetti and Tamaraipakkam-Kilanur Well fields in the Ami-Korteliyar basin, the Poondi, Korteliyar Flood Plains and Kannigaipper aquifers and also Poonamalle-Porur aquifer in Cooum-Adayar basin as having groundwater for extraction; And Whereas the United Nations Development Programme which conducted pre-investment studies on improving water supply and sewerage systems of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] concurred with the estimation of the Geological Survey of India that ground water can be extracted from the twenty kilometre stretch of the coastal zone between South [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] and Kovalam; And Whereas the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Metropolitan Water Supply and Sewerage Board has reported that all other possibilities of augmenting water supply to the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City have been exhausted and that it is necessary to regulate and control the extraction and use of ground water in any form and to conserve the same in the City of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] and the district of [Chengalpattu] [This district was bifurged into two districts, namely, Kancheepuram and Thiruvallur Districts. Now, there is no district in the name of Chengalpattu.] and to regulate and control the transport of groundwater; And Whereas based on the United Nations Development Programme studies, a scheme of artificial re-charge of the Ami-Korteliyar basin with excess flood water flowing into the sea is to be taken up by interlinking Ami and Korteliyar at two or more feasible points and also by constructing sufficient number of check dams at the appropriate places in the Korteliyar river course; And Whereas such re-charge will enable optimum utilisation of groundwater and formation of a hydraulic barrier against sea water intrusion; And Whereas the Government have, after careful examination of all aspects, decided that it is necessary in the public interest to regulate and control the extraction and use of groundwater in any form and to conserve the ground-water in the City of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] and certain revenue villages in the district of [Chengalpattu] [This district was bifurged into two districts, namely, Kancheepuram and Thiruvallur Districts. Now, there is no district in the name of Chengalpattu.] and to regulate and control the transport of groundwater; Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Thirty-eighth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) 'This Act may be called the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Metropolitan Area Groundwater (Regulation) Act, 1987. (2) It extends to whole of City of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] and the revenue villages in the [Kancheepuram and Tiruvallur districts] [Substituted for the words 'Chengalpattu district' by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2008 (Tamil Nadu Act 43 of 2008).] specified in the Schedule. (3) Sections 14 and 15 shall come into force on such

date as the Government may, by notification, appoint and the rest of this Act shall come into force at once. Notes. - This Act came into force on the 17th June 1987-

2. Definitions.

- In this Act unless the context otherwise requires,-(a)"Board" means the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Metropolitan Water Supply and Sewerage Board established under section 3 of the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978);(b)"competent authority" means the authority specified in section 8;(c)"date of commencement of this Act" means the date of publication of this Act in the Tamil Nadu Government Gazette;(d)"domestic purposes" means the purposes of drinking, cooking, bathing, washing and flushing of toilet, and the expression "domestic" with all its grammatical and cognate expressions shall be construed accordingly. Explanation. - In the case of any educational institution, hospital, nursing home or hostel, "domestic purposes" shall include the purposes for which water is used for carrying on the work pertaining to such educational institution, hospital, nursing home or hostel;(e)"Government" means the State Government;(f)"groundwater" means the water which exists below the surface of the ground;(g)"scheduled area" means the whole of the City of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] and the villages notified in the Schedule;(h)"sink" with all its grammatical variations and cognate expressions includes digging, drilling, boring or deepening;(i)"well" means a well sunk for the purpose of searching or extracting groundwater and includes an open well, dug well, borewell, dug-cum-bore well, tube well, filter point or any contrivance which when installed, could be utilised for extracting groundwater.

3. Grant of permit to sink well in the scheduled area.

(1)Notwithstanding anything contained in any law for the time being in force, no person shall sink a well in the scheduled area unless he has obtained a permit in this behalf from the competent authority.(2)Any person desiring to sink a well in the scheduled area shall apply to the competent authority for the grant of a permit for this purpose and shall not proceed with any activity connected with such sinking unless a permit has been granted by the competent authority.(3)Every application made under sub-section (2) shall be in such form and contain such particulars as may be prescribed [and shall be accompanied by such fee not exceeding two hundred and fifty rupees as may be prescribed] [Added by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 1997 (Tamil Nadu Act 29 of 1997) with effect from 10th May 1997.].(4)On receipt of an application under sub-section (2), if the competent authority is satisfied that it shall be in the public interest so to do, it may-(a)grant, subject to such terms, conditions and restrictions as may be specified, a permit authorising the sinking of well: [* * *] [The word 'or' was omitted by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2002 (Tamil Nadu Act 37 of 2002) with effect from 21st December 2002.][Provided that the competent authority, while granting the permit may, after having regard to the hydro-geological conditions, water table conditions, groundwater potential and yield of the aquifer, restrict the depth of the well; or] [The proviso was

inserted by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2002 (Tamil Nadu Act 37 of 2002) with effect from 21st December 2002.](b)refuse to grant a permit:Provided that no permit shall be refused unless the applicant has been given an opportunity of being heard.(5)The decision regarding the grant or refusal to grant the permit shall be intimated by the competent authority to the applicant within such period as may be prescribed.(6)In granting or refusing to grant permit under sub-section (4), the competent authority shall have regard to the following matters, namely:-(a)the purpose or purposes for which the well is to be sunk;(b)the existence of other competitive users;(c)the existence of other wells in the locality;(d)the availability of groundwater;(e)[the existence of other sources of water other than wells compatibility;] [Substituted for clause (e) by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2002 (Tamil Nadu Act 37 of 2002) with effect from 21st November 2002.](f)the compatibility with the existing water resources;(g)the factors that affect, control or prevent pollution;(h)the possibility for rain water harvesting and conservation;(i)such other matter as may be prescribed.(7)The permit shall be in such form as may be prescribed.

4. Registration of existing wells and use of groundwater in scheduled area.

(1)The competent authority shall, within such time as may be prescribed, prepare and maintain a register showing,-(a)[the number of wells that were in existence in the scheduled area immediately before the date of commencement of this Act;] [Substituted for clauses (a) and (b) by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2002 (Tamil Nadu Act 37 of 2002) with effect from 21st November 2002.](b)the use of groundwater in the scheduled area for agricultural purposes immediately before the date of commencement of this Act;(c)the number of wells from which water is extracted for domestic purposes;(d)the number of wells from which water is extracted for industries, automobile service centres, multipurpose halls and other commercial centres;(e)the number of water sources both public and private.(2)Every register prepared and maintained under sub-section (1) shall contain the following particulars, namely:-(i)the type of well and its exact location;(ii)the device used for lifting the groundwater;(iii)the date from which the groundwater is being used;(iv)the purpose, or purposes for which the groundwater is being used;(v)the quantity of groundwater utilised;(vi)the extent, location and the survey number of the area where ground-water is used for agricultural purposes;(vii)[the details of the methods adopted for groundwater conservation and rain water harvesting; [Substituted for 'item (vii)' by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2002 (Tamil Nadu Act 37 of 2002) with effect from 21st November 2002.](viii)the quality of water with scientific evidence;(ix)such other matter as may be prescribed.](3)The competent authority shall, as soon as may be after the preparation of the register under sub-section (1) and in any case not later than such time as may be prescribed, cause to be published in such manner as may be prescribed,-(i)in the case of revenue village specified in the Schedule, at convenient places in the revenue village itself; and(ii)in relation to other areas, at such places as may be prescribed;an extract from the said register in so far as the entries in the said register relate to the revenue village or to other area concerned.(4)(a)Where, upon the publication of the extracts under sub-section (3), any land owner or occupier having an interest in any land situate in the scheduled area [or any other person] [Inserted by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2002 (Tamil Nadu Act 37 of 2002) with effect from 21st November 2002.] is aggrieved by the non-inclusion of the particulars as to the

existence of any well or the use of groundwater for agricultural purposes in relation to any such land, or by the inclusion of incorrect particulars relating thereto, he shall make an application to the competent authority within such time and in such manner as may be prescribed [and shall be accompanied by such fee not exceeding two hundred and fifty rupees as maybe prescribed] [Inserted by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2002 (Tamil Nadu Act 37 of 2002) with effect from 21st November 2002.] for inclusion, or, as the case may be, for modification of the particulars relating to such land as entered in the said register: Provided that the competent authority may, in its discretion, allow such further time as may be prescribed for making any such application, if it is satisfied that any [owner, occupier or other person] [Substituted for the words 'owner or occupier' by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 1997 (Tamil Nadu Act 29 of 1997) with effect from 10th May 1997.] referred to in this clause had sufficient cause for not making the application in time. (b) Upon receipt of an application under clause (a), the competent authority shall, after making such enquiry as he may deem fit, [pass an order in writing, within such time as may be prescribed, including or refusing to include or modifying or refusing to modify] [Substituted for the words 'include or refuse to include or modify or refuse to modify' by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 1997 (Tamil Nadu Act 29 of 1997) with effect from 10th May 1997.] the particulars relating to such land in the register: [Provided that no order under this clause refusing to include or modify the particulars shall be passed unless the applicant has been given an opportunity of being heard.] [Proviso as inserted by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2002 (Tamil Nadu Act 37 of 2002) with effect from 21st July 2002.] (5) The competent authority shall, upon application made by the owner or the occupier of the land concerned, furnish an extract relating to his land in respect of which entries have been made in the said register [on payment of such fee not exceeding two hundred and fifty rupees as may be prescribed.] [Substituted for the words 'on payment of such fee as may be prescribed' by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 1997 (Tamil Nadu Act 29 of 1997) with effect from 10th May 1997.]

5. Licence for extraction, use or transport of groundwater.

(1) Notwithstanding anything contained in any law for the time being in force and subject to the provisions of sub-sections (2) to (7), on and from the date of commencement of this Act, - (a) no person shall extract or use groundwater in the scheduled area for any purpose other than domestic purposes; (b) no person shall transport groundwater by means of any lorry, trailer or any other goods vehicle. (2) If any person desires to, - (i) extract or use groundwater in the scheduled area for any purpose other than domestic purposes; or (ii) transport groundwater by means of any lorry, trailer or any other goods vehicle, then, he shall make an application to the competent authority for the grant of a licence for such extraction, use or transport. (3) Every application under sub-section (2) shall be made in such form and in such manner and within such period and shall contain such particulars as may be prescribed [and shall be accompanied by such fee not exceeding five thousand rupees as may be prescribed] [Added by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 1997 (Tamil Nadu Act 29 of 1997) with effect from 10th May 1997.]. (4) On receipt of an application under sub-section (2), if the competent authority is satisfied that it shall be in the public interest so to do, it may - (a) grant, on payment of such fees as may be prescribed and subject

to such terms, conditions and restrictions as may be specified, a licence authorising-(i)[the extraction or use of groundwater for any purpose other than domestic purposes; or] [Substituted for the words 'on payment of such fee as may be prescribed' by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 1997 (Tamil Nadu Act 29 of 1997) with effect from 10th May 1997.](ii)the transport of groundwater by means of lorry, trailer or any other goods vehicle; or(b)refuse to grant a licence:Provided that no person shall be refused a licence unless he has been given an opportunity of being heard:Provided further that where the competent authority to whom an application is made under sub-section (2), fails to inform the applicant of its decision on the application within a period of ninety days from the date of receipt of such application, the licence 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 licence.(5)In granting or refusing a licence under this section, the competent authority shall have regard to-(a)the purpose or purposes for which groundwater is to be used;(b)the existence of other competitive users;(c)the availability of groundwater and other sources of water;(d)the effect on other sources of water supply;(e)the compatibility with the existing water supply system;(f)the availability of factors controlling or preventing pollution;(g)[the quality of groundwater; [Clauses (g) to (k) were added by Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2002 (Tamil Nadu Act 37 of 2002) with effect from 21st November 2002.](h)the objection from local residents against commercial extraction;(i)the availability of factors contributing to or causing pollution;(j)the measures taken for conservation of groundwater and harvesting of rain water and their maintenance;(k)such other matter as may be prescribed.](6)The licence shall be in such form as may be prescribed.(7)Notwithstanding anything contained in sub-sections (1) to (6)-(i)every person extracting or using groundwater in the scheduled area for any purpose other than domestic purposes; or(ii)every person transporting or using groundwater by means of any lorry, trailer or any other goods vehicle, immediately before the date of the commencement of this Act, may continue to extract, use or transport groundwater for a period not exceeding ninety days from the said date:Provided that such person has applied for a licence therefor under this section within a period of fifteen days from the said date.Explanation. - For the purposes of this section, the expression "goods vehicle" shall have the same meaning assigned to it in section 2(8) of the Now [Motor Vehicles Act, 1939] [Motor Vehicles Act, 1988 (Central Act 59 of 1988)].

5A. [Prohibition of use of groundwater in certain cases. [Section 5-A was inserted by Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2002 (Tamil Nadu Act 37 of 2002) with effect from 21st November 2002.]

- Notwithstanding anything contained in this Act, no person shall,-(a)extract groundwater for non-potable use by an industry when alternate sources are available from the authorized water supply agencies;(b)extract groundwater for use in swimming poolProvided that the competent authority may grant permission to any organisation including a Government Department to extract groundwater for use in swimming pools owned or maintained by such organisation for promoting sports;(c)extract groundwater for gardening purposes.]

6. Cancellation of permit or license.

(1) If the competent authority is satisfied, either on a reference made to it in this behalf or otherwise, that - (a) any permit granted under sub-section (4) of section 3 or any licence granted under sub-section (4) of section 5 has been obtained by fraud or misrepresentation as to an essentially; or (b) a holder of a permit, or as the case may be, a licence, has failed to comply with or contravened any of the terms, conditions and restrictions subject to which, the permit or licence has been granted or has contravened any of the provisions of this Act or the rules made under this Act, then, without prejudice to any other penalty to which such holder may be liable under this Act, the competent authority may, after giving to such holder, an opportunity of showing cause, by order cancel the permit or licence. (2) On cancellation of the permit or licence under sub-section (1), the competent authority shall, by order, require the holder of the permit or licence, as the case may be, to close or seal off at his own cost the well concerned in such manner as the competent authority may specify in such order and the holder of such permit or licence shall comply with such order. (3) Where any holder of a permit or licence fails to comply with any order made, under sub-section (2), the competent authority may, after giving the holder of the permit or licence due notice in that behalf, enter upon the premises where the well is situate and close or seal off the well and the cost incurred therefor shall be recoverable from such holder of the permit or licence as an arrear of land revenue.

7. Exemption.

- Nothing in this Act shall apply to, - (i) the Board or any officer of the said Board in the discharge of his duties or performance of his functions as an officer of such Board; and (ii) any person extracting groundwater from any well, - (a) without the aid of any pumpset; or (b) with the aid of pumpset of capacity not exceeding 0.5 Horse Power in respect of any one well.

8. Competent authority.

(1) The competent authority, for the purpose of this Act, shall be, - (a) in the City of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).], [the Managing Director of the Board or any Officer of the Board not below the rank of Executive Engineer authorised by the Government in this behalf; and] [Substituted for the expression 'the Board; and' by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2008 (Tamil Nadu Act 43 of 2008).] (b) [in relation to the villages specified in the Schedule, the Collector of Kancheepuram district or Tiruvallur district, as the case may be, or any officer not below the rank of Zonal Deputy Tahsildar authorised by the Government in this behalf, within whose jurisdiction the village is situated.] [Clause (b) was substituted by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2008 (Tamil Nadu Act 43 of 2008).] (2) If the competent authority or any person duly authorised by it in this behalf has reason to believe that an offence under this Act has been, or is being, or likely to be, committed, the competent authority or the person so authorised may enter and inspect with such assistance as may be necessary at any time by day or by night, any place to satisfy itself or himself whether any of the provisions of this Act or the rules made under this Act or of any of the terms, conditions and restrictions, subject to which the permit or licence has been granted are contravened or otherwise

not complied with.

9. Appeal.

(1) Any person aggrieved by an order made under this Act may, [within such period and in such manner and accompanied by such fee not exceeding two thousand rupees] [Substituted for the words 'within such period and in such manner' by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 1997 (Tamil Nadu Act 27 of 1997) w.e.f. 10th May 1997.] as may be prescribed, appeal to such authority as the Government may, by notification, specified in this behalf. (2) In deciding the appeal, the authority specified under sub-section (1) shall follow such procedure as may be prescribed and the decision of such authority on such appeal shall be final and shall not be called in question in any Court of law.

10. Offences and penalties.

(1) If any person contravenes, or fails to comply with, any of the provisions of this Act or the rules made under this Act or of the terms, conditions and restrictions, subject to which the permit or licence has been granted, he shall be punished for the first offence with fine which may extend to [two thousand rupees] [Substituted for 'five hundred rupees' by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 1997 (Tamil Nadu Act 37 of 2002) w.e.f. 21st November 2002.] and for the second or any subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to [five thousand rupees] [Substituted for 'one thousand rupees' by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 1997 (Tamil Nadu Act 37 of 2002) w.e.f. 21st November 2002.], or with both. (2) Any person who, after having been convicted of any offence under this Act, continues to commit the same offence shall be punished with a further fine which may extend to [five hundred rupees] [Substituted for 'one thousand rupees' by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 1997 (Tamil Nadu Act 37 of 2002) w.e.f. 21st November 2002.] for every day during which he continues so to offend after such conviction.

11. Offences by companies.

(1) Where an offence punishable under this Act has been committed by a company, every person, who, at the time the offence was committed, was in-charge of, and 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: Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence 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. 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.

12. Offences under this Act to be cognizable.

(1)Any offence punishable under this Act shall be a cognizable offence within the meaning of the Code of Criminal Procedure, 1974 (Central Act 2 of 1974).(2)No Court shall take cognizance of any offence punishable under this Act, except upon a complaint in writing by the authority or an officer generally or specially authorised by the Government in this behalf.

12A. [Seizure and confiscation of property. [Sections 12-A to 12-G were inserted by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2002 (Tamil Nadu Act 37 of 2002) which came into force on 21st November 2002.]

(1)The Government may appoint an officer to be authorised officer to exercise the powers and perform the functions of the authorised officer under this section and sections 12-B and 12-G and different officers may be appointed as authorised officers for different areas.(2)Notwithstanding anything contained in this Act or in any other law for the time being in force, where an offence under this Act is believed to have been committed, the competent authority may seize any vehicle or other article including pump, tube, tool or equipment used in committing offence under this Act and shall without any unreasonable delay, produce the vehicle together with the articles so seized before the authorised officer.(3)Where any vehicle or other article is produced before the authorised officer under sub-section (2) and if he is satisfied that an offence under this Act has been committed, the authorised officer may, whether or not a prosecution is instituted for the commission of such offence, order confiscation of the vehicle or other articles so seized.(4)Where the authorised officer, after passing an order of confiscation under sub-section (3), is of the opinion that it is expedient in the public interest so to do, he may order the confiscated vehicle or other article to be sold by public auction.(5)Where any confiscated property is sold under sub-section (4), and where the order of confiscation made under this section is set aside or annulled by an order under section 12-C or section 12-D, the proceeds of such sale, after deduction of the expenses of, or incidental to, such auction, shall be paid to the owner thereof or to the person from whom it was seized, as may be specified in such order.

12B. Issue of show cause notice before confiscations.

(1)No order confiscating any vehicle or other article shall be made under section 12-A except after notice in writing to the person from whom it is seized informing him of the grounds on which it is proposed to confiscate and considering his objections, if any:Provided that no order confiscating a motor vehicle shall be made except after giving notice in writing to the registered owner thereof, if, in the opinion of the authorised officer, it is practicable to do so and considering his objections, if any.(2)Without prejudice to the provisions of sub-section (1), no order confiscating any vehicle or other article shall be made under section 12-A, if the owner of the vehicle or other article, proves to

the satisfaction of the authorised officer that it was used in committing the offence under this Act without the knowledge or connivance of the owner himself, his agent, if any, and the person in-charge of the vehicle or other article and each of them had taken all reasonable and necessary precautions against such use.

12C. Revision.

- The Government may, on its own motion or otherwise, call for and examine the records of the authorised officer in respect of any order under section 12-A, make such inquiry or cause such inquiry to be made and pass such orders, as they deem fit: Provided that no proceeding shall be initiated under this section against any order passed under section 12-A, if the time for appeal against that order has not expired: Provided further that no order prejudicial to any person shall be passed under this section unless such person has been given an opportunity of making his representation and his representation is considered.

12D. Appeal.

- Any person aggrieved by any order passed under section 12-A or 12-C may, within thirty' days from the date of communication to him of such order, appeal to the Sessions Judge having jurisdiction over the area wherein the property has been seized and the Sessions Judge shall pass such order as he may think fit, which shall be final and shall not be called in question in any Court of law.

12E. Order of confiscation no bar for inflicting any punishment.

- Any order of confiscation under section 12-A or 12-C or 12-D shall not be a bar for inflicting any punishment to which the persons affected thereby is liable under this Act.

12F. Property confiscated to vest with Government.

- When an order for confiscation of any property has been passed and such order has become final, every vehicle or other article confiscated under section 12-A, or when sold under subsection (4) of section 12-A, the sale proceeds thereof shall vest with the Government.

12G. Bar of jurisdiction.

- Where any vehicle or other article is seized under section 12-A, notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) or in any other Jaw for the time being in force, the authorised officer under section 12-A, or the Government under section 12-C or the Sessions Judge under section 12-D alone have jurisdiction to pass orders in respect of custody, possession, delivery or disposal of such property and no Court shall have such jurisdiction.]

13. Application of this Act to extraction and use of groundwater for agricultural purpose.

(1) Sections 3 and 4 and so much of section 6 and of sections 10 to 12 as they relate to the contravention of the said section 3 shall apply to every person using groundwater in the schedule area for agricultural purposes immediately before the date of commencement of this Act and to the competent authority. (2) Save as otherwise provided in sub-section (1), nothing contained in this Act shall apply to any person using groundwater in the scheduled area for agricultural purposes immediately before the date of commencement of this Act.

14. Implementation of scheme for artificial re-charge.

- [(1)] [Section 14 was renumbered as sub section (1) of that section and after sub-section (1) as so renumbered, sub-section (2) was added by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2003 (Tamil Nadu Act 37 of 2002) which came into force on 21st November 2002.] Without prejudice to the foregoing provisions of this Act and with a view to ensure optimum utilization of groundwater and formation of hydraulic barrier against sea water intrusion, the Government shall issue instructions to the Board for implementing within such period as may be prescribed the scheme for artificial re-charge of the Ami-Korteliyar basin with the excess flood water flowing into the sea by inter-linking Ami-Korteliyar at two or more feasible points and also by constructing sufficient number of check dams at the appropriate places in the Korteliyar river course. (2) [Notwithstanding anything contained in any other law for the time being in force to augment the groundwater storage, - (a) in every building owned or maintained by the Government or a company or other institution owned or controlled by the Government, there shall be provision for rain water harvesting which shall be made in such manner and within such time as may be prescribed; (b) on or after the commencement of the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2002 (Tamil Nadu Act 37 of 2002), every person who constructs a building, whether for residential or non-residential purpose, shall provide rainwater harvesting structures in such manner as may be prescribed; (c) the owner or occupier of any building in existence on the date of commencement of the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2002 (Tamil Nadu Act 37 of 2002) shall provide rainwater harvesting structures in such buildings in such manner and within such period as may be prescribed; (d) water bodies, whether public or private, shall be used only for the purpose of storing water and not for any other purposes as such water bodies are contributing to groundwater recharge.] Explanation. - For the purpose of this clause, "water bodies" mean lakes, ponds, tanks and the like.

15. Power of board to make regulations.

- With a view to prevent sea water intrusion, the Board shall make regulations for assessing scientifically, from time to time, the quantity of water which can be drawn from the Minjur, Duranallur-Panjetti and Tamaraipakkam-Kilanur well fields in the Arni-Korteliyar basin, the Poondi, Korteliyar Flood Plains and Kannigaipper aquifers and also Poonamalle-Porur aquifer in Cooum-Adayar basin and for fixing up the limits of the drawal of groundwater by the

Board: Provided that no regulation shall have effect unless a draft of the regulations has been sent by the Board to the Government and the approval of the Government has been obtained therefor.

16. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

17. Other laws not affected.

- Save as otherwise provided in this Act, the provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

17A. [Power to amend Schedule. [Inserted by the Tamil Nadu Act 13 of 1995, w.e.f. 7.7.1995.]

- The Government may, by notification, alter, amend, or add to, the Schedule or omit any of the entries specified in the Schedule and upon the issue of such notification, the Schedule shall be deemed to be amended accordingly.] [Section 14 was renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, sub-section (2) was added by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 2003 (Tamil Nadu Act 37 of 2002) which came into force on 21st November 2002.]

18. Power to make rules.

(1) The Government may make rules to carry out the purposes of this Act. (2)(a) All rules made under this Act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published. (b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the date on which they are published. (3) Every rule made and 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 the next session, the Assembly makes any modification in any such rule or notification or the Assembly 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 of 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 notification.

Schedule

[See sections 1(2) and 2(g)] The following revenue village in the [Kancheepuram and Thiruvallur Districts] [Substituted for the words 'Chengalpattu District' by the Tamil Nadu Act 43 of 2008.], namely:-

S.No.	Name of the village	Village number	Taluk
(1)	(2)	(3)	(4)
1.	Vallur	42	Ponneri
2.	Manopuram	107	Do
3.	Lingapaiyanpettai	158	Do
4.	Kalapakkam	51	Do
5.	Kattupalli	92	Do
6.	Ariyanuvoyal	49	Do
7.	Minjur	50	Do
8.	Nallore	54	Do
9.	Thottakadu	52	Do
10.	Thiruvallivoyal	105	Do
11.	Anuppampattu	81	Do
12.	Vannipakkam	56	Do
13.	Marathur	89	Do
14.	Lakshmipuram	157	Do
15.	Peruvoyal	146	Do
16.	Puduvoyal	122	Do
17.	Narashunpettai	35	Do
18.	Valudalambedu	39	Do
19.	Nayar	34	Do
20.	Seemapuram	41	Do
21.	Madiyoor	40	Do
22.	Lingasamudram.	109	Do
23.	Sivapuram	110	Do
24.	Pulikulam	82	Do
25.	Murichambedu	55	Do
26.	Kumarasiralapakkam	84	Do
27.	Devadanam	83	Do
28.	Velampakkam	53	Do
29.	Siruvelur Kanniambakkam Kolatti	86	Do
30.	Kanniambakkam	85	Do
31.	Kolatti	47	Do
32.	Nandhiyambakkam	46	Do
33.	Athipattu	43	Do

34.	Velur	87	Do
35.	Kadamancheri	88	Do
36.	Voyalur	91	Do
37.	Ennore	44	Do
38.	Thirukandalam	76	Thiruvellore
39.	Akkaraipakkam	57	Do
40.	Neyveli	77	Do
41.	Anathanakkavakkam	64	Do
42.	Panjetty	68	Do
43.	Chinnamhedu	127	Ponneri
44.	Nalliankuppam	128	Do
45.	Arni	129	Do
46.	Doramallore	122	Do
47.	Vadakkunallore	124	Do
48.	Pondavakkam	131	Do
49.	Sevithupanapakkam	125	Do
50.	Nekkunram	31	Do
51.	Vichoor	13	Do
52.	Sekkancheri	30	Do
53.	Gangaiyad Kuppam	58	Do
54.	Thirunilai	15	Do
55.	Vellivoyal	12	Do
56.	Thirunilai	58	Thiruvellore
57.	Amudanallur	59	Do
58.	Kadanallur	59	Do
59.	Koovampakkam	60	Do
60.	Manjankaranai	62	Do
61.	Madavilagam	65	Do
62.	Kattupakkam	63	Do
63.	Madavaram	130	Do
64.	Kilatneni	312	Do
65.	Adarabakkam	309	Do
66.	Natham	313	Do
67.	Ernavakkam	311	Do
68.	Bandikayanur	310	Do
69.	Savundapuram	126	Do
70.	Peravallur	120	Do

71.	Panjetti	70	Do
72.	Alingivakkam	65	Do
73.	Vairavarnkuppam	121	Do
74.	Andarkuppam	74	Do
75.	Periyanjeri	75	Do
76.	Madavaram	73	Do
77.	Tachur	71	Do
78.	Chellapillaiarkuppam	69	Do
79.	Neduvarambakkam	67	Do
80.	Sennivakkam	72	Do
81.	Attipedu	66	Do
82.	Erulupattu	64	Do
83.	Sayanvaram	76	Do
84.	Vadakkupattu	77	Do
85.	Amur	78	Do
86.	Ponneri	116	Do
87.	Elanambedin	80	Do
88.	Atreyamangalam	79	Do
89.	Anuppampattu	81	Do
90.	Kilampakkam	78C	Thiruvellore
91.	Athangigavanoor	81	Do
92.	Vengal	90	Do
93.	Arumbakkam	139	Do
94.	Vadamadurai	80	Do
95.	Othikkadu	160	Do
96.	Perumudivakkam	75	Do
97.	Kadirvedu	91	Do
98.	Thalakkancheri	164D	Do
99.	Chittathur	158	Do
100.	Karikalavakkam	144	Do
101.	Gomugambedu	85A	Do
102.	Guruvoyal	73	Do
103.	Sethupakkam	83	Do
104.	Magaral	84	Do
105.	Tamaraipakkam	85	Do
106.	Agaram	82	Do
107.	Pagalmedu	88	Do

108.	Perathur	145	Do
109.	Melanoor	137	Do
110.	Panapakkam	55	Do
111.	Melakandiyoor	147	Do
112.	Ikkadu	159	Do
113.	Sembedu	93	Do
114.	Chittambakkam	Do	136
115.	Punnapakkam	161	Do
116.	Kalyanakuppam	167	Do
117.	Veeraragha vapuram	145 A	Do
118.	Thandalam	156	Do
119.	Kizhanoor	138	Do
120.	Thirukkancheri	140	Do
121.	Vishnu vakkam	143	Do
122.	Vilampakkam	142	Do
123.	Vadathur	146	Do
124.	Velliyur	92	Do
125.	Punnapakkam	87	Do
126.	Alapakkam	78	Do
127.	Kerani	72	Do
128.	Alingivakkam	74	Do
129.	Karani	74	Do
130.	Kottivakkam	141	Saidapet
131.	Palavakkam	142	Do
132.	Neelankarai	145	Do
133.	Injambakkam	146	Do
134.	Sholinganallur	189	Do
135.	Uthandi	191	Do
136.	Karapakkam (East of B. Canal)	147	Do
137.	Oggiamthorapakkam (East of B. Canal)	148	Do
138.	Palikkaranai (East of B. Canal)	149	Do
139.	Aladu	111	Ponneri
140.	Ramanjeri	118	Thiruvellore
141.	Karamainizambath	119	Do
142.	Kunnavalam	120	Do

143.	Poondi	125	Do
144.	Movur	127	Do
145.	Neyveli	128	Do
146.	Ramathandalam	131	Do
147.	Siyancheri	132	Do
148.	Erayur	133	Do
149.	Meyyur	134	Do
150.	Mortnavedi	Do	135
151.	Thohikalai	153	Do
152.	Ayalur	154	Do
153.	Kilambakkam	155	Do
154.	Pullarampakkm	162	Do
155.	Perumbakkam	163	Do
156.	Thiruppasur	165	Do
157.	Pandur	166	Do
158.	Kanagavallipuram	167	Do
159.	Pattaraiperamhudur	168	Do
160.	Melvilagam	169	Do
161.	Kilvilagam	170	Do
162.	Kallganur	171	Do
163.	Vidayur	172	Do
164.	Nemiliagaram	173	Thiruvellore
165.	Athupakkam	174	Do
166.	Karanai	175	Do
167.	Palliarakuppam	176	Do
168.	Pirayankuppam	177	Do
169.	Venmanamhudur	178	Do
170.	Kadambathur	179	Do
171.	Egathur	180	Do
172.	Selai	181	Do
173.	Pirayankuppam	182	Do
174.	Kakkalakalur	183	Do
175.	Thanneerkulam	184	Do
176.	Puthur	185	Do
177.	Tholur	186	Do
178.	Sirukadal	187	Do
179.	Sevapettai	188	Do

180.	Ayathur	189	Do
181.	Perumalpattu	193	Do
182.	Tirur	194	Do
183.	Vengathur Armvoyal	201	Do
184.	Kasavanallathur	208	Do
185.	Agaram	209	Do
186.	Panapakkan	210	Do
187.	Ramankoil	211	Do
188.	Madankuppam	212	Do
189.	Senna aram	213	Do
190.	Senji	214	Do
191.	Thennankaranai	215	Do
192.	Citrampakkam	216	Do
193.	Perambakkam	217	Do
194.	Kavankulathur	218	Do
195.	Pudumavilangai	219	Do
196.	Ainmanambakkam	86	Do
197.	Gerukampundi	141	Do
198.	Kannathur Reddikuppam	35	Chengalpattu
199.	Muttukadu	36	Do
200.	Kovilanthangal (Kanjithotti)	44	Do
201.	Yeeraraghavapuram	9	Sriperumbudur
202.	Parivakkam	10	Do
203.	Panavedu Natham	11	Do
204.	PidariThangal	12	Do
205.	Kolappancheri	13	Do
206.	Kulathuvanchery	Do	45
207.	Srinivasapuram	46	Do
208.	Kattupakkam	47	Do
209.	Ghenneerkuppam	48	Do
210.	Koparasanallur	49	Do
211.	Ayyppanthangal	50	Do
212.	The liaragaram	51	Do
213.	Mugalivakkam	53	Do
214.	Mangadu	42	Do
215.	Mogappair	81	Saidapet

216.	Nelambu	82	Do
217.	Adayalambatru	83	Do
218.	Ayanabakkam	85	Do
219.	Noombal	92	Do
220.	Sivabootham	93	Do
221.	Ghettiaragaram	94	Do
222.	Thandalam	95	Do
223.	Kuppam	96	Do
224.	Kavambakkam	97	Do
225.	Porur	98	Do
226.	Mettukuppam	99	Do
227.	Nerkundram	100	Do
228.	Virugambakkam	101	Do
229.	Ramapuram	102	Do
230.	[[Added by the Chennai Metropolitan Area Groundwater (Regulation) Amendment Act, 1995 (Tamil Nadu Act 13 of 1995) with effect from 7th July 1995.]		
	Mathur	35	Chengalpattu]
231.	Manjambakkam	36	Do
232.	Madhavaram	44	Do
233.	Tambaram	9	Sriperumbudur
234.	Ambattur	10	Do
235.	Maduravoyal	11	Do
236.	Manali	12	Do
237.	Chinnasekkadu	13	Do
238.	Thiruvottiyur	45	Do
239.	Ayapakkam	46	Do
240.	Ghitalapakkam	129	Do
241.	Hastinapuram	127	Do
242.	Alapakkam	82	Do
243.	Korattur	54	Do
244.	[[Added by G.O. Ms. No. 166, Municipal Administration and Water Supply (Metro-water) Department, dated 21st November 2002.]		
	Perungalathur	134	Tambaram]
245.	Mudichur	135	Do
246.	Irumbuliyur	137	Do
247.	Peerkanaranai	134	Do

248.	Kadaperi	132	Do
249.	Pulikoradu	131	Do
250.	Chithalapakkam	148	Do
251.	Selaiyur	139	Do
252.	Sembakkam	125	Do
253.	Rajakilpakkam.	140	Do
254.	Gowrivakkam	141	Do
255.	Vengaivasal	148	Do
256.	Madampakkam	143	Do
257.	Thiruvancheri	138	Do
258.	Agaramthen	146	Do
259.	Vengambakkam	145	Do
260.	Kaspapuram	144	Do
261.	Nandambakkam	91	Tambaram
262.	Parankimalai	94	Do
263.	Alandur	90	Do
264.	Adambakkam	107	Do
265.	Pazhavanthangal	95	Do
266.	Nanganallur	105	Do
267.	Meenambakkam	96	Do
268.	Kowlbazaar	97	Do
269.	Anakaputhur	98	Do
270.	Pozhichalur	99	Do
271.	Pammal	100	Do
272.	Zamin Pallavaram	125	Do
273.	Contonment Pallavaram	120	Do
274.	Isa Pallavaram	101	Do
275.	Trisulam	103	Do
276.	Thalakkanancheri	104	Do
277.	UUagaram	106	Do
278.	Moovarasampattu	124	Do
279.	Madipakkam	123	Do
280.	Nanmangalam	121	Do
281.	Nemillicheri	126	Do
282.	Kovilambakkalfl	122	Do
283.	Thiruneermalai	130	Do
284.	Perungudi	113	Do

285.	Seevaram	114	Do
286.	Medavakkam	130	Do
287.	Jalladianpettai	154	Do
288.	Perumbakkam	153	Do
289.	Sittalapakkam	148	Do
290.	Kovilancheri	147	Do
291.	Madurapakkam	149	Do
292.	Moolacheri	150	Do
293.	Ottiapakkam	151	Do
294.	Arasankazhani	152	Do
295.	Seminaryeri	156	Tambaram
296.	Sholinganallur	155	Do
297.	Sandavellur	34	Sriperumpudur
298.	Sendamangalam	29	Do
299.	Moondramkattalai	87	Do
300.	Palur	87	Chengalpattu
301.	Kannigaiper	90	Uthukottai
302.	Amur	108	Ponneri