

Uttar Pradesh Ground Water (Management and Regulation) Act, 2019

UTTAR PRADESH

India

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Act 13 of 2019

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Uttar Pradesh Ground Water (Management and Regulation) Act, 2019(U.P. Act 13 of 2019)Last Updated 11th October, 2019Statement of Objects and Reasons. - Ground Water is the single most important source of water for domestic, agricultural and industrial uses. It is the backbone of drinking water, food and livelihood in rural and urban areas. It has been brought to the notice of State Government that uncontrolled and rapid extraction of ground water has resulted in alarming situation of declining ground water levels and depletion of ground water reservoirs in several areas of the state. In order to deal with the situation of serious ground water crisis and ground water contamination in the state, it has been decided to make a law to provide for protecting, conserving, controlling and regulating ground water to ensure its sustainable management, both quantitatively and qualitatively, especially in stressed rural and urban areas.This Uttar Pradesh Ground Water (Management and Regulation) Bill, 2019 is introduced accordingly.Received the assent of the Governor on August 5, 2019 and published in the U.P. Gazette, Extraordinary, Part 1, Section (Ka), dated 7th August, 2019, pp. 23-41An Act to provide for protecting, conserving, controlling and regulating ground water to ensure its sustainable management in the State, both quantitatively and qualitatively, especially in stressed rural and urban areas, and for matters connected therewith or incidental thereto.Whereas uncontrolled and rapid extraction of ground water has resulted in alarming situation of declining ground water levels and depletion of ground water reservoirs in many parts of the State, both in rural and urban areas;And whereas ground water, being the single most important source of water for domestic, agricultural and industrial uses, is the backbone of drinking water, food and livelihood security in rural and urban areas;And whereas a serious ground water crisis prevails due to excessive overdraft and ground water contamination;And whereas development of ground water is the need of the State, its management, control and regulation specially in over-exploited and critical areas is also the need of the hour for protection and preservation of this precious resource;And whereas it is also expedient to provide for conservation, protection and development of ground water resources for the purpose of proper

augmentation/recharge of ground water in stressed areas and to prevent ground water pollution by maintaining or restoring wholesomeness of ground water quality thereof in the State;And whereas the equitable and environmentally sound regulation of ground water can contribute to tackling some of the most important challenges of our times, including climate change;And whereas water is unitary in nature, requiring the integration of surface water and ground water, has integral links to land and vegetation and has an intricate relationship with rainwater (through natural recharge);And whereas ground water in its natural state is a common pool resource and the Supreme Court of India has applied the public trust doctrine to ground water, in recognition that private property rights in ground water are inappropriate given the emerging status, conflicts and dynamics of ground water;And whereas the State Government has, after careful examination of all related aspects, decided that it is expedient and necessary in the public interest to manage and regulate the extraction and use of ground water judiciously in any form and also to conserve and protect ground water in the stressed areas of the State and that shall be accorded the highest priority in both planning and management;And whereas a new legal framework (with norms, principles, procedures and institutions suitable to address contemporary and imminent challenges) is required to ensure the qualitative and quantitative sustainability of ground water resources and equity in ground water use;And whereas the State Government has, after careful examination of all related aspects, decided that in the public interest the first right to use of ground water would be for drinking, domestic and cattle use.It is hereby enacted in the Seventieth Year of the Republic of India as follows-

Chapter I

Preliminary

1. Short title, extent and commencement.

(1), This Act may be called the Uttar Pradesh Ground Water (Management and Regulation) Act, 2019.(2)It extends to the whole of the State of Uttar Pradesh.(3)It shall come into force on such date as the State Government may, by notification in the Gazette, appoint and different dates for different areas may be appointed.(4)Penal provisions made under this Act shall not be applicable on domestic and agricultural users of ground water.

2. Definitions.

(1)In this Act, unless the context otherwise requires,-(a)'Appropriate Authorities' means 'Gram Panchayat Ground Water Sub-Committee'; 'Block Panchayat Ground Water Management Committee'; 'Municipal Water Management Committee' and the 'District Ground Water Management Council';(b)'Aquifer' means an underground layer of geological formation, group of formations or part of a formation, comprising fractured rocks, sand, gravel and like sediments, that is sufficiently porous, permeable and saturated with water and that transmits/ accepts and yields significant quantity of water to a well or spring;(c)'Bhoojal Sena' means group of persons constituted in every district of Uttar Pradesh for carrying out ground water awareness programs;(d)'Block Panchayat Ground Water Management Committee' means the Block Panchayat Ground Water Management Committee constituted under Section 4;(e)'Bulk User' means a person or a group of

persons including any establishment such as hotels/lodges/private residential buildings/housing colonies/resorts/private hospitals/nursing homes/business complexes/malls/water parks, which extract and use ground water for the purpose of his or her or their operational water needs;(f)'Central Ground Water Board' means the Central Ground Water Board; Ministry of Water Resources, River Development and Ganga Rejuvenation, Government of India;(g)'Commercial user' means a person or a group of persons including any institution or any agency or any establishment who or which extract and use ground water for the purpose which directly or indirectly benefits his/her or their business or trade to make financial gain or profit;(h)'Development Authority' means a District Development Authority in the State of Uttar Pradesh;(i)'District Ground Water Management Council' means the District Ground Water Management Council constituted under Section 6;(j)'Drilling Agency' means an establishment, owned by a person or a class of, persons or an institution, who or which is involved as a part of trade thereof drilling wells/ tube wells for extracting and use of ground water for any purpose such as domestic/ drinking/commercial/industrial/bulk/infrastructure use;(k)'Environmental flows' refer to the quality, quantity, and timing of water flows required to maintain the components, functions, processes, and resilience of aquatic ecosystems that provide goods and services to people;(l)'Gram Panchayat Ground Water Sub-Committee' means the Gram Panchayat Ground Water Sub-Committee constituted under Section 3;(m)'Ground Water Department' means the Ground Water Department of the Government of Uttar Pradesh;(n)'Ground Water Quality Sensitive Zone' means such an area where quality of ground water is affected with high levels/excessive concentration of chemical elements, physio chemical constituents, heavy metals and bacteriological contamination, resulted due to geogenic or anthropogenic causes;(o)'Ground Water Resource Estimation Report' refers to the latest approved report, based on the Ground Water Estimation Committee methodology, prepared by the Ground Water Department, Uttar Pradesh and Central Ground Water Board for block-wise assessment of ground water resources including categorisation of blocks into over-exploited, critical, semi-critical and safe categories;(p)'Ground Water Security Plan' means a plan to be progressively based on available hydro-geological in formations and shall include such measures/interventions which are area specific and hydro-geologically feasible;(q)'Ground Water' means the water occurring in its natural state below the ground surface in the zone of saturation and that can be extracted through wells or any other means or emerges as springs and base flows in streams and rivers;(r)'Industry' means any business, trade, undertakings, manufacture or calling of employers, carried out with a motive to make any gain or profit, and includes any calling service, employment, handicraft, or industrial occupation or avocation of workman or any systematic activity carried on by co-operation between an employer and his workman (whether such workman are employed by such employer directly or by or through any agency including a contractor) for the production of goods;(s)'Infrastructural User' means a person or a group of persons including a firm or any company, who or which extract and use ground water for the purpose of carrying out such activities/projects which are directly related to infrastructural development;(t)'Municipal Water Management Committee' means the Municipal Water Management Committee constituted under Section 15;(u)'Notified area' means the area notified as such under Section 9 which includes over-exploited, Critical blocks and Stressed Urban Areas;(v)'Pani Panchayat' means a group of persons constituted at pond level for maintenance and conservation of ponds;(w)'Pollution' means such contamination of ground water or surface water or such alteration of the physical, chemical or biological properties of water or such discharge of any

Sewage, Plastic, Thermocol or trade effluent or of any other liquid, gaseous or solid substance into ground water (whether directly or indirectly) as may, or is likely to, create a nuisance or render such ground water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organisms;(x)'Rainwater harvesting' means the technique or system of collection and storage of rainwater, at micro watershed scale, including roof-top harvesting, for storage or for recharge of ground water;(y)'Rural Areas' means those areas which are not classified as Urban Areas;(z)'State Ground Water Management and Regulatory Authority' means the Uttar Pradesh State Ground Water Management and Regulatory Authority established under Section 7;(aa)'Urban Areas' means the areas notified by a development authority or a municipality or a regulatory body as the case may be, excluding such areas/lands as are classified for agriculture use in the master plan of a development authority or a municipality or a regulated area;(ab)'User of ground water' means a person or a class of persons or an institution who or which own or use or sell ground water for any purpose including domestic use made either on personal or community basis and includes an industry, a commercial user, a bulk user, a company or an establishment whether government or not but does not include a person or a class of persons or an institution who or which use ground water drawn from well by manual or animal devices such as hand pump, rope and bucket, Persian wheel, etc.:(ac)'Water and Sanitation Committee' means a committee constituted in each gram panchayat for planning, monitoring, implementation and maintenance of water and sanitation schemes;(ad)'Water User Association' means an organisation of elected people constituted at canal outlet level for managing and maintaining irrigation water system;(ae)'Well' means a structure sunk for the search or extraction or recharge of ground water and shall include open well, dug well, bore well, dug-cum bore well, tube well, infiltration gallery, recharge well or any of their combination or variation, which, could be utilised for extraction of ground water, recharge ground water.(2)Words and expressions used but not defined herein and defined in any law for the time being in force shall have the same meaning respectively assigned to them in the respective laws.

Chapter II

Institutional Framework

3. Gram Panchayat Ground Water SubCommittee.

(1)There shall be constituted a Gram Panchayat Ground Water Sub-Committee in every Gram Panchayat, which shall be the lowest public unit in rural areas within a block to protect and manage ground water resources under this Act.(2)The State Government shall, by notification in the Gazette, within three months of the constitution of District Ground Water Management Council, issue direction to the District Ground Water Management Council for constituting the Gram Panchayat Ground Water Sub-Committee, which shall consist of,-(a)the Chairperson - Gram Pradhan;(b)the Member Secretary - Gram Panchayat Secretary;(c)three Members as representative of Gram Panchayat, having field knowledge of water resources to be nominated by the Block Development Officer;(d)two Members of Bhoojal Sena/Pani Panchayat/Water User Association/Water and Sanitation Committee to be nominated by the Block Development Officer;(e)two Members as representative from concerned departments working at Block Level to be nominated by the Block

Development Officer.(3)The terms and conditions of the service of the Members shall be such as may be prescribed.(4)The functions of the Gram Panchayat Ground Water Sub-Committee shall be,-(a)to collect information from all sources;(b)to prepare the Gram Panchayat Ground Water Security Plan as provided under Section 3;(c)to carry out such other functions, as may be prescribed.

4. Block Panchayat Ground Water Management Committee.

(1)There shall be constituted a Block Panchayat Ground Water Management Committee, which shall be a public unit at block level for overall management of ground water.(2)The State Government shall, by notification in the Gazette, within three months of the constitution of District Ground Water Management Council, issue direction to the District Ground Water Management Council for constituting the Block Panchayat Ground Water Management Committee, which shall consist of,-(a)the Chairperson - Block Pramukh;(b)the Member Secretary - Block Development Officer (BDO);(c)three Members as representative of Gram Panchayat, having field knowledge of water resources to be nominated by the District Magistrate;(d)two Members of Bhoojal Sena/Pani Panchayat Water User Association/Water and Sanitation Committee, to be nominated by the District Magistrate;(e)two Members as representative from concerned departments working at Block Level to be nominated by the District Magistrate.(3)The terms and conditions of the service of the Members shall be such as may be prescribed.(4)The functions of the Block Panchayat Ground Water Management Committee shall be,- *(a)to prepare an overall Block Level Ground Water Security Plan by consolidating Gram Panchayat Ground Water Security Plans, each prepared in cluster of at least ten number gram panchayats, according to the guidelines as may be formulated/prescribed;(b)to monitor the implementation of Block Panchayat Ground Water Security Plan;(c)to register all the wells within the notified and non-notified areas other than those of existing commercial, industrial, infrastructural and bulk users as per the provisions of sub-section (2) of Section 10 and sub-section (2) of Section 11 within the territorial jurisdiction of respective block;(d)to carry out such other functions, as may be prescribed.

5. Municipal Water Management Committee.

(1)There shall be constituted a Municipal Water Management Committee, which shall be the lowest public unit for managing water in urban areas in an integrated manner.(2)The State Government shall, by notification in the Gazette, within three months of the constitution of District Ground Water Management Council, issue direction to the District Ground Water Management Council for constituting the Municipal Water Management Committee, which shall consist of,-(a)the Chairperson - Nagar Pramukh/Nagar Palika Pramukh, as the case may be;(b)the Member Secretary - Nagar Ayukt or Executive Officer, as the case may be;(c)two Members as representative of Public, having field knowledge of water resources to be nominated by the District Magistrate;(d)two Members of Resident Welfare Association/Social Group to be nominated by the District Magistrates;(e)three Members as representative from concerned departments (including one from Ground Water Department) to be nominated by the District Magistrate.(3)The terms and conditions of the service of the Members shall be such as may be prescribed.(4)The functions of the Municipal Water Management Committee shall be,-(a)to work in co-ordination with water related institutions

within the respective municipality;(b)to determine the sources of water supply (surface water and ground water) and integrate them;(c)to prepare an overall Municipal Ground Water Security Plans provided under Section 13;(d)to register all the wells within the notified and non-notified areas other than those of existing commercial, industrial, infrastructural and bulk users as per the provisions of sub-section (2) of Section 10 and sub-section (2) of Section 11, within the territorial jurisdiction of respective municipality;(e)to monitor the implementation of Municipal Ground Water Security Plan;(f)to carry out such other functions, as may be prescribed.

6. District Ground Water Management Council.

(1)There shall be constituted a District Ground Water Management Council, which shall be an overall unit for management of ground water resources at district level.(2)The State Government shall, by notification in the Gazette, within three months of the constitution of State Ground Water Management and Regulatory Authority, issue direction to the State Ground Water Management and Regulatory Authority for constituting the District Ground Water Management Council, which shall consist of,-(a)the Chairperson - District Magistrate;(b)the Member Secretary - District Development Officer;(c)one Member as subject Expert having longstanding working experience in the field of ground water management in the State, to be nominated by the District Magistrate;(d)one Member from the public/Non-Government Organisation/social sector having experience in the field of ground water to be nominated by the District Magistrate;(e)other Members shall be the district level representatives (one each) from Ground Water Department, Uttar Pradesh Pollution Control Board, Agriculture Department, Minor Irrigation Department, Uttar Pradesh Jal Nigam, Local Body, Development Authority, Irrigation and Water Resources Department, Industries Department, Horticulture Department and Forest and Wild Life Department;(f)one representative (as invitee) each from the respective Block Panchayat Ground Water Management Committee and Municipal Ground Water Management Committee.(3)The terms and conditions of the service of the Members shall be such as may be prescribed.(4)The functions of the District Ground Water Management Council shall be,-(a)to consolidate Block Panchayat and Municipal Ground Water Security Plan into District level Ground Water Security Plan, based on macro- watershed approach and as per the guidelines as may be prescribed;(b)implementation of District Ground Water Security Plan;(c)to monitor the implementation of District Ground Water Security Plan;(d)to conduct water awareness programmes;(e)to register all existing commercial, industrial, infrastructure and bulk users in notified and non-notified areas and grant of authorisation certificate/No-objection certificate for ground water abstraction in non-notified areas and registration of drilling agencies;(f)to carry out such other functions, as may be prescribed or assigned by the Uttar Pradesh State Ground Water Management and Regulatory Authority;(g)to co-ordinate with Gram Panchayat Ground Water Sub-Committees, Block Panchayat Ground Water Management Committees and Municipal Water Management Committees as well as with the State Ground Water Management and Regulatory Authority.

7. State Ground Water Management and Regulatory Authority.

(1)The State Government shall, by notification in the Gazette, establish, with effect from such date as may be specified in the notification, an State Authority to be known as the Uttar Pradesh State

Ground Water Management and Regulatory Authority.(2)The State Ground Water Management and Regulatory Authority shall consist of-

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| 1 | The Chief Secretary, Government of Uttar Pradesh | Chairperson |
| 2 | The Additional Chief Secretary/Principal Secretary, Minor Irrigation and Ground Water Department, Government of Uttar Pradesh | Member |
| 3 | The Additional Chief Secretary/Principal Secretary, Finance Department, Government of Uttar Pradesh | Member |
| 4 | The Engineer-in-Chief, Irrigation and Water Resources Department, Uttar Pradesh | Member |
| 5 | The Director, Agriculture Department, Uttar Pradesh | Member |
| 6 | The Director, Horticulture Department, Uttar Pradesh | Member |
| 7 | The Member Secretary, Uttar Pradesh Pollution Control Board | Member |
| 8 | The Chief Town and Country Planner, Awas evam Shahri Niyojan Vibhag, Uttar Pradesh | Member |
| 9 | The Director, Awas Bandhu, Uttar Pradesh | Member |
| 10 | The Director, Local Bodies, Uttar Pradesh | Member |
| 11 | The Managing Director, Uttar Pradesh Jal Nigam | Member |
| 12 | The Chief Engineer, Minor Irrigation Department, Uttar Pradesh | Member |
| 13 | The Director. Industries Department, Uttar Pradesh | Member |
| 14 | The Regional Director, Central Ground Water Board (NR) | Member |
| 15 | The Principal Chief Conservator of Forest, Forest Department, Uttar Pradesh | Member |
| 16 | Three Subject Experts (to be nominated by the State Government), having long standing working experience of ground water management in the State of Uttar Pradesh | Member |
| 17 | An eminent person from Public/Non-Government Organisation/ Social Sector working in the field of ground water | Member |
| 18 | One representative (as invitee) each from the respective Block Panchayat Ground Water Management Committee, Municipal Ground Water Management Committee and District Ground Water Management Council | Member |

(3)The Director, Ground Water Department, Uttar Pradesh shall be the Member Secretary of the State Ground Water Management and Regulatory Authority.(4)The term of office and the manner of filling the vacancies and other conditions of service of the Chairperson and other members shall be such as may be prescribed.(5)The Chairperson shall be the principal executive officer of the State Ground Water Management and Regulatory Authority and the office of the Director, Ground Water Department shall work as the secretariat of the State Ground Water Management and Regulatory Authority.(6)The functions of the State Ground Water Management and Regulatory Authority shall be,-(a)to notify the areas for management and regulation of ground water resources as provided under Section 9;(b)to de-notify the areas for management and regulation of ground water resources as provided under Section 12;(c)to fix ground water abstraction limits as provided under Section 15;(d)to take ground water pollution control measures as provided under Section 28.(7)Staff of the State Ground Water Management and Regulatory Authority,-(a)in order to enable the State Ground

Water Management and Regulatory Authority to perform its functions properly or exercise the powers under this Act, the State Government may appoint such number of technical personnel and other staff as it may consider necessary including all of institutional support, facilities and the budget;(b)the functions, terms and conditions of service of such employees shall be such as may be prescribed;(c)the State Ground Water Management and Regulatory Authority shall function under the overall control and supervision of the State Government.(8)Support for other Appropriate Bodies: Provisions shall also be made for the staff and office including all institutional support and working facilities, budgetary requirements for the Gram Panchayat Sub-Committee/Block Panchayat/Municipal Committee and the District Council for smooth and proper functioning.

Chapter III

Duties and Responsibilities

8. Duties of Ground Water Department.

(1)The Ground Water Department shall develop a mechanism to co-ordinate with the appropriate body such as Municipal Ground Water Management Committee in case of urban areas and Block Panchayat Ground Water Management Committee for rural areas through the District Ground Water Management Council.(2)The department shall work as Technical Secretariat for the State Ground Water Management and Regulatory Authority.(3)Identification of areas for the purpose of regulating ground water: The Ground Water Department in consultation with State Ground Water Management and Regulatory Authority shall identify and delineate the areas, such as over-exploited and critical blocks categorised as per latest Ground Water Resource Estimation carried out by the Ground Water Department and Central Ground Water Board and the stressed Municipal/Urban areas (where significant decline of ground water levels, i.e., more than 20cm/year recorded during the last five years), for taking up appropriate measures for overall management and regulation of ground water in such areas, which are to be designated as notified areas for the purpose of the regulation through notification.(4)Ground Water Information/Data: All the available ground water information/data regarding over-exploited/Critical blocks and Stressed Urban areas shall be provided to the District Ground Water Management Councils as well as other Appropriate Authorities by the Divisional Data Centres of respective Field Divisions of Ground Water Department. Such information shall also be made available online through the website of the Ground Water Department.

Chapter IV

Powers and Functions

9. Powers to notify areas for management and regulation of ground water resources.

(1)Where the State Ground Water Management and Regulatory Authority, after consultation with appropriate authorities (based on inputs from the Ground Water Department) is of the opinion that

it is necessary or expedient in the public interest to manage and regulate ground water for various purposes in any form in any area and to enforce rain water harvesting/ ground water recharge and to implement various appropriate water conservation/water saving/ water efficient practices in over-exploited/critical blocks and stressed urban areas (as identified and delineated by the Ground Water Department) where ground water levels have depleted to critical or alarming levels, it shall advise the State Government in such manner as may be prescribed to declare by notification such areas as notified areas for the purposes of this Act with effect from such date as may be specified in the notification: Provided that-(a) the date specified in the notification under this sub-section shall not be earlier than three months from the date of publication of the notification; (b) every notification in Hindi as well as in English languages under this section shall, in addition to its publication in the Gazette, be published in not less than three daily regional newspapers having wide circulation in that region and also be served in such other manner as may be prescribed. (2) The Procedure for Demarcation and issuance of notification of the areas referred in sub-section (1) shall be such as may be prescribed. (3) The notification issued under sub-section (1) shall be reviewed periodically as per the new Ground Water Assessment Report and according to the findings of the report, shall be in such manner as may be prescribed.

10. Registration of Users in notified areas.

(1) Registration of existing commercial, industrial, infrastructural and bulk users of Ground Water. Every existing well for commercial, industrial, infrastructural and bulk user located in notified areas (both urban and rural areas) shall apply to the respective District Ground Water Management Council for grant of a certificate of registration. The procedure, time-limit, forms, fee, etc. and other provisions for the grant of registration certificate shall be such as may be prescribed; Provided that-(a) where any existing Commercial user or Bulk user is found extracting ground water without registration, he or she or a group of persons or an agency (as the case may be) shall be liable to be punished under Chapter VIII; (b) where a registered well becomes defunct, the fact shall immediately be brought to the notice of the respective District Ground Water Management Council by the user of ground water; (c) where any such user of ground water, having certificate of registration wants to carry-out any modification or alteration in a registered well, he or she or a group of persons or an agency (as the case may be) shall obtain clearance for the same from the State Ground Water Management and Regulatory Authority in such manner as may be prescribed. (2) Every existing and future user of ground water other than those mentioned in subsection (1), including domestic and agriculture users of ground water shall register online or directly to the respective Block Panchayat Ground Water Management Committee/Municipal Water Management Committee for ground water usages. The web-portal for online intimation shall be informed by the said committee.

11. Registration of Existing Commercial, Industrial, Infra structured and Bulk Users of Ground Water in Non-notified Areas.

(1) Every well (existing or to be sunk) for commercial, industrial, infrastructural and bulk use of ground water in non-notified areas shall apply to the respective District Ground Water Management Council for grant of a certificate of registration. The procedure, time-limit, forms, fee, etc. and other provisions for the grant of registration Certificate shall be such as may be prescribed: Provided

that-(a)if any Commercial, Industrial, Infrastructural or Bulk user of ground water is found extracting ground water without registration, he or she or a group of persons or an agency (as the case may be) shall be liable to be punished under Chapter VIII;(b)if a registered well becomes defunct, this fact shall immediately be brought to the notice of the respective District Ground Water Management Council by the user of ground water;(c)if any such user of ground water, having certificate of registration wants to carry-out any modification or alteration in a registered well, he or she or a group of persons or an agency (as the case may be) shall have to obtain clearance for the same from the respective District Ground Water Management Council such manner as may be prescribed.(2)Every existing and future user of ground water, other than those mentioned in subsection (1), including a domestic or an agriculture user of ground water shall register online or directly to the respective Block Panchayat Ground Water Management Committee/Municipal Water Management Committee for ground water usages. The web-portal for online intimation shall be informed by the said committee.

12. Ban on new well construction in notified areas.

(1)No person or group of persons or institution or agency or establishment shall construct/sink any new well for Commercial, Industrial, Infrastructural and Bulk use including construction of boring's/tube wells under Government Schemes within the notified areas, except Government schemes for drinking water supplies and tree plantations. If anyone contravenes the provisions of this sub-section, he or she will be liable for punishment under Chapter VIII. Such ban shall continue till the area is de-notified by the State Government on advice of Uttar Pradesh State Ground Water Management and Regulatory Authority on the basis of new Ground Water Resource Estimation Report or significant improvement in declining trend of urban ground water levels after seeking approval from the State Government.(2)Extraction, sale and supply of raw/unprocessed/untreated ground water in notified areas by a person or class of persons or institution or agencies or any other establishment for the purpose of commercial/bulk uses will not be allowed and such an act will be punishable under Chapter VIII.

13. Preparation and implementation of Ground Water Security Plans in notified areas.

- For ensuring and achieving sustainability of ground water resources in the notified areas. Ground Water Security Plans shall be prepared for systematic implementation in such manner as may be prescribed.

14. Grant of Authorisation for Ground Water abstraction in Non-notified Areas.

- Any person or class of persons or institution or agency or establishment desiring to sink a well for the purpose of abstraction of ground water for commercial, industrial, infrastructural or bulk use in the non-notified area shall apply to the respective District Ground Water Management Council for No-Objection Certificate for this purpose. The procedure, time-limit, forms, application, fee, etc.

and various provisions, terms and conditions for the No-objection certificate shall be such as may be prescribed: Provided that the pre existing user of ground water shall apply for the issue of authorisation certificate therefore under this section within a period of ninety days from the date of commencement of this Act: Provided further that- (a) the terms and conditions shall include but are not restricted to, -i. the maximum quantity of water that shall be allowed for extraction; ii. precautions to prevent any contamination of ground water by mandating existing pollution control standards and measures; iii. details of conservation measures, including rainwater harvesting, to be taken; iv. ground water recharging measures as per the hydro-geological feasibility; v. recycling of a prescribed proportion of the extracted ground water for the use; vi. treating wastewater to bring it to prescribed standards before it is discharged; vii. adopting and practising the most efficient water use practices and technology; (b) the authorisation/No-objection granted for a specified purpose shall not be used for any purpose other than that for which it has been granted; (c) the holder of authorisation certificate/No-objection certificate shall be prohibited from selling, by whatever name or form, ground water extracted under the authorisation to someone else for commercial use and/or gain; (d) such new users after getting authorisation/No-objection certificate for abstraction and use of ground water for desired purpose shall ensure that they shall have to obtain certificate of registration from the respective District Ground Water Management Council after the construction of the well is completed in such manner as may be prescribed; (e) (i) District Ground Water Management Council may cancel the authorisation/No-objection certificate in case of, non-compliance of the terms and conditions of the authorisation/No-objection certificate; Provided that the District Ground Water Management Council concerned shall give the holder of authorisation certificate/No-objection certificate an opportunity of being heard before cancelling such certificate; (ii) Authorisation certificate/No-objection certificate issued under this section shall be in alienable. However, such certificate, granted to an individual, shall be inherited by his or her legal heirs and shall continue to be valid for the remaining period as long as the legal heirs continue the activities done by the deceased holder of such certificate. However, on transfer of the property for the benefit for which such certificate was granted, the authorisation certificate/No-objection certificate shall continue to be valid so long as the nature of the activity continues unaltered by the new owner; (iii) The authorisation certificate/No-objection certificate shall be valid for such period as fixed in the certificate; (iv) Where the validity of the authorisation certificate/No-objection certificate has expired, the holder of such certificate shall apply afresh for continuation thereof.

15. Fixing of limit for abstraction of Ground Water for Commercial, Industrial, Infrastructural or Bulk users of ground water.

(1) The State Ground Water Management, and Regulatory Authority in consultation with the Ground Water Department (depending upon the hydro geological conditions and resource potential of the area concerned) shall fix the ground water abstraction limit for the existing Commercial, Industrial, Infrastructural or Bulk users of ground water while issuing registration for well in Notified as well as Non-notified areas and for all the new Commercial, Industrial, Infrastructural or Bulk users of ground water in Non-notified areas, while issuing registration or authorisation certificate/No-objection certificate for well, in such terms and conditions as may be prescribed. (2) No person can withdraw ground water in contravention of the limit fixed under

subsection (1).

16. Fee on Ground Water extraction/drawl.

(1) No commercial, industrial, infrastructural or bulk user of ground water hereinafter in this section refer to as the said user, shall extract ground water in both the notified and non-notified areas without payment of fee to be charged annually on the basis of quantity of ground water drawl. The fee shall be deposited in such manner as may be prescribed. (2) The fee referred to in sub-section (1) shall be in addition to water cess charged under the Water (Prevention and Control of Pollution) Cess Act, 1977. (3) For the purpose of measuring and recording the quantity of ground water extracted, every said user shall affix meters of such standards and at such places as may be prescribed and it shall be presumed that the quantity recorded by the meter has been extracted by the said user, until the contrary is proved. An annual ground water audit shall be conducted to check the actual extracted water against quantity of ground water allowed/authorized for extraction.

17. Registration of drilling agencies.

(1) No person including firm, agency or company shall perform or engage in drilling the ground for extraction of ground water without registration with District Ground Water Management Council concerned. (2) Every person, firm, agency or company already engaged in drilling of ground for extraction of ground water shall apply for the registration with the District Ground Water Management Council within such period as may be required by the said Council.

18. Powers of the Authority in Notified and Non-notified areas for any user of Ground Water.

- The power of every Appropriate Authority for any ground water user and drilling agencies in notified and non-notified areas shall be such as may be prescribed.

19. Service of orders, etc.

- Every order or direction issued under Section 14 shall be served in such manner as may be prescribed.

20. Bar to claim compensation.

- No person shall be entitled to claim any damages or compensation from the State Government or any appropriate authority for any loss sustained by him by virtue of any action taken under this Act.

21. Delegation of powers and duties.

- The State Ground Water Management and Regulatory Authority may, by general or special order in writing, direct that all or any of the powers or duties which may be exercised or discharged by it

shall, in such circumstances and under such conditions, if any, as may be specified in its order be exercised or discharged also by any person, appropriate body, specified in this behalf in the order issued after approval of State Government.

22. Employees of the Authority to be Public Servants.

- All employees of the State Ground Water Management and Regulatory Authority shall when acting or purporting to act in pursuance of the provisions of this Act or the rules made thereunder be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

23. Protection against action taken in good faith.

- No prosecution, suit or other legal proceeding shall be instituted against the State Government, any Appropriate Authority, any other officer of the Government or any member or other employees of any Appropriate Authority for anything done or intended to be done in good faith under this Act, or the rules made thereunder.

Chapter V

Prevention of Ground Water Pollution

24. Demarcation and protection of Ground Water quality sensitive zones.

(1)The Ground Water Department shall identify and demarcate (vertically and laterally), in consultation with the State Ground Water Management and Regulatory Authority, District Ground Water Management Councils and the expert bodies such as Central Ground Water Board, Uttar Pradesh Jal Nigam and Uttar Pradesh Pollution Control Board such areas which are found affected with ground water quality and pollution hazards for the purpose of prevention and control of ground water pollution in such areas and also to find safe quality zones for potable water supplies.(2)Such areas, as are demarcated in sub-section (1), shall be declared as Ground Water Quality Sensitive Zones by notification by the State Government in Ground Water Department every two years for the purpose of prevention and protection of ground water pollution.

25. Collection of information related to Ground Water pollution/contamination.

- The Gram Panchayat Ground Water Sub-Committees, Block Panchayat Ground Water Management Committees and Municipal Ground Water Management Committees shall be responsible for collecting information related to ground water pollution including sources of pollution. Such information shall be compiled and consolidated at the level of respective District Ground Water Management Councils for onward submission to State Ground Water Management and Regulatory Authority for appropriate action.

26. Ground Water Pollution control measures.

(1)The State Ground Water Management and Regulatory Authority shall ensure that no commercial, industrial, infrastructural and bulk user pollute ground water. It shall ensure through respective District Ground Water Management Council to make installation of treatment plant mandatory wherever necessary in such manner as may be prescribed.(2)Where such user of ground water referred to in sub-section (1) fails to set up treatment plant within the prescribed period, the State Ground Water Management and Regulatory Authority shall have the right to get the necessary treatment plant constructed at such user's cost and proceed against such user under the provisions of sub-section (2) of Section 39.

27. Prohibition on use of well for disposal of polluting matter, etc. into the aquifers.

(1)No commercial, industrial, infrastructural and bulk user by operation or process or any treatment and disposal system shall,-(a)discharge or dispose waste water, sewage, trade and domestic effluent or contaminants into the well, or ;(b)dump waste on the land which may lead to leaching or percolation of contaminants, toxins into the aquifer.(2)Any user of ground water who contravenes the provision of sub-section (1) shall be liable to be punished under sub-section (2) of Section 39.

28. Ban on direct recharging from open areas into the aquifers.

(1)In the process of Artificial Recharge to Ground Water from rain water (except from rooftop) falling on open land, ground, roads (paved/unpaved), agricultural farms shall not be allowed for direct recharging into the aquifers through recharge well, bore well, recharge shaft, injection well, etc.(2)Any person who contravenes the provision of sub-section (1) shall be liable to be punished under sub-section (2) of Section 39.

29. Prohibition on polluting of ponds, rivers, wells, etc.

(1)The Appropriate Authorities shall ensure that no commercial, industrial, infrastructural and bulk user pollute ponds, rivers, wells, etc. by disposing or discharging of dirty water or any other polluting matter.(2)Any person who contravenes the provision of sub-section (1) shall be liable to be punished under sub-section (2) of Section 39.(3)The Appropriate Authorities shall take all measures to ensure that any waste from domestic household does not pollute ponds, rivers, wells, etc.

Chapter VI

Self Regulation, Rain Water Harvesting, Ground Water Recharge, Recycling and Reuse, Prevention of Waterlogging

30. Self regulation.

(1)The farmers of notified areas (Rural) shall be encouraged by the respective Gram Panchayat Ground Water Sub-Committees, Block Panchayat Ground Water Management Committees for adopting the process of self regulation.(2)Process for adopting self regulation: The process of self regulation shall be adopted in the following manner in order to protect, conserve and regulate ground water resources in the stressed areas,-(a)the farmers shall ensure that by applying desired quantity of irrigation water/ number of watering to the crops as per the requirement of watering scientifically recommended for different crops that the wastage of ground water and over irrigation is avoided;(b)the farmers of notified areas (Rural) shall be encouraged to adopt various water conservation/water saving practices including farm bunding, farm ponds, use of seeds of low water crops and use of drip and sprinkler irrigation system;(c)every user of ground water in both rural and urban areas shall be encouraged to extract and use ground water in an economical and efficient way, avoid waste of water, use give priority to recycled water, adopting of rain water harvesting and recharging methods.

31. Rain water harvesting, Ground Water recharge and catchment conservation.

(1)The Appropriate Authorities shall encourage rainwater harvesting and catchment conservation as per geological conditions which should be integral part of Water Security Plans. The Appropriate Authorities shall, sensitise different users of ground water about the suitable technologies of rainwater harvesting systems in stressed urban and rural areas. Users of ground water may obtain suitable technical drawing and design of Rain Water Harvesting System from the Appropriate Authorities. They shall undertake all possible steps in integrated natural resources conservation, use and regulation for the augmentation of ground water resources within its jurisdiction, through integration and convergence of all natural resources relating to developmental schemes and projects.(2)Notwithstanding anything to the contrary contained in any other law of the State for the time being in force, the Municipal Water Management Committee shall impose stipulated conditions under existing building by-laws for providing rooftop rainwater harvesting structures, duly issued by the State Government by notification. Such stipulations shall be binding on concerned Government agencies sanctioning or approving building plans. The provision of Combined Recharge System for group housing/colonies shall also be made mandatory under building by-laws.(3)Catchment conservation shall include appropriate ground water conservation and recharge structures depending on the nature of the terrain/soil condition/geology of the area.

32. Recycling and reuse of Ground Water.

- The Appropriate Authorities shall within their areas encourage recycling and, in particular, foster reuse of water for non-potable urban, industrial, and agricultural use, as well as augmentation of potable water supplies through indirect reuse:Provided that -commercial, industrial, infrastructural and bulk user withdrawing ground water above a determined threshold limit shall be mandated to recycle water for purposes as may be suitable. Appropriate Authorities shall design monitoring and

incentive mechanisms to enforce such mandates.

33. Prevention and mitigation of waterlogging.

(1)The Appropriate Authorities shall within their areas discourages and prevents such activities that are likely to lead to potential waterlogging of land. Such bodies shall undertake all possible regulatory measures, for the protection of land against waterlogging.(2)In canal commands, the Irrigation Department shall take appropriate measures and make provisions, to effectively improve sub-surface water logged conditions.(3)The Gram Panchayat Ground Water Sub-Committee, Block Panchayat Ground Water Management Committee or Municipal Water Management Committee, may impose such stipulated conditions, as may be prescribed, for regulating such activities in waterlogged areas that may lead to worsening of the waterlogging condition. The Block Panchayat Ground Water Management Committee/Municipal Water Management Committee, in consultation with the District Ground Water Management Councils and concerned departments, shall take steps to mitigate waterlogging through proper interventions.(4)Water logging mitigation measures shall be adopted by using appropriate processes and technologies, in due consultation with expert bodies/concerned departments.

34. Revival and Rejuvenation of rivers, ponds, wells, etc.

- The Appropriate Authorities shall work for revival and rejuvenation of rivers, ponds, wells, etc. in every village. Appropriate Authorities shall develop and execute efficient plans to conserve such rivers, ponds, wells, etc.

Chapter VII

Impact Assessment and Transparency

35. Impact Assessment.

(1)It shall be the duty of the Appropriate Authorities to undertake impact assessment of both social and environment aspects of such activities to be implemented in the area of their jurisdiction in accordance to the provisions of this Act.(2)The process of impact assessment shall include short-term and cumulative impact assessment, may be in the following fields and specifically-(a)Impact on right to water for life;(b)Impact on drinking water sources;(c)Impact on quality and quantity of ground water;(d)Impact on agricultural production;(e)Impact on the ecosystem including rivers and water bodies;(f)Impact on land use.

36. Transparency Systems.

(1)It shall be the duty of the Appropriate Authorities in the area of their jurisdiction to create an effective and citizen-friendly transparency.(2)The minimum content, periodicity, and other details of the information to be put out proactively.(3)All requests for information within a district shall be

fulfilled within reasonable period.

37. Duties of proactive disclosure.

(1)The Appropriate Authorities with respect to the area of their jurisdiction shall proactively disclose information;(2)It shall be the duty of the appropriate body to disseminate the records in such a manner that any person can understand the information easily. This obligation shall also include the dissemination of information in a consolidated and summarised form.

38. Information to be kept in Public Domain.

- Information on the Impact Assessment of such activities taken up under this Act in Section 35 shall be placed on internet for access by public.

Chapter VIII

Offences and Penalties

39. Offences and penalties.

(1)If any commercial, industrial, infrastructural and bulk user of ground water or any drilling agency,-(a)contravenes or fails to comply with any of the provisions of this Act or any rule made thereunder except provisions described under Chapter V; or(b)obstructs the Appropriate Authorities or any other person authorised by the State Ground Water Management and Regulatory Authority to exercise any of the powers under this Act, shall be punishable with fine which shall not be less than two lakh rupees which may extend up to five lakh rupees or imprisonment which shall not be less than six month and which may extend to one year or with both, in case of first offence; or(c)repeats the offence after conviction thereof under sub-clause (b), such user shall be deemed to be guilty of second offence and shall be punished with fine which shall be double the amount of fine awarded to him or her, in addition to imprisonment awarded to him or her under the said sub-clause. Besides, the authorisation/no-objection certificate granted to him under this Act shall be cancelled with immediate effect.(2)Any commercial, industrial, infrastructural and bulk user of ground water who contravenes any of the provisions provided under sub-section (2) of Section 26, Section 27, Section 28 and Section 29, shall be liable for punishment,-(a)with imprisonment for a term which shall not be less than two years but which may extend to three years with fine which shall not be less than five lakh rupees but which may extend to ten lakh rupees, in case of first offence;(b)with imprisonment for a term which shall not be less than five years but which may extend to seven years with fine which shall not be less than ten lakh rupees but which may extend to twenty lakh rupees, if the offence is committed by a person who has previously been convicted for the offence referred to in clause (a).(3)Any supplier of water (other than Government drinking water supply schemes) who supplies or causes to be supplied ground water which fails to meet the quality standard prescribed under any law for the time being in force shall be punished with fine which shall not be less than two lakh rupees and which may extend to five lakh rupees.(4)Whoever being an owner of a building liable for installation of a system for harvesting rainwater to recharge ground

water as per the sanctioned drawing, design and guidelines issued by any of the Development Authority or any other authority having power to sanction drawing, fails to do so, shall be punished in such manner and with such punishment as may be prescribed.

40. Offences by Companies.

(1) Whenever an offence under this Act has been committed by a company, every person who at the time of the commission of offence was in charge of, or was responsible to the company for the conduct of the business of the company, shall be deemed to be guilty of the offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence; Explanation. - For the purpose of this section - (1) "Company" means anybody corporate and includes a firm or other association or individuals; and (2) "Director", in relation to a firm, means a partner in the firm.

41. Compounding of offences.

(1) An offence punishable under sub-clause (i) of clause (b) of sub-section (1) of Section 39 may be compounded on the application of the accused before or after the institution of the prosecution by such officers as may be notified by the State Government after imposing fifty per cent of minimum fine prescribed for the offence as compounding fee along with the minimum prescribed fine: Provided that the remedy for compounding shall be available for the first offence only. (2) Every officer referred to in sub-section (1) shall exercise the power to compound an offence subject to the direction, control and supervision of the State Government. (3) Every application for the compounding of an offence shall be made in such form and in such manner as may be prescribed. (4) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded. (5) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the officer referred to in sub-section (1) in writing to the notice of the court in which prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.

42. Cognizance of offences.

(1) Offences under this Act shall be cognizable and triable by a judicial magistrate of first class. (2) The magistrate may take cognizance of the offence on a complaint filed by the District Ground Water Management Council or by any aggrieved person: Provided that before initiating the prosecution, the aggrieved person shall give one month's notice to the District Ground Water Management Council intimating her or his intention to initiate prosecution.

Chapter IX

Grievance Redressal

43. Ground Water Grievance Redressal Officer.

(1)The District Magistrate of each district of Uttar Pradesh shall act as District Ground Water Grievance Redressal Officer.(2)Any person may submit his or her grievance on issues related to management, conservation, abstraction and pollution of ground water to the District Ground Water Grievance Redressal Officer.(3)Any person aggrieved by the decision of the District Ground Water Grievance Redressal Officer may submit his or her grievance to State Ground Water Management and Regulation Authority.

44. Jurisdiction and powers of Ground Water Grievance Redressal Officer.

(1)The District Ground Water Grievance Redressal Officer shall have jurisdiction over all grievance mentioned in sub-section (2) of Section 43, within his territorial jurisdiction.(2)The grievances shall be submitted to District Ground Water Grievance Redressal Officer in such manner as may be prescribed.(3)The District Ground Water Grievance Redressal Officer shall take appropriate action through respective Gram Panchayat Ground Water Sub-Committee/Block Panchayat Ground Water Management Committee/Municipal Water Management Committee or District Ground Water Management Council, as the case may be, after submission of grievance at any subsequent time, not exceeding thirty days.

Chapter X

Miscellaneous

45. Power of the appropriate authorities to call for information.

- The State Ground Water Management and Regulatory Authority and the District Ground Water Management Councils shall have the power to call for any information from any department of the State Government or any other person, which is required by it in the exercise of its powers and the performance of its duties and functions under this Act or the rules, regulations and bye-laws made thereunder, and such department or person shall be bound to furnish such information.

46. Powers of the appropriate authorities to remove wells dug in contravention of the Act.

(1)The District Ground Water Management Council, subject to the provision of this Act, may require any Commercial, Industrial, Infrastructure or Bulk user of ground water and any existing agency, who has sunk or is sinking a well or who has extracted or is extracting water in contravention of any of the provisions of this Act, by notice in writing to stop such extraction within the time specified in

the notice, being not less than fifteen days, and require the owner or the person in possession of the well to close or seal off the well at his expense and in such manner as it may specify in such order.(2)If the person on whom a notice under sub-section (1) has been served does not stop such extraction or stop such extraction but does not close or seal off the well to the satisfaction of the appropriate authority within the time specified in the notice, the council (concerned) may enter the land and close or seal off the well.(3)The cost incurred by the council (concerned) under sub-section (2) shall be recoverable as an arrear of land revenue from the person on whom a notice under sub-section (1) has been served.

47. Pre-existing rights.

(1)Pre-existing rights of a user of ground water will continue to be valid for a period of one year from the date of commencement of this Act, after which the rights and entitlements shall be in accordance with the provisions of this Act.(2)The user of ground water shall not be entitled for any compensation for any legal or other rights that become extinguished under this Act.

48. Ground Water Fund.

- The State Government shall create a fund to be known as Ground Water Fund and all the receipts on account of penalties, registration fees, fee on ground water extraction, etc. shall be credited to this fund. The fund shall be operated by the Director, Ground Water Department. The fund shall be utilised for Ground Water Management activities in the State such as conservation of ground water, both through demand side and supply side management for encouraging demand side interventions and for increasing efficiency of ground water usage by effective monitoring devices/mechanisms, decided by the State Government and Ground Water Department.

49. Power of the State Government to make rules.

- The State Government may, by notification, make rules to carry out the provisions of this Act.

50. Power of remove difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:Provided that, no order shall be made under this section after the expiry of two years from the date of commencement of this Act.(2)Every order made under this section shall, as soon as may be after it is made, be laid before both houses of the state Legislature.

51. Power of the State Government to exempt any user/cases.

- In the interest of overall development of the State, the State Government on recommendation of the State Ground Water Management and Regulatory Authority may exempt any user or class of

users or case from any provision of this Act.

52. Effect of this Act on other Laws.

- Notwithstanding anything contained in any other law of the State of Uttar Pradesh for the time being in force, the provisions of this Act shall prevail.