

The Maharashtra Groundwater (Regulation for Drinking Water Purposes) Rules, 1995

MAHARASHTRA

India

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Rule

THE-MAHARASHTRA-GROUNDWATER-REGULATION-FOR-DRINKING of 1995

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The Maharashtra Groundwater (Regulation for Drinking Water Purposes) Rules, 1995 Published vide Notification No. Bhujal. 1093/3804/PK-472/Jal-5, dated 3rd November, 1995 (M.G.G., Part 4-B, pages 378-388) In exercise of the powers conferred by sub-section (1) of section 19 of the Maharashtra Groundwater (Regulation for Drinking Water Purposes) Act, 1993 (Maharashtra XXVIII of 1993), and all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by the sub-section (1) of the said section 19, namely :-

1. Short title.

- These rules may be called the Maharashtra Groundwater (Regulation for Drinking Water Purposes) Rules, 1995.

2. Definitions.

- Unless the context otherwise requires, -(1)(a)"Act" means the Maharashtra Groundwater (Regulation for Drinking Water Purposes) Act, 1993 ;(b)"section" means a section of the Act ;(c)"mini watershed" means a geohydrological unit or an area that drains at common point.Explanation - Where first two order channels join, a channel segments of order two is formed, where two of the second order segments join, a segment of order three is formed.The trunk stream upto the third order through which all discharge of water and sediments passes and subsequently joins fourth, fifth or higher order drainage, thus forms a mini-water shed as denied ;(d)"The sinking

of well" means with all its grammatical variations and cognate expression in relation to a well includes any drilling, boring or digging of new well, deepening carried out to an existing well.(2)Words and expressions used in the Act but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Preparation of list of public drinking water sources.

(1)The Zilla Parishad of a district shall prepare a villagewise list of all public drinking water sources in the district and furnish the same to the Appropriate Authority. The Zilla Parishad may consult the Officers of the Maharashtra Water Supply and Sewerage Board and Groundwater Survey and Development Agency for preparing the villagewise list. The information shall have all the necessary details about the public drinking water sources to that its location and identity should be understood by the concerned Village Panchayat to bring it to the notice of villagers in Gram Sabha.(2)On receipt of such information, the Appropriate Authority shall scrutinise the same and if found in order, shall cause the list to be published in the manner mentioned in sub-rule (3) and in the form given in Appendix "A".(3)The villagewise list so prepared shall as far as possible be made talukawise. A copy of each of such list shall be sent to the concerned Zilla Parishad and Panchayat Samiti, as well as to all Municipal Councils and Village Panchayats in the taluka. The list shall be published on the public notice boards of the respective institutions and be kept for public information, for a period of fifteen days, 't he Appropriate Authority shall indicate to all the concerned local authorities a time Schedule for publication of the list of the public drinking water sources, and the manner of its publication and shall notify such sources for the public at large through local Newspapers.(4)The Appropriate Authority may add to, or delete from the list any public drinking water source already notified by him by following the prescribed procedure.(5)It shall be open to the Appropriate Authority to collect information about public drinking water sources through any source other than the concerned Zilla Parishad, if, it deems expedient to do so.

4. Responsibility of the Village Panchayat to report violation of the provisions of the Act.

- It shall be the primary responsibility of the Village Panchayat concerned to report, violation of the provisions of sub-section (1) of section 3 of the Act to the Block Development Officer of the Panchayat Samiti concerned as well as to the Tahsildar, who in turn shall report the matter to the Appropriate Authority.

5. Disputes regarding measurement of the distance.

- In case of the any dispute regarding the measurement of the distance of five hundred metres, as contemplated in the sub-section (1) of section 3, the aggrieved person or authority may refer the matter to the Tahsildar who either himself or through a Revenue Officer, not below the rank of a Circle Inspector, shall get the measurement verified within fifteen days from the date of receipt of the complaint, after giving information in writing the aggrieved party of the date and time of measurement.

6. Application for permission to sink a well.

(1) Any person who desires to sink a well for irrigation or drinking water purposes within a distance of five hundred metres of a public drinking water source notified under rule 3, shall apply to the Appropriate Authority in the form given in Appendix "B", either in person or by registered post. The application shall be accompanied by a fee of rupees four hundred or a counterfoil of challan for having paid rupees four hundred in the deposit head 2702, Minor Irrigation, 800, other receipts. The application shall also be accompanied by a copy of the village-map or locations of the public drinking water sources and the proposed well. The map shall be duly certified by the Talathi of the village concerned. (2) The Appropriate Authority shall maintain register in the form given in Appendix "C" and enter each such application received under sub-rule (1), chronologically and issue an acknowledgement thereof immediately. The application alongwith enclosures and copy of the village-map shall be forwarded to the Technical Officer for his opinion as to whether the sinking of the well is likely to adversely affect the public drinking water source. The Technical Officer may consider the guidelines which may be issued by the Director, Ground Water Surveys and Development Agency in this regard. The Appropriate Authority may also take the opinion of the concerned Zilla Parishad Panchayat Samiti or Groundwater Survey and Development Agency, if he considers it necessary. The permission so granted shall lapse within one year from the date of grant of permission. (3) In case of failure of the Appropriate Authority to inform his decision within one hundred twenty days from the date of receipt of the application, the permission which is deemed to have been granted under sub-section (4) of section 3, shall lapse, if the deemed permission is not utilised within a period of one year.

7. Declaration of water scarcity.

- When the District Collector on the basis of rainfall-data in various parts & of the district has reason to believe that there may be abnormal drinking water scarcity in those areas of the district, may seek advise of the Technical Officer, about declaration of water scarcity in those parts of the district. However, such process shall be initiated by the Collector not later than the 30th September every year. The Technical Officer shall consider the rainfall-data, static water level in the observation wells, as well as in selected public drinking water sources to determine the groundwater recharge in the preceding monsoon in accordance with the guidelines issued by the Director, Groundwater Survey and Development Agency and submit his detailed report to the District Collector within thirty days. The District Collector may also consult the Zilla Parishad if deems appropriate. The District Collector shall issue the order under section 4 of the Act, not later than the 31st October every year. [Provided that, if the District Collector is satisfied on the basis of the prevailing circumstances and realities that there may be abnormal drinking water scarcity in those areas of the district, he may for reasons to be recorded in writing issue the order under section 4 of the Act, at any time of the year.] [Proviso was added by G. N. of 21.11.2000.]

8. Declaration of over-exploited watersheds.

(1) The Director, Groundwater Surveys and Development Agency shall lay down the method of calculation of annual recharge and extraction of groundwater for the purpose of determining

whether a particular watershed is over-exploited or not. The unit of area for this purpose should be mini watershed.(2)The Technical Officer shall take into consideration the average recharge and withdrawal of groundwater of different watershed considered to be over-exploited for the previous 3 years in accordance with the method and guidelines laid down by the Director, Groundwater Survey and Development Agency and prepare the list of over-exploited watersheds with full area details. The Technical Officer, thereafter will send the list of such over-exploited watersheds with full details of calculations, technical information and area details to the Appropriate Authority. On receipt of the report if the Appropriate Authority is satisfied, he may declare the area of the watershed as over-exploited water shed. The Declaration shall be in the form given in the Appendix "D". A copy of the Declaration shall be sent to the concerned, Tahsildars, Zilla Parishad. Panchayat Samitis and Village Panchayats who shall give wide publicity to the same by displaying it on their public notice boards. A copy of the declaration shall be sent to the District Branch of the Maharashtra State Co-operative Agricultural and Rural Development Bank, as well as District Lead Branch of Nationalized Bank.(3)A Declaration issued under section 6 of the Act can be reviewed by the Appropriate Authority on the advice of Technical officer after a period of every 5 years or as and when revised by the Groundwater Survey and Development Agency.

9. Application for sinking well in the over-exploited watersheds.

(1)Application for sinking well in the over-exploited watershed shall be made to the Appropriate Authority in the form given in the Appendix "E" either in person or by registered post. The application shall be accompanied by a fee of rupees four hundred or a counterfoil of challan for having paid rupees four hundred in the deposit head 2702 Minor Irrigation, 800 other receipts. The application shall be accompanied by a copy of the village-map or relevant part thereof showing the location of the proposed well. The map shall be certified by the concerned Talathi of the village.(2)The Appropriate Authority shall forward the application to the concerned Technical Officer for his advice. The Director, Groundwater Survey and Development Agency shall lay down guidelines for investigation related to such applications by the Technical Officer who will forward his opinion to the Appropriate Authority.(3)The Appropriate Authority shall maintain a register, in the form given in Appendix "C" for entering the application received, and issue acknowledgement to the applicant.

10. Whoever commits any misuse.

- Waste or left of the water from the Public Drinking Water Source, shall be punished with imprisonment and fine as provided under sub-section (1) of section 16 of the Act.Appendix "A"[See Rule 3(2)]List of Public Drinking Water Sources in Taluka. District

Serial No.	Name Village Panchayat/ Wadi/ Tanda/ Habitation	Census Code No.	Mini Water Shed No.	Population
(1)	(2)	(3)	(4)	(5)

Remarks

Details of
Public
Drinking
Water
Source

Open Well and Serial No.	Description identifying exact location of source	Borewell/Tubewell Serial No.	Description identifying exact location of source	Jacket Well/Infiltration Well Serial No.	Description identifying exact location of source	
(6-a)	(6-b)	(6-c)	(6-d)	(6-e)	(6-f)	(7)

Note. - In the column of Description identifying exact location of source, mention following points as,-(a)Survey No./Gaathan location/Boundaries/Land Survey Nos. of nearby fields/location with reference to nearby prominent place landmark.(b)The source predominantly serving the population to be indicated.(c)The date(s) of any additional sources created after the date of notification shall be mentioned in the column (7).Appendix "B"[See Rule 6(1)]FromDate :(Name and Address of Applicant)ToThe Appropriate Authority..... DistrictSir,I/We, the undersigned request for permission for sinking new open well/borewell/tubewell in the Gat No..... of village..... taluka..... located (directions)at a distance of metres, from the existing public drinking water source number which is open well/borewell/tubewell.I/We own..... hectare of land in village of taluka in district, out of this hectare of land is under irrigation by groundwater and hectares on surface water. I intend to irrigate additional hectare of land, and for this purpose sinking of new well in Gat No. of village is proposed (Location may enclosed). The new well is proposed to be of metres in depth and metres in diameter and to be fitted with pump of.....H.P.The sinking of the proposed new well to be located at a distance of metres from the nearest public drinking water source, will not affect the public source due to following reasons :-.....

remit the fee of Rs. herewithI/We, have deposited prescribed application fee of Rs. in the Form of Treasury challan number datedYours faithfully,(Name and Signature of Applicant)Enclosure -(1)Copy of villagemap showing location of publicdrinking water source,well, number and proposed well duly certified by Talathi.(2)Copy of Treasury Challan.For Office Use OnlyDate :Received application from Shri/Smt. /Kum. of village taluka district requesting for granting permission for sinking new well in Gat No. on dated registration number of Application isReceiving AuthorityAppendix "C"[See Rules 6(2) and 9(3)]Name of the DistrictForm of Register of application to be maintained by Appropriate Authority

Serial No.	Name of the Applicant	Address of the Applicant	Date of receipt of Application by post or inperson	Date of payment of fees
(1)	(2)	(3)	(4)	(5)

Date on which Application is referred to Technical Officer	Date of Receipt of the Report of Technical Officer	Name of any other Authority to which the case is referred and date of Receipt of Report	Decision of Appropriate Authority with order number and date	Remarks
(6)	(7)	(8)	(9)	(10)

Appendix "D"[See Rules 8(2), read with section 6]Declaration of over exploited watershedRead - Report of the Technical Officer Dated(Designation).On the basis of the report received from the Technical Officer, I have come to conclusion that the villages comprising in the mini watershed as mentioned in the enclosed list are over-exploited. In view of this, I the Appropriate Authority by virtue of the power vested under section 6 of the Maharashtra Groundwater (Regulation for Drinking Water Purposes) Act, 1993, declare the mini watershed described in the appended. Statement as over-exploited watershed. Sinking of new wells as well as change of more of withdrawal from the existing irrigation well is prohibited.Place :Date : (Appropriate Authority with seal)

Serial No.	List of over-exploited mini watershed and village therein	Name of village coming in the mini watershed declared as over exploited	Census Code Number of Village	
(1)	(2)	(3)	(4)	(5)