

IMMEDIATE

No. T-24011/6/2017-GW Section
Government of India
Ministry of Water Resources, River Development & Ganga Rejuvenation

635, Sharm Shakti Bhawan, Rafi Marg
New Delhi, dated: 11th October, 2017

To

1. The Chief Secretaries of all States
2. Administrators of UTs
(As per standard list)

Sub: Draft guidelines for issuance of 'No Objection Certificate (NOC)' for ground water withdrawal and draft 'Public Notice'- request for comments.

Sir

The Central Ground Water Authority (CGWA) came in to existence w.e.f. 14.01.1997, as per the directions of Hon'ble Supreme Court of India under its orders dated 10.12.1996 in CWP No. 4677/1985 and in terms of notification of constitution issued by the Central Government in the Ministry of Environment, Forests and Climate Change, New Delhi, under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 vide S.O.38 (E)/14.01.1997. The main object of constitution of CGWA, envisaged under the orders of Hon'ble Supreme Court of India is **"the urgent need for regulating the indiscriminate boring and withdrawal of underground water in the country"**. The scope of the working of the authority has been widened by the Central Government vide its notification S.O. 1024(E)/06.11.2000 **"to regulate and control, management and development of ground water in the country and to issue necessary regulatory directions for this purpose"**.

2. Looking into the increasing number of litigations in the Hon'ble National Green Tribunal, various Benches of the Tribunal are directing CGWA to ensure that the ground water withdrawal in the country is in accordance with law and with due permission for a meaningful assessment of resources availability and its utilization. In view of the above, CGWA has considered it necessary and expedient to ensure a uniform regulatory frame work across the country so that the discriminatory practices in regulation are either mitigated or minimized.

3. The major revisions in the guidelines are pan India coverage; decentralisation of the No Objection Certificate (NOC) issuing authorities, based on the quantum of ground water extraction, viz. Revenue heads of the district, State Nodal Agency / State Ground Water Authority and CGWA; provisions relating to submission of artificial recharge proposals and construction of artificial recharge structures by project proponents have been dispensed with; introduction of a water conservation fee in lieu of recharge mechanism; funds raised through the water conservation fee to be used by States for effective ground water management etc.

4. A copy of **draft guidelines for "Issuance of 'No Objection Certificate' for ground water withdrawal"** and **draft "Public Notice"** in respect of guidelines is enclosed herewith. In this context, you are requested to submit comments on the draft guidelines and public notice, **within 60 days** to *Member Secretary, Central Ground Water Authority, West Block-2, Wing 3 (Ground Floor), Sector 1, RK Puram, New Delhi-110066 (e-mail: cgwa@nic.in)*.

Yours faithfully,



11/10/2017

(S.K. Kataria)

Under Secretary to the Govt. of India
Telephone No. 23766907
e-mail: sk.kataria25@nic.in

Copy to:

1. Adviser (WR), NITI Aayog, New Delhi (e-mail: p.mahto@nic.in).
2. Secretary, Department of Agriculture, Cooperation & Farmers Welfare, Krishi Bhawan, Rajendra Prasad Road, New Delhi (e-mail: secy-agri@nic.in)
3. Secretary, Ministry of Drinking Water and Sanitation, Pt. Deendayal Antodaya Bhawan, CGO Complex, Lodhi Road, New Delhi-110003 (e-mail: secydws@nic.in).
4. Secretary, Ministry of Chemicals and Fertiliser.
5. Secretary, Ministry of Coal
6. Secretary, Ministry of Civil Aviation
7. Secretary, Ministry of Commerce and Industries
8. Secretary, Ministry of Communication
9. Secretary, Ministry of Consumer Affairs, Food and Public Distribution.
10. Secretary, Ministry of Defence
11. Secretary, Ministry of Development of North Eastern Region
12. Secretary, Ministry of Earth Sciences
13. Secretary, Ministry of Environment, Forest and Climate Change.
14. Secretary, Ministry of Food Processing Industries.
15. Secretary, Ministry of Health & Family Welfare
16. Secretary, Ministry of Heavy Industries & Public Enterprises
17. Secretary, Ministry of Micro, Small & Medium Enterprises
18. Secretary, Ministry of Mines
19. Secretary, Ministry of New & Renewable Energy
20. Secretary, Ministry of Panchayati Raj
21. Secretary, Ministry of Petroleum & Natural Gas.
22. Secretary, Ministry of Power
23. Chairman, Railway Board, Ministry of Railways
24. Secretary, Ministry of Road Transport & Highways
25. Secretary, Ministry of Steel
26. Secretary, Ministry of Textiles
27. Secretary, Ministry of Tourism
28. Secretary, Department of Land Resources
29. Secretary, Department of Rural Development

Copy also to:

- 1) President, FICCI, Federation House Tansen Marg, New Delhi 110001
- 2) President, CII, The Mantosh Sondhi Center, 23, Institutional Area, Lodi Road,, New Delhi, Delhi 110003
- 3) President, ASSOCHAM, 5 Sardar Patel Marg, Chanakyapuri, New Delhi, Delhi 110021
- 4) Secretary General, Indian Beverages Association, 5th Floor, PHD House, Siri Fort Road, NEW DELHI - 110 016
- 5) President Indian Industries Association, IIA Bhawan, Vibhuti Khand, Phase II, Gomti Nagar, Lucknow – 226010
- 6) Member Secretary, Central Ground Water Authority, RK Puram, New Delhi with the request to circulate the letter to the State Ground Water Authority and also upload the same on Authority's website.
- 7) NIC, MoWR, RD&GR with the request to upload the draft guideline and draft public notice on Ministry's website.


11/8/2017

(S.K. Kataria)

Under Secretary to the Govt. of India

DRAFT

**CENTRAL GROUND WATER AUTHORITY
MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT & GANGA
REJUVENATION**

[Constituted under Section 3(3) of Environment (Protection) Act, 1986]

PUBLIC NOTICE NO. -----/2017
New Delhi, Dated the ----- August, 2017

Whereas on the direction of the Hon'ble Supreme Court vide it's Order dated 10th December, 1996, the Central Government has constituted the Central Ground Water Authority (hereinafter referred to as the Authority) vide notification number S.O. 38 (E), dated 14th January, 1997, followed by notifications S.O. 40(E) dated 13th January, 1998, S.O. 9(E) dated 5th January, 1999, S.O. 1024(E) dated 6th November, 2000 and S.O. 1121(E), dated 13th May, 2010, for the purposes of regulation and control of groundwater development and management in the whole of India;

And whereas the Authority has been regulating groundwater development and management by industries/ infrastructure projects/ Mining Projects etc., in terms of guidelines issued in this connection from time to time;

And whereas some of the State Governments/Union Territories, have enacted legislations and/ or issued regulatory directions/ orders on ground water development and management in accordance with the Local/State/UT law/order;

And whereas the Hon'ble National Green Tribunal, New Delhi vide order dated 15.04.2015 in O.A. No. 204 of 2014 and others, has issued directions to Authority to ensure that **any person, operating tube well, or any means to extract ground waters shall obtain permission from Authority** and shall operate the same subject to law in force, even if such unit is existing unit or the unit is still to be established.

And whereas the Hon'ble National Green Tribunal, New Delhi vide order dated 13.04.2017 in O.A. No. 190 of 2016, has directed the Authority **to ensure sealing of all illegal and unauthorised ground water wells** in Ghaziabad and Hapur.

And whereas the Hon'ble National Green Tribunal, New Delhi vide order dated 18.05.2017 in O.A. NO. 175 of 2015, has observed **whether in view of guidelines framed by Central Ground Water Authority, any further policy by Delhi Government is needed for processing of applications for NOC.**

And whereas vide clause (i) of Sub section 2 of Section 3 of the Environment (Protection) Act, **the Authority has been conferred power to coordinate actions by the State Governments, officers and other authorities under this Act, or rules made thereunder, or under any other law** for the time being in force which is relatable to the objects of this Act.

Now therefore, in pursuance of the directions of the Hon'ble National Green Tribunal and in exercise of powers conferred under Section 5 and Sub Section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with paragraphs 2 and 3 of the notification of the Government of India in the Ministry of Environment & Forests number S.O. 38(E) dated 14th January, 1997, the Authority, with a view to protect the ground water

resources, proposes to revise the Guidelines for issuance of No Objection Certificate (NOC). The draft guidelines are available on the website of CGWB and in the NOCAP (www.cgwb.gov.in, www.cgwa-noc.gov.in) for information of the public/ stakeholders/ state governments. These guidelines shall be applicable in the entire country.

The said draft guidelines will be taken into consideration by the Expert Committee constituted for finalizing the guidelines after the expiry of sixty days from the date of publication of this public notice. *Any person/ stakeholder/ state agency interested in making any observations or suggestions on the draft guidelines may do so in writing within the period so specified through post to the Member Secretary, Central Ground Water Authority, West Block -II, Wing - 3 (Ground Floor) Sector 1, R.K. Puram, New Delhi 110066 or through email at email ID cgwa@nic.in.*

And whereas in exercise of the powers conferred under Section 4 of the Environment (Protection) Act of 1986, the Authority proposes to appoint District Magistrates/ Deputy Commissioners, State Ground Water Authority/ State Nodal agency as the Authorized Officers to issue NOC for various uses as per details given below:

Quantum of ground water abstraction		Authorized Officer/ Organization
Safe and Semi-Critical Assessment units	Critical and Over-exploited including notified assessment units	
Up to 50 m ³ / day	Up to 20 m ³ / day	District Magistrate/ Deputy Commissioner
> 50 - 500 m ³ / day	>20-200 m ³ / day	State Ground Water Authority/ State Nodal Agency

NOC for extraction of ground water > 500 m³/ day in Safe and Semi-critical assessment units, >200 m³/ day in Critical and Over-exploited assessment units and all cases pertaining to mining and infrastructure dewatering shall be dealt with by the Central Ground water Authority.

Now therefore, the Central Ground Water Authority invites nomination of nodal agency from the State/ Union Territory Governments, where State/ Union Territory Ground Water Authority is not functional, which will be designated by the Authority as the Authorised Organization for the purpose of grant of NOC for ground water withdrawal. The nominations should reach the Authority at the address mentioned above within 60 days of the publication of this Notice.

(AKHIL KUMAR)
CHAIRMAN

Central Ground Water Authority, Government of India

CENTRAL GROUND WATER AUTHORITY

(Constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986)



Guidelines for issuance of No Objection Certificate (NOC) for ground water withdrawal (With effect from -----)

**Central Ground Water Authority
Ministry of Water Resources, RD & GR
Government of India**

Government of India
CENTRAL GROUND WATER AUTHORITY
Ministry of Water Resources, RD & GR
West Block 2, Wing 3, R K Puram, Sector 1, New Delhi-110066

**Guidelines for issuance of No Objection Certificate (NOC) for
ground water withdrawal**

INDEX

ITEM	Page No.
1. Background.....	1
2. Delegation of power to issue NOC and monitor compliance	1
3. Guidelines for Grant of NOC.....	3
3. 1. Drinking & Domestic purposes (both notified and non-notified areas) : ..3	
3. 1. 1. Individual households/ connections:	3
3. 1. 2. Infrastructure projects/industries/ Mining Projects/ Water supply agencies / Others requiring water only for drinking & domestic use	4
3. 2. Industrial/ Mining/ Infrastructure Dewatering Projects	6
3. 2. 1. Non-notified Areas/ Safe/ Semi-Critical and Critical areas.....	6
3.2.1.1 Industries.....	6
3.2.1.2 Mining projects.....	8
3.2.1.3 Dewatering for infrastructure projects.....	8
3. 2. 2. Notified areas	9
3.2.2.1 Industries.....	10
3.2.2.2 Mining/ Infrastructure dewatering projects	11
3. 3. Agricultural Sector.....	11
3. 4. Abstraction of Saline Ground Water.....	11
3. 5. Water Conservation Fee	13
3. 6. CHANGE IN LAND USE	14
3. 7. OTHER CONDITIONS (Applicable for all cases):	14
3. 8. RENEWAL OF NOC.....	15
3. 9. Extension of NOC.....	16
4. Special provision for grant of NOC to existing industries established after notification of area by Central/ State Ground Water Authority	16
5. Processing Fee.....	16
6. Relaxation	16

ANNEXURES

- Annexure I: Glossary of technical terms used
- Annexure II: List of Infrastructure projects
- Annexure III: CPHEEO norms for drinking & domestic water needs
- Annexure IV: Outline of Hydrogeological Report for obtaining NOC by industries
- Annexure V : Annual Water Audits by the Industries
- Annexure VI: Measures to be adopted to ensure prevention from pollution in the plant premises of polluting industries/ projects
- Annexure VII: List of areas notified by CGWA
- Annexure VIII: Guidelines for installation of piezometers and monitoring of groundwater levels and quality
- Annexure IX: Outline of Compliance Report while submitting Application for Renewal of NOC
- Annexure X : Supreme Court Order in Civil Writ petition 36 of 2009 regarding measures for prevention of fatal accidents of small children due to their falling into abandoned bore wells and tube wells

The authority to issue NOC for various uses will be vested with the District Magistrates/ Deputy Commissioners, State Ground Water Authority/ State Nodal agency and Central Ground Water Authority based on category of the ground water assessment units and quantum of ground water extraction as mentioned below. In notified areas, NOC will not be granted for new tube wells except for drinking & domestic use.

Quantum of ground water abstraction		Authorized Officer/ Organization
Safe and Semi-Critical Assessment units	Critical and Over-exploited including	
Up to 50 m ³ / day except those proposing to tap saline aquifers	Up to 20 m ³ / day except those proposing to tap saline aquifers	District Magistrate/ Deputy Commissioner
> 50 - 500 m ³ / day Upto 500 m ³ / day for those tapping saline aquifers	>20-200 m ³ / day Upto 200 m ³ / day for those tapping saline aquifers	State Ground Water Authority/ State Nodal Agency
>500 m ³ / day	>200 m ³ / day	Central Ground Water Authority
All cases pertaining to mining and infrastructure dewatering		Central Ground Water Authority

Central Ground Water Authority will appoint through a Public Notice the Authorized Officers at both District and State Levels in each State. State/ UT Governments may appoint Advisory Committees to assist the Authorized Officers/ DM/ DC at the district level. At State level, the State/ UT may identify one Nodal Officer at the level of Principal Secretary, who will be assisted by State Level Advisory Committee constituted by the State Government/ State Ground Water Authority. Each State Level Advisory Committee will have a representative of Central Ground Water Board as a member.

The District Magistrate/ District Collector of each Revenue District will be responsible for monitoring compliance, checking violation and sealing illegal wells, launching of prosecution against offenders etc. including grievance redressal related to ground water. In emergent violation cases such as illegal ground water withdrawal, the DM/DC, subject to satisfaction, shall ensure discontinuation of the same by the seizure of drilling rig, sealing of tube well/ bore well if so constructed and also disconnection of electricity supply to the energised tube well even if it is through Diesel Generator Sets.

A copy each of the NOC issued by the Authority/ Authorized Officer in the NOCAP system will automatically be get forwarded to the respective DM/ DC for monitoring of compliance. Any violation of the directions of Central Ground Water Authority and conditions laid down in the NOC will attract legal action under sections 15 to 21 of the Environment (Protection) Act, 1986.

3. Guidelines for Grant of NOC

This guideline document will come into force with effect from ----- and will supersede all the **existing guidelines issued by Central Ground Water Authority** including those dated 16.11.2015. These guidelines will also be followed by the Ground Water Authorities in the States/ Union Territories. Glossary of various technical terms used in the guidelines is given in Annexure I.

3.1. Drinking & Domestic purposes (both notified and non-notified areas) :

All users **drawing/ proposing to draw ground water through** non- energised means and pump of upto 2 Horse Power (HP) from a single tubewell in their premises will be exempted from seeking NOC. However, those drawing/ proposing to draw ground water through **pump of higher HP and/ or through more than one functional tubewell shall be required to seek NOC** for ground water withdrawal.

Since priority is to be accorded to drinking water, NOC will be granted for withdrawal of ground water through existing/ new ground water abstraction structures only for drinking and domestic purpose **even in notified areas. NOC for ground water withdrawal will be considered only in cases where the water supply department concerned is unable to supply adequate amount of water in the area. Government water supply agencies are also required to seek NOC from the authorised officers for existing as well as new schemes based on ground water sources.** For granting NOC for ground water withdrawal for drinking & domestic purposes, two broad categories identified are as follows:

- a) Individual households
- b) Infrastructure projects/ industries/ mining projects/ water supply agencies/ others

3.1.1. Individual households/ connections:

Individual households/ connections having more than one tube well/ bore well or drawing ground water through pump of more than 2 HP from a single tube well/ bore well in the premises will be eligible to apply for NOC under this category. NOC for ground water extraction shall be granted to individual households/ connections subject to the following conditions:

- I. Application for NOC shall be accompanied by the Proof of ownership of household(s).
- II. NOC for new wells shall be granted only in such cases where public water supply system does not exist/ water supply is inadequate .
- III. The NOC shall be valid for a period of 5 years from the date of issue or till such time public water supply is provided to the household, whichever is earlier. The applicant will have to apply for renewal of NOC at least 90 days prior to expiry of its validity.
- IV. If the existing well becomes defunct within the validity period of NOC, the user can construct a replacement well under intimation to the designated authority online. The defunct well shall be properly sealed.
- V. The NOC shall become void in case of change in land use of the property/ water use. It will then become mandatory for the owner to apply afresh for NOC.

3. 1. 2. Infrastructure projects/industries/ Mining Projects/ Water supply agencies / Others requiring water only for drinking & domestic use

An indicative list of infrastructure projects to be considered under this category is given in Annexure II. NOC for ground water withdrawal for drinking and domestic purpose only for infrastructure projects/ industry/ mining projects/ water supply agencies/ others will be granted based on the following conditions:

- I. Application for NOC shall be accompanied by the following documents:
 - i) Approval letter from the State Government Agency for the project (Consent to establish).
 - ii) Referral letter in case of industries/ mines from statutory bodies viz. Ministry of Environment, Forests & Climate Change (MoEF&CC) or State Pollution Control Board (SPCB) or State Level Expert Appraisal Committee (SEAC) or State Level Environment impact Assessment Authority (SLEIAA) or Urban/ Rural Development Authority where MoEF&CC/ SPCB/ SEAC/ SLEIAA do not issue referral letter.
 - iii) Approved plan of water supply in case of water supply agency.
 - iv) Details of water requirement computed as per CPHEEO norms (Annexure III), taking into account recycling/ reuse of treated water.
 - v) Certificate of non availability of water from the concerned water supply agency in case of infrastructure project/ industry/ mine.
 - vi) A schematic diagram (Flow Diagram) showing details of source-wise water availability including quantum being/to be provided by public water supply agency, water requirement and recycled water use at each stage for new projects.
- II. **NOC shall not be granted for extraction of ground water for construction activities in the project in Critical/ Over-exploited areas.**
- III. **Quantum of ground water for purposes other than drinking/ domestic use like horticulture, fire fighting arrangements, cleaning etc., shall not exceed 25% of total ground water abstraction.**

- IV. **Use of fresh ground water for swimming pool and other water based recreations are not permitted in over-exploited and critical areas.**
- V. NOC for new /existing wells shall be granted only in such cases where the required amount of water is not available from the public water supply system.
- VI. If the existing well becomes defunct within the validity period of NOC, the user can construct a replacement well under intimation to the designated authorized officer online. The defunct well shall be properly sealed.
- VII. The applicant will have to pay Water Conservation Fee based on quantum of ground water extraction to the State Governments (Refer Sub-section 3.5). **Government infrastructure projects, Government water supply agencies and Group Housing Societies/ private housing societies with only basic amenities will be exempted from payment of Water Conservation Fee.** Infrastructure projects including societies/ builder constructed apartments/ townships having recreational facilities like club/ gym/ commercial places/ swimming pool etc. will not be exempted from payment of Water Conservation Fee.
- VIII. Installation of digital water flow meter in the abstraction structure(s) is mandatory and confirmation of the same shall be given to the designated authorized officer within 90 days of grant of NOC. Monthly water meter reading shall be recorded and annual reports of extraction submitted to the designated authorized officer.
- IX. Construction of observation wells (piezometers) and installation of Digital Water Level Recorders (DWLR) will be mandatory for projects requiring ground water from >50 to $500 \text{ m}^3/\text{day}$ in Safe and Semi Critical areas and > 20 to $200 \text{ m}^3/\text{day}$ in Critical and Overexploited areas. Depth and zone of aquifer tapped in the piezometer should be commensurate with that of the pumping well. Monthly water level data shall be submitted to the concerned Regional Office of CGWB/ State Ground Water Department or State Ground Water Authority/ Central Ground Water Authority on annual basis or as and when required.
- X. For projects requiring ground water in excess of $500 \text{ m}^3/\text{day}$ in Safe and Semi Critical areas and $>200 \text{ m}^3/\text{day}$ in Critical and Overexploited areas, construction of observation wells and installation of DWLR with telemetry shall be mandatory. Depth and zone of aquifer tapped in piezometer should be commensurate with that of the pumping well. The server will be maintained by the Supplier of the instrument and access will be provided to concerned Regional Office of CGWB, CGWA and State/ UT Ground Water Department/ Ground Water Authority. It will be the responsibility of the applicant to provide user ID and Password to the Regional Office of CGWB and CGWA.
- XI. In case an infrastructure project is located in an area falling in Coastal Regulation Zone (CRZ), the relevant provisions of CRZ act shall be applicable, in addition to the conditions stipulated by CGWA.
- XII. The NOC shall be valid for a period of 3 years from the date of issue or till such time public water supply is provided to the household, whichever is earlier.
- XIII. The proponent/ authorised representative of the occupants of the infrastructure project shall apply for renewal of NOC at least 90 days prior to expiry of its validity.

3. 2. Industrial/ Mining/ Infrastructure Dewatering Projects

3. 2. 1. Non-notified Areas/ Safe/ Semi-Critical and Critical areas

All industries/ mining/ infrastructure dewatering projects, whether existing/ new/ under expansion and drawing/ proposing to draw ground water **through energized means** shall need to obtain NOC for ground water withdrawal from the Central Ground Water Authority.

3.2.1.1 Industries

NOC to industries **requiring ground water for mixed use i.e. industrial process and drinking & domestic purpose** shall be granted only for such cases where adequate public water supply/ surface water source does not exist. The applications for NOC will be considered as per the criteria given below.

- I. Application for NOC shall be accompanied by the following documents:
 - i) Referral letter for new/ expansion industries from statutory bodies viz. Ministry of Environment, Forests & Climate Change (MoEF&CC) or State Pollution Control Board (SPCB) or State Level Expert Appraisal Committee (SEAC) or State Level Environment impact Assessment Authority (SLEIAA) or Bureau of Indian Standards (BIS) or Food Safety and Standards Authority of India (FSSAI) or any authority mandated by Central or State Government. The referral letter should mandatorily **indicate the actual water requirement for the industry** for the specified industrial process.
 - ii) A valid Consent to Operate issued by the Industry Department/ Pollution Control Board.
 - iii) A schematic diagram (Flow Diagram) showing details of source-wise water availability including quantum being/to be provided by public water supply agency, water requirement and recycled water use at each stage.
 - iv) Certificate regarding non/ partial availability of water supply to the industry from the concerned water supply agency.
- II. The proponent will have to deposit Water Conservation Fee based on quantum of extraction to the State Government (see Sub-section 3.5).
- III. Installation of digital water flow meter in the abstraction structure immediately after completion of well is mandatory. The monthly water meter reading should be recorded and submitted to the concerned Authorized Officer on annual basis.
- IV. Industries shall minimize the use of fresh ground water through recycling and re-use of waste water. The quantum of waste water so utilized and the purposes for which they are proposed to be used shall be clearly mentioned in the schematic diagram.
- V. All industries abstracting ground water $\geq 500 \text{ m}^3/\text{day}$ in Safe and semi-critical and $\geq 200 \text{ m}^3/\text{day}$ critical and over-exploited assessment units shall be required to undertake **Annual Water Audit (Annexure V) through CII, FICCI, NPC and certified auditors** and submit report of the same to Regional Office of CGWB.

- VI. Industries drawing from > 50 to $500 \text{ m}^3/\text{day}$ of ground water in Safe and Semi-critical areas and those drawing >20 to $200 \text{ m}^3/\text{day}$ of ground water in Critical and Over-exploited areas would be required to construct purpose-built observation wells (piezometer) and install digital water level recorder (DWLR) for continuous monitoring of ground water levels. Depth and aquifer zone tapped in the piezometer should be commensurate with that of pumping well/wells. Monthly Water level data shall be submitted to the concerned Regional Office of CGWB/ State Ground Water Department/ State Ground Water Authority/ Central Ground Water Authority on annual basis.
- VII. Industries drawing beyond $500 \text{ m}^3/\text{day}$ in Safe and Semi critical areas and beyond $200 \text{ m}^3/\text{day}$ in Critical and Over-exploited areas would be required to construct purpose-built observation wells (piezometer) and install DWLR with telemetry for continuous monitoring of ground water levels. Depth and aquifer zone tapped in the piezometer should be commensurate with that of pumping well/ wells. The server will be maintained by the Supplier of the instrument and access will be provided to the Regional Office of CGWB/ State Ground Water Department/ State Ground Water Authority /CGWA. It will be the responsibility of the proponent to provide User ID and password to all the above agencies.
- VIII. All industries will regularly monitor quality of ground water. Samples from tubewells should be collected during April/ May and November and should be analysed from NABL accredited laboratories for basic parameters (cations and anions), heavy metals, pesticides/ organic compounds etc. Water quality data should be made available to Regional Office of CGWB/ State Ground Water Department/ State Ground Water Authority/ Central Ground Water Authority on annual basis.
- IX. In cases where the project is located in CRZ area, the relevant provisions of CRZ act shall be applicable, in addition to the conditions stipulated by CGWA.
- X. NOC shall be valid for a period of 2 years from the date of issuance.
- XI. The applicant shall apply for renewal of NOC at least 90 days prior to expiry of its validity.
- XII. Industries like Tannery, Slaughter Houses, Dye, Chemical/ Petrochemical, Coal washery, other hazardous units, etc., which are likely to cause ground water pollution need to undertake necessary measures to ensure prevention of ground water pollution (Annexure VI). Recharge/ injection of treated/ untreated waste water **within/ outside the plant complex** is strictly prohibited.
- XIII. If an existing well becomes defunct within the validity period of NOC, the proponent can construct a replacement under intimation to the designated authorised officer/Authority. The defunct well shall be properly sealed.
- XIV. In case of change of ownership, new owner of the industry will have to apply online in NOCAP for change in name of the owner supported by legal documentary proof within 45 days of taking over possession of the premises.

3.2.1.2 Mining projects

All existing as well as new mining projects need NOC for mine dewatering from Central Ground Water Authority. NOC for abstraction of ground water may be granted subject to the following conditions.

- I. Application for NOC shall be accompanied by the following documents:
 - i) Referral letter from statutory bodies viz. Ministry of Environment, Forests & Climate Change (MoEF&CC) or State Pollution Control Board (SPCB) or State Level Expert Appraisal Committee (SEAC) or State Level Environment impact Assessment Authority (SLEIAA).
 - ii) Geotagged mine lease map.
 - iii) Document showing ownership/ lease of land.
 - iv) Mining plan approved by referral Govt. agency/ Department.
 - v) Comprehensive report on ground water conditions in both core and buffer zone of the area including impact assessment of mining and dewatering as per prescribed format (Annexure IV).
- II. The water available from de-watering operations is to be put to gainful use such as water supply, irrigation, dust suppression, mining process etc.
- III. The proponent will have to pay Water Conservation Fee based on quantum of ground water extraction to the State Government (see Sub-section 3.5).
- IV. The proponent is required to establish a ground water monitoring network (piezometers) and install digital water level recorders with quality probe and telemetry in an area within 5 km radius of the mine. The server will be maintained by the Supplier of the instrument and access will be provided to Regional Office of CGWB and CGWA by the proponent. It will be the responsibility of the proponent to provide user ID and password to the State Ground Water Department/ Authority and Regional Office of Central Ground Water Board and Central Ground Water Authority.
- V. In cases where the mining project is located in CRZ area, the relevant provisions of CRZ Act shall be applicable, in addition to the conditions stipulated by CGWA.
- VI. NOC shall be valid for a period of 2 years from the date of issuance.
- VII. The applicant shall apply for renewal of NOC at least 90 days prior to expiry of its validity.

3.2.1.3 Dewatering for infrastructure projects

New infrastructure projects requiring dewatering during construction activity shall obtain NOC for the same before commencement of work. The NOC will be granted based on following conditions:

- I. Application for NOC shall be accompanied by the following documents:

- i) Referral letter (consent to establish) from statutory bodies viz. Ministry of Environment, Forests & Climate Change (MoEF&CC) or State Pollution Control Board (SPCB) or State Level Expert Appraisal Committee (SEAC) or State Level Environment impact Assessment Authority (SLEIAA) or Urban/ Rural/ Area Development Authority where MoEFCC/ SPCB/ SEAC/ SLEIAA do not issue referral letter.
 - ii) Hydrogeological report on the ground water situation in the area giving detailed plan of pumping, proposed usage of pumped water and comprehensive environmental impact assessment on the ground water regime in the area. The report should highlight environmental risks and proposed management strategies to overcome any significant environmental issues.
- II. The proponent shall be required to implement environment restoration plan including ground water recharge in the surrounding area, which is likely to face problem of depletion of ground water due to dewatering.
 - III. The proponent will have to pay water Conservation Fee based on quantum of ground water extraction (see Sub-section 3.5).
 - IV. Dewatering near coastal or estuarine environments should not draw saltwater into a less saline aquifer. The likelihood of disturbing acid sulfate soils is high in these environments, so effective risk management is necessary.
 - V. Dewatering system operator should be required to carry out regular monitoring as mentioned below:

Parameter to be monitored	Frequency
Dewatering discharge rate (using a digital water meter)	Continuous
Physical parameters including pH, electrical conductivity, dissolved oxygen and turbidity at the settling tank/ pond overflow	From commencement of dewatering at monthly intervals
Static water levels in the surrounding area through by constructing observation wells (piezometers) to assess draw-down effects	Fortnightly

Monitoring records and results should be retained by the proponent for up to two years, for inspection or reporting as required by CGWA.

- VI. The NOC shall be valid for the specific period as per the detailed proposal submitted by the project proponent.

3.2.2. Notified areas

The list of notified areas is given in Annexure VII and is available in the website of NOCAP. **In notified areas, NOC for abstraction of ground water through any energized means will not be granted for any purpose other than drinking and domestic use.**

3.2.2.1 Industries

NOC to ground water abstracting **industries existing prior to date of notification of areas** shall be granted based on the conditions mentioned in Section 3.2.1.1. In areas notified on quality considerations, existing industries must take all cautions not to further deteriorate ground water quality. Treated/ untreated waste water should not be utilised for ground water recharge.

State owned industries will be considered only on specific recommendation by the concerned State Department and will be dealt with by Central Ground Water Authority as per the conditions laid down for issuance of NOC to industries in Sub section 3.2.1.1. The Authority will have to seek prior approval of the competent authority in the Ministry before granting NOC to such projects.

In notified areas, grant of NOCs to **new and existing food parks/ agro based industries in notified areas** will be considered based on the conditions enlisted below:

- I. The Food Parks/ Agro Industries shall submit their applications to the concerned Authorized Officer.
- II. The concurrence of Ministry of Food Processing Industries is mandatory for establishing of Food Parks/ Agro Industries.
- III. Food processing units in the Food Parks/ Agro Industries shall be allowed only for low water consuming crops.
- IV. No high water consuming industries/ units like soft drinks, distillery etc. should be allowed within the Food Parks/ Agro industries.
- V. The Food Parks/ Agro Industries shall submit a detail report duly approved by the State Agriculture Department on the quantity of ground water to be saved through the proposed change in cropping pattern in the same assessment unit.
- VI. Assurance/ undertaking from the Panchayat or local governing body regarding change in cropping pattern by the farmers in the same assessment unit would be submitted while applying for NOC.
- VII. The net annual ground water saving due to such proposed change in cropping pattern should be more than 30%, as per the assessment of the State Agriculture Department.
- VIII. Industrial units drawing from >20 to $200 \text{ m}^3/\text{day}$ of ground water would be required to construct purpose-built observation wells (piezometer) and install digital water level recorder (DWLR) for continuous monitoring of ground water levels. Depth and aquifer zone tapped in the piezometer should be commensurate with that of pumping well/ wells. Monthly Water level data shall be submitted to the concerned Regional Office of CGWB/ State Ground Water Department/ State Ground Water Authority/ Central Ground Water Authority on annual basis.
- IX. Industrial units drawing beyond $200 \text{ m}^3/\text{day}$ would be required to construct purpose-built observation wells (piezometer) and install DWLR with telemetry for continuous monitoring

of ground water levels. Depth and aquifer zone tapped in the piezometer should be commensurate with that of pumping well/ wells. The server will be maintained by the Supplier of the instrument and access will be provided to the Regional Office of CGWB/ State Ground Water Department/ State Ground Water Authority /CGWA. It will be the responsibility of the proponent to provide User ID and password to all the above agencies.

- X. The industries would be required to pay Water Conservation Fee based on quantum of ground water extraction to the State Government (See Sub-section 3.5).
- XI. Other conditions as applicable for grant of NOC to industries will remain the same as those for industrial units in non-notified areas (Sub section 3.2.1.1).

3.2.2.2 Mining/ Infrastructure dewatering projects

In notified areas, any mineral mining/ infrastructure project which is of national and strategic importance will be considered only on specific recommendation by the concerned State Government and will be dealt with by CGWA as per the conditions mentioned in relevant sections for mines and infrastructure dewatering projects. The Authority will have to seek prior approval of the competent authority in the Ministry before granting NOC to such projects.

3.3. Agricultural Sector

Agriculture sector is the back bone of the Indian economy. As per Minor Irrigation Census 2006-07 (<http://micensus.gov.in>), 85% of wells are owned by marginal, small and semi-medium farmers having land holding upto 4 hectares (ha). Around 11 % of wells are owned by medium farmers having land holding 4 – 10 ha land and more than 2% of the wells are owned by big farmers having land holding more than 10 ha.

Since livelihood of farmers is dependent on agriculture, they shall be exempted from obtaining NOC from the Authorized Officer. In case of medium and large farmers, concerned State Departments (Agriculture/ irrigation/ Water Resources) shall be required to undertake following measures to ensure sustainability of ground water sources :

- i) Minimize conveyance losses by adopting surface /underground pipeline system.
- ii) Promote and incentivize drip /sprinkler and other water saving irrigation methods /practices/techniques.
- iii) Promote and incentivize crop diversification to less water intensive /consuming crops.
- iv) Promote conjunctive use of surface and ground water in command areas.
- v) Promote use /reuse of treated /recycled water.
- vi) Arrangement for dedicated electricity feeder for agricultural pump sets and assured power for fixed hours.

3.4. Abstraction of Saline Ground Water

Abstraction of saline ground water for use by industries/ dewatering by infrastructure/ mining projects including those falling in notified areas would be allowed. The list of such assessment units having saline ground water at all depths as per the latest assessment of dynamic ground water resources will be made available by the Authority in the NOCAP website. However, due care should be taken in respect of disposal of industrial effluents by the units so as to protect the

water bodies and the aquifers from pollution. Proposals pertaining to such cases must have a **detailed project report elucidating the mechanism of handling the saline /effluent water and its various uses**. All precautions must be taken for protection of environment especially fresh water aquifers in and around the area. Large scale recharge mechanism should be adopted wherever feasible in such cases to improve the ground water conditions in the region. Other conditions for granting NOC would be the same as mentioned in Sections 2.1.1 and 2.1.2 for industries and infrastructure projects respectively.

In notified areas, withdrawal of saline water can be permitted subject to following conditions.

- I. Saline water withdrawal shall not contaminate fresh water aquifers while transporting or using.
- II. No brine or waste disposal should occur in that area.
- III. Withdrawal of saline water or pumping of saline aquifer by industry/ Organizations, should not affect the fresh water aquifer, if any in the area.
- IV. Proponents drawing from $> 50 \text{ m}^3/\text{day}$ of ground water would be required to construct purpose-built observation wells (piezometer) and install digital water level recorder (DWLR) for continuous monitoring of ground water levels. Depth and aquifer zone tapped in the piezometer should be commensurate with that of pumping well/ wells. Monthly Water level data shall be submitted to the concerned Regional Office of CGWB/ State Ground Water Department/ State Ground Water Authority/ Central Ground Water Authority on annual basis.
- V. Proponents drawing beyond $500 \text{ m}^3/\text{day}$ of ground water would be required to construct purpose-built observation wells (piezometer) and install DWLR with telemetry for continuous monitoring of ground water levels. Depth and aquifer zone tapped in the piezometer should be commensurate with that of pumping well/ wells. The server will be maintained by the Supplier of the instrument and access will be provided to the Regional Office of CGWB/ State Ground Water Department/ State Ground Water Authority /CGWA. It will be the responsibility of the proponent to provide User ID and password to all the above agencies.
- VI. Samples for monitoring of water quality of the aquifer from which the saline water is pumped and that of the adjacent/overlying/underlying fresh water aquifers, if any, should be collected during April/ May and November and should be analysed at NABL accredited laboratory for basic parameters (cations and anions), heavy metals, pesticides/ organic compounds etc. Water quality data should be made available to Regional Office of CGWB/ State Ground Water Department/ State Ground Water Authority/ Central Ground Water Authority on annual basis..
- VII. Proponent will have to pay Water Conservation Fee based on the quantum of ground water extraction (see Sub section 3.5).
- VIII. **In areas having saline ground water at deeper levels the application would be considered for NOC only after submission of detailed Hydrogeological Report** indicating the long term impact on the ambient ground water regime of the overlying/ Underlying fresh

water aquifers (Refer Annexure IV). This condition would be applicable to all proponents irrespective of the quantum of ground water withdrawal.

3. 5. Water Conservation Fee

As per NGT order dated 13th July, 2017 in MA No. 200/2014 regarding Ganga matter, all users are required to pay for ground water extraction. Accordingly all ground water users, would have to pay 'Water Conservation Fee' based on quantum of ground water extraction as per details given below.

For receiving 'Water Conservation Fee', each State/ UT Governments will be required to identify an Account. The amount thus collected will be used by the respective State Governments for implementation of ground water recharge/ water conservation/ quality remediation measures. After notification of this guideline document, State/ UT Governments in consultation with their Finance Department will frame detailed guidelines for utilization of the fee thus collected. **The accounts will be audited on annual basis.**

I. For Drinking & Domestic use

Government infrastructure projects, Government water supply agencies and Group Housing Societies/ private housing societies with only basic amenities will be exempted from paying Water Conservation Fee. All other users covered under Infrastructure projects will be required to pay the same at the rate of Rs. 0.30 per m³/day (0.30 x quantum x 365).

II. For packaged drinking water/ mineral water/ soft drinks/ breweries/ distilleries

S.No.	Category of area ↓ Ground water use →	Rate of Water Conservation Fee (Rs. per m ³ /day)			
		< 500 m ³ /day	500 to <1000 m ³ /day	1000 to <5000 m ³ /day	5000 m ³ /day and above
1.	Safe	0.90	1.00	1.10	1.20
2.	Semi-critical	1.00	1.10	1.20	1.30
3.	Critical	1.10	1.20	1.30	1.40
4.	Over-exploited	1.20	1.30	1.40	1.50

The amount of annual Water Conservation Fee will be calculated by multiplying the rate given against each slab of ground water withdrawal by the quantum and number of days of pumping in a year.

III. For other industries

S.No.	Category	Rate of Water Conservation Fee(Rs. per m ³ /day)
-------	----------	---

	of area ↓	< 500 m ³ /day	500 to <1000 m ³ /day	1000 to <5000 m ³ /day	5000 m ³ /day and above
	Ground water use →				
1.	Safe	0.70	0.80	0.90	1.00
2.	Semi-critical	0.80	0.90	1.00	1.10
3.	Critical	0.90	1.00	1.10	1.20
4.	Over-exploited	1.00	1.10	1.20	1.30

The annual amount of Water Conservation Fee will be calculated by multiplying the rate given against each slab of ground water withdrawal by the quantum and number of days of pumping in a year.

IV. *For mining/ infrastructure dewatering projects*

S.No.	Category of area ↓ Ground water use →	Rate of Water Conservation Fee (Rs. per m ³ /day)			
		< 500 m ³ /day	500 to <1000 m ³ /day	1000 to <5000 m ³ /day	5000 m ³ /day and above
1.	Safe	1.50	1.70	1.90	2.00
2.	Semi-critical	2.00	2.20	2.40	3.00
3.	Critical	3.00	3.30	3.60	4.00
4.	Over-exploited	4.00	4.50	5.00	6.00

The annual amount of Water Conservation Fee will be calculated by multiplying the rate given against each slab of ground water withdrawal by the quantum and number of days of pumping in a year.

Government mining projects will be exempted from paying 'Water Conservation Fee'.

3. 6. CHANGE IN LAND USE

The NOC shall become void in case of change in land use of the property/ water use. It will then become mandatory for the owner to apply afresh for NOC.

The ground water user shall have to submit all documents endorsing the change from the competent authority. **Withdrawal of ground water from existing abstraction structures, if any, after change in land use in the area can be effected only after obtaining NOC from the concerned Authorized Officer/ Organization.** Cases would be processed as per changed land use.

3. 7. OTHER CONDITIONS (Applicable for all cases):

- I. Sale and supply of raw/unprocessed/untreated ground water by unauthorized agencies for commercial use is not permitted.

- II. Non-compliance of conditions mentioned in the NOC may be taken as sufficient reason for cancellation of NOC accorded/ non-renewal of NOC.
- III. No application shall be entertained without referral letter from the statutory authority. Only individual users, Group Housing Societies and completed infrastructure projects, where people are already residing shall not be required to submit referral letter.
- IV. The referral letter shall contain verification on the quantum of water for the industry/project with detailed break up of groundwater consumption, recycle & reuse of the waste water, so that the wastage of the precious resource can be avoided. In case this is not given by the referral authority, applicant should obtain a letter from the Industries Dept/Project Sanctioning Authority/ local municipal authority in urban areas on the same lines.
- V. The CRZA rules and regulation shall be applicable wherever in vogue.
- VI. No permission would be required for withdrawal of ground water from any area if withdrawal is done through non-energized means.
- VII. Contaminated water shall not be used for recharge to ground water, since it may contain heavy metals & other toxic elements. The treated waters shall be fully used by the proponent or any other agency, who can utilize it without contaminating the underlying aquifer / water bodies.
- VIII. Abstraction structure should be located inside the premises of project property.
- IX. The general guidelines for the ground water level monitoring and construction of piezometers for this purpose are annexed as Annexure IX.

3.8. RENEWAL OF NOC

- I. After expiry of validity of NOC, it shall be renewed **subject to compliance of the conditions** mentioned in the NOC.
- II. Application for renewal of NOC should be accompanied by the Compliance Report (as per Annexure X).
- III. Renewal of NOC's will be done by the Authorized Officer/ Organization.
- IV. Before granting renewal, inspection of the premises will be carried out by the concerned designated authority to check compliance of conditions laid down in the NOC.
- V. In case of change in category of the area, renewals would be granted with conditions as laid down for such new category areas.
- VI. Processing fee prescribed if any, from time to time shall be charged for issuance and renewal of NOC.
- VII. NOC will be renewed for term specified for various uses as follows:

Use	Term of renewal
Individual Households for drinking & domestic use	Every 5 Years
Infrastructure projects, industries/ mines for drinking & domestic use and Water Supply Agencies	Every 3 years
Industries and Mines	NOC will be first renewed for 3 years and subsequently for every 5 years

3.9. Extension of NOC

If the proponent is unable to construct tube well/ tube wells as granted in the NOC during the validity period for some genuine reasons, the proponent will have to apply for extension of NOC. Application for extension should be supported by documents justifying the reasons for delay. Other conditions for grant of extension of NOC will be the same as that for fresh NOC.

Extension of NOC will be granted by the Authorized Officer twice for a period of one year each. No further extension will be granted after the second extended year. In that case, the applicant will have to apply afresh for grant of NOC.

4. Special provision for grant of NOC to existing industries established after notification of area by Central/ State Ground Water Authority

In many areas notified by the Authority, industries have come up after notification of area. Such industries have been issued 'Consent to Establish' or "Consent to Operate" by the concerned licensing authorities in the States. One time relaxation shall be given to all such industries to grant NOC for ground water withdrawal in notified areas by levying penalty @ Rs. 0.15 per m³/ day of ground water withdrawal from the date of commencement of operation till the date of acceptance of application in NOCAP. **Date till which this relaxation shall be in force will be notified by the Authority separately. Suitable penal action will be initiated against those who fail to submit applications within the date notified by the Authority**

5. Processing Fee

A Processing fee of Rs. 1000/- will be applicable for grant of new NOC and Rs. 500/- shall be applicable for issuance for renewal/ extension of NOC.

6. Relaxation

The CGWA in consultation with legal expert reserves the right to relax or interpret these guidelines in case of any exigency or situation of natural strategic importance, for reasons to be recorded in writing.

Note: Guidelines are subject to modification from time to time

Explanations for the Technical Terms used:

1. **Notified Area:** Areas notified by Central Ground Water Authority for the purpose of Regulation of Ground Water development through Public Notices.
2. **Non-notified area:** Areas other than Notified areas for ground water regulation.
3. **EPA 1986:** Environmental Protection Act (1986).
4. **Safe area:** Area categorized as SAFE from the ground water resources point of view, based on the latest ground water resources estimation carried out by CGWB that is available on the website of NOCAP and website of CGWB.
5. **Semi-critical area:** Area categorized as SEMI-CRITICAL from the ground water resources point of view, based on the latest ground water resources estimation carried out by CGWB that is available on the website of NOCAP and website of CGWB.
6. **Critical area:** Area categorized as CRITICAL from the ground water resources point of view, based on the latest ground water resources estimation carried out by CGWB that is available on the website of NOCAP and website of CGWB.
7. **Over-exploited area:** Area categorized as OVER-EXPLOITED from the ground water resources point of view, based on the latest ground water resources estimation carried out by CGWB that is available on the website of NOCAP and website of CGWB.
8. **Aquifer:** Geological formation capable of storing and transmitting ground water.
9. **Deeper Aquifer:** In areas having multiple aquifer system, the aquifer/s occurring below the uppermost aquifer.
10. **Well:** Any structure sunk for the search or extraction of groundwater, including open wells, dug wells, bore wells, dug-cum-bore wells, tube wells, filter points, collector wells, infiltration galleries, recharge wells, or any of their combinations or variations.
11. **Tube Well; Bore Well; Dug Well:** Ground Water abstraction structures.
12. **Government Agency:** May be Central or State Government body.
13. **Mine:** Area where mining activity is taking place, or area abandoned after mining.
14. **Ground Water Recharge:** Augmenting the ground water resources of aquifer/s.
15. **Rainwater Harvesting:** The technique or system of collection and storage of rainwater, at micro watershed scale, including roof-top harvesting, for future use or for recharge of groundwater.
16. **Roof Top Rain Water Harvesting:** Collection and storage of rain water from the roof top of buildings.
17. **Artificial Recharge to ground water:** Augmenting the ground water reservoir through artificial means.
18. **Mining Project:** Project which involves mining activity either open cast or underground or both.
19. **Ground Water Draft:** Quantum of ground water withdrawal.

20. **Saline Water:** Water having salinity in excess of 2500 $\mu\text{mhos/cm}$ at 25⁰C.
21. **Water Table Intersection:** Intersection of the Water Table on excavation of the overlying material due to mining or other activities.
22. **Drinking & domestic use:** Besides drinking & domestic use of households, this category will cover drinking requirement of industries not needing water for industrial process, drinking, washing, cleaning use etc. in case of hospitals, hotels, malls & multiplexes, institutions, offices, banquet halls, fire station, metro station, railway stations, airport, sea port, stadium etc.
23. **Recycle/Reuse:** Purifying waste water for using again/ putting water to multiple uses.
24. **Schools/College/Universities:** Educational Institutions/universities approved/recognized by State / Central Government.
25. **Hospitals:** Institutions providing medical facilities/treatment approved by State / Central Government.
26. **Bhawan:** Raj Bhawan or any other Central / State Government office complex or building.
27. **Government Department:** Either Central or State.
28. **Municipality:** Municipality, a Municipal Corporation or similar body of local urban governance by any other name.
29. **Groundwater:** Water, which exists below the 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;
30. **Bgl:** Below Ground Level.
31. **BCM (bcm):** Billion cubic metres.
32. **Groundwater Abstraction structure:** Structure used to withdraw groundwater like bore well / tube well / dug well / dug cum bore well/tunnel well.
33. **Observation well or Piezometer:** A bore well/tube well used only for measuring the water level/piezometric head and to take water sample periodically but not used for groundwater abstraction.
34. **Water Audit:** A numerical assessment quantity of water in any process, giving a detailed input and output in every stage.
35. **Ground water pollution:** If concentration of any parameter in ground water exceeds the maximum permissible limit for drinking water prescribed by the Bureau of Indian Standards.
36. **Cooperative Group Housing Societies/ Builder flats:** A Housing Society is a group of house owners within a residential complex. A housing society's apartments or premises are formed as per relevant laws for smooth functioning of utilities and other amenities provided to them. The housing society formed must be formally registered with registrar of co-operatives.

Category of Infrastructure projects

Residential apartment
Residential township
Office building
School
College
University
Industrial Area (Drinking use)
SEZ (Drinking use)
Metro Station
Railway Station
Bus Depot
Airport
Seaport
Highway infrastructure
Fire station
Warehouse
Business Plaza
Malls & Multiplex
Hospitals
Nursing Homes
Water Park & Amusement Centres
Resort
Hotel
Holiday home/Guest house
Banquet Hall
IT Complex
Logistics & Cargo
Clubs

Annexure III

**Central Public Health & Environmental Engineering Organization (CPHEEO)
Norms for drinking & domestic water needs**

S.No.	Classification of towns/ cities	Recommended maximum water supply levels (litres per capita per day)
1.	Towns provided with piped water supply but without sewerage system	70
2.	Cities provided with piped water supply where sewerage system is existing/ contemplated	135
3.	Metropolitan and Mega cities provided with piped water supply where sewerage system is existing/ contemplated	150

Note :

- In urban areas, where water is provided through public stand posts , 40 lpcd should be considered.
- Figures exclude "Unaccounted for Water (UFW)" which should be limited to 15%.
- Figures include requirements of water for commercial, institutional and minor industries. However, for bulk water supply such establishments should be assessed separately with proper justification.

Institutional Needs

S.No.	Institutions	Litres per head per day
1.	Hospital (including laundry)	
	(a) No. of beds exceeding 100	450 (per bed)
	(b) No. of beds not exceeding 100	340 (per bed)
2.	Hotels	180 (per bed)
3.	Hostels	135
4.	Nurses homes and medical quarters	135
5.	Boarding Schools/ Colleges	135
6.	Restaurants	70 (per seat)
7.	Airports and Seaports	70
8.	Junction Stations and intermediate stations where mail or express stoppage (both railways and bus stations) is provided	70
9.	Terminal Stations	45
10.	Intermediate stations (excluding mail and express stops)	45 (could be reduced to 25 where bathing facilities are not provided)
11.	Day Schools/ colleges	45
12.	Offices	45
13.	Factories	45 (could be reduced to 30 where no bathrooms are provided)
14.	Cinema, Concert hall and theatre	15

Source: Ministry of Urban Development, Central Public Health & Environmental Engineering Organization Manual on Water Supply and Treatment (May, 1999)
(http://www.mdws.gov.in/sites/default/files/Manual_on_Water_Supply_and_Treatment_CPHEEO_MoUD_1999.pdf)

Outline of Hydrogeological Report for obtaining NOC

(For Mining / infrastructure dewatering projects in all areas and for industries drawing saline ground water from aquifers which are underlain/ overlain by fresh water aquifers)

1. Brief about the proposed project giving location details, coordinates, google/ toposheet maps, etc. demarcating the project area.
2. Ground water situation in and around the project area including water level and quality data and maps along with quality issues, if any. In case of mines, ground water conditions in both core and buffer zone should be described.
3. Details of the tubewells/ borewells proposed to be constructed. This includes the drilling depth, diameter, tentative lithological log, details of pump to be lowered, H.P. of pump, tentative discharge of tubewells/ borewells, etc. Locations to be marked on the site plan/ map. Location of proposed piezometers.
4. Details of Geophysical studies carried out in and around the project area. Ground water resources computation of the block in which the project falls.
5. Approved Mine plan and detailed dewatering plan.
6. Proposed usage of pumped water in case of mining/ infrastructure dewatering projects
7. Comprehensive assessment of the impact on the ground water regime in and around the project area highlighting the risks and proposed management strategies proposed to overcome any significant environmental issues.
8. Proposed measures for disposal of waste water by industries drawing saline water.
9. Measures to be adopted for water conservation which include recycle, reuse, treatment, etc. This includes the water balance chart being adopted by the firm along with details of water conservation methods to be adopted.
 - Brief write up along with capacity and flow chart of STP/ ETP/ CEPT existing/ proposed within the project.
 - Details of water conservation measures to be adopted to reduce/ save the ground water.
 - Total water balance chart showing the usage of water for various processes.
10. Any other details pertaining to the project.

Annexure: V

Annual Water Audits by the industries

Water audit is a systematic process of objectively obtaining a water balance by measuring flow of water from the site of water withdrawal or treatment, through the distribution system, and into areas where it is used and finally discharged. Conducting a water audit involves calculating water balance, water use and identifying ways for saving water.

Water audit involves preliminary water survey and detailed water audit. Preliminary water survey is conducted to collect background information regarding plant activities, water consumption and water discharge pattern and water billing, rates and water cess. After the analysis of the secondary data collected from the industry, detailed water audit is conducted, which involves the following steps:

- On site training and discussion with facility manager and personnel
- Water system analysis
- Quantification of baseline water map
- Monitoring and measurements using pressure and flow meters and various other devices
- Quantification of inefficiencies and leaks
- Quantification of water quality loads and discharges
- Quantification of variability in flows and quality parameters
- Strategies for water treatment and reuse or direct use

A detailed water balance is finally developed. Water quality requirement at various user areas is mapped, which helps in developing 'recycle' and 'reuse' opportunities.

The detailed water audit report contains the following:

- Water consumption and wastewater generation pattern
- Specific water use and conservation
- Complete water balance of the facility
- Water saving opportunities
- Method of implementing the proposals
- Full description and figures
- Investment required

Industries can undertake following measures for water conservation:

- Setting up of norms for water budgeting
- Modernization of industrial process to reduce water consumption
- Recycling water with a re-circulating cooling system

- Ozonation cooling water approach which can result in five fold reduction in blow down when compared to traditional chemical treatment
- Reduction in reuse of de-ionized water by eliminating some plenum flushes, converting from a continuous flow to an intermittent flow system and improving control on the use
- Use of wastewater for use of gardening
- Proper processing of effluents to adhere to the norms of disposal.

Annexure VI

Measures to be adopted to ensure prevention from pollution in the plant premises of polluting industries/ projects

It has been observed that ground water in and around polluting industries like Tannery, Slaughter Houses, Dye, Chemical, Coal washery, other hazardous units, etc., is polluted. In order to prevent further deterioration of ground water quality, it is essential to take all necessary measures for well head protection. All industries/ projects falling under this category are hereby directed to follow the under mentioned procedure both for existing and new category.

1. No tube well/ bore well should be constructed in the vicinity of the processing unit. Tube well/ bore well should be constructed at the place which is hygienically maintained.
2. Only Mild Steel pipe should be used for assembly/ casing and PVC (Poly Vinyl Chloride) or similar pipes should not be used. The tube well/ bore well having PVC or similar pipes should be abandoned and filled back.
3. Around the tube well/ bore well, RCC (Reinforced Concrete Cement) grouting of 3 meters (length) x 3 meters (width) x 2 meters (depth) must be provided. The pipe of the tube well/ bore well must be raised 1 meter above ground level (1 magl). The tube well/ bore well must be surrounded by RCC wall of 0.5 meter height and 1.5 meter depth to prevent any surface contamination to enter the constructed tube well/ bore well. **Plan/Sectional diagram is enclosed for reference.**
4. The tube well/ bore well must be fitted with NRV (Non Return Valve) in order to ensure that the constructed tube well/ bore well is exclusively used for abstraction of ground water only.
5. At no point of time there should be any injection of any water or fluid into the constructed tube well/ bore well/ Piezometer.
6. The industries/ projects under this category should not implement any recharge measures within the plant premises.
7. Any tube well/ bore well located/ constructed in the vicinity of STP (Sewage Treatment Plant) or ETP (Effluent Treatment Plant) should be abandoned and filled back.
8. The piezometer to be constructed for monitoring purpose should follow the same procedure as that for tube well/ bore well for such industries/ projects.

List of 162 areas notified by CGWA

S. No.	STATE / UT	LOCATION	Date of Notification
1	Andhra Pradesh	Tirupathi (Rural) Mandal of Chittoor District	5.12.2005
2	Andhra Pradesh	Vempalli Mandal of Cuddapah District	5.12.2005
3	Andhra Pradesh	Chilmathur Mandal of Anantapur District	27.11.2012
4	Andhra Pradesh	Narpala (NC) Mandal of Anantapur District	27.11.2012
5	Andhra Pradesh	Giddaluru Mandal of Prakasam District	27.11.2012
6	Diu	Union Territory of Diu	14.10.1998
7	Gujarat	Gandhinagar taluka (aquifer below 200 mbgl declared as notified for meeting drinking and domestic requirements), District Gandhinagar	2.09.2000
8	Gujarat	Kalol taluk of Gandhinagar district	27.11.2012
9	Gujarat	Mansa taluk of Gandhinagar district	27.11.2012
10	Gujarat	Mahesana taluk of Mahesana district	27.11.2012
11	Haryana	Municipal Corporation of Faridabad & Ballabgarh	14.10.1998
12	Haryana	Shahbad Block of Kurukshetra District	2.12.2006
13	Haryana	Nangal Chowdhary Block of Mahendragarh District	2.12.2006
14	Haryana	Narnaul Block of Mahendragarh District	2.12.2006
15	Haryana	Samalkha Block of Panipat District	2.12.2006
16	Haryana	Karnal Block of Karnal District	2.12.2006
17	Haryana	Khol Block of Rewari District	2.12.2006
18	Haryana	Entire Gurgaon District	13.08.2011
19	Haryana	Badra block of Bhiwani District	13.08.2011
20	Haryana	Ladwa block of Kurukshetra District	13.08.2011
21	Haryana	Pehowa block of Kurukshetra District	13.08.2011
22	Haryana	Rania block of Sirsa District	13.08.2011
23	Haryana	Tohana block of Fatehabad District	13.08.2011
24	Haryana	Gulha block of Kaithal District	13.08.2011
25	Haryana	Bapoli block of Panipath District	13.08.2011
26	Haryana	Rajaund block of Kaithal District	27.11.2012
27	Haryana	Ellenabad block of Sirsa District	27.11.2012
28	Karnataka	Badami taluka of Bagalkote District	27.11.2012
29	Karnataka	Bagalkote(P) taluka of Bagalkote District	27.11.2012
30	Karnataka	Anekal taluka of Bangalore (U) District	27.11.2012
31	Karnataka	Bangalore (N) taluka of Bangalore (U) District	27.11.2012
32	Karnataka	Bangalore (S) taluka of Bangalore (U) District	27.11.2012

		District	
33	Karnataka	Devanhalli taluka of Bangalore (R) District	27.11.2012
34	Karnataka	Dod Ballapur taluka of Bangalore (R) District	27.11.2012
35	Karnataka	Hoskote taluka of Bangalore (R) District	27.11.2012
36	Karnataka	Nelamangala(P) taluka of Bangalore (R) District	27.11.2012
37	Karnataka	Ramdurg taluka of Belgaum District	27.11.2012
38	Karnataka	Raybag(P) taluka of Belgaum District	27.11.2012
39	Karnataka	Gadag(NC) taluka of Gadag District	27.11.2012
40	Karnataka	Bangarapet taluka of Kolar District	27.11.2012
41	Karnataka	Chikballapur taluka of Chikballapur District	27.11.2012
42	Karnataka	Chintamani taluka of Chikballapur District	27.11.2012
43	Karnataka	Gauribidanur taluka of Chikballapur District	27.11.2012
44	Karnataka	Gudibanda taluka of Chikballapur District	27.11.2012
45	Karnataka	Malur taluka of Kolar District	27.11.2012
46	Karnataka	Mulbagal taluka of Kolar District	27.11.2012
47	Karnataka	Sidlaghatta taluka of Chikballapur District	27.11.2012
48	Karnataka	Koratagere(P) taluka of Tumkur District	27.11.2012
49	Karnataka	Madhugiri(P) taluka of Tumkur District	27.11.2012
50	Madhya Pradesh	Dhar Block of Dhar District	2.12.2006
51	Madhya Pradesh	Manawar Block of Dhar District	2.12.2006
52	Madhya Pradesh	Mandsaur Block of Mandsaur District	2.12.2006
53	Madhya Pradesh	Sitamau Block of Mandsaur District	2.12.2006
54	Madhya Pradesh	Neemuch Block of Neemuch District	2.12.2006
55	Madhya Pradesh	Jaora Block of Ratlam District	2.12.2006
56	Madhya Pradesh	Indore Municipal Corporation	2.12.2006
57	NCT, Delhi	South District	15.08.2000
58	NCT, Delhi	South West District	15.08.2000
59	NCT, Delhi	Yamuna Flood Plain Area	2.09.2000
60	Puducherry UT	Puducherry UT	27.11.2012
61	Punjab	Ludhiana City, Ludhiana District	11.12.1998
62	Punjab	Moga-I Block of Moga District	2.12.2006
63	Punjab	Moga-II Block of Moga District	2.12.2006
64	Punjab	Sangrur Block of Sangrur District	2.12.2006
65	Punjab	Mahal Kalan Block of Barnala District	2.12.2006
66	Punjab	Ahmedgarh Block of Sangrur District	2.12.2006
67	Punjab	Nakodar block of Jalandhar District	13.08.2011

68	Punjab	Shahkot block of Jalandhar District	13.08.2011
69	Punjab	Lohian block of Jalandhar District	13.08.2011
70	Punjab	Pattran block of Patiala District	13.08.2011
71	Punjab	Phagwara block of Kapurthala District	13.08.2011
72	Punjab	Nihalsinghwala block of Moga District	13.08.2011
73	Punjab	Dhuri block of Sangrur District	13.08.2011
74	Punjab	Sunam block of Sangrur District	13.08.2011
75	Punjab	Barnala block of Barnala District	13.08.2011
76	Punjab	Sherpur block of Sangrur District	13.08.2011
77	Punjab	Malerkotla block of Sangrur District	13.08.2011
78	Punjab	Khanna block of Ludhiana District	13.08.2011
79	Punjab	Ajnala block of Amritsar District	27.11.2012
80	Punjab	Patti Block of Taran Taran District	27.12.2012
81	Punjab	Taran Taran Block of Taran Taran District	27.12.2012
82	Punjab	Amloh block of Fatehgarh District	27.11.2012
83	Punjab	Khamano block of Fatehgarh District	27.11.2012
84	Punjab	Khera block of Fatehgarh District	27.11.2012
85	Punjab	Tanda block of Hoshiarpur District	27.11.2012
86	Punjab	Bhogpur block of Jalandhar District	27.11.2012
87	Punjab	Goraya/Rurka kalan block of Jalandhar District	27.11.2012
88	Punjab	Jalandhar east block of Jalandhar District	27.11.2012
89	Punjab	Jalandhar west block of Jalandhar District	27.11.2012
90	Punjab	Nurmahal block of Jalandhar District	27.11.2012
91	Punjab	Phillaur block of Jalandhar District	27.11.2012
92	Punjab	Nadala block of Kapurthala District	27.11.2012
93	Punjab	Dhilwan block of Kapurthala District	27.11.2012
94	Punjab	Kapurthala block of Kapurthala District	27.11.2012
95	Punjab	Sultanpur block of Kapurthala District	27.11.2012
96	Punjab	Pakhowal block of Ludhiana District	27.11.2012
97	Punjab	Bhikhi block of Mansa District	27.11.2012
98	Punjab	Budhlada block of Mansa District	27.11.2012
99	Punjab	Sardulgarh block of Mansa District	27.11.2012
100	Punjab	Aur block of Nawanshahr District	27.11.2012
101	Punjab	Banga block of Nawanshahr District	27.11.2012
102	Punjab	Patiala block of Patiala District	27.11.2012
103	Punjab	Sanaur block of Patiala District	27.11.2012
104	Punjab	Morinda block of Ropar District	27.11.2012
105	Punjab	Bhawaniagarh block of Sangrur District	27.11.2012
106	Rajasthan	Jhotwara block, Jaipur District	27.11.2012
107	Rajasthan	Pushkar Valley, Ajmer District	5.12.2005
108	Rajasthan	Jalore block, Jalore District	5.12.2005

109	Rajasthan	Raniwara block, Jalore District	5.12.2005
110	Rajasthan	Budhana block, Jhunjunu District	5.12.2005
111	Rajasthan	Chirawa block, Jhunjunu District	5.12.2005
112	Rajasthan	Mundwa block, Nagaur District	5.12.2005
113	Rajasthan	Surajgarh Block, Jhunjunu District	2.12.2006
114	Rajasthan	Dhod Block, Sikar District	2.12.2006
115	Rajasthan	Shri Madhopur Block, Sikar District	2.12.2006
116	Rajasthan	Behror Block, Alwar District	2.12.2006
117	Rajasthan	Bhinmal Block, Jalore District	2.12.2006
118	Rajasthan	Rajgarh block of Churu District	13.08.2011
119	Rajasthan	Osian block of Jodhpur District	13.08.2011
120	Rajasthan	Bhopalgarh block of Jodhpur District	13.08.2011
121	Rajasthan	Bilara block of Jodhpur District	13.08.2011
122	Rajasthan	Merta block of Nagaur District	13.08.2011
123	Rajasthan	Baetu block of Barmer District	13.08.2011
124	Rajasthan	Sambher block of Jaipur District	13.08.2011
125	Rajasthan	Govindgarh block of Jaipur District	13.08.2011
126	Rajasthan	Sanganer block of Jaipur District	13.08.2011
127	Rajasthan	Bassi block of Jaipur District	13.08.2011
128	Rajasthan	Amer block of Jaipur District	13.08.2011
129	Rajasthan	Shahpura block of Jaipur District	13.08.2011
130	Rajasthan	Mandore block of Jodhpur District	13.08.2011
131	Rajasthan	Sayala block of Jalore District	13.08.2011
132	Rajasthan	Sanchole block of Jalore District	13.08.2011
133	Rajasthan	Nawalgarh block of Jhunjunu District	13.08.2011
134	Rajasthan	Udaipurwati block of Jhunjunu District	13.08.2011
135	Rajasthan	Jhunjunu block of Jhunjunu District	13.08.2011
136	Rajasthan	Todabhim block of Karauli District	13.08.2011
137	Rajasthan	Pisangan block of Ajmer District	13.08.2011
138	Rajasthan	Chittorgarh block of Chittorgarh District	27.11.2012
139	Rajasthan	Nimbahera Block of Chittorgarh District	27.11.2012
140	Rajasthan	Kuchaman block of Nagaur District	27.11.2012
141	Tamil Nadu	Pollachi S block of Coimbatore District	27.11.2012
142	Tamil Nadu	Morappur block Dharmapuri District	27.11.2012
143	Tamil Nadu	Pappireddipatti block of Dharmapuri District	27.11.2012
144	Tamil Nadu	Usilampatti block of Madurai District	27.11.2012
145	Tamil Nadu	Kuttalam block of Nagapattinam District	27.11.2012
146	Tamil Nadu	Rasipuram block of Namakkal District	27.11.2012
147	Tamil Nadu	Attur-S block of Salem District	27.11.2012
148	Tamil Nadu	Gangavalli block of Salem District	27.11.2012
149	Tamil Nadu	Panamaruthupatti block of Salem District	27.11.2012
150	Tamil Nadu	Talaivasal block of Salem District	27.11.2012
151	Tamil Nadu	Veerapandi block of Salem District	27.11.2012

152	Tamil Nadu	Chengam block of Tiruvannamalai District	27.11.2012
153	Tamil Nadu	Valangaiman block of Tiruvarur District	27.11.2012
154	Tamil Nadu	Udangudi block of Thoothukudi District	27.11.2012
155	Tamil Nadu	Gudiyatham block of Vellore District	27.11.2012
156	Tamil Nadu	Jolarpet block of Vellore District	27.11.2012
157	Tamil Nadu	Pernampet block of Vellore District	27.11.2012
158	Tamil Nadu	Tiruppathur block of Vellore District	27.11.2012
159	Telangana	Midjil Mandal of Mahabubnagar District	5.12.2005
160	Telangana	Vailpoor (NC) Mandal of Nizamabad District	27.11.2012
161	Uttar Pradesh	Municipal Corporation of Ghaziabad, Ghaziabad District	04.04.1998
162	West Bengal	Haldia Industrial complex (aquifer below 120 mbgl), Haldia, district East Medinipur	15.08.2000

Guidelines For Installation of Piezometers and Monitoring of Ground Water Levels and Quality

Piezometer is a borewell/ tubewell used only for measuring the water level by lowering the tape/sounder or automatic water level measuring equipment. It is also used to take water sample for water quality testing whenever needed. General guidelines for installation of piezometers are as follows for compliance of NOC:

- The piezometer is to be installed/constructed at the minimum of 50 m distance from the pumping well through which ground water is being withdrawn. The diameter of the piezometer should be about 4" to 6".
- The depth of the piezometer should be same as in case of the pumping well from which ground water is being abstracted. If, more than one piezometers are installed the second piezometer should monitor the shallow ground water regime. It will facilitate shallow as well as deeper ground water aquifer monitoring.
- The measuring frequency should be monthly and accuracy of measurement should be up to cm. The reported measurement should be given in meter upto two decimal.
- For measurement of water level Digital Water Level Recorder (DWLR) or DWLR with telemetry system should be used for accuracy as specified in the NOC.
- The measurement of water level in piezometer should be taken, only after the pumping from the surrounding tubewells has been stopped for about four to six hours.
- All the details of piezometer viz. coordinates, reduced level (with respect to mean level), depth, zone tapped and assembly lowered should be provided to Central Ground Water Board so that piezometer can be added into the National Hydrograph Monitoring System of Central Ground Water Board, and for its validation.
- The ground water quality has to be monitored twice in a year during pre-monsoon (May/June) and post-monsoon (October/November) periods by industries and mines drawing ground water. Quality may be got analyzed from NABL approved lab. Besides, one sample (1 lt capacity bottle) of ground water collected during pre-monsoon after proper packing may be sent to the concerned Regional Director, Central Ground Water Board, for chemical analysis.
- A permanent display board should be installed at Piezometer/ Tubewell site for providing the location, piezometer/ tubewell number, depth and zone tapped of piezometer/tubewell for standard referencing and identification.
- Any other site specific requirement regarding safety and access for measurement may be taken care off.

Annexure IX

Outline of Compliance Report while submitting the Application for Renewal of NOC

Compliance report to be submitted along with application for renewal after receipt of NOC from CGWA should include:

1. Brief about the project with photographs if any.
2. Location details, coordinates, google/ toposheet maps, etc. demarcating the project area.
3. Compliance of conditions laid down in the NOC.
4. Details of the tubewells/ borewells constructed as per the NOC. This includes the drilling depth, diameter, lithological log, details of pump lowered, H.P. of pump, discharge of tubewells/ borewells, etc. Locations to be marked on the site plan/ map. Photographs of the existing/ constructed tubewells/ borewells.

S.No.	Activity	Details of existing/ constructed structures
1	Drilling depth(m)	Includes the type of rig deployed
2	Diameter (mm)	Details of pipe lowered, etc.
3	Lithological log	Tabular form/ diagram of the formation encountered along with aquifers encountered
4	Details of pump lowered	Type of pump and HP, lowered at what depth
5	Discharge of tube wells / bore wells etc. (m ³ /hour)	Yield of the well
6	Operational time (hrs./ day)	Average pumping hours per day
7	Location of wells	Coordinates (to be marked on site map)
8	Photographs	Photographs of the existing/ constructed tubewells/ borewells

5. Photographs of digital water meters on the constructed wells by the firm. Monthly data indicating the quantum of ground water withdrawal.

S.No.	Month	Meter reading on 1 st day of the month	Meter reading on last day of the month	Water consumption during the month (m ³ / month)	Average water consumption per day (m ³ / day)

6. Ground water quality data of samples collected during April/ May and November for the tubewells/ borewells and piezometers constructed within the project area.
7. Monthly Water level data for the piezometers constructed within the project area.
8. Measures adopted for water conservation including recycle, reuse, treatment, etc. This includes balance chart being adopted by the firm along with details of water conservation methods adopted by the firm including photographs of the same.
 - Brief write up along with capacity and flow chart of STP/ ETP/ CEPT existing within the project.
 - Details of water conservation measures adopted to reduce/ save the ground water.
 - Total water balance chart showing the usage of water for various processes.
 - Photographs of the STP/ ETP implemented along with its optimal utilization.

9. Installation of piezometers (with photographs) with details indicating design, depth diameter, lithology, etc. along with monitoring schedule.

S.No.	Details	PZ-1	PZ-2	PZ-3
1	Location	Coordinates with layout plan showing the locations		
2	Depth (m)			
3	Diameter			
4	lithology	Tabular form/ diagram of the formation encountered along with aquifers encountered		
5	Monitoring schedule	Monthly	Monthly	Monthly
6	Photographs	Photographs showing measurement of water levels		

10. Copy of NOC from CGWA.
11. Any other details pertaining to compliance of NOC.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (c) NO. 36 OF 2009

In Re:

Measures for prevention of fatal accidents of small children due to their falling into abandoned bore wells and tube wells

Union of India and Ors.

Respondents(s)

ORDER

With this Court issuing requisite guidelines vide order dated 11th February, 2010, subject to slight modifications, nothing survives in the present writ petition.

That modification is as follows:

- (i) The owner of the land/ premises, before taking any steps for constructing bore well/ tube well must inform in writing to the concerned authorities in the area, i.e., District Collector/ District Magistrate/ Sarpanch of the Gram Panchayat/ any other Statutory Authority/ concerned officers of the Department of Ground Water/ Public Health/ Municipal Corporation, as the case may be, about the construction of bore well/ tube well.
- (ii) Registration of all the drilling agencies, namely, Government/ Semi Government, Private etc. should be mandatory with the district administration/ Statutory Authority wherever applicable.
- (iii) Erection of signboard at the time of construction near the well with the following details:-
 - (a) Complete address of the drilling agency at the time of construction/ rehabilitation of well.
 - (b) Complete address of the user agency/ owner of the well.
- (iv) Erection of barbed wire fencing or any other suitable barrier around the well during construction.
- (v) Construction of cement/ concrete platform measuring 0.50x0.50x0.60 meter (0.30 meter above ground level and 0.30 meter below ground level) around the well casing.
- (vi) Capping of well assembly by welding steel plate or by providing a strong cap to be fixed to the casing pipe with bolts & nuts.
- (vii) In case of pump repair, the tube well should not be left uncovered.

- (viii) Filling of mud pits and channels after completion of works.
- (ix) Filling up abandoned bore wells by clay/ sand/ boulders/ pebbles/ drill cuttings etc. from bottom to ground level.
- (x) On completion of the drilling operations at a particular location, the ground conditions are to be restored as before the start of drilling.
- (xi) District Collector should be empowered to verify that the above guidelines are being followed and proper monitoring check about the status of bore holes/ tube wells are being taken care through the concerned state/ Central Government agencies.
- (xii) District/ Block/ Village wise status of bore wells/ tube wells drilled viz. No. of wells in use, No. of abandoned bore wells/ tube wells found open, No. of abandoned bore wells/ tube wells properly filled up to ground level and balance number of abandoned bore wells/ tube wells to be filled up to ground level is to be maintained at District Level.
In rural areas, the monitoring of the above is to be done through Village Sarpanch and the Executive from the Agriculture Department.
In case of urban areas, the monitoring of the above is to be done through Junior Engineer and the Executive from the concerned Department of Ground Water / Public Health/ Municipal Corporation etc.
- (xiii) If a bore well/ tube well is 'Abandoned' at any stage, a certificate from the concerned department of Ground Water/ Public Health/ Municipal Corporation/ Private Contractor etc. must be obtained by the aforesaid agencies that the 'Abandoned' bore well/ tube well is properly filled upto the ground level. Random inspection of the abandoned wells is also to be done by the Executive of the concerned agency/ department. Information on all such data on the above are to be maintained in the District Collector/ Block Development Office of the State.

We are informed that the last paragraph of the earlier order dated 11th February, 2010, concerning publicity has been duly complied with.

Subject to the above, the writ petition is disposed of.

.....CJL.
[S.H. KAPADIA]

.....J.
[K.S. RADHAKRISHNANA]

.....J.
[SWATANTER KUMAR]

New Delhi,
August 6, 2010