

Central Ground Water Authority

1. Introduction:

The Central Government, in terms of directions of Hon'ble Supreme Court of India under order dated 10.12.1996, in I.A. No. 32 of CWP No. 4677 of 1985, constituted the Central Ground Water Authority. The Court under its order dated 10.12.96 directed as under:

- The Central Government in the Ministry of Environment and Forests shall constitute the Central Ground Water Board as an Authority under section 3(3) of the Act.
- The Authority so constituted shall exercise all the powers under the Act necessary for the purpose of regulation and control of ground water management and development.
- The Central government shall confer on the Authority the power to give directions under section 5 of the Act and also powers to take such measures or pass any orders in respect of all the matters referred to in sub-section 2 of section (3) of the Act.
- The Board having been constituted an Authority under section 3(3) of the Act, it can resort to the penal provisions contained in sections 15 to 21 of the Act.
- The main object for the constitution of the Board as an Authority is the urgent need for regulating the indiscriminate boring and withdrawal of under ground water in the country.
- The Authority so constituted shall apply its mind to this urgent aspect of the matter and shall issue necessary regulatory directions with a view to preserve and protect the under ground water.
- The Central Government in the Ministry of Environment & Forests shall issue the necessary Notification under section 3(3) of the Act as directed, before January 15, 1997.

Accordingly the Central Government in the Ministry of Environment and Forests has issued the notification constituting the Central Ground Water Board as an Authority for the purposes of regulation and control of Ground Water Management and Development. The Central Ground Water Authority was initially constituted for one year vide S.O.38 (E) dated 14th January, 1997. The term of Authority was extended for five years vide S.O. 40(E) dated 13th January, 1998. The Authority was made a permanent body vide S.O. 1024(E) dated 6th November, 2000.

2. Powers and Functions of CGWA:

The Authority has to exercise the following powers and perform the following functions namely: -

- I. Exercise of powers under section 5 of the Environment (Protection) Act (EPA), 1986 for issuing directions and taking such measures in respect of all the matters referred to in sub-section (2) of section 3 of the said Act.
- II. To resort to penal provisions contained in sections 15 to 21 of the said Act.
- III. To regulate and control, management and development of ground water in the country and to issue necessary regulatory directions for the purpose.
- IV. Exercise of powers under section 4 of the EPA, 1986 for the appointment of officers.

3. Constitution of CGWA:

As per the Central Government Notification issued under S.O. 38(E) dated 14.1.97 read with S.O. 1024(E) dated 6.11.2000 the composition of the Authority is as under:

1. Chairman, CGWB	Chairman
2. Member (SAM), CGWB	Member
3. Member (ED&MM), CGWB	Member
4. Member (SML), CGWB	Member
5. Member (T&TT), CGWB	Member
6. Joint Secretary (Admn.), MoWR	Member
7. Joint Secretary & Financial Advisor, MOWR	Member
8. Joint Secretary (I.A.) MoEF	Member
9. Chief Engineer, IMO(WP&P), CWC	Member
10. General Manager (Exploration), ONGC	Member

The Authority may invite from time to time the following as special invitees as and when required for the Authority meetings:

- 1. The Joint Secretary, (Soil and Water Conservation), Dept. of Agriculture & Cooperation.**
- 2. The Joint Secretary (Water Supply), MoUD.**
- 3. The Joint Secretary, (Department of DWS), MoRD.**
- 4. Director, NIH, Roorkee.**
- 5. Director, NGRI, Hyderabad.**

4. Ground Water (Regulation, Development and Management) Rules, 2007:

Ground Water (Regulation, Development and Management) Rules, 2007 have been formulated and got ratified and vetted by Ministry of Law, Justice and Company Affairs for further notification. These rules are required to be notified by Central Government in the Ministry of Environment and Forests under the provisions of section 6 and 25 of the EPA, 1986. These rules are at present with the Central Government for notification. Under these rules the powers and functions of Central Ground Water Authority and the State Ground Water Authority have been spelt out and therefore it is necessary to notify these rules to streamline allocation of business between Central and State Authorities. At present CGWA is following Environment Protection Rules, 1986 to carry out its activities.

5. Regulation and Control of ground water development:

As per the ground water resource estimates of 2004, out of the **5723** assessed units, **839** over-exploited blocks, **226** critical blocks and **550** semi-critical blocks have been identified across the country by Central Ground Water Board. The CGWA so far has notified **43** over-exploited blocks (Table 1) for the purpose of regulation of ground water development and **65** over-exploited blocks (Table 2) for the purpose of registration of ground water abstraction structures, through various public notices published in the daily news papers across the country. The remaining over-exploited blocks also have been considered by CGWA for notification in the month of March, 07. The notification is due to be published. These public notices are basically directions of CGWA issued under section 5 of the EPA, 1986.

CGWA also has issued directions in the month of August, 2006, under section 5 of the EPA, 1986, to Chief Secretaries in 12 states (Andhra Pradesh, Haryana, Gujarat, Punjab, M.P., Maharashtra, Rajasthan, Tamilnadu, Kerala, Karnataka, U.P., Uttaranchal) and 2 Union Territories (Daman and Diu, Pondicherry) to adopt artificial recharge to ground water and to promote rain water harvesting, in order to ensure augmentation of depleting ground water resources.

Under regulatory function, CGWA had been issuing directions under section 5 of the EPA, 1986, for registration of ground water abstraction structures in the notified over-exploited areas/blocks, registration of drilling agencies, regulation of ground water development by new users, including Industrial users in over-

exploited and critical blocks, regulation of sale and supply of ground water resources by existing agencies in notified areas, ensuring rain water harvesting by ground water users, according permits in notified areas for drinking and domestic use as per the laid down policy guidelines etc.

CGWA has been carrying out its functions as per the decisions taken in the meetings held from time to time. CGWA so far held 23 meetings. The 23rd meeting of CGWA was held on 28.8.07.

6. Model Bill and State legislations:

The Central Government in the Ministry of Water Resources has circulated Model Bill to all the state governments for enactment. So far the states of Andhra Pradesh, Goa, Kerala, Tamil Nadu, West Bengal, Bihar, Himachal Pradesh and Union Territories of Lakshdweep, Chandigarh and Pondicherry have promulgated the state legislations. Other States are in the process of formulation/promulgation.

7. Violations and Complaints :

CGWA is discharging its functions of regulation of Ground Water development in Notified areas through district administrative heads and directions under Section 5 of EPA, 1986 have been issued to them to seal the illegal tube-wells, seize drilling equipment and for disconnection of electricity supply to the energized illegal wells. In case of violations CGWA authorizes concerned agencies for taking legal action. CGWA as on June 2007 has received **189** complaints of violations of directions issued under section 5 of the EPA, 1986, from various notified over-exploited areas under section 19 of the said act. These complaints have been referred to the concerned Deputy Commissioners/Collectors having jurisdiction of the notified areas for needful investigation and for action against violations.

8. Appointment of Authorized Officers/Advisory Committees:

CGWA has so far appointed authorized officers/constituted advisory committees under the provisions of section 4 of the EPA, 1986 in almost all the notified over-exploited areas/blocks in which regulatory directions are in force.

9. Guidelines for granting of NOC for withdrawal of ground water by Industries/ projects:

CGWA under the MoWR is regulating the withdrawal of ground water in 1615 over exploited, critical and semi-critical blocks. The requirement of ground water withdrawal by new as well as industries under expansion are examined on a case to case basis before grant of NOC. Industries / Infrastructure projects seeking NOC for withdrawal of ground water in Semi-critical, Critical and Over-exploited areas are required to submit their application in the prescribed proforma (Annexure I & II) either to the Office of the Regional Director, CGWB of the concerned State, or to Member Secretary, CGWA, New Delhi. The completed application submitted to Member Secretary, CGWA, New Delhi is referred to the concerned Regional Director for his comments which he is required to submit in the evaluation proforma (Annexure III) to CGWA.

All Industries seeking NOC for ground water abstraction are required to submit a referral letter from statutory organizations such as State Pollution Control Boards, Ministry of Environment and Forests, Bureau of Indian Standards, etc., for processing of their cases.

All Industries/ projects are required to submit detail designs for Rain Water Harvesting which is mandatory for areas falling in all critical blocks. Whenever permission/ NOC for ground water withdrawal is accorded by CGWA, a mandatory clause for Rain Water Harvesting and Artificial Recharge to ground water by the Industry/ Infrastructure projects is included.

The policy guidelines for according NOC's to industries /infrastructure projects are decided in the meetings of the CGWA. At present the following points are taken into consideration for evaluation of the proposals:

Over-Exploited Blocks – it was decided that clearances to industries in Critical/ Over-exploited areas needs to be considered on case to case basis and in case of severely over-exploited areas which are devoid of any deeper potential aquifers clearances for industrial use of ground water may be denied as per the policy. (21st meeting held on 24.5.2006).

Critical Blocks – granting permits to industries for ground water extraction be considered subject to implementation of Rain Water Harvesting/ Ground Water Recharge matching the proposed draft. (23rd meeting held on 28.8.2007).

Semi-critical Blocks – granting permits to industries be considered subject to implementation of Rain Water Harvesting/ Ground Water Recharge. (23rd meeting held on 28.8.2007).

10. Guidelines for permission for construction of tubewells for drinking and domestic purposes in Notified areas:

(A) Permission is being accorded for construction of new tube wells / replacement of existing defunct well for drinking and domestic purpose to

- (i) Government department entrusted with the water supply
- (ii) Other Government organizations if Water Supplying Department is not providing water in the area
- (iii) Schools/ Institutions/ Universities
- (iv) Hospitals
- (v) Embassies
- (vi) State Bhawans
- (vii) Individuals in case Government water supplying agencies network do not exist in the area and on recommendations from Government water supply agency

(B) Pre-conditions while according permission

1. The construction of the tube well will be done through a drilling contractor registered with the Central Ground Water Authority.
2. Maximum diameter of the tube well should be restricted to 100 mm only and capacity of the pump should not exceed 1 HP except in case of Government water supply agencies.
3. Concurrent with the construction of tube well, the owner of the tube well shall undertake installation of the rain water harvesting structure in the premises within 45 days of issuance of this letter and will confirm to the Authority for verification.
4. The water from the tube well will be used for drinking and domestic purposes only.
5. All details of the drilling like rock formations encountered, the depth and diameter of the constructed tube well, type of pipes used in tube well, yield of bore well/ tube well and ground water quality etc have to be furnished to the Central Ground Water Authority within 15 days of the completion of the construction.

6. This permission is valid for a period of two months from the date of issue of this letter except in case of Government water supplying agencies.

(C) Permission will not be accorded for construction of tube well for agriculture, industrial, commercial, horticulture purposes.

Note: Guidelines subject to modification