



International Environmental
Law Research Centre

The Uttar Pradesh Groundwater Conservation, Protection and Development (Management, Control and Regulation) Bill, 2010

This document is available at ielrc.org/content/e1004.pdf

For further information, visit www.ielrc.org

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

**THE UTTAR PRADESH GROUNDWATER
CONSERVATION, PROTECTION AND DEVELOPMENT
(MANAGEMENT, CONTROL AND REGULATION)**

BILL, 2010

**A
BILL**

to provide for the management, control and regulation of the conservation, protection and development of groundwater in the State and for matters connected therewith or incidental thereto.

WHEREAS uncontrolled and rapid extraction of groundwater has resulted in alarming situation of declining groundwater levels and depletion of groundwater reservoirs in many parts of the State, both in rural and urban areas;

AND WHEREAS development of groundwater is the need of the State, its management, control and regulation specially in overexploited 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 groundwater resources for the purpose of proper recharge of groundwater and to prevent the pollution thereof in the State ;

AND WHEREAS the State Government has, after careful examination of all aspects, decided that it is expedient and necessary in the public interest to manage, control and regulate the extraction and use of groundwater in any form and to conserve and recharge groundwater in the State;

IT IS HEREBY enacted in the Sixty-first Year of the Republic of India as follows:-

**CHAPTER – I
PRELIMINARY**

Short title, extent
& commencement

- 1- (1) This Act may be called the Uttar Pradesh Groundwater Conservation, Protection and Development (Management, Control and Regulation) Act, 2010.
(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.

Definitions.

- 2- In this Act, unless the context otherwise requires;-
(a) “**Artificial Recharge to Ground Water**” means the process based on geo-scientific methods by which ground water reservoir is augmented at a rate exceeding that under natural condition of replenishment;

- (b) "**Authority**" means the Uttar Pradesh Ground Water Authority, established under section-3.
- (c) "**Drinking Water**" means water for consumption or use by human population for drinking and for other domestic purposes, which shall include consumption or use of water for cooking, bathing, washing, cleansing and other day to day activities. It shall also include water meant for consumption by the livestock ;
- (d) "**Ground water**" means the water, which exists below the ground surface in the zone of saturation and can be extracted through wells or any other means or emerges as springs and base flows in streams and rivers ;
- (e) "**Industry**" means any business, trade, undertaking, 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 ;
- (f) "**Notified area**" means the area notified as such under section-5;
- (g) "**Over Exploited, Critical and Semi Critical area in Rural and Urban areas**" shall be such as may be notified by the authority.
- (h) "**Owner**" includes any mortgagee in possession, lessee, common manager, receiver appointed by a court and any person holding any property in trust and also include a Court of Wards in respect of property under the superintendence or charge of such Court ;
- (i) "**Rain Water Harvesting**" means the technique of collection and storage of rain water at surface or in sub-surface aquifer by adopting site specific scientific guidelines.
- (j) "**Resident Welfare Association**" means an association of residents or a group of people of a ward /locality /area residing in urban areas recognized by the authority.
- (k) "**Self Regulation**" a type of regulation to implement the provisions and standards of ground water management, control and regulation as may be prescribed.
- (l) "**Service Provider**" an organization having agricultural engineer, civil /mechanical engineer, Master's degree holder in Geology/ Geophysics or individual having qualification of B.Tech. / B.E. (Civil / Mechanical / Agriculture) or M.Sc. (Geology) or

M.Sc.(Geophysics) with at least 20 years of working experience in relevant field.

(m) “Sink” with all its grammatical variations and cognate expression in relation to a well includes digging, drilling or boring of new well or deepening and modification (of radials and galleries) of the existing wells;

(n) "Technical Officer" means a subject specialist so designated by the authority to give advice on technical matter;

(o) "User of ground water" means the 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.;

EXPLANATION—For the purpose of this clause,the expression,--

(i) "commercial user of ground water" means any person, trade, undertaking, business institution which withdraws, use or sell ground water for commercial purposes.

(ii) "bulk user of ground water" means a ground water user engaged in use of ground water in excess of quantity as notified by the authority for drinking, domestic & related use for a particular area.

(p) "Water User Association " means an association of water users in rural areas in a unit/area, utility, industrial user's association, other user's associations or any other group or individual ,formed under section -6.

(q) "Well" means a structure sunk for the search or extraction of groundwater and shall include open well, dug well, bore well, dug-cum bore well, tube well, filter point, collector well, infiltration gallery, recharge well, disposal well or any of their combinations or variations, which when installed, could be utilized for extraction of ground water;

CHAPTER – II
Establishment of Ground Water Authority

Establishment of
ground water authority

- 3- (1) The State Government shall, by notification in the Gazette, establish an Authority to be known as the Uttar Pradesh Ground Water Authority .
(2) The Authority shall consist of,--

(i)	the Agriculture Production Commissioner, Government of Uttar Pradesh.	Chairman
(ii)	the Principal Secretary /Secretary, Minor irrigation & Ground Water, Government of Uttar Pradesh.	Vice-Chairman
(iii)	the Principal Secretary/Secretary, Irrigation, Government of Uttar Pradesh.	Member
(iv)	the Principal Secretary/Secretary, Housing & Urban Planning, Government of Uttar Pradesh.	Member
(v)	the Principal Secretary/Secretary, Nagar Vikas, Government of Uttar Pradesh.	Member
(vi)	the Principal Secretary/Secretary, Finance, Government of Uttar Pradesh.	Member
(vii)	the Principal Secretary/Secretary, Agriculture, Government of Uttar Pradesh.	Member
(viii)	the Managing Director, Uttar Pradesh Jal Nigam.	Member
(ix)	the Member Secretary, Uttar Pradesh Pollution Control Board.	Member
(x)	Nominated Representative of National Institute of Hydrology, Roorkee.	Member
(xi)	A representative of the Central Ground Water Board (CGWB), New Delhi, to be nominated by the Chairman, CGWB	Member
(xii)	Nominated representative of U.P. Water Management & Regulatory Commission	Member
(xiii)	Nominated representative of State Water Resources Agency, U.P.	Member
(xiv)	An eminent NGO working in the field of Ground Water Management and Conservation.	Member
(xv)	the Director, Ground Water Department, Uttar Pradesh.	Member-secretary

- (3) 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,
(4) The Chairperson shall be the principal executive officer of the Authority and the Vice-Chairperson shall exercise the powers, perform the function and discharge the duties of the Chairperson in the absence or under the direction and control of the Chairperson.

Staff of the
ground water
authority.

- 4- (1) In order to enable the Authority to perform its function 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.
- (2) The functions and the terms and conditions of service of such employees shall be such as may be prescribed.

Powers to notify areas
for control and
regulation of ground
water development.

- 5- (1) The Authority shall function under the overall control and supervision of the State Government.
- (2) If the Authority, after consultation with various expert bodies, including Central Ground Water Authority is of the opinion that it is necessary or expedient in the public interest to control and/or regulate the extraction or the use or both of ground water in any form in any area including over exploited, critical and semi-critical areas, it will advise the State Government to declare by notification, such area to be a notified area for the purposes of this Act with effect from such date as may be specified in such 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) geo-hydrologically areas specific suitable & feasible rain water harvesting & recharge schemes based on scientific guidelines viz. construction of ponds and check dams, rejuvenation of old ponds, in-situ (on farm) water harvesting in rural areas and water conservation through ponds or lakes, Roof Top Rain Water Harvesting Schemes in urban areas shall be prepared for the notified area by the concerned departments in consultation with local bodies, institutions, industry, company, government departments, individuals or any other concerned under the supervision and guidance of the Authority before its declaration as a notified area under this section;
- (c) crops requiring less water with suitable changes in cropping pattern as per the availability of water shall also be promoted in such areas.
- (3) Every notification in Hindi as well as English or vernacular language under this section shall, in addition to its publication in the Gazette, be published in not less than two daily regional newspapers having wide circulation in that region and also be served in such other manner as may be prescribed;
- (4) The Authority shall also take steps through registered service provider to ensure that exploitation of ground water resources does not exceed the natural replenishment to the aquifers. Wherever, there is mismatch, steps will be taken to ensure augmentation of ground water resources in addition to regulatory measures;

(5) The Authority shall maintain and upkeep the data-base on ground water related information.

**Formation of Water
User Association**

6- There shall be formed Water User Association in rural area in such manner as may be prescribed.

**Functions of Water
User Association**

7- The functions of the Water User Association shall be,-
(a) to Inform the concerned authorities in case of any violation of the provisions of the Act.
(b) to carry out Mass awareness and sensitization programme.;
(c) Such other functions as may be prescribed.

**Formation of Resident
welfare User Association**

8- There shall be formed Resident Welfare Association in urban area in such manner as may be prescribed.

**Functions of Resident
welfare Association**

9- The functions of the Resident Welfare Association shall be,-
(a) to Inform the registered Service provider appointed by the authority if any user does not comply with the provisions of the Act.
(b) to carry out Mass awareness and sensitization programme.
(c) Such other functions as may be prescribed.

**Registration of Service
Provider**

- 10-** (1) Any organization or individual having requisite qualification specified in clause-I of section-2 may apply to the Authority for the grant of a certificate of registration. The application and the certificate of registration shall be issued in such form and in such manner as may be prescribed.
- (2) On receipt of an application, if the Authority is satisfied that the applicant fulfils the requisite qualification, it may issue a certificate of registration of Service Provider to the applicant on payment of such fees as may be prescribed. If the Authority decides not to grant the certificate of registration, it will inform the applicant about the same with reason with in thirty days.
- (3) The certificate of registration shall be in such form as may be prescribed.
- (4) The registration shall be valid for a period of two years and it will require the renewal after evaluation of his performance by the Authority.
- (5) If it is found that any registered Service Provider is not performing his duties sincerely and slackness in duties is observed or any wrong reporting is being communicated to the authority the registered Service Provider will be liable for punishment as prescribed in the Act.

**Responsibilities of
Service Provider**

- 11-(1) Registered Service Provider will be responsible for service e.g. inspection of limits of ground water withdrawal by different type of ground water users, size of the pump set, suction & delivery pipe construction of well /Rain Water Harvesting and Recharge structures, efficacy of Rain Water Harvesting and Recharge structures, quality of water being recharged to ground water and any other works as may be prescribed .
- (2) If it is found that a registered Service Provider is not performing his duties sincerely or a wrong reporting is being communicated by him to the authority the registered Service Provider will be liable for such punishment as may be prescribed .
- (3) A registered Service provider may charge such fee as may be determined from time to time by the authority from the users of ground water for providing the services. .
- (4) A registered Service provider may select any drilling agency registered at district level according to the provisions of this Act.

**Registration of existing
and new bulk users**

- 12- (1) Every existing bulk user of ground water of different areas, within a period of one hundred and twenty days from the date of commencement of this Act in the area thereof and new user before the start of construction of well shall apply to the Authority on payment of such fee as may be prescribed for the grant of a certificate of registration, in such form and in such manner as may be prescribed;
Provided that the Authority may entertain any such application after the expiry of the said period of one hundred twenty days, if it is satisfied that the user was prevented by sufficient cause for making the application in time.
- (2) On receipt of an application under sub-section (1), the Authority shall issue a certificate of registration subject to such conditions and restrictions as may be specified, authorizing the continued bulk use of ground water.
- (3) The certificate of registration shall be in such form as may be prescribed.
- (4) Pending the communication by the Authority of the decision on an application under sub-section (1), every existing bulk user of ground water shall be entitled to the continued bulk use of the ground water in the same manner and to the same quantity as he was entitled prior to the date of his application.
- (5) If a registered well becomes defunct, this fact shall immediately be brought to the notice of the Authority by the bulk user of ground water.
- (6) If any user of ground water, having certificate of registration wants to carryout any modification or alteration in a registered well, he shall have to obtain clearance for the same.
- (7) if any existing / new bulk user is found extracting ground water without registration, he shall be liable to be punished under section-34.

13-(a) All the drilling agencies of the State shall apply to the Authority for grant of registration at district level, in such form and in such manner as may be prescribed.

- (1) On receipt of an application, the Authority shall issue a certificate of registration within sixty days after due enquiries and satisfaction about the veracity of applicant's claim to the drilling agency on payment of such fee as may be prescribed.
 - (2) The certificate of registration shall be in such form as may be prescribed.
 - (3) The registration will be valid for a maximum period of three years, which may be renewed after due enquiries and satisfaction about the veracity of applicant's claim maximum for a period of three years on payment of such fee as may be prescribed.
- (b) With regard to construction of bore well/tube well and abandoned bore well, the Authority or the State Government may issue directions specifying measures for prevention of cases of children being trapped or falling into bore well and closure of abandoned well.
- The District Magistrate or any person authorized by the Authority will have powers to verify that guide lines issued are being followed and proper monitoring & check about the status of bore holes/tube wells are being taken care through the concerned drilling agencies.
- (c) The owner of well/drilling agencies shall abide by the directions/duties to follow the such safety norms/directions issued by the Government.
 - (d) In case of 'Abandoned ' bore well/tube well, all the agencies/individuals will obtain a certificate from the Authority or the department/person authorized by it stating that 'Abandoned 'bore well/tube well is filled up to the ground level
 - (e) The registered drilling agency shall deposit a security money in the form of fixed deposit etc. as prescribed by the authority. If it is found that the agency does not follow the directions/duties issued by the Government, the certificate of registration will be cancelled and the security money will be forfeited.

14-(1) Every existing user of ground water of over-exploited/ critical areas, within a period of sixty days from the date of commencement of this Act in the area thereof and new user before the start of construction of well shall apply to the Authority on payment of such fee as may be prescribed by the authority for the grant of a certificate

of registration, in such form and in such manner as may be prescribed.

Provided that the Authority may entertain any such application after the expiry of the said period of sixty days, if it is satisfied that the user was prevented by sufficient cause for making an application in time.

- (2) On receipt of an application under sub-section (1), the Authority shall issue a certificate of registration subject to such conditions and restrictions as may be specified, authorizing the continued use of ground water.
- (3) The certificate of registration shall be in such form as may be prescribed.
- (4) Pending the communication by the Authority of the decision on an application under sub-section (1), every existing user of ground water shall be entitled to the continued use of the ground water in the same manner and to the same quantity as he was entitled prior to the date of his application.
- (5) If a registered well becomes defunct, this fact shall immediately be brought to the notice of the Authority by the user of ground water.
- (6) If any user of ground water, having certificate of registration wants to carryout any modification or alteration in a registered well, he shall have to obtain clearance for the same.
- (7) if any existing / new bulk user is found extracting ground water without registration, he will be liable to be punished under section-34.

Registration of existing and new commercial and industrial users

- 15-** (1) Every existing commercial & industrial user of ground water in non-notified/semi-critical areas shall, within a period of one hundred and twenty days & new commercial & industrial users before the construction of well and every existing commercial & industrial user of ground water in over-exploited/ critical areas shall, within a period of sixty days from the date of commencement of this Act in the area thereof, apply to the Authority on payment of such fee as prescribed by the authority for the grant of a certificate of registration, in such form and in such manner as may be prescribed:

Provided that the Authority may entertain any such application after the expiry of the said period of one hundred twenty days in non-notified/semi-critical areas and sixty days in over-exploited/ critical areas, if it is satisfied that the user was prevented by sufficient cause for making an application in time.

- (2) On receipt of an application under sub-section (1), the Authority shall issue a certificate of registration subject to such conditions and restrictions as may be specified, authorizing the continued use of ground water.
- (3) The certificate of registration shall be in such form as may be prescribed.

- (4) Pending the communication by the Authority of the decision on an application under sub-section (1), every existing user of ground water shall be entitled to the continued bulk use of the ground water in the same manner and to the same quantity as he was entitled prior to the date of his application.
- (5) If a registered well becomes defunct, this fact shall immediately be brought to the notice of the Authority by the user of ground water.
- (6) If any user of ground water, having certificate of registration wants to carryout any modification or alteration in a registered well, he shall have to obtain clearance for the same.
- (7) if any existing / new commercial and industrial user is found extracting ground water without registration, he will be liable to be punished under section-34.

Provisions for
non-notified area
(Rural & Urban)

16-(1) Urban areas ;

(a)Ground water users using pump set up to 0.5 H.P.

There will be no regulation for the time being for any user of ground water for installing pump set of power not exceeding 0.5 H.P. But in future it may be as prescribed by the Authority from time to time.

(b)Ground water users using pump set of more than 0.5 H.P.

(i)All users of ground water will self regulate themselves through Resident Welfare Association to install submersible pumpset of power exceeding 0.5 H.P. or as may be prescribed by the Authority, however, withdrawal of ground water will be up to the limit notified for bulk users for each urban area.

(ii) These users of ground water will adopt Rain Water Harvesting/Recharging activities as per prevailing Government order/as prescribed by the Authority. For these users, mass awareness and sensitization programme will be carried out through Resident Welfare Association.

(iii) It will be mandatory provisions for sellers to inform the authority about selling of submersible pumpsets of power exceeding 0.5 H.P. with verification of identity and address of the person who purchases the pumpset.

(c) Bulk users

(i)Existing and new bulk users to mandatory adopt area specific Rain Water Harvesting/Recharging technique. Minimum amount of Rain Water Harvesting/Recharging to be fixed by the Authority.

(ii)New bulk users will be allowed to construct well/tube well on their own, however, limit of ground water extraction to be fixed by the Authority.

(iii) Bulk users may be charged fee for ground water withdrawal annually by the Authority/ Government.

(iv) To ensure and check efficacy of rain water harvesting & recharge structure, limit of ground water withdrawal, size of pump set,suction & delivery pipe, quality of water being recharged to

ground water and any other works etc. ground water user will get inspected the recharge structure twice a year by the concerned registered service provider and registered service provider will charge the fee from ground water user as prescribed by the Authority. Period of inspection in a year will be as prescribed by the Authority. If Rain Water Harvesting/Recharging structure is not found working properly, and amount of ground water withdrawal & quality of water are not as per limit/norms, the registered service provider will advise the ground water user to make it functional and ensure other provisions as per sanction order and directions.. In case ground water user does not act on the advice of registered service provider, he will inform the Authority to take further action.

(v) Any modification /alteration in a registered well will require clearance.

No person shall cause any such activity in urban area, which is against the provisions of this act or which is prejudicial or in contravention of the act.

(2) Rural areas

(a) Ground water users using pump set up to 7.5 H.P.

There will be no regulation for the time being for any user of ground water for installing pump set of power not exceeding 7.5 H.P. But in future it may be as prescribed by the Authority from time to time.

(b) Ground water users using pump set of more than 7.5 H.P.

(i) All users of ground water will self regulate themselves through Water User Association to install pump set of power exceeding 7.5 H.P. or as may be prescribed by the Authority, however, withdrawal of ground water will be upto the limit notified for bulk users for each rural area.

(ii) These users of ground water will adopt Rain Water Harvesting/Recharging activities as per prevailing Government order/as prescribed by the Authority. For these users, mass awareness and sensitization programme will be carried out through Water User Association.

(iii) It will be mandatory provisions for sellers to inform the authority about selling of submersible pumpsets of power exceeding 7.5 H.P. with verification of identity and address of the person who purchases the pumpset.

(c) Bulk users

(i) Existing and new bulk users to mandatory adopt area specific Rain Water Harvesting/Recharging technique. Minimum amount of Rain Water Harvesting/Recharging to be fixed by the Authority.

- (ii) New bulk users will be allowed to construct well/tube well on their own. However, limit of ground water extraction to be fixed by the Authority.
- (iii) Bulk users may be charged fee for ground water withdrawal annually by the Authority/ Government.
- (iv) To ensure and check efficacy of rain water harvesting & recharge structure, limit of ground water withdrawal, size of pump set, suction & delivery pipe, quality of water being recharged to ground water and any other works etc. ground water user will be required to get an inspection done in April every year by the concerned registered service provider. Service provider will charge an inspection fee from ground water user as prescribed by the Authority. If Rain Water Harvesting/Recharging structure is not found working properly, and amount of ground water withdrawal & quality of water are not as per limit/norms, the registered service provider will advise the ground water user to make it functional and ensure that other provisions as per sanction order and directions are being complied with. In case ground water user does not act on the advice of registered service provider, he will inform the Authority to take further action as per the Act.
- (v) Any modification /alteration in a registered well will require clearance.

No person shall cause any such activity in urban area, which is against the provisions of this act or which is prejudicial or in contravention of the act.

Provision for notified area (Semi-critical area,level-1)

17- (1) For urban areas ;

(a)Ground water users using pump set up to 0.5 H.P.

(i) All users of ground water will self regulate themselves through Resident Welfare Association by installing pump set of power not exceeding 0.5 H.P. or as may be prescribed by the Authority.

(ii) These users of ground water will adopt RWH/R activities as per prevailing Government order/as prescribed by the Authority. For these users, mass awareness and sensitization programme will be carried out through Resident Welfare Association.

(b)Ground water users using pump set of more than 0.5 H.P.

(i) If any user of ground water wants to install pump set exceeding 0.5 H.P., he will do so through the registered service provider as per the procedure prescribed by the Authority.

(ii) The Authority may specify/ fix the limit / rate of ground water withdrawal from one well with submersible pumpset exceeding 0.5H.P. in specific sub-unit/areas.

(iii) It will be mandatory for all sellers to inform the Authority about selling of submersible pumpset of power exceeding 0.5

H.P.along with verification of identity and address of the persons who purchase these pumpset.

(iv) All users of ground water will adopt Rain Water Harvesting/Recharging activities as per prevailing Government order/as prescribed by the Authority.

(v) The Authority will promote mass awareness programme on Rain water harvesting and recharge through Resident Welfare Associations.

No person shall cause any such activity in area, which is against the provisions of this act or which is prejudicial or in contravention of the act.

(c) Bulk users

(i) Construction of new well for human consumption/drinking water will be allowed in consultation & under guidance of registered service provider.

(ii) Existing and new bulk users to mandatory adopt area specific RWH/R technique through registered service provider. Minimum amount of Rain Water Harvesting/Recharging to be fixed by the Authority.

(iii) Limit of ground water extraction will be fixed by the Authority.

(iv) Bulk users may be charged fee for ground water withdrawal annually by the Authority/ Government.

(v) To ensure and check efficacy of rain water harvesting & recharge structure, limit of ground water withdrawal, size of pump set, suction & delivery pipe, quality of water being recharged to ground water and any other works etc. ground water user will be required to get an inspection done twice a year in April & October by the concerned registered service provider. Service provider will charge an inspection fee from ground water user as prescribed by the Authority. If Rain Water Harvesting/Recharging structure is not found working properly, and amount of ground water withdrawal & quality of water are not as per limit/norms, the registered service provider will advise the ground water user to make it functional and ensure that other provisions as per sanction order and directions are being complied with. In case ground water user does not act on the advice of registered service provider, he will inform the Authority to take further action as per the Act.

(vi) Any modification /alteration in a registered well will require clearance.

No person shall cause any such activity in urban area, which is against the provisions of this act or which is prejudicial or in contravention of the act.

(2) For rural areas ;

(a) Ground water users using pump set up to 7.5 H.P.

(i) All users of ground water will self regulate themselves through Water User Association by installing pump set of power not exceeding 7.5 H.P. or as may be prescribed by the Authority.

(ii) These users of ground water will adopt Rain Water Harvesting/Recharging activities as per prevailing Government orders/as prescribed by the Authority. For these users, mass awareness and sensitization programme will be carried out through Water User Association.

(b) Ground water users using pump set of more than 7.5 H.P.

(i) If any user of ground water wants to install pump set exceeding 7.5 H.P., he will do so through the registered service provider as per the procedure prescribed by the Authority.

(ii) The limit/rate of ground water withdrawal from one well with pump set exceeding 7.5 H.P. can be restricted in specific sub-unit/areas of the block as prescribed by the authority.

(iii) It will be mandatory for all sellers to inform the Authority about selling of pumpset of power exceeding 7.5 H.P. along with verification of identity and address of the persons who purchase these pumpset.

(iv)) All users of ground water will adopt Rain Water Harvesting/Recharging activities as per prevailing Government order/as prescribed by the Authority.

(v) The Authority will promote mass awareness programme on Rain water harvesting and recharge through Water User Associations.

No person shall cause any such activity in area, which is against the provisions of this act or which is prejudicial or in contravention of the act.

(c) Bulk users

(i) Construction of new well for human consumption/drinking water will be allowed in consultation & under guidance of registered service provider.

(ii) Existing and new bulk users to mandatory adopt area specific Rain Water Harvesting/Recharging technique through registered service provider. Minimum amount of Rain Water Harvesting/Recharging to be fixed by the Authority.

(iii) Limit of ground water extraction will be fixed by the Authority.

(iv) Bulk users may be charged fees for ground water withdrawal annually by the Authority/ Government.

(v) To ensure and check efficacy of rain water harvesting & recharge structure, limit of ground water withdrawal, size of pump set, suction & delivery pipe, quality of water being recharged to ground water and any other works etc. ground water user will be required to get an inspection done twice a year in April & October by the concerned registered service provider. Service provider will charge an inspection fee from ground water user as prescribed by the Authority. If Rain Water Harvesting/Recharging structure is not found working properly, and amount of ground

water withdrawal & quality of water are not as per limit/norms, the registered service provider will advise the ground water user to make it functional and ensure that other provisions as per sanction order and directions are being complied with. In case ground water user does not act on the advice of registered service provider, he will inform the Authority to take further action as per the Act.

(vi) Any modification /alteration in a registered well will require clearance.

No person shall cause any such activity in urban area, which is against the provisions of this act or which is prejudicial or in contravention of the act.

**Provision for
over-exploited/critical
areas(level-2 & 3)**

18- (i) In areas notified as over-exploited/critical there shall be complete ban on the construction of new wells (both private & govt.). The ban shall continue till such areas are de-notified by the Authority.

ii) However, except commercial and industrial users of ground water, construction of new wells in these areas for water supply schemes for human consumption/drinking water will be allowed to users of ground water in consultation and under the guidance of registered service provider. The procedure to avail the services of registered service provider will be as prescribed by the Authority.

(iii) In such areas, the existing and new users of ground water (both private and government) shall have to mandatorily adopt the area specific rain water harvesting techniques as prescribed by the Authority under the supervision & guidance of the registered service provider. The procedure to avail the services of registered service provider will be as prescribed by the Authority. The minimum amount of Rain Water Harvesting/Recharging will be fixed by the authority.

(iv) For bulk user limit of ground water extraction will be fixed by the Authority.

(v) To ensure and check efficacy of rain water harvesting & recharge structure, limit of ground water withdrawal, size of pump set, suction & delivery pipe, quality of water being recharged to ground water and any other works etc. ground water user will be required to get an inspection done twice a year in April & October by the concerned registered service provider. Service provider will charge an inspection fee from ground water user as prescribed by the Authority. If Rain Water Harvesting/Recharging structure is not found working properly, and amount of ground water withdrawal & quality of water are not as per limit/norms, the registered service provider will advise the ground water user to make it functional and ensure that other provisions as per sanction order and directions are being complied with. In case ground water user does not act on the advice of registered service provider, he will inform the Authority to take further action as per the Act.

Authority, if on verification finds that the information about the working of Rain Water Harvesting/Recharging structure given by the registered service provider is not correct, he will be made accountable and penalized as per provisions of the act.

(vi) Bulk users may be charged fees for ground water withdrawal annually by the Authority/ Government.

(vii) No person shall cause any such activity in urban and rural area, which is against the provisions of this act or which is prejudicial or in contravention of the act.

**Provisions to extract
and use ground
water for commercial
users and industries**

19- (1) Any commercial user of ground water as well as any industry desiring to sink a well for any purpose or existing units in Semi-critical, level-1 and in non-notified area shall apply to the registered Service Provider for sinking the well and construct the well/tube well under the supervision & guidance of registered service provider. The limit of ground water will be fixed by the Authority.

It will be mandatory for these ground water users in such areas to harvest rain water and execution of RWH/R works will be under the supervision & guidance of registered service provider with in time specified by the Authority.. The quantity/limit of harvesting rain water will be as prescribed by the authority.

To ensure and check efficacy of rain water harvesting & recharge structure, limit of ground water withdrawal, size of pump set, suction & delivery pipe, quality of water being recharged to ground water and any other works etc. ground water user will be required to get an inspection done twice a year in April & October by the concerned registered service provider. Service provider will charge an inspection fee from ground water user as prescribed by the Authority. If Rain Water Harvesting/Recharging structure is not found working properly, and amount of ground water withdrawal & quality of water are not as per limit/norms, the registered service provider will advise the ground water user to make it functional and ensure that other provisions as per sanction order and directions are being complied with. In case ground water user does not act on the advice of registered service provider, he will inform the Authority to take further action as per the Act.

Authority, if on verification finds that the information about the working of Rain Water Harvesting/Recharging structure given by the registered service provider is not correct, he will be made accountable and penalized as per provisions of the act.

Commercial and Industrial Users may be charged fees for ground water withdrawal annually by the Authority/ Government.

Any modification /alteration in a registered well will require clearance of the Authority in such areas.

- (2) No commercial and industrial user of ground water shall install/sink any well in areas notified as Over-exploited/Critical area, level-2&3 and ban will continue till area is de-notified.

It will be mandatory to establish Rain Water Harvesting/Recharging activities for existing users through registered Service provider. Minimum amount of Rain Water Harvesting/Recharging will be fixed by the Authority.

To ensure and check efficacy of rain water harvesting & recharge structure, limit of ground water withdrawal, size of pump set, suction & delivery pipe, quality of water being recharged to ground water and any other works etc. ground water user will be required to get an inspection done twice a year in April & October by the concerned registered service provider. Service provider will charge an inspection fee from ground water user as prescribed by the Authority. If Rain Water Harvesting/Recharging structure is not found working properly, and amount of ground water withdrawal & quality of water are not as per limit/norms, the registered service provider will advise the ground water user to make it functional and ensure that other provisions as per sanction order and directions are being complied with. In case ground water user does not act on the advice of registered service provider, he will inform the Authority to take further action as per the Act.

Authority, if on verification finds that the information about the working of Rain Water Harvesting/Recharging structure given by the registered service provider is not correct, he will be made accountable and penalized as per provisions of the act.

Commercial and Industrial Users may be charged fees for ground water withdrawal annually by the Authority/ Government.

Any modification /alteration in a registered well will require clearance of the Authority in such areas.

- (3) Every application to the registered service provider shall be made in such form, contain such particulars, and in such manner and accompanied by such fee as may be prescribed.

- (4) On receipt of an application if the registered service provider is satisfied that it shall not be against public interest to do so, it may advise and guide the applicant for extraction and use of ground water, which will include mandatory provisions of artificial recharge structures of appropriate size to be constructed by the applicant.

Provided further that the commercial and industrial users shall not be refused if they want to sink a new well of the same specification in the same plot or in the adjoining plot, as a replacement of an old well which has gone out of order on account of completion of life or for any other reason;

- (5) The registered Service Provider while advising the applicant shall have regard to :
- (a) the purpose or purposes for which water is to be used;

- (b) the existence of other competitive users ;
- (c) number of existing wells already in use.
- (d) number of wells to be sunk.
- (e) depth and design of well (including diameter, pipe etc), to be decided as per requirement of water.
- (f) the availability of ground water ;
- (g) quantity of ground water to be drawn ;
- (h) quality of ground water with reference to use;
- (i) spacing of ground water structures keeping in consideration the purpose for which water is to be used;
- (j) long term ground water level behavior;
- (k) its likelihood of adversely affecting water availability of any drinking water source in its vicinity;
- (l) the effect on other sources of water supply;
- (m) the compatibility with the existing water supply system;
- (n) the availability of factors controlling or preventing pollution.
- (o) rain water harvesting;
- (p) any other factor relevant thereto.

Water rates

- 20-** (1)The authority shall by notification in the gazette fix the water rates for selling the ground water from private tube wells.
 (2)No owner of private well shall sell the ground water on rates more than the rates fixed under sub-section-1.

**Ground Water
Pollution Control**

- 21-** (1) The Authority shall take steps for promotion of Mass Awareness Programme for protecting ground water from pollution.
 (2) The Authority shall ensure that no person/institution/industry pollutes ground water. It shall make establishment of effluent treatment plant mandatory wherever necessary. In case the polluter fails to set up effluent treatment plant within the time period prescribed, the Authority shall have the right to get the Effluent Treatment Plant constructed at polluter's cost and proceed against the polluter as per provisions of section 31(2).

**Criteria for minimum spacing
between two tube wells**

- 22-** Users of ground water in rural and urban areas especially in clusters shall have to maintain the geo scientific standards of minimum spacing between two wells, as and when specified by the authority for such areas.

**Power to alter,
amend or vary the
terms of
certificate of
registration**

- 23-** At any time after certificate of registration, as the case may be, has been granted or issued, the Authority may, for technical reasons, by order alter, amend or vary the terms of the certificate of registration, as the case may be, provided the user of ground water / registered service provider/drilling agencies has been given an opportunity of being heard;
 Provided that before taking such action, the Authority shall ensure that standing crops are not damaged.

**Cancellation of
certificate of registration**

- 24-** If the Authority is satisfied either on a reference made to it in this behalf or otherwise, that:
- (a) the certificate of registration granted, under section-10,12,13,14 or 15, is not based on facts;
 - (b) the holder of the certificate of registration has without reasonable cause failed to comply with the conditions and responsibilities subject to which the certificate of registration has been granted or issued or has contravened any of the provisions of this Act or the rules made thereunder or fails to deliver his responsibilities; or
 - (c) a situation has arisen which warrants limiting of the use or extraction of ground water;
then without prejudice to any other penalty to which the holder of the certificate of registration may be liable under this Act, the Authority may after giving the holder of the certificate of registration, an opportunity to show cause, cancel the certificate of registration.

**Powers of the authority in
notified & non-notified areas
for any user of ground water
& service providers**

- 25-** (1) The Authority or any person authorized by the Authority in writing in this behalf, shall have power -
- (a) to enter on any property (private or Government owned) having the right to investigate and make any measurements concerning the land or the water located on the surface or the under ground;
 - (b) to inspect the well which has been or is being sunk and the soils and other materials excavated therefrom;
 - (c) to take specimen of such soils or other materials or of water extracted from such wells;
 - (d) to require in writing the persons sinking a well to keep and preserve in the prescribed manner specimens of soils or any material excavated therefrom for such period not exceeding three months from the date of completion or abandonment of the work as may be specified by the Authority and thereupon such person shall comply with such requisition;
 - (e) to inspect and to take copies of the relevant record or documents and ask any question necessary for obtaining any information (including diameter or depth of the well which is being or has been sunk; the level at which the water is or was struck and subsequently restored/ rested, the types of strata encountered in the sinking of the well and the quality of the water struck) required for carrying out the purposes of this Act;
 - (f) to direct the user of groundwater to install water measuring device on any ground water abstraction structures;

Provided that where the user of groundwater does not comply with the directions issued to him under this clause within

a period of sixty *days*, the Authority itself may install such water measuring device and recover the cost from the defaulting user of groundwater;

- (g) to seize any equipment/device utilized for illegal sinking and destroy the work executed fully or partly;
- (h) to inspect the premises of commercial , bulk users and industrial user of ground water, as and when required.
- (i) to direct the ground water user in cluster of multi-storied buildings to maintain the geo-scientific standards of minimum spacing as specified between two tube wells.
- (j) to require any user of ground water, who does not comply with the provisions of this Act and the rules framed hereunder, to close down any water supply or destroy any hydraulic work found to be illegal according to the provisions of this Act and the rules framed thereunder;

Provided that where the user of ground water does not comply with the requisition issued to him within a period of sixty days, the Authority may carryout the necessary work and recover the cost from illegal user of ground water.

- (k) to enter and search with such assistance, if any, as it considers necessary, any place in which it has reason to believe that offence under this Act has been or is being committed and order in writing the person who has been or is committing the offence not to extract or use the ground water for a specified period not exceeding thirty days;
- (l) to issue directions to local bodies, institutions, industry, company, government departments, individuals or any other concerned, for undertaking specific measures for ensuring rain water harvesting and water conservation and such local bodies, institutions, industry, company, government departments, individuals or any other concerned shall be bound to comply with such directions within the time specified by the Authority in such directions;
- (m) to issue directions to the District, Block, Village Panchayat and Urban Local Bodies to allocate certain percentage of funds available with them for the construction of Ground Water Recharge Structures.
- (n) to exercise such other powers as may be necessary for carrying out the purposes of this Act or any rules made thereunder;
- (o) to give directions to Service provider;

- (2) The power conferred by this section includes the power to break open the door of any premises where sinking, extraction and use of groundwater may be going on:

Provided that the power to break open the door shall be exercised only after the owner or any other person in occupation of the premises, if he is present therein, refuse to open the door on being called to do so.

- (3) The provisions of the Code of Criminal Procedure, 1973 (Act no. 2 of 1974), shall so far as may be, apply to any search or seizure

under this section as they apply to any search or seizure made under the authority of a warrant issued under section 93 of the said Code.

- (4) Where the Authority seizes any mechanical equipment or device under clause (g) of sub-section (1), it shall as soon as may be, inform the magistrate and obtain his orders as to the custody thereof.

Service of orders, etc.

- 26-** Every order or direction issued under section-25 shall be served in such manner as may be prescribed ;

Bar to claim Compensation

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

Delegation of powers and duties

- 28-** The 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, body or other authority, specified in this behalf in the order.

Members and employees of the authority to be public servants

- 29-** All members and employees of the Authority shall when acting or purporting to act in pursuance of the provisions of this Act or of any rules made thereunder be deemed to be public servants within the meaning of section -28 of the Indian Penal Code.

Protection against action taken in good faith

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

Cognizance and trial of offences

- 31-** (1) No prosecution for an offence under this Act shall be instituted except with the written consent of the Authority or a person authorized in this behalf .
(2) No court inferior to that of a Metropolitan Magistrate or a Magistrate of first class shall try any offence under this Act.

CHAPTER – III RECHARGE OF GROUND WATER

*Rain water
Harvesting for
Ground water
Recharge*

32- The over-exploitation of ground water due to ever increasing population and other development activities have led to fall in ground water table, drying up of wells, reduced sustainability of wells, environmental degradation etc. in many parts of the State. In order to improve the ground water situation in critical areas, it is, therefore, essential to adopt rain water harvesting for ground water recharge. In urban areas, rain water available from roof tops of buildings and other open areas can be utilized gainfully for ground water recharge. Rain water harvesting structures feasible in urban areas include recharge pits, trench, existing wells etc. In rural areas, ground water recharge be taken up considering watershed as a unit. The feasible recharge structures in rural areas include construction of gully plugs, contour bunding, Gabion structure, check dam/weir, percolation tank, recharge shaft etc.

- (1) To improve the ground water situation, the Authority may identify the recharge worthy areas in the State and issue necessary guidelines for adoption of rain water harvesting for ground water recharge in these areas. In rural areas, watershed management to facilitate ground water recharge may be encouraged through community participation. The Authority may give appropriate directions to the concerned departments of the State Government to include Rain Water Harvesting in all developmental schemes falling under notified areas. In urban areas, falling in notified areas, the Authority may issue directives for constructing appropriate rain water harvesting structures in all residential, commercial and other premises having an area of 100 Sq.mt. or more in manner prescribed within the stipulated period, failing which the Authority may get such rain water harvesting structure constructed and recover the cost incurred along with a penalty as may be prescribed.
- (2) Notwithstanding any thing contained in the relevant laws, the Municipal Corporation or any other local Authority as the case may be, may impose stipulated conditions for providing roof top rain water harvesting structures in the building plan in an area of 100 Sq. mt. or more, while according approval for construction, and permanent water and electricity connections shall be extended only after compliance of the directions given in this regard.
- (3) Provision of rain water harvesting for ground water recharge shall be made mandatory for the townships. For this the authority may give appropriate directions along with mandatory provisions for maintenance of such recharge structures,
- (4) The authority may issue directions to the Housing department for providing combined rain water harvesting system for existing urban colonies along with provisions of maintenance.

- (5) Existing ponds, lakes and other water bodies shall be maintained and governed by concerned District Magistrate or any other body appointed by District Magistrate.
- (6) Water bodies existing in rural areas at the time of enforcement of the Uttar Pradesh Zamindari Abolition and Land Reform Act and in other areas on 1st January, 1950 shall be maintained properly and any encroachment etc. made there upon shall be removed as per provisions of the respectable laws applicable on that particular area for that purpose which has been made out after the time mentioned in this act. However, any encroachment on the water bodies will be removed after providing an opportunity of hearing to the person who has made encroachment on water bodies.
- (7) No encroachment will be allowed after the commencement of this act.
- (8) Removal of encroachment shall be made effective by the Sub divisional Magistrates/City Magistrates under their respective jurisdiction.
- (9) Land records at the time of enforcement of Uttar Pradesh Zamindari Abolition and Land Reform Act-1950 in rural areas and on 1st January 1950 in other areas will be the conclusive proof for defining the water bodies.
- (10) The State Government may, by notification, exempt any building constructed before the enforcement of this Act by a detailed reasoned order on the grounds of public utility purpose.
- (11) The Authority shall take steps for promotion of Mass Awareness and Training Programmes on Rain Water Harvesting and Artificial Recharge to Ground Water through Government Agencies / Non Government Organisations / Volunteer Organisation / Educational Institutions/ Industries / Individuals.
- (12) Resident Welfare Associations in urban areas shall be motivated to adopt rain water harvesting for ground water recharge as a process of self regulation.

CHAPTER- IV MISCELLANEOUS

**Power to remove
difficulties**

- 33-** If any difficulty arises in giving effect to the provisions of this Act, by reasons of anything contained in this Act, or any other enactment for the time being in force, the State Government may, as the occasion requires, by order direct that this Act shall, during a period not exceeding twelve months after the date of such order have effect subject to such adaptations, whether by way of modifications, addition or omission, as it may deem to be necessary and expedient.

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

Offences and penalties

- 34-** (1)-If any user of ground water, registered service provider or any drilling agency:-
- (a) contravenes or fails to comply with any of the provisions of this Act or any rule made thereunder, or ;
 - (b) obstructs the Authority or any other person authorized by it to exercise any of the powers under this Act, shall be punishable-
 - (i) for the first offence, with fine which may extend to rupees Five Thousand ; and
 - (ii)for the second and subsequent offence, with imprisonments for a term which may extend to six months or with fine which may extend to rupees ten thousand or with both ;
- (2)- Any person, user of ground water, institution, industry, registered service provider,drilling agency contaminates ground water in any manner or helps in promoting ground water contamination by industrial and aquaculture waste disposal or directly disposes waste water including sewage into the aquifers shall be punishable with serious penal action as such act shall be treated as an act of criminal offence. The person responsible for such offence shall be liable for punishment with imprisonment for a term which shall not be less than one month but which may extend to one year and/or with fine as may be prescribed. In addition to that the cost of its repairs or remedying the same shall be recovered as an arrears of land revenue:
- Provided that the person responsible for abetment of such offence or connivance shall also be liable for punishment in the same manner.

Compounding of Offences

- 35-** Any offence under this Act may be compounded (leaving matters related to pollution of ground water) by the Authority, either before or after the institution of the proceeding subject to such conditions as may be prescribed.

Offences by companies

- 36-** (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 and shall be liable to be proceeded against and punished accordingly ;
- (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, manger, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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

EXPLANATION – For the purpose of this section –

- (1) "Company " means any body corporate and includes a firm or other association or individuals, and
- (2) " Director ", in relation to a firm, means a partner in the firm.

Appeals

37-

(1) Any person aggrieved by the decision or action of the authority under this Act may, within a period of sixty days from the date on which the action is taken or the decision is communicated to him and on payment of such fees as may be prescribed, prefer an appeal to such an authority as may be specified by the State Government in this behalf:

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

(2) On receipt of an appeal under sub-section(1), the appellate authority shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

Power to make
Rules

38-

- (1) The State Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for:-
 - (a) the term of office and manner of filling vacancies and other conditions of service of the Members and Chairman of the Authority;
 - (b) the function and the terms and conditions of service of the employees of the Authority;
 - (c) any other manner of affecting service of the notification under sub-section (3) of section-5 of chapter- II;
 - (d) the formation of Water Users Association under the section-6;
 - (e) Any other power of Water Users Association under sub-section-3 of section-7;
 - (f) the formation of Resident Welfare Association under section-8;
 - (g) Any other power of Resident Welfare Association under section-9;
 - (h) the form of application under section-10(1) and the particulars that may be furnished with the application;
 - (i) the fees for issue of registration certificate of service provider under section-10(3);
 - (j) the responsibilities of registered service provider for ensuring the implementation of works under section-11;

- (k) the fee charged by registered service provider for providing services under section-11(3);
- (l) the punishment for existing/new user extracting ground water without registration under section-12(8),14(8)&15(viii);
- (m) the severe punishment for registered service provider under section-11(2)&19(i);
- (n) the form of application under section-12(1),13(a),14(a)&15(a)(i) and the particulars that may be furnished with the application;
- (o) the fees for issue of registration certificate of service provider & other applicants under section-12(1),13(a)(2),14(a) (i)&15(a) (i);
- (p) the procedure for application to install the pump-set of power exceeding 7.5 H.P. and fixing limit/rate of ground water extraction under section-16(2)(b) &17(2)(b) ;
- (q) the procedure to avail the services of registered service provider under section-18(iii);
- (r) the quantity /limit of harvesting rain water under section-19(1) for commercial and industrial users;
- (s) the manner and form of application to be submitted by commercial and industrial users to service provider for sinking well under section-19(3) & 19(4);
- (t) the rates of selling ground water under section-20(ii);
- (u) the cancellation of certificate of registration under section-24;
- (v) the manner to serve every order or direction under section-26;
- (u) the manner in which the specimens of soils or other material shall be kept and preserved under clause (d) of sub-section (1) of section -25 of chapter-II;
- (v) specifying the appellate authority under sub-section (1) of section-37 of chapter-IV and the fee to be accompanied with the application for appeal;
- (w) any other matter which is to be or may be prescribed.

Other laws not
affected

39-

Save as otherwise provided in this Act, the provision 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.