

**GOVERNMENT OF INDIA
WATER RESOURCES
LOK SABHA**

UNSTARRED QUESTION NO:1793

ANSWERED ON:04.12.2006

OVER EXPLOITATION OF GROUND WATER

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Will the Minister of WATER RESOURCES be pleased to state:

- (a) Whether the Union Government has urged the State Governments to enact legislation for checking over exploitation of ground water as reported in The Hindu dated September 29, 2006;
- (b) If so, the details thereof ;
- (c) The response of the State Governments thereto, and
- (d) The steps taken by the Union Government to regulate development and augmentation of ground water resources?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES (SHRI JAI PRAKASH NARAYAN YADAV)

(a)&(b) Yes, Sir. To facilitate enactment of suitable ground water legislation by the States, Ministry of Water Resources has circulated to the States and Union Territories, a draft Model Bill to regulate and control the development and management of ground water. The Bill was initially circulated in 1970 which has been re-circulated in 1992, 1996 and 2005 for adoption. The Union Minister of Water Resources in his letter dated 11.9.2006 addressed to the Chief Ministers of States and Administrators of Union Territories, while expressing concern at the indiscriminate withdrawal of ground water in various parts of the country, has appealed to the State Governments to enact ground water legislation for checking over-exploitation of ground water.

(c) So far ground water legislation has been enacted by the States of Andhra Pradesh, Goa, Himachal Pradesh, Kerala, Lakshadweep, Pondicherry, Tamil Nadu and West Bengal. The response of the State/ UT Governments is given in Annexure.

(d) The steps taken by the Union Government to regulate the development of ground water and its augmentation are as follows:-

Central Ground Water Authority (CGWA) constituted under Environment

(Protection) Act of 1986 is regulating withdrawal of ground water by new industries/ projects in Over-exploited, Critical and Semi-critical areas.

CGWA has notified 20 severely Over-exploited areas in the country for regulation of ground water development and management. In these notified areas, installation of new ground water abstraction structures is not permitted without prior specific approval of the Authority.

CGWA has also notified 51 Over-exploited areas for registration of ground water abstraction structures in various States which showed a very steep decline in ground water levels and required action for regulation.

CGWA has issued directions to all the Chief Secretaries of States having Over Exploited blocks to take all necessary measures to promote Rain Water Harvesting for Artificial Recharge to Ground Water.

Based on various studies carried out to demarcate the areas where decline of ground water level is on continuous basis and identify areas feasible for recharge, a concept report titled 'Master Plan for Artificial Recharge to Ground Water' has been prepared which has identified a total of 4.5 lakh sq.km. area in the country needing artificial recharge of ground water. It has been estimated that annually about 36 bcm of surplus monsoon run off can be recharged to augment ground water. The document has been circulated to all the States/ UTs.

The Board has circulated Manual/ Guide on Artificial Recharge to Ground Water to the States/ Union Territories to enable them to formulate area specific artificial recharge schemes to check the declining trend of ground water levels.

Central Ground Water Board provides technical guidance on rain water harvesting for Artificial Recharge of Ground Water to various agencies including State Government agencies, educational institutions, Resident Welfare Associations, Group Housing Societies, private entrepreneurs and individuals.

To create awareness among the public on rain water harvesting for Artificial Recharge to Ground Water mass awareness

programmes are regularly organized by the Central ground Water Authority. Further, to generate resource persons as a measure of capacity building, training programmes are conducted in various parts of the country.

Central Ground Water Board has implemented 165 demonstrative recharge projects in various States under the central sector scheme on `Study of recharge to ground water` during the IX Plan.

The Central Ground Water Authority has directed the Chief Secretaries of the concerned States to take all measures to adopt artificial recharge to ground water/ promote rain water harvesting in all the Over-exploited areas falling under their jurisdiction and ensure inclusion of roof top rain water harvesting in the building bye-laws.

Government has constituted Artificial Recharge of Ground Water Advisory Council under the Union Minister of Water Resources with the objective of popularizing the concept of Artificial Recharge among all stakeholders. It has representations from various Ministries concerned with rain water harvesting like Ministry of Rural Development, Urban Development, Agriculture, Environment & Forests, States/ UTs, financial institutions, Industries/ Public Undertakings and NGOs.

Ministry of Water Resources has requested other Central Ministries/ Departments of Railways, Defence, Posts, Telecommunications, Central Public Works Department and National Highways Authority of India to provide roof top rain water harvesting structures in the buildings under their control.

Annexure

(REFERENCE LOK SABHA UNSTARRED QUESTION NO. 1793 DATED 04.12.2006) RESPONSE OF STATE/UT GOVERNMENTS ON ENACTMENT OF LEGISLATION ON THE LINES OF MODEL BILL CIRCULATED BY THE UNION MINISTRY OF WATER RESOURCES

SL. NO.
STATES/UTs STATUS OF IMPLEMENTATION OF
ENACTMENT OF LEGISLATION

STATES/UTs WHERE LEGISLATION ENACTED AND BEING IMPLEMENTED

1. Andhra Pradesh Andhra Pradesh Water, Land and Trees Act, 2002 covering whole State has been enacted with effect from 19.04.2002
2. Goa The `Goa Ground Water Regulation Act, 2002` has already been enacted by the State Legislature on 25.01.2002 and come into force on 17.03.2003.
3. Tamil Nadu The State Government of Tamil Nadu has passed an Act `Tamil Nadu Ground Water (Development and Management) Act, 2003` on 04.03.2003 which includes provision for setting up Tamil Nadu Ground Water Authority to regulate and control water development in the State of Tamil Nadu. Framing of rules and constitution of State Ground Water Authority is under consideration of State Govt.
4. Lakshadweep Lakshadweep Ground Water (Development & Control) Regulation, 2001 has been enacted with effect from 01.11.2001.
5. Kerala The `Kerala Ground water (Control and Regulation) Act, 1997` has since been passed by the State Legislative Assembly.
6. Pondicherry Pondicherry Ground Water (Control & Regulation) Act, 2002 to regulate and control the development of ground water has been notified in the Gazette of Pondicherry vide No. 6 dated 04.03.2003.
- 7 West Bengal `West Bengal Ground Water Resources (Management, Control and Regulation) Act 2005` came into effect on 15th September, 2005.
8. Himachal Pradesh The State Government has enacted `Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act, 2005` (Act No. 31 of 2005) in the State of Himachal Pradesh which has also been notified on 28.10.2005. The Rules under this Act are being finalized.

STATES/UTs WHERE BILLS PASSED BUT NOT ENACTED

1. Maharashtra Maharashtra Ground Water (Regulation for Drinking Water Source) Act, 1993 was enacted on 16.8.1993 for the limited purposes of regulating the exploitation of ground water for the protection of public drinking water sources in the State and the situation of ground water in the State is good. Maharashtra Ground Water Regulation Act has also been drafted and being laid on the Table of the House.
2. Gujarat Gujarat Ground Water Authority (GGWA) has been formed vide Government of Gujarat, notification No. GWR/1095/61/I-1/j-1 dated 19.09.2001 for control and regulation of ground water resources. Model Bill to regulate and control the development of ground water is under preparation.

STATES/UTS WHICH HAVE INITIATED ACTION FOR PREPARING LEGISLATIONS

1. Assam `The Assam Ground Water Bill` has been prepared by the Government of Assam to regulate and control the development of ground water, which has been referred to Law Department for vetting. Necessary action is being taken for finalisation.
2. Bihar Ground Water (Control and Regulation) Bill, 2003 has been prepared and referred to Law Department for clearance.
3. Haryana Draft Bill is under preparation by the State Government. The representative of the State Govt. in the meeting held on 28.01.2005 with AS(WR) informed that the new Govt. will be able to bring out the Bill after they take over the charge.
4. Jammu & Kashmir The ground water bill is under consideration of the State Government. However, CGWB was requested to suggest the State Government whether such a legislation is required or not in view of low development of ground water in the State.
5. Karnataka The Karnataka Ground Water (Regulation and Control) Bill, 2002 has been finalized and efforts are being made to get it passed from the State Legislature.
6. Mizoram Preparation of draft Bill for regulating ground water with reference to Model Bill for the State is under process in PHED.
7. Orissa Draft Bill namely, `Orissa Ground Water (Regulation and Control of Development and Management) Bill, 2006` has been referred Ministry of Home Affairs, Government of India for Administrative approval.
8. Rajasthan- The State Govt. of Rajasthan has presented `The Rajasthan Regulation Control of the Development and Management of Ground Water Bill, 2006` in the Rajasthan Vidhan Sabha on 07.04.2006 which is presently under consideration of the House.
9. Uttar Pradesh Draft Bill on Ground Water Regulation on the lines of Model Bill circulated by this Ministry has been prepared and sent to the State Water Board for its approval. After the approval of the State Water Board, further action to enact the legislation will be taken.
10. Daman & Diu The UT Administration has informed that they have already started necessary procedure to regulate the over exploitation of ground water by enacting the Model Bill. As soon as the Model Bill is finalized, would be intimated to MOWR.
11. NCT Delhi The State Government proposes to amend the Delhi Water Board Act to accommodate concerns expressed in the Model Bill, draft of which has since been prepared and at consultation stage.
12. Jharkhand Enactment of legislation for regulating the extraction and use of ground water on the lines of the Model Bill circulated by this Ministry, is under active consideration of the State Government. Model Draft Bill for the legislation has already been formulated and is likely to be finalised shortly.
13. Meghalaya The State Government has informed that action for enactment of the legislation for regulating the extraction and use of ground water will be submitted as soon as the reports are received from the concerned Departments.
14. Dadra & Nagar Administration of Dadra & Nagar Haveli vide letter dated Haveli 16.11.2004 has intimated that a draft Bill has been prepared and submitted for consideration and appraisal of concerned authorities which is expected to be approved in near future.
15. Madhya Pradesh `Madhya Pradesh Peyjal Parirakshan Adhiniyam, 1986` for protection of drinking water sources exists. However, Model Bill on the lines of MOWR has been drafted and circulated to different Departments of the State for comments and the matter will be further considered after obtaining their comments.
16. Uttaranchal The Uttaranchal Bill to Regulate and Control the Development

and Management of Ground Water has been prepared on the lines of Model Bill circulated by MOWR with the help of Regional Office of CGWB. Necessary action for approval by the State Cabinet is being taken before the same is introduced in the Assembly. The State Government informed that, Uttaranchal being a small State, in place of establishing a Ground Water Board, a Ground Water Cell would be established for regulation of the Bill.

17. Andaman & Nicobar Administration is examining and initiating the action for enactment of Legislation.

18. Chhattisgarh The State Government have drafted the Ground Water Bill which will be placed on the floor of the House after the same is vetted by the Law Department. Further, the State Government informed that at present only 20% of the available ground water is being utilized in the State and position is considered within control. However, action in respect of legislation is in progress.

STATES/UTS WHICH FEEL IT NOT NECESSARY TO ENACT LEGISLATION

1. Nagaland - In view of very low development of ground water, State Government feels that the ground water regulation and management law may be deferred at present.
2. Sikkim In view of very low development of ground water, State Government feels it not necessary to enact any law at present.
3. Tripura In view of very low development of ground water, State Government feels it not necessary to enact any law at present.
4. Punjab - The Punjab Ground Water (Control and Regulation) Act, 1998 was prepared on the basis of Model Bill and was submitted to the Punjab State Water Resource Committee (SWRC). However, the Committee observed that the draft is too harsh on users. SWRC, in its meeting on 11.01.2005, decided after considering the report of the expert group to first control the demand, to make some corrective measures for optimum use of ground water and its augmentation. They also opined that Punjab being a irrigation State and dependence upon ground water, adoption of Model Bill is not in the larger interest of the farmers and suggested that a system of incentives is better.
5. Chandigarh In UT of Chandigarh, Bye-law requiring permission of Chandigarh Administration for withdrawal of ground water in Capital Project Areas exists. Opined, no action is required.
6. Manipur There is no over-exploitation of ground water resources in the State. As such, at present there is no need for such legislation in the State.
7. Arunachal Pradesh In view of very low development of ground water, the State has not enacted any legislation for regulation of ground water.