

GOVERNMENT OF PONDICHERRY

LAW DEPARTMENT

NO.105/Leg./2002-LD.

Pondicherry, the 20 th February 2003.

The following Act of the Legislative Assembly, Pondicherry received the assent of the President of India, on the 23 rd January, 2003 and is hereby published for general information.

**THE PONDICHERRY GROUND WATER
(CONTROL AND REGULATION) ACT, 2002**

(Act No. 2 of 2003)

[23-1-2003]

A N A C T

to regulate and control the development of ground water and for matters connected therewith

BE it enacted by the Legislative Assembly of Pondicherry in the Fifty-third Year of the Republic of India as follows; ____

Short title, extend and commencement

(1) This Act may be called the Pondicherry Ground Water (control and Regulation) Act, 2002.

(2) It shall extend to the whole of the Union Territory of Pondicherry.

(3) It shall come into force on such date as the Government may, by notification in the official gazette, appoint and different dates may be appointed for different areas in the Union Territory of Pondicherry.

Definitions

2. In this Act, unless the context otherwise requires, ____

(a) "Authority" means Ground Water Authority established in accordance with section 3 of the Act;

(b) "Government" means the Administrator of the Union Territory of Pondicherry appointed by the president under article 239 of the Constitution;

(c) "Ground water" means the water which exists below the surface of the ground at any particular location in any land;

(d) "Notified area" means any area to which this Act applies;

(e) "Prescribed" means prescribed by rules made under this Act;

(f) "Sink" with all its grammatical variations and cognate expression in relation to a well includes any digging, drilling or boring of new wells or deepening carried to the existing wells;

(g) "User of ground water" means the person or persons or an institution including a company or an establishment, whether Government or not, who or which use ground water for any purpose including domestic use made either on a personal or community basis or industrial use;

(h) "Well" means a well sunk for the search or extraction of ground water by a person or persons except by the authorized officials of the Union Territory of Pondicherry for carrying out scientific investigations, exploration, development or management work for the survey and assessment of ground water resources or for providing water for irrigation and includes open well, dug well, bore well , dug- cum -bore well , tube well, filter point, collector well and infiltration gallery;

Provided that it will exclude the person or persons who use ground water drawn from a well by manual devices, e.g ., hand pump or rope and bucket.

Establishment a Ground water Authority

3. (1) The Government shall, by notification in the official gazette, establish with effect from such date as may be specified in the notification, an authority to be known as Ground Water Authority.

(2) The Ground Water Authority shall consist of—

(a) A Chairman to be appointed by the Government;

(b) Five official members of the departments of the Government dealing with survey, exploration, development, management and protection of ground water, to be appointed by the Government.

(c) Three non-official members who, in the opinion of the Government, have special knowledge or practical experience in matters relating to ground water, to be appointed by the Government

(3) The term of office and the manner of filling the vacancies and other conditions of service of the Chairman and other members shall be in such manner as may be prescribed.

Staff of the Ground water appoint Authority

4. (1) The Government may, for the purpose of enabling the Ground Water Authority to perform its function efficiently or exercise its powers under the Act, such number of technical personnel and other staff as it may consider necessary.

(2) The functions and the terms and conditions of service of such employees shall be such as may be prescribed.

5. (1) The Government may from time to time, issue to the Ground Water Authority such directions as it may think necessary in the public interest

(2) Without prejudice to the foregoing provisions, the Ground Water Authority shall, in exercise of its powers or the performance of its functions, be bound by such directions on questions of policy as the Government may give in writing to it from time to time;

Powers of water Government to issue directions and powers to notify areas or control of Ground water Development

Provided that the Ground Water Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(3) The decision of the Government whether a question is one of policy or not shall be final.

(4) If the Ground Water Authority is of the opinion that it is necessary or expedient in the public interest to control and/or regulate the extraction or the use or both of ground water in any form in any area, it will advise the Government to declare any such area to be a notified area for the purposes of this Act with effect from such date as may be specified therein. This declaration will be notified in the official gazette:

Provided that the date so specified in the notification shall not be earlier than three months from the date of publication of the said notification.

(5) Every such notification shall, in addition to its publication in the official gazette, be published in not less than one daily regional language newspaper having wide circulation in the respective regions of the Union Territory of Pondicherry and shall also be served in such manner as the Government may think fit and all or any of the following modes may be followed in effecting such service, namely:-

(a) by affixing a copy of the notification to some conspicuous part of the offices of the village panchayats located in the said area; or

(b) by proclaiming by beat of drum or by means of loudspeakers, the contents of the notification in the said area; or

(c) in such other manner as may be prescribed.

(6) If in the opinion of the Authority, the availability of the ground water has improved in a notified area based on satellite imageries or any report of the remote sensing applications in the country under the umbrella of National Natural Resources Management System or any other report published by the Government of India or other State Government or Union Territory, the Authority may advise the Government to de-notify such area and the Government may do so according to the procedure prescribed in this section for notifying the area.

Grant of permit to this extract and use ground water in the notified area

6. (1) Any user of ground water [as defined under sub-section (g) of section 2] desiring to sink a well in the notified area for any purpose either on personal or community basis, shall apply to the Ground Water Authority for grant of a permit for this purpose, and shall not proceed with any activity connected with such sinking unless a permit has been granted by the Ground Water Authority:

Provided that the person or persons will not have to obtain a permit if the well is proposed to be fitted with a hand pump or water is proposed to be withdrawn by manual devices.

(2) Every application under sub-section (1) shall be made in such form and shall contain such particulars and in such manner as may be prescribed.

(3) On receipt of an application under sub-section (1) if the Ground Water Authority is satisfied that it shall not be against public interest to do so. It may grant, subject to such conditions and restrictions as may be specified, a permit authorizing the extraction and use of ground water:

Provided that no person shall be refused a permit, unless he has been given an opportunity of being heard.

(4) The decision regarding the grant or refusal of the permit shall be intimated by the Ground Water Authority to the applicant within a period of 30 days from the date of receipt of the application.

(5) In granting or refusing a permit under sub-section (3), the Ground Water Authority shall have regard to, ____

(a) the purpose or purposes for which ground water is to be used ;

(b) the existence of other competitive users;

(c) the availability of ground water;

(d) quality of ground water with reference to use;

(e) spacing of ground water structures keeping in consideration the purpose for which ground water is to be used;

(f) long-term ground water level behavior;

(g) quantity of ground water utilized with reference to land use in the area; and

(h) any other factors relevant thereto.

(6) The permit shall be in such form as may be prescribed.

7. (1) Every existing user of ground water in the notified area shall within a period of one hundred and twenty days from the date specified in the notification under sub-section (4) of section 5, apply to the Ground Water Authority for the grant of a certificate of registration . Recognizing its existing use in such form and in such manner as may be prescribed;

Registration of existing users in notified Areas

Provided that the Ground Water Authority may entertain any such application after the expiry of the said period of one hundred and twenty days, if it is satisfied that the user was prevented by sufficient cause from filing application in time.

(2) The details to be furnished in an application under sub-section (1) shall include the following, namely: ___

(i) the description of the source of ground water, such as type of well, its exact location;

(ii) the device used for lifting water;

(iii) the quantity of ground water withdrawn and hours of operation per day;

(iv) the total period of use in each year;

(v) the purpose or purposes for which ground water is being extracted;

(vi) in case of irrigation well, the location and extent of area irrigated;

(vii) in the case of water supply schemes undertaken by the Government or other local authorities, the details of services involved in addition to the quantities of ground water extracted, the diversion or the pumping points and their locations; and

(viii) in the case of industries, the details such as daily water requirement for various purposes, type of well structure, lifting device used, etc.

(3) On receipt of an application under sub-section (1), if the Ground Water Authority is satisfied that it shall not be against the public interest to do so, it may grant, subject to such conditions and restrictions as may be specified, a certificate of registration authorizing the continued use of groundwater;

Provided that no person shall be refused certificate of registration unless he has been given an opportunity of being heard.

(4) The decision regarding the grant or refusal of the certificate of registration shall be intimated by the Ground Water Authority to the applicant within a period of thirty days from the date of receipt of the application.

(5) In granting or refusing a certificate of registration under sub-section (3), the Ground Water Authority shall have regard to, ____

- (a) The purpose or purposes for which ground water is to be used;
- (b) The existence of other competitive users;
- (c) The availability of ground water;
- (d) Quality of ground water with reference to use;
- (e) Spacing of ground water structures keeping in consideration the purpose for which ground water is to be used;
- (f) Long-term ground water level behaviour;
- (g) quantity of ground water utilised with reference to land use in the area; and
- (h) any other factors relevant thereto.

(6) The certificate of registration shall be in such form as may be prescribed.

(7) Pending the communication by the Ground Water Authority of the decision on an application under sub-section (1), every existing user of ground water in the notified area shall be entitled to the continued use of ground water in the same manner and to the same quantity as he was entitled prior to the date of his application.

(8) If a registered well becomes defunct, this fact should be immediately brought to the notice of the Ground Water Authority by the user of groundwater.

Registration user of new wells in non-notified area

8. (1) All wells sunk in the Union Territory of Pondicherry shall of have to be registered including the areas not notified under section 5 of the Act;

Provided that the person or persons who use the ground water drawn from a well by manual devices, e.g ., hand pumps, rope and bucket, etc., shall be excluded.

(2) The provisions of sub-section (8) of section 7 shall also be applicable in the case of wells sunk in non-notified areas.

Power to alter, amend or vary the terms of the permit.

9. At any time after a permit or certificate of registration, as the case may be has been granted, the Ground Water Authority may, for technical reasons, alter, amend or vary the terms of the permit or certificate of registration, as the case may be:

Provided that the user of ground water has been given an opportunity of being heard:

Provided further that before taking such action, the Ground Water Authority shall ensure that the standing crops are not damaged.

Prohibition of carrying on the business of sinking wells in a notified area

10. No person, either by himself or by any other person acting on his behalf shall, after six months of the enforcement of the Act, carry on the work of sinking of wells or extraction of ground water or any other activity connected with the sinking of wells and/or extraction of ground water in any notified area, except in accordance with a license granted in this behalf.

11. (1) Any person desiring to carry on the business of sinking of wells and/or installation of devices for extraction of ground water in a notified read, may make an application to the Ground Water Authority for the purpose.

Grant of licence for sinking of wells.

(2) Every application under sub-section (1) shall be made in such form, shall contain such particulars and shall be accompanied by such fees as may be prescribed.

(3) On receipt of an application under sub-section (1), the Ground Water Authority may, after such enquiry as it deems fit and after satisfying itself that the person concerned has the means and the knowledge to undertake sinking operations and/or extraction of ground water, grant a licence in such form as may be prescribed and subject to such conditions as may be specified therein.

12. If the Ground Water Authority is satisfied either on a reference made to it in this behalf or otherwise, that,

Cancellation of permit, certificate of registration or licence

(a) The permit or certificate of registration or the licence granted under sub-section (3) of section 6, or sub-section (3) of section 7, or sub-section (3) of section 11, as the case may be, has been obtained by fraud or misrepresentation of facts, or

(b) the holder of the permit or certificate of registration or licence has without reasonable cause failed to comply with the conditions subject to which the permit or certificate of registration or licence has been granted or has contravened any of the provisions of this Act or the rules made there under, or

(c) a situation has arisen which warrants limiting of the use of extraction of ground water, then, without prejudice to any other penalty to which the holder of the permit or the certificate of registration or licence may be liable under this Act, the Ground Water Authority may, after giving the holder of the permit, certificate of registration or licence, as the case may be, an opportunity to show-cause, cancel he permit, certificate of registration or licence.

Powers of the it is Ground Authority

13. (1) The Ground Water Authority or any person authorized by writing in this behalf shall have power, ____

(a) to enter on any property (private or Government owned) with the right to investigate and make any measurement concerning the land or the water located on the surface or underground;

(b) to inspect the well which has been or is being sunk and the soils and other materials excavated there from;

(c) to take specimens of such soils or other materials or of water extracted from such wells;

(d) to inspect and to take copies of the relevant records or documents and ask any question necessary for obtaining any information (including diameter or depth of the well which is being or has been sunk, the level at which ground water or was stuck and subsequently restored or rested, the of strata encountered in the sinking of the well and the quality of ground water struck) required for carrying out the purposes of this Act;

(e) to serve or cause to be served a notice requiring any user of ground water other than for agricultural use to furnish such information or returns in such form, at such intervals and with such particulars, as may be prescribed and thereupon such person shall comply with such requisition;

(f) to require the user of ground water other than for agricultural use to install water measuring device on any ground water supplies, when necessary, to properly administer the ground water or where there is reason to believe that the user does not comply with the provisions contained in this Act or for any other sufficient reason for defending the public interest;

Provided that where the user of ground water does not comply with the requisition issued to him within a period of thirty days, the Ground Water Authority itself may install such water measuring device and recover the cost from the defaulting user of ground water;

(g) to seize any equipment/device utilized for illegal sinking and destroy the work executed fully or partly;

(h) to require any user of ground water, who does not comply with the provisions of this Act and rules framed there under, to close down any water supply or destroy any hydraulic work;

Provided that where the user of ground water does not comply with the requisition issued to him within a

Period of sixty days, the Ground Water Authority itself may carry out the necessary work and recover the cost from the illegal user of groundwater;

(i) to enter and search with such assistance, if any, as it considers necessary, any place in which it has reason to believe that offence under this Act has been or is being committed and order, in writing, the person, who has been or is committing the offence, not to extract or use the ground water for a specified period not exceeding thirty days; and

(j) to exercise such other powers as may be necessary for carrying out the purposes of this Act or any rules made there under.

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

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

(3) The provisions of the Code of Criminal Procedure, 1973 shall, so far as may be, apply to any search or seizure under this section 1974 as they apply to any search or seizure made under the authority of a warrant issued under section 93 of the said code.

(4) Where the Ground Water Authority seizes any mechanical equipment/device under clause (g) of sub-section (1), it shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof.

14. Any user of ground water may give notice in writing to the Ground Water Authority to treat as confidential, any specimen taken under clause (c) of sub-section (1) of section 13 or any other information or return furnished by him under clause(e) of sub-section (1) of the section and thereupon the Ground Water Authority shall not allow that specimen or other information or return, except in so far as it contains or affords information as to water resources and supplies and geological conditions, to be published or shown to any person(not being an officer of the Government), unless the person giving the notice consents thereto.

Restriction on publication on information and returns

15. (1) Every order under clause(d) of sub-section (1) of section13 and every notice under Orders, etc. clause (e)of sub-section (1) of that section shall be served,--

Service of orders etc.,

(a) by giving or tendering the order of notice or by sending it by post to the user for whom it is intended; or

(b) if such user cannot be found, by affixing the order of notice on some conspicuous part of his last known abode or place of business or by or tendering the order of notice

to some adult male member or servant of his family or by causing it to be affixed on some conspicuous part of the land or building in which the well is being sunk.

(2) Where the person on whom an order or a notice is to be served is a minor, service upon his guardian in the provided in sub-section (1) shall be deemed to be service upon the minor.

Delegation of powers

16. The Ground Water Authority may, by general or special order in writing, direct that all or any of the powers or duties which may be exercised or discharged by it shall, in such circumstances and under such conditions, if any, as may be specified in its order, be exercised or discharged also by any employee of the Ground Water Authority as may be specified in this behalf in the order .

Members and employees of the Ground water Authority Central public Act 45 of 1980

17. All members and employees of the Ground Water Authority shall, when acting or purporting to act in pursuance or the provisions of this Act or of any rules made there under, be deemed to be public servants within the meaning of section 21 of the Indian penal code.

Protection against action taken in good faith

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

Cognizance and trial offences

19. (1) No prosecution for an offence under of this Act shall be instituted except by or with the written consent of the Ground Water Authority or a person authorized in this behalf by the Ground Water Authority .

(2) No court inferior to that of a Judicial Magistrate of the First Class shall try any offence under this Act.

Offences and penalties

20. (a) If any user having been required to furnish any information or return under clause (e)of sub-section (1) of section 13, –

(i) Willfully refuses or without lawful excuse, neglects to furnish such information or return, or

(ii) Willfully furnishes or causes to be furnished any information or return, which he knows to be false,

he shall be punishable,--

(i) for the first offence with fine, which may extend to five hundred rupees; and

(ii) for the second and subsequent offence, with fine which may extend to one thousand rupees;

(b) If any user, –

(i) Contravenes or fails to comply with any of the provisions of this Act or any rule made there under, or

(ii) obstructs the Ground Water Authority or any other person authorized by it to exercise any of the powers under this Act,

he shall be punishable,-

(i) for the first offence with fine which may extend to five thousand rupees, and

(ii) for the second and subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

21. Any offence under this Act as may be prescribed, may, before or after the institution of the proceedings, be compounded by the Ground Water Authority .

Compounding of offences

22. (1) Wherever an offence under this Act has been committed by a company, every person who at the time, the offence is committed was in-charge of, or was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Offences by companies

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company with the consent or connivance of, or is attributable to any neglect on the part on any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be

deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly;

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

Explanation .- For the purpose of this section,-

(a) "Company" means any body corporate and included a firm or other association of individuals;and

(b) "Director" in relation to a firm, means a partner in the firm.

Appeals

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

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

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard, dispose of the appeal within three months from the date of receipt of the appeal petition.

24. No civil court shall have jurisdiction in respect of any matter which the Government or the Ground Water Authority is empowered by this Act to determine and no injunction shall be granted by any court or any other authority in respect of any action taken or to be taken in pursuance of any powers conferred by or under this Act.

Bar of jurisdiction of civil courts

25. (1) The Government may, by notification in the official gazette, make rules to carry out the purposes of this Act.

Power to make rules

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: –

(a) the term of office and manner of filling vacancies other conditions of service among the members and Chairman of the Ground Water Authority;

(b) the functions and the terms and conditions service of the employees of the Ground Water Authority;

(c) any other manner of effecting service of the notification under clause (c) of sub-section (5) of section 5;

(d) the form of application under sub-section (2) of section 6 and sub-section (2) of section 11 and the particulars that may be furnished with these applications ;

(e) the form of application under section 7;

(f) fees to accompany the application for license under sub-section (2) of section 11 ;

(g) the form of the permit and certificate of registration under sub-section (6) of section 6 and sub-section (6) of section 7 and the conditions/ restrictions that may be specified therein;

(h) the form of licence under sub-section (3) of section 11 and the condition that may be specified therein;

(i) the form in which and the interval at which the information or return under clause (e) of sub-section (1) of section 13 shall be furnished and the particulars with such information or return shall contain;

(j) specifying the appellate authority under sub-section (1) of section 23 and the fees to accompany the application for appeal;

(k) any other matter which is required to be or may be prescribed.

(3) Every rule made under this section shall be laid, soon may be after it is made, before the Legislative Assembly it is in session for a total period of fifteen days, which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in it is so laid or the sessions immediately following, or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule thereafter shall have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification, or annulment shall be without prejudice to the validity of anything done earlier under that rule.

**GOVERNMENT OF PONDICHERRY
CHIEF SECRETARIAT (AGRICULTURE)**

(G.O.Ms.NO.19.Ag., dated 17th September 2003)

NOTIFICATION

In exercise of the powers conferred by section 25 of the Pondicherry Groundwater (Control and Regulation) Act, 2002 (Act No. 2 of 2003), the Lieutenant – Governor, Pondicherry hereby makes the following rules, namely:–

THE PONDICHERRY GROUNDWATER (CONTROL AND REGULATION) RULES, 2003.

1. Short title and commencement:___ (1) These rules may be called the Pondicherry Groundwater (control and Regulation) Rules, 2003.

(2) They shall come into force on and from the date of their publication in the official gazette.

2. Definitions. ___ In these rules, unless the context otherwise requires, ___

(a) "Act" means the Pondicherry Groundwater (Control and Regulation) Act, 2002;

(b) "Government" means the Administrator of the Union Territory of Pondicherry, appointed by the President under article 239 of the Constitution;

(c) "Authority" means the Groundwater Authority established under section 3 of the Act;

(d) "Chairman" means the Chairman of the Groundwater Authority appointed by the Government under clause (a) of sub-section (2) of section (3) of the Act;

(e) "Form" means the Form appended to these rules;

(f) "Members" means members of the Groundwater Authority appointed under clause (b) and clause (c) of sub-section (2) of section (3) of the Act;

(g) "Section" means the section of the Act;

(h) "Permit" means a permit granted under section 6 of the Act;

(i) "Certificate" means a certificate granted under section 7 of the Act;

(j) "License" means a License granted under section 11 of the Act;

(k) "Laboratory" means the laboratory notified by the Government of Pondicherry;

(I) "appellate authority" means the Government of Pondicherry;

(m) All other words and expressions used in these rules but not defined shall have the meaning respectively assigned to them in the Act.

3. Term of office and other conditions of service relating to the Chairman and members: ___ (1) The term of office of the Chairman and other members of the Groundwater Authority shall be five years from the of section (3) of the Act. The members appointment under (a) , (b) and (c) of sub-section (2) of section (3) of the Act. The members appointed under clause (c) of the said sub- section shall be eligible for re-nomination as may be decided by the Government.

(2) The Chairman or a member of the Groundwater Authority appointed under clauses (a) and (c) of sub-section (2) of section (3) may be removed by the Government, if in the opinion of the Government, it is not desirable to continue him as such chairperson or a member.

(3) If the chairman of any member appointed under clauses (a) and (c) of sub-section (2) of section (3) ceases to be a member of the Groundwater Authority for any reason, the vacancy shall be filled up in the same manner as the original appointment and the person so appointed shall continue to be the chairperson or a member for the remaining term of the chairperson or a member in whose place he is a appointed.

(4) The Chairman and the members appointed under clauses (a) and (c) of sub-section (2) of section (3) shall be entitled to traveling allowance and daily allowance in respect of journeys performed in connection with the work of the Groundwater Authority and shall be paid by the Groundwater Authority in accordance with the rules as are applicable to a Group 'A' officer of the Government of Pondicherry,

4. Organisational meeting,: ___ The first meeting of the Groundwater Authority shall beheld within ten days of its appointment at such place and time as may be fixed by the Chairman.

5. Regular meetings: ___ Regular meetings of the Groundwater Authority may be held at such time and be determined by a majority of the members of the Authority, from time, but at least two such meetings shall have to be held during each year, Notice of regular meetings of the Groundwater Authority shall be given to each member of the Authority, personally or by mail, or by telegram at least fifteen days prior to the day named for such meeting.

6. Special meeting: ___ Special meetings of the Groundwater Authority may be called for by the Chairman on seven day's notice given personally or by mail, or telegram, to each member of the Authority, which notice shall state the time, place and purpose of the meeting. Special meetings of the Groundwater Authority shall be called for by the Chairman in the like manner and on like notice on the written request of at least three members.

7. Waiver of notice: ___ Before or at any meeting of the Groundwater Authority, any member, any in writing, waive notice of such meeting and such waiver shall be deemed equivalent to the giving of such a notice. Attendance by a member at any meeting to the Authority shall be a waiver of notice by him of the time and place

thereof. If all the members are present at any meeting of the Authority, no notice shall be required and any business may be transacted at such meeting.

8. Quorum: ___ At all meetings of the Groundwater Authority, one-third of the total strength of the members inclusive of the Chairman shall constitute a quorum for the transaction of business and the acts of the members present at a meeting at which quorum is present shall be the acts of the Authority, At any meeting of the Authority, of the required quorum is present and if the Chairman is absent for any reason, the majority of the members present may elect one of the members to preside over the meeting and to carry out the business. If at any such adjourned meeting, any business which from time to time. At any such adjourned meeting, any business which might have been transacted at the meeting as originally called may be transacted without further notice, provided that there is a quorum,

9. Functions of employees of Groundwater Authority:___ The technical personnel and other staff so appointed by the Government under sub-section (1) pf section 4 of the Act shall render such technical/ secretarial assistance to the Groundwater Authority in its day-to-day functions, as may be notified by the Government from time to time.

10. Terms and conditions of service of the employees of the Ground water Authority, ___ (1) The conditions of service, salary and allowances, etc. of the employees of the Groundwater Authority shall be on par with that of the employees holding similar or equivalent posts under the Government Pondicherry, as may be notified by the Government.

(2) In all matters like age of retirement. Pay and allowances, benefits and entitlements and disciplinary matters, the employees of the Groundwater Authority shall be governed by the rules in force as may be applicable

(3) The officers and other employees of the Groundwater Authority shall be entitled to such other facilities, allowances and benefits as may be notified by the Government from time to time.

11. Grant of permit to sink a well, ___ (1) Any user of groundwater (as defined under clause (g) of section 2 of the Act) desiring to sink a well for any purpose shall apply to the Groundwater Authority for the grant of a permit in this behalf. The application shall be made in Form-I appended to these rules.

(2) On receipt of an application under sub-rule (1), the Groundwater Authority shall make such inspection and inquiries as it deems necessary and if it is satisfied that there is no objection to grant such condition as permit to sink a well, it may grant such permit to the applicant subject to such condition as may be specified therein in Form-II appended to these rules and on payment of specified fee.

(3) Refusal to grant permit by the Groundwater Authority shall be communicated to the applicant in Form-III appended to these rules only after he/she has been given a reasonable opportunity of being heard.

(4) The decision regarding the grant or refusal to the grant of permit shall be intimated to the applicant by the Groundwater Authority within 60(Sixty) day from the date receipt of the application.

12. Grant of certificate of registration of existing users.-(1) Every existing user of groundwater shall, within a period of one hundred and twenty days from the date specified in the notification issued under sub-section (4) of section 5 of the Act, shall apply to the Groundwater Authority for the grant of a certificate of registration recognizing its existing use. The application shall be made in Form-IV appended to these rules

(2) On receipt of the application under sub-rule (1), the Groundwater Authority shall make such inspection and enquires as it deems necessary and if it is satisfied that there is no objection to grant such certificate of registration recognizing the existing use, it may be grant such certificate to the applicant, subject to such condition as may be specified therein in Form-LV appended to these rules and on payment of the specified fee.

(3) Refusal to grant the certificate of registration by the Groundwater Authority shall be communicated to the applicant in Form-VI appended to these rule only after he/she has been given a reasonable opportunity of being heard.

(4) The decision regarding the grant or refusal to the grant of certificate of registration shall be intimated to the applicant by the Groundwater Authority within 60(Sixty) days from the date of receipt of application.

(5) Every user of groundwater other than for agriculture and horticulture purposes shall maintain a register in Form-VII-A or Form-VII-B, as the case Form-VII-A or Form-VIII-B appended to these rules.

13. Grant of license for sinking of wells and transport of groundwater, ___ (1) Any person desiring to carry on the business of sinking of wells and/or Installation of devices for extraction and transport of groundwater shall apply to the Groundwater Authority for the grant of a license in this behalf, The application shall be made in Form-IX appended to there rules.

(2) On receipt of an application under sub-rule (1), the Groundwater Authority Shall make such inspection and enquiries as it deems necessary and if in is satisfied that the applicant in Form X-A or Form-B, as the case may be, appended to these rules, subject to such condition as may be specified therein and on payment of the specified fee.

(3) No license under sub-rule (3) shall be granted unless the Groundwater Authority is satisfied that necessary drilling machinery and equipment are owned/possessed by the applicant and that he/she has the means and knowledge to undertake drilling operations in connection with extraction of groundwater.

(4) Every licence under sub-rule (3) for sinking of well for extraction/transport of groundwater shall be valid for the financial year or part thereof, as may be specified therein.

(5) (a) An applicant seeking renewal of licence shall apply before 90 days of the expiry of the original licence and all the provisions of rules applicable to grant of an original licence shall apply to the renewal of licence also.

(b) Where an application for renewal is made before the expiry of the licence granted under sub-rule (3), and the order regarding refusal or renewal is passed after the expiry of licence, the applicant shall be deemed to have been carrying on his business in accordance with the expired licence till the date of communication of the final order on that application.

(c) Where an application for renewal is made after the expiry of the licence with late fee, the applicant shall be deemed to have been carrying on his business in accordance with the expired licence (from the date of expiry) till the date of communication of the final order on that application.

(6) Refusal to grant licence by the Groundwater Authority shall be communicated to the applicant in Form-XI appended to these rules only after he/she has been given a reasonable opportunity of being heard.

(7) The decision regarding the grant or refusal to the grant of licence shall be intimated to the applicant by the Groundwater Authority within 60(Sixty) days from the date of receipt of application.

(8) Every person issued with licence under sub-rule (2) should maintain a register in Form-VII-A or Form-VII-B, as the case may be, and shall send a monthly report in Form-VII-A or Form-VIII-B appended to these rules.

14. Fees,- (1) The fee payable for grant of permit to sink a well, grant of certificate of registration of existing users and grant/renewal of licence for sinking of wells for wells for extraction/transport of groundwater shall be as specified below:-

Permit

Certificate of Registration

Licence fee

(rule 11)

(rule 12)

(rule 13)

Rs.

Rs.

Rs.

a)

Agriculture and horticultural purposes

50

50

100

b)

Domestic Purpose

50

50

100

c)

Industrial Purpose

200

200

1,000

d)

Transport of groundwater

200

200

1,000

e)

Duplicate copy

5

5

5

f)

Late fee for renewal

-

-

100

g)

Appeal

25

25

25

(2) Any fee paid under sub-rule (1) shall not be refunded unless the grant of permit to sink a well, grant of certificate of registration or grant or renewal of licence for sinking of wells for extraction/transport of groundwater has refused.

(3) Fee at the rate stipulated under clause (e) of sub-rule (I) is pay-able, for obtaining duplicate copy of the permit, certificate of registration or licence granted, if the original is defaced or lost.

(4) The fee payable under (I) is subject to revision by the Groundwater Authority and such revision shall be notified in the official gazette as and when required.

15. Preservation of specimen of soil and other excavated during sinking of wells.—

(1) During inspection by the employee of the Groundwater Authority not below the rank of Technical Assistant, duly authorized to do so, where the employee is of the opinion that it is necessary to take specimens of such soils or other materials or of water of a well which is being sunk or has been sunk for the purpose of soil and chemical analysis, he may, after obtaining the approval of the Groundwater Authority by an order in writing, call upon the persons sinking the well, to—

(a) keep and preserve such quantity of soil excavated while sinking the well in separate polythene bags or such other containers as may be specified in the order;

(b) keep and preserve such other material excavated while sinking the well in metal containers or such other containers as may be specified in the order; or

(c) keep and preserve such quantity of water drawn from the well, in such vessels as may be specified in the order.

(2) Within such time as may be specified in the order; the employee who has inspected the site shall call upon the person and obtain from him The materials specified in clause (a),(b) and (c) of sub-rule (1), after duly giving a receipt to the person, of the quantity of soil, water and other materials obtained from him. The officers shall thereupon. In the presence of the person sinking the well, indicate clearly on the specimen, the name of the person, the location of the well and such other particulars as may be deemed fit for proper identification.

(3) The officer shall thereafter with the approval of the Groundwater Authority forward the specimen to the notified laboratory for soil and chemical analysis.

(4) On receipt of the chemical from the laboratory, the officer shall submit such submit such report along with his comments thereon to the Groundwater Authority for such further orders as may be deemed fit.

16. Appeals, ___ (1) Any person aggrieved by an order of the Groundwater Authority, may, within thirty days from the date on which he receives the intimation of such order, prefer an appeal to the Government of Pondicherry, the appellate authority under the rule.

(2) The appeal under rule 16 shall be preferred in duplicate in the form of a memorandum setting forth concisely the grounds of objection to the order of the Groundwater Authority and shall be accompanied by a fee of twenty five rupees in cash and a certified copy of the order of the Groundwater Authority.

(3) When an appeal is lodged, intimation of such appeal shall also be given to the Groundwater Authority simultaneously.

(4) The Government, after giving an opportunity to the party and after such further enquiry, if any, as he/she may deem necessary, may confirm, vary or set aside the order of the Groundwater Authority and shall make an order accordingly within three months from the date of appeal.

FORM –I

[See rule11 (1)]

APPLICATION FOR GRANT OF PERMIT TO SINK A WELL

1. (i) Name of the applicant :

(ii) Age in years :

(iii) Father's /Husband's name :

(iv) Full address :

(v) Telephone No. :

2. Location :

(i) R.S.No. :

(ii) Name of the village :

(iii) Name of the commune :

3. Whether required for a new well
or replacement well :

(i) If required for new well -

(a) Distance from the sea coast :

(b) Distance from nearest tubewell :

(c) Purpose : Agriculture / Horticulture /
Domestic / Industrial / Other use.

(d) Well details : Dugwell / Dug-cum–borewell/Tubewell

(ii) If required for replacement well

(a) Details of existing well –

Diameter :

Depth :

Power policy no. :

Actual discharge :

Type of the pump :

Horse power :

Year of construction :

Registration No. of Ground-
Water Authority with date :

Present condition :

(b) Reason for replacement :

4. If required for agriculture purpose -

(i) Status of the farmer : Marginal farmer / Small farmer / Big farmer

(ii) Total extent of land owned :

(iii) Extent of land irrigated :

(iv) Type of crop

5. If required for domestic purpose -

(i) Total number of persons :

(ii) Total water requirement per day :

in litres / gallons

6. If required for industrial purpose -

(i) Type of industry :

(ii) No. of persons engaged :

(iii) Water required for industrial : Process/ Washing/ Cooling/Boiler
purpose Domestic and Sanitary /Gardening

7. If the applicant is not the land-owner, :

whether the consent of the land-owner is

obtained. (copy to be enclosed)

DECLARATION

I, do hereby solemnly affirm and state that the information given in the above application is true and correct to the best of my knowledge and belief.

I further declare that I am making this application in my capacity as and that I am competent and authorised to make this application and to verify it.

Place :

Date : Signature of the applicant

Note :

1. Incomplete application is liable to be rejected
2. The consent of the owner of the land (if such owner is not the applicant) should invariably accompany the application.
3. Permit will be issued on approval by competent authority within 60 days from the date of receipt of application on payment of the prescribed fee.
4. separate permit should be obtained for each well.

FORM –II

[See rule11 (2)]

PERMIT TO SINK A WELL

Permit No.:

With reference to his / her application No..... dated,
Thiru / Tmt..... Son / daughter / wife of residing at
..... Is hereby granted permit to sink a well in R.S. No. in
..... Village of Commune in region for agriculture /
horticulture / domestic / industrial / other use, conforming to the following
specifications:-

- (i) Type of well
- (ii) Depth
- (ii) Diameter
- (iv) Aquifer to be tapped
- (v) H.P. of the motor pump to be installed
- (vi) No. of hours to be operated
- (vii) Quantity of groundwater to be extracted per day
- (viii)
- (ix)
- (x)

2. This permit is also subject to the following conditions:-

- (i) The permit holder should not deviate from the specifications regarding the well above-mentioned.
- (ii) The Groundwater Authority or any person duly authorised by it shall have the right to enter and inspect the place with such assistance as may be necessary to satisfy whether the conditions and restrictions specified in this permit are being complied with.

(iii) The Groundwater Authority, for technical reasons, may alter, amend or vary the terms of the permit giving 15 days notice to the permit holder specifying the reasons.

(iv) Any other conditions (to be specified)

Place : Signature of the Chairman

Date : Groundwater Authority.

FORM –III

[See rule11 (3)]

REFUSAL TO GRANT OF PERMIT TO SINK A WELL

With reference to his / her application No..... dated and personal hearing had on, Thiru / Tmt..... son / daughter / wife of residing at Is hereby refused permit to sink a well in R.S. No..... in village of commune in region for agriculture / horticulture / domestic / industrial / other use for the following reasons:-

- 1.
- 2.
- 3.

Place : Signature of the Chairman

Date : Groundwater Authority.

FORM –IV

[See rule12 (1)]

**APPLICATION FOR GRANT OF CERTIFICATE OF
REGISTRATION OF EXISTING USER OF GROUNDWATER**

1. (i) Name of the applicant :

(ii) Age in years :

(iii) Father's /Husband's name :

(iv) Full address :

(v) Telephone No. :

2. Location :

(i) R.S.No. :

(ii) Name of the village :

(iii) Name of the commune :

3. Details of the existing well

(i) Type of the well : Dugwell / Dug- cum – borewell /Tubewell

(ii) Diameter :

(iii) Depth :

(iv) Power policy no. :

(v) Actual discharge :

(vi) Type of the pump :

(vii) Horse power :

(viii) No. of hours operated per day :

(ix) Year of construction :

4. Permit No. issued by Groundwater :

Authority with date, if any

5. Purpose for which used : Agriculture / Domestic / Industrial / Transport

6. If used for agriculture purpose -

(i) Status of the farmer : Marginal farmer / Small farmer / Big farmer

(ii) Total extent of land owned :

(iii) Extent of land irrigated :

(iv) Type of crop :

7. If used for domestic purpose -

(i) Total number of persons :

(ii) Quantity of water pumped per day :

8. If used for industrial purpose-

(i) Type of industry :

(ii) No. of persons engaged :

(iii) Quantity of water used for : Process Washing Cooling / Boiler

Industrial purpose Domestic and Sanitary Gardening

9. If water is to be used by transportation -

(i) Purpose :

(ii) By whom transported :

(iii) From where transported :

(iv) Mode of transport :

(v) Registration No. of the transport :

vehicle

(vi) Whether consent of the owner of :

the source obtained (copy to be

enclosed)

10. If the applicant is not the land-owner, :

whether the consent of the land-owner is

obtained (copy to be enclosed)

DECLARATION

I, do hereby solemnly affirm and state that the information given in the above application is true and correct to the best of my knowledge and belief.

I further declare that I am making this application in my capacity as and that I am competent and authorised to make this application and to verify it.

Place :

Date : Signature of the applicant

Note :

1. Incomplete application is liable to be rejected

2. The consent of the owner of the land / source of water (if such owner is not the applicant) should invariably accompany the application.

3. Certificate will be issued on approval by competent authority within 60 days from the date of receipt of application on payment of the prescribed fee.

4. Separate certificate of registration should be obtained for each well.

FORM –V

[See rule12 (2)]

**CERTIFICATE OF REGISTRATION FOR EXISTING USER
OF GROUNDWATER**

Registration No.:

With reference to his / her application No..... dated Thiru / Tmt..... son / daughter / wife of residing at (mention the type of well here) located at R.S. No.....in village of commune in region for agriculture / horticulture / domestic / industrial / transport / other use, conforming to the following specifications:-

(i) Type of well :

(ii) Depth :

(iii) Diameter :

(iv) Aquifer to be tapped :

(v) Type of pump :

(vi) H.P. of the motor pump installed :

(vii) No. of hours to be operated :

(viii) Quantity of groundwater to be extracted :

per day

(ix) Quantity of groundwater got transported :

per day

(x) :

(xi) :

(xii) :

2. This certificate is also subject to the following conditions:-

(i) The certificate holder should not deviate from the specifications regarding the well above-mentioned.

(ii) The Groundwater Authority or any person duly authorised by it shall have the right to enter and inspect the place with such assistance as may be necessary to satisfy whether the conditions and restrictions specified in this permit are being complied with.

(iii) The Groundwater Authority, for technical reasons, may alter, amend or vary the terms of the permit giving 15 days notice to the permit holder specifying the reasons.

(iv) The certificate holder should maintain a register in Form – VII and should send a monthly report in Form – VIII appended.

(v) Any other conditions (to be specified).

Place : Signature of the Chairman

Date : Groundwater Authority.

FORM –VI

[See rule12 (3)]

**REFUSAL TO GRANT CERTIFICATE OF REGISTRATION
FOR EXISTING USER OF GROUNDWATER**

With reference to his / her application No..... dated and personal hearing had on, Thiru / Tmt..... son / daughter / wife of residing at is hereby refused certificate of registration recognizing the use of(mention the type of well here) in R.S. No..... in village of commune in region for agriculture / horticulture / domestic / industrial / transport / other use, for the following reason:-

- 1.
- 2.
- 3.

Place : Signature of the Chairman

Date : Groundwater Authority.

FORM- IX

[See rule 13(1)]

**APPLICATION FOR GRANT OF LICENCE FOR SINKING
OF WELLS FOR EXTRACTION/ TRANSPORT OF
GROUNDWATER**

1. In case of individual--.

(a) Name of the applicant :

(b) Age in years :

(c) Father's/Husband's name :

(d) Full address :

(e) Telephone No. :

In case of firm / company ---

(a) Name of the company :

(b) Name of the owner :

(c) Address of the company :

(d) Telephone No. :

2. purpose of licence : Sinking of well / Transport of groundwater

3. Nature of licence : New / Renewal

4. If renewal, existing licence No. :

with date.

5. If for sinking of wells —.

(a) Details of machinery and : Make Year of Regn. Total

Equipments purchase No. Nos.

(i) Drilling rig

(ii) Hand boreset

(iii) Air- compressor

(iv) Electrical logger

(v) Lorry

(vi) Tractor

(vii) Others

(b) No. of person employed with :
their grades.

(c) No. of borewells constructed so far :
(approximately).

6. If for transport of ground water :-

(i) Purpose :

(ii) To and from where to be :
transported.

(iii) Mode of transport :

(iv) Registration No. of the :
transport vehicle.

(v) Quantity of water to be :
transport per trip.

(vi) No. of trips per day :

DECLARATION

I,.....do hereby solemnity affirm and state that the information given in the above application is true and correct to the best of my knowledge and belief.

I further declare that I am making this application in my capacity as and that I am competent and authorized to make the application and to verify it.

place :

Date : Signature of the applicant.

Note :

1. Incomplete application is liable to be rejected.
2. The consent of the owner of the company (if such owner is not the applicant) should invariably accompany the application.
3. Licence will be issued on approval by competent authority within 60 days from the date of receipt of application on payment of the prescribed fee.

FORM—X (A)

[See rule 13 (2)]

**LICENCE FOR SINKING OF WELLS FOR EXTRACTION
OF GROUNDWATER**

Licence No.:

With reference to his/her application No..... dated....., Thiru./Tmt./M/s....., son/daughter/wife of is hereby granted new /renewal licence for sinking wells for extraction of groundwater in.....region conforming to the following conditions:-

- i. The licence shall be in force for a period ofmonth/years from the date of issue.
- ii. The well constructed should be in conformation to the specifications in the permit, to sink a well to the beneficiary applicant.
- iii. The licence shall be kept at the drilling site and shall be produced for inspection by the Inspecting Official designated for the purpose by the Groundwater Authority.
- iv. Any change of name of person/firm/ownership indicated in the licence shall forth with be reported to the Groundwater Authority within 15 days.
- v. The licensee shall comply with the provisions of the Pondicherry Groundwater (Control and Regulation) Act, 2002(Act No. 2 of 2003) and the rules made thereunder for the time being in force.
- vi. The licensee should maintain a register in Form-XII and should send a monthly report in Form-XIII appended.

2. This licence is also subject to the following Conditions:--

- i. No well should be constructed without a valid permit.
- ii. The licence holder should not deviate from the conditions above-mentioned.
- iii. The Groundwater Authority or any person duly authorized by it shall have the right to enter and inspect the company with such assistance as may be necessary to satisfy whether the conditions and restrictions specified in this licence are being complied with.

iv. The Groundwater authority for technical reasons, may alter, amend or vary the terms of the licence giving 15 days notice to the licence holder specifying the reasons.

v. Any other conditions (to be specified).

vi.

Place :

Date : Signature of the Chairman

Groundwater Authority.

FORM—X (B)

[See rule 13 (2)]

LICENCE FOR TRANSPORTATION OF GROUNDWATER

Licence No.:

With reference to his/her application No..... dated..... Thiru./Tmt./M/s.....son/daughter/wife of is hereby granted new /renewal licence for transportation of groundwater for purpose using vehicle with registration number in..... region conforming to the following conditions:--

- i. The total quantity of water transported should not exceed.....liters per day.
- ii. The licence shall be in force for a period of month/years from the date of issue.
- iii. The well used for drawal of groundwater for transportation purpose should be in conformation to the specification issued vide certificate of registration issued to the users.
- iv. The license should always be kept in the vehicle used for transport and shall be produced for verification by the Inspecting Official designated or the purpose by the Groundwater Authority as and when required.
- v. Any change of name of person/firm/ ownership indicated in the licence shall forth with be reported to the Groundwater Authority within 15 days.
- vi. The licensee shall comply with the provisions of the pondicherry Groundwater (Control and Regulation) Act,2002(Act No.2 of 2003) and the rules made there under for the for the time being in force.
- vii. The licensee should maintain a register in Form-XII and should send a monthly report in Form-XIII appended.

2.This licence is also subject to the following conditions:-

- i. No water should be used for transportation without a valid certificate of registration issued to the users.
- ii. The licence holder should not deviate form the conditions above- mentioned.

iii. The Groundwater Authority or any person duly authorized by it shall have the right to enter and inspect the company with such assistance as may be necessary to satisfy whether the conditions and restrictions specified in this licence are being complied with.

iv. The Groundwater Authority, for technical reasons, may alter, amend or vary the terms of the licence holder specifying the reasons.

v. The drawal and transport of groundwater under this licence shall not interfere with the normal activities of the locality nor should it cause any traffic hazard.

vi. Any other conditions (to be specified).

Place :

Date : Signature of the Chairman

Groundwater Authority.

FORM—XI

[See rule 13 (6)]

REFUSAL TO GRANT OF LICENCE FOR SINKING OF WELLS/TRANSPORT OF GROUNDWATER

With reference to his /her application No,dated.and hearing had in Thiru /Tmt/M/sSon/daughter/wife ofresiding atis hereby refused the grant of licence for sinking wells/transport of groundwater inregion for the following reasons:-

- 1.
- 2.
- 3.

Place :

Date : Signature of the Chairman

Groundwater Authority.