

India -- Kerala Ground Water (Control and Regulation), Act, 2002

05/16/2005

ACT 19 OF 2002

ANNEXURE VI

THE KERALA GROUND WATER (CONTROL AND REGULATION) ACT, 2002

AN ACT

To provide for the conservation of ground water and for the regulation and control of its extraction and use in the State of Kerala.

Preamble- Whereas it is expedient to provide for the conservation of Ground Water and for the regulation and control of its extraction and use in the State of Kerala;

And Whereas in certain, areas of the State the tendency of indiscriminate extraction of Ground Water is continuing;

And Whereas it is felt that the erratic extraction of ground water is found to result in undesired environmental problems in such areas;

And Whereas the groundwater is a critical resource of the State;

And Whereas it is considered necessary in the public interest to regulate and control any form of development of ground water in State of Kerala; Be is enacted in the Fifty-third Year of the Republic of India as follows:-

1. Short title, extent and commencement- (1) This Act may be called the Kerala Ground Water (Control and Regulation), Act, 2002.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may by notification in the Gazette, appoint: - Provided that different dates may be appointed for different areas and for different provision of the Act and any reference in any such-provision to the commencement of this Act shall be constructed as a reference to the commencement of such provision.

2. Definition- (1) In this Act, unless the context otherwise requires,

(a) "Authority" means "the State Ground Water Authority" constituted under subsection (1) of section 3 of this Act;

(b) "Government" means the Government of Kerala;

(c) "Ground Water" means the water which exist below the surface of the ground at any location or at any particular category of locations;

(d) "notified area" means the area notified under sub-section (1) of section 6 of this Act;

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

(f) "pumping well" means a well fitted with-pump driven by an electric motor or oil engine for pumping water but does not include open wells fitted with pumps driven by engine or motor of Horse Power up to 1.5 and tube wells, bore wells and dug-cum bore wells fitted with pumps driven by engine or motor of Horse Power up to 3;

(g) "digging" with all its grammatical variations and synonyms, includes digging or drilling of new wells, putting in pipes or drilling making tunnels or increasing depth or diameter of the existing wells;

(h) "user of ground water" means any person using ground water from a pumping well for any purpose including domestic purpose;

(i) "Well" means any structure made on the surface of earth by any person other than officers authorized by State Government or Central Government, for the purpose of drawing ground water for search, development, use or management of ground water resources and-includes open well, dug well, bore well, dug-cum bore well; tube well, storage well, infiltration gallery, but shall not include open well or dug well used for domestic purposes.

3. State Ground Water Authority- (1) The Government shall, by notification in the Gazette constitute an authority called the State Ground Water Authority with effect from such date as may be specified therein.

(2) The authority shall be a body corporate having perpetual succession and common seal with power subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable and to enter into contract and shall by the name of the Authority sue and be sued.

(3) The Authority shall consist of the following members, namely: -

(i) the Secretary to Government, Water Resources Department; Ex Officio who shall be Chairman of the Authority;

(ii) the Secretary to Government, Finance Department; Ex officio;

(iii) the secretary to Govt Local Self Government (Rural Development) Department Ex-Officio

(iv) The Director, Ground Water Department; Ex-Officio, who shall be the Secretary of the Authority;

- (v) The following persons nominated by the Government
- (a) two members of the Legislative Assembly
 - (b) an expert in Water Resource;
 - (c) a member of Grama Panchayat;
 - (d) a member of Municipal Council;
 - (e) a member belonging to a Scheduled Caste or Scheduled Tribe;
 - (f) a Woman;
 - (g) a public man;
 - (h) an environmental activist.

(4) The term of office of the nominated members shall be three years.

(5) Any nominated member may resign his official at any time by a resignation letter addressed to Government. Provided that the resignation shall not come into effecting until it is accepted.

(6) The conditions of the service of the members of the Authority shall be, such as may be prescribed;

4. Acts not to be invalidated by irregularity, vacancy etc. No act done or proceedings taken by the authority shall be invalidated merely on the following reasons-

(a) any vacancy or any defect in the constitution of the authority; or

(b) any defect or irregularity, in the appointment of a person action as a member of the authority.

5. Officers and staff of the Authority - All officers and other employee of the Ground Water Department shall, for the purpose of this Act, be considered as the officers and staff of the Authority and they shall exercise the powers and perform the duties assigned to them from time to time by the Authority in writing: Provided that the Government may depute such number of scientists and technicians, as it may deem necessary for the purpose of the proper functioning of the Authority under this Act or for the proper exercise of the powers under this Act.

6. Notifying areas for the control and regulation of ground water development:- (1) The Government may, if satisfied on the recommendation of the authority, that it is necessary in the public interest to regulate the extraction of use of ground water of any area, declare by notification, in the Gazette, such area as notified are or the purpose of this Act, with effect from such date as may be specified therein.

(2) Every notification issued under sub-section (1) shall be published in the Gazette as well as in two daily newspapers having wide circulation in the said areas and a copy of the same shall be exhibited. On the notice board of the office of the Grama Panchayat or Municipality, as the case may be and Village Office of the said area.

7. Grant of Permit to extract and use ground water.-(1) Any person desiring to dig a well or to convert the existing well into pumping well, for his own or social purpose in the notified area, shall submit an application before the Authority for the grant of a permit it for the purpose and shall not proceed with any activity connected with such digging or conversion unless a permit has been granted by the Authority.

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

(3) The Authority shall acknowledge the receipt of every application in the manner as may be prescribed.

(4) On receipt of an application under sub-section (1) the Authority shall, if satisfied that it shall not be against the public interest so to do grant; subject to such conditions as may be prescribed permit authorizing to draw ground water or reject the application. Provided that no person shall be refused a permit without giving an opportunity of being heard.

(5) The decision regarding the grant or refusal of the permit shall be communicated to the applicant by the Authority in writing within ninety days from the date of receipt of the application.

(6) Where the Authority received the application under sub-section (1) fails to inform "the applicant" of its decision on the application within ninety days from the date of receipt of the application, the permit shall be deemed to have been granted to the applicant and such person shall for the purpose of this Act be deemed to be a permit holder.

(7) In granting or refusing the permit the Authority shall consider the following matters, namely:-

- (a) the purpose or purposes for which the water is used;
- (b) the other existing users of that locality
- (c) the availability of ground water of that area;
- (d) the quality of ground water in connection with its use;
- (e) the distance of the proposed well with the adjoining well and the number of wells in the area and the chance of interference with existing wells;
- (f) chances of ground water pollution;
- (g) the long term nature of ground water level in the area
- (h) any other factors relevant thereto

8. Registration of the existing wells of the notified area-(1) Every owner of the existing wells of the notified area in the State shall, within a period of one hundred and twenty days from the date of constitution of the Authority, register the wells existing and in use and shall apply to the Authority in such form and in such manners as may be prescribed for a certificate or registration: Provided that If the Authority is satisfied that there are sufficient reasons for the applicant for not submitting the application within the said time limit it may entertain the application submitted thereafter.

(2) The details to be furnished in an application under sub-section (1) shall contain such particulars and shall be in such manner as may be prescribed.

(3) On receipt of an application under sub-section (1) the Authority shall, if satisfied that it shall not be against the public interest so to do, register the well subject to such conditions and restrictions as may be prescribed and issue a certificate of registration to the applicant or reject the application. Provided that no application for registration shall be rejected without giving the applicant an opportunity of being heard.

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

(5) The Authority shall consider the following matters before granting or rejecting the application for registration of well under sub-section (3) namely:-

- (a) the purpose for which water is used;
- (b) the other existing users of that locality;
- (c) the rate of re-charge of the area of influence of the well;
- (d) the quality of ground water in the location;
- (e) the long term nature of water level of well;
- (f) the other relevant factors.

(6) The Certificate of registration shall be in the form prescribed.

(7) Until the Authority intimates the decision regarding grant or rejection of registration under sub-section (1), every owner of existing well in the notified area shall be entitled to the continued use of ground water in the same manner as before the date of application.

(8) In case a registered well becomes unuseful, the owner shall inform the matter in writing to the Authority immediately.

9. Registration of user of Ground Water- (1) All users of ground water in the State shall within one hundred and twenty days from the date of constitution of the Authority, apply, to be registered with the Authority as a user of ground water in the State and for grant of certificate of registration.

(2) On receipt of an application under sub-section (1) the Authority shall; if satisfied that it shall not be against public interest so to do; grant registration subject to the conditions and restrictions as may be prescribed, and issue a certificate of registration or reject the application: Provided that no application for registration shall be rejected without giving the applicant an opportunity of being heard.

10. Protection of Public drinking water sources:- (1) Notwithstanding anything contained in this Act, no person shall without the permission of Authority dig well for any purpose within thirty meters from any drinking water source from where water is pumped for

public purpose. Provided that the provision in sub-section (1) shall not apply to the digging of a well for any drinking water scheme implemented by the government or local bodies.

(2) Every application for permission under sub-section (1) shall be in such form as may be prescribed and shall be submitted to the Authority with such fees as may be fixed.

(3) On receipt of an application under sub-section (2) and if it is satisfied that digging of well shall not adversely affect the public drinking water source, permission may, subject to such restrictions and conditions mentioned therein, be granted to dig the well for the purpose of drinking water or for agriculture: Provided that if the decision of the Authority is not communicated to the applicant within ninety days from the date of application, permission shall be deemed to have been granted and the permission so deemed to have been granted shall be subject to the laws in this regard.

11. Power to make changes to the conditions in the permit or certificate of registration- At any time after any permit or certificate of registration has been granted, the authority may, after giving the owner an opportunity of being heard, make change, amend or modify the condition, in the permit or certificate of registration, as the case may be, on technical reasons. Provided that before taking such action, the Authority shall ensure that no standing crops are damaged by this decision.

12. Cancellation of permit or certificate of registration- The Authority may, if satisfied on receipt of any information on or on the basis of its own studies that,-

(a) the permit or certificate of registration under this Act is not based on facts;

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

(c) a situation has arisen which warrants limiting of the use or extraction of ground water in the area around well; without prejudice to any other penalty to which the holder of the permit or certificate of registration may be subjected to under this Act, and after giving the holder of permit or certificate of registration an opportunity of being heard cancel the permit certificate of registration.

13. Grants From State Government: - The Government shall, after due appropriation made by the State Legislative by law in this behalf, provide to the Ground Water Authority by way of grants such sum of money as it may consider necessary for carrying out the purpose of this Act.

14. Fund of the Grant water Authority: - The Authority shall have a Fund to be called The Ground Water Authority Fund and,

(a) all sums to money received by the authority by way of grant loan or otherwise from the central or state Governments or from Financial Institutions;

(b) all other sums of money received by, or on behalf of the Authority; shall be credited to it.

(2) The Ground Water Authority Fund shall be utilized for meeting the expense of the activities of the Authority.

15. Powers of Ground Water Authority.- (1) The Authority shall have power.-

(a) to enter any property and to measure the quantity of water located on the surface of earth or under the earth.

(b) to inspect any well which is dug or being dug and the soil and other materials excavated there from;

(c) to take samples of such soil or other materials or water extracted on such wells.

(d) to enquire, by order in writing the persons digging a well to keep and preserve in such manner as may be prescribed, the samples of soil or materials extracted from there as directed by the Authority for a period not exceeding three months from the date of completion or abandonment of the work;

(e) to examine and take copies of the relevant records or documents and for obtaining and information required for the implementation of the objects of this Act, to ask any question on matters including the diameter or depth of the well which is dug or being dug, the level at which the water was found out or may be found out and subsequently restored or rested, the types of strata encountered in the digging of well and the quality of water found out;

(f) to enquire the user of ground water to install water measuring instrument in any water supply machinery. When it is necessary for the proper use of water or there is reason to believe that the user is not complying the provisions contained in this Act or to protect public interest.

(g) to seize the equipments and instruments used for unauthorized digging and to destroy partially or completely the work done.

(h) to require any user of water who does not comply with the provisions of this Act and the rules made there under, to stop any water apply or to destroy any hydraulic work which is found un authorized as per the provisions of this Act and the rules made there under.

(i) to enter and research any place with such assistance as is deemed necessary, if there is reason to believe that an offence under this Act has been committed or is being

committed and to order in writing the person, who has committed or is committing the offence not to use the ground water for a specified period not exceeding thirty days.

(j) to take necessary steps to prevent the installation of drainage pipes etc. affecting the water source and to prevent depositing of water materials in the surface water sources if it is likely to affect the ground water sources;-

(k) to exercise such other powers that may be necessary for the implementation of the objects of this Act or the rules made hereunder.

(2) The Authority shall perform such functions as may be assigned by the Government from time to time in accordance with the objective of this Act.

(3) In case where any user of ground water makes any default in doing any act as required by the authority in exercise of the power under sub-section (1), the authority shall have power to perform such act directly and or realize the expense incurred in that behalf from that person in such manner as may be prescribed.

(4) The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall, as far as possible, apply to any search held or seizure made under this Act.

(5) Where the authority seizes any machinery or instruments under clause (g) of sub-section (1), it shall as soon as may be within ten-day report to magistrate and take his order for the custody of the same.

16. Implementation of orders, etc.- every order under section I shall be furnished to the user in such manner as may be prescribed.

17. Delegation of powers and duties.- The Authority may, by general or special order in writing, direct that all or any of the powers and duties to be exercised or performed by it shall be exercised or performed by such employee of the Authority under such circumstances and on such conditions as may be specified therein.

18. Members and Employees of Ground Water Authority to be public servants: - All members and employees of the Authority while acting or purporting to Act under the provisions of this Act or any rules made there under shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860);

19. Protection of action taken in good faith:- No suit prosecution or other legal proceedings shall lie against the govt. or authority or any officer of the govt. or any member or other employees of the authority for anything which is in good, faith done or purported to be done under or in pursuance of this act or the rules made there under

20. Cognisance of offences and Trial: - No court shall take cognisance of any offence publishing under this Act except on a report in writing of the facts constituting such offence submitted with the prior permission of the Secretary of the Authority.

21. Penalties: - (1) If any owner or user of a well contravenes any of this provisions of this Act of Rules made there under or fails to comply with the rules, in furnishing any information in the manner prescribed, he shall be punishable.

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

(ii) with fine which may extend to one thousand rupees for the second and subsequent offences.

(2) If for the unauthorized digging or construction or use of wells any user of ground water or the owner of a well.

(a) Contravenes any of the provisions of this Act or the rules made there under of fails to comply with the same; or

(b) obstructs the Authority or any other person authorized by it exercising any of the powers under this Act, he shall be punishable,

(i) with fine which may extend to two thousand rupees for first offences; and

(ii) with imprisonment up to six months or a fine which may extend to ten thousand rupees for the second or subsequent offences.

22. Compounding of offences.- The Authority may in such manner as may be prescribed, compound any offence under this Act which is liable to be punished with a fine not exceeding, two thousand rupees.

23. Offences by Companies.- If an offence punishable under this Act is committed at any time by a company every person who is in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence and the company shall be deemed to be responsible for the offence and shall be liable to be proceeded against and punished accordingly. Provided that where any offence under this Act has been committed by a company and it is proved that the commission of the offence is with the consent and connivance or attributable to any neglect on the part of any Director, manager, Secretary or other officer of the company such Director, Manager, Secretary or other officers shall be deemed to be responsible for that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purpose of this section,- (a) "Company" means any body corporate and includes a firm or other association or individuals; and (b) "Director" in relation to a firm means the partner in the firm.

24. Appeals.- (1) Any person aggrieved by the decision or action of the Authority under this Act may, within thirty days from the date on which such action is taken or the date of communication of that decision to him, and remitting such fees as may be determined,

prefer an appeal to such Authority as may be prescribed. Provided that the Appellate Authority may entertain an appeal preferred after the expiry of the said period of thirty days if it is satisfied that the appellant has sufficient causes for not filling the appeal in time.

(2) Or receipt of an appeal under sub-section (1) the Appellant Authority shall dispose of the appeal as early as possible after giving the appellant a reasonable opportunity of being heard.

25. Accounts and Audit.- (1) The Authority shall maintain true and proper accounts and other relevant records and prepare and annual statement and a balance sheet containing accounts of income and expenditure in such form and in such manner as may be prescribed.

(2) The accounts of the Authority shall be inspected and audited in accordance with the provisions of the Kerala Local Fund Audit Act, 1994 (14 of 1994)

(3) The accounts of the Authority as audited and certifies together with the audit report there on shall be forwarded annually to the Government and the Government shall, as early as possible cause the same to be laid before the Legislative Assembly.

26. Removal of difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the Governments, may by order do anything not inconsistent with the provisions of this Act, which appear to the necessary for the purpose of removing the difficulty. Provided that Government shall not issue any order under this sub section after the expiry of two years from the date of commencement of this Act.

(2) Every order issued under sub-section (1) shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive session and if before the expiry of the session in which it is no laid or the session immediately following the Legislative Assembly make any modification in the order or decides that the order should not be issued the order shall thereafter have effect only in such modifies 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 previously done under that order.

27. Power to make rules.- (1) The Government may, by notification in the Gazette, make rules to carry out the provisions of this Act.

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

(a) service conditions of the members of the Authority

(b) procedure for convening meeting of the Authority and other matters ancillary thereto

- (c) power and functions of the Secretary of the Authority
- (d) duties and service conditions of the staff of the Authority
- (e) any other manner of issuing notification under sub-section (3) of section 6;
- (f) format of application form permit and the certificate or registration under various sections of this Act:
- (g) mode of keeping and maintaining samples of soil and other materials as per clause (d) of sub section (1) of section 15;
- (h) for specifying the Appellate Authority and the fee payable along with the appeal memorandum under sub-section (1) of section;
- (i) any other matter which is required to be or may be prescribed.

(3) Every rule made under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly, while it is in session, for a total period of fifteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter 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 any thing previously done under that rule.

The Kerala Legislative Assembly passed this Bill on the 1st day of August 2002.

2004

KERALA GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. XLIX Thiruvananthapuram, Tuesday 2004 March 16
Volume 49

16th March 2004
No. 674

26th Phalguna 1925

GOVERNMENT OF KERALA
Water Resources (Ground Water) Department
NOTIFICATION

No. 6997/GW1/03/WRD

Dated, Thiruvananthapuram, 16th March, 2004

In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorize the publication in the Gazette of the following translation in the English language of the Kerala Ground Water (Central and Regulation) Rules, 2004, published as SRO No.256/2004 in the Kerala Gazette Extraordinary No. 674 dated 16-3-2004.

By order of the Governor
DR. ALOK SHEEL,
Secretary to Government

GOVERNMENT OF KERALA
Water Resources (Ground Water) Department
NOTIFICATION

G.O. (P) No. 17-2004-WRD

Dated, Thiruvananthapuram, 16th March, 2004

S.R.O. No. 256/2004 - In exercise of the powers conferred by sub section (1) of section 27 of the Kerala Ground Water (Control and Regulation) Act, 2002 (19 of 2002). the Government of Kerala hereby makes the following rules. namely:-

RULES

1. *Short title and commencement*:- (1) These rules may be called the Kerala Ground Water (Control and Regulation) Rules, 2004.
(2) They shall come into force at once.
2. *Definitions*:- (1) In these rules, unless the context otherwise requires -
 - (a) 'Act means the Kerala Groundwater (Control and Regulation) Act, 2002 (19 of 2002)
 - (b) 'agenda' means the list of subjects to be discussed in the meeting of the Authority.
 - (c) 'Government' means the Government of Kerala.
 - (d) 'meeting' means any ordinary or extraordinary meeting of the Authority.
 - (e) 'Chairman' means the chairman of the Authority appointed as per the provision of the Act.
 - (f) 'Secretary' means the secretary of the Authority appointed as per the provision of the Act.(2) Words and expressions used in those rules, but not defined shall have the respective meanings assigned to them in the Act.
3. *The time and place of meeting*:- (1) The Authority shall meet at least once in two months. The Secretary shall decide the time and place of the meeting after discussion with the Chairman.
(2) The Chairman shall preside over the meeting. In the absence of Chairman, the members present may elect one among themselves to preside over that meeting.
(3) The Secretary may convene an extraordinary meeting of the Authority with the permission of the Chairman if at least three members of the Authority make a written request thereof.
4. *Intimation regarding the meeting*:- (1) The Secretary shall at least ten days before the date fixed for the meeting give notice to all the members specifying the place, date and time of the meeting. The agenda and notes of the meeting shall also be given to the members along with the notice. In addition, the Secretary may in cases of emergency,

convene a meeting with the approval of the Chairman by giving three days notice. These notices shall be sent either by post or through a messenger.

(2) With the permission of the Chairman, any urgent matter not included in the agenda may be placed for discussion in the meeting.

5. *Regarding Authority's decision on urgent matters:-* When Authority's decision in any urgent matter, the said matter may be distributed among the members as a resolution. If the resolution is approved by not less than two thirds of its members, it will be considered as passed by the Authority. Such decision shall be placed in the next meeting and recorded in the minutes.

6. *Quorum for the meeting:-* (1) The quorum for a meeting shall be seven.

(2) If the number of members present is not sufficient for the quorum, the Chairman, in his absence the Secretary may postpone the meeting.

(3) Where a meeting is postponed under sub rule (2), the quorum for the next meeting as postponed shall be not less than five members provided that the proceedings of this meeting shall be in accordance with the agenda of the meeting so postponed.

7. *Decisions of the Authority:-* Decision of the majority in the meeting shall be the Authority's final decision. If the voting position is equal, the Chairman shall have a casting vote.

8. *Recording the summary of the proceedings and the decisions of the Authority:-* (1) A Summary of the discussions held in the meeting and the decision taken thereon shall be recorded in the minutes book and this shall be signed by both the Chairman and the Secretary.

(2) The Secretary shall send the minutes to all the members and this shall be submitted for approval in the next meeting. The Secretary will be the custodian of the minutes book.

9. *Modification and cancellation of decisions taken by the Authority:-* No decision taken by the authority can be altered or cancelled by it before the expiry of a period of three months from the date on which the decision was taken. However, decision can be altered or cancelled through a resolution passed by two thirds of the members.

10. *Attendance at meetings:-* The Secretary shall keep a record of the attendance of members in all meetings.

11. *The service conditions of the members of the Authority:-* The non-official members of the Authority are entitled for travelling allowances admissible to Class 1 Officers and sitting fee of Rs.250 for taking part in meeting of the Authority.

12. *Powers of the Secretary:-* The Secretary shall have powers-

(i) to undertake works for the normal day-to-day functioning of the Authority.

(ii) to sanction expenditure in connection with the Authority's functioning.

(iii) to call for and approve tenders for the purchase of materials for the Authority.

13. *Funds utilisation of the Authority:-* The Authority may utilize its fund for the following purposes:

- (i) Travelling expenses of the members of the Authority;
- (ii) Sitting fee for non-official members of the Authority;
- (iii) Expenditure related to the meetings of the Authority;
- (iv) Stationery required for the Authority
- (v) The expenditure incurred by the Authority while exercising its powers under the Act;
- (vi) Cost of purchase and repair of instruments required for scientific studies related to the Authority's work;
- (vii) Expenditure for purchase of vehicles required by the Authority and the cost of diesel and repair charges of these vehicles.
- (viii) expenditure for purchase of furniture, computer photocopiers, typewriters and other office equipment required by the Authority;
- (ix) the expenditure for payment of telephone, electricity and water charges of the Authority.

14. *Procedure for granting permit for digging new well in notified area:-* The application for getting a permit for digging new well shall be given in Form No.1 to the Ground water Authority. A fee of Rupees Fifty in the case of individuals or Rupees One thousand in the case of commercial and industrial establishments has to be remitted to the Authority along with the application. The Authority shall issue a receipt to the applicant for the amount remitted. Every application should be acknowledged by the Authority in the form prescribed in Form No.3. On receipt of an application, a groundwater scientist deputed by the Authority, should visit the concerned place and, after studying the geology and existing groundwater conditions of the area, give an investigation report with recommendations. If found necessary geophysical survey may also be done in addition to the hydro geological survey. The Authority will have the power either to issue the permit in Form No.4 or refuse it in Form No.6 of these rules on the basis of the said recommendation. In granting or refusing the permit the Authority shall consider the matters enumerated in sub-section (7) of section 7 of the Act. However, no person should be refused a permit without giving him an opportunity of being heard. The reason for rejecting an application should be indicated clearly. The decision regarding the grant or refusal of the permit shall be communicated to the applicant by Authority in writing within ninety days from the date of receipt of the application. If such communication is not made, the permit shall be deemed to have been granted to the applicant.

15. *Procedure for grant of permit for converting existing well into a pumping well in notified area:-* The application for permit for converting an existing well into a pumping well shall be given in Form No.2 to the Groundwater Authority. A fee of fifty-rupees in the case of individuals or one thousand rupees in the case of commercial and industrial establishments has to be remitted to the Authority along with the application. The Authority shall issue a receipt to the applicant for the amount remitted. Every application shall be acknowledged by the Authority in Form No.3. On receipt of an application, a

groundwater scientist deputed by the Authority, should visit the concerned place and, after studying the geology and existing ground water conditions of the area, give an investigation report with recommendation. If necessary, geophysical survey may also be done in addition to the hydro geological survey. The Authority will have the power either to issue the permit in Form No.5 or to refuse it on the basis of the investigation report and after examining the matters under section 7 (7). However, no application shall be refused without giving the applicant an opportunity of being heard. The reason for rejecting an application should be indicated clearly. The decision regarding the grant or refusal of permit shall be communicated to the applicant by the Authority in writing within ninety days from the date of receipt of the application.

16. *Procedure for registration of existing wells in notified area:-* The application for registration of an existing well in the notified area should be given in the prescribed Form No.7 to the Authority within 120 days from the formation of the Authority. The application should bear a court fee stamp worth Rupees Five affixed on it. On receipt of the application, a groundwater scientist deputed by the Authority should give his recommendation after considering the geology and existing groundwater conditions of the particular area. If necessary, the said scientist can conduct a site inspection. The Authority shall, considering such recommendation and the matters enumerated under sub-section (5) of section 8 of the Act, either to grant or refuse registration. The registration certificate shall be in form No.8 and the refusal thereof shall be in Form No.9. However, no application for registration shall be rejected without giving the applicant an opportunity of being heard. The reason for rejecting an application should be indicated clearly. The decision regarding the grant or refusal of permit shall be communicated to the applicant by the Authority in writing within ninety days from the date of receipt of the application. Until the applicant receives the communication from the Authority he can continue to use groundwater as before the date of application. In case the owner fails to apply within the time limit specified and the Authority is satisfied that there are sufficient reasons for the applicant for not submitting the application within the said time limit, it may entertain the application submitted thereafter.

17. *Procedure for registration as user of groundwater:-* All users of ground water in the State shall, within one hundred and twenty days of the Constitution of the Authority give an application in Form No.10 to the Authority for registration as a user of groundwater. The application should bear a court fee stamp worth Rupees Five affixed on it. On receipt of the application a ground water scientist deputed by Authority, shall give his recommendation after considering the geology and existing groundwater conditions of the particular area. If necessary, the said scientist can conduct a site inspection. The Authority after considering the recommendation shall either grant or refuse the registration. The registration certificate shall be in Form No.11 and the refusal shall be in form No.12. However, no application for registration shall be rejected without giving the applicant an opportunity of being heard. The reason for rejecting an application should be indicated clearly.

18. *Procedure for grant of permit for digging a well within thirty meters of any drinking water source from which water is pumped for public purpose:-* An application for permission to dig a well within thirty metres from any existing drinking water source for public purpose shall be given in the Form No.13 to the Authority. An application fee of five hundred rupees in the case of individuals and five thousand rupees in the case of commercial and industrial establishments in the form of demand draft drawn in favour of Secretary, Groundwater Authority, Thiruvananthapuram should be attached along with the application. On receipt of the application the Authority shall despatch a groundwater scientist, and he shall visit the concerned place and after studying the geology and existing groundwater conditions of the area, give an investigation report with recommendations. If necessary, geophysical survey may also be done in addition to the hydro geological survey. The Authority on the basis of investigation report and recommendation, shall have the power either to issue the permit or refuse it. The permit shall be in Form No.14 and the refusal shall be in Form No.15. Unless the applicant is informed of the decision within ninety days of receipt of application, it shall be presumed that permission have been granted.

19. *Conditions and restrictions which may be specified in the registration certificate and permit:-* The following conditions and restrictions may be specified in the registration certificate and permit. namely-

- (1) Limit prescribed for daily groundwater use (Limit prescribed for duration and rate of pumping);
- (2) Distance between nearby existing well and the new well proposed to be constructed;
- (3) Any reason, which makes it necessary that, the location of the new well proposed to be constructed should be in any particular part of the applicant's plot;
- (4) Limit prescribed for depth and diameter in the case of both new well proposed to be constructed and existing well proposed to be deepened or enlarged;
- (5) Type of pump and limit prescribed for motor horsepower;
- (6) Condition regarding use of groundwater;
- (7) In addition to the above-mentioned conditions, any other condition taking into account the special characteristics of an area.

20. *Manner of keeping and preserving samples of soil and other materials:-* The owner of the well shall, as per the written instructions of the Authority, collect and keep samples of soil, rock and groundwater from different depths in the new well being constructed, and inform this matter to the Authority. Soil and rock samples should be dried in the sun and stored in plastic bags of half litre capacity, with the depths of sample collection noted on them, for a period not exceeding three months. Groundwater samples should be collected in air tight one litre plastic container (filled to the brim) and preserved away from direct sunlight for a period not exceeding three months. The depth from which the sample was collected should be recorded on the containers. Authority will have the power to examine these samples.

21. *Manner of preferring an appeal to the appellate authority:-* Any person aggrieved by the decision or action of the Authority under this Act may, within thirty days from the date on which such action is taken or the date of communication of that decision to him,

give a written appeal to the Government. Court fee stamp worth five rupees should be affixed on the appeal. The appellate authority may entertain an appeal preferred after the expiry of the said period of thirty days if it is satisfied that the applicant has sufficient cause, for not filing the appeal in time. On receipt of an appeal the appellate authority shall dispose of the appeal as early as possible after giving the appellant an opportunity of being heard.

Form No.1
KERALA GROUNDWATER AUTHORITY
[As per sub-section 2 of section 7 of Act]
[See rule 14]
Application Form For permit
(For digging new well in notified area)

1. Name of applicant :
 2. Address :
 3. Survey number of the area in which the well is proposed to be dug :
 4. Village :
 5. Panchayat/Municipality/Corporation :
 6. Block :
 7. Taluk :
 8. District :
 9. Type of well proposed to be dug : Open well/filterpoint/Bore well/
Dug-cum-bore well/Tube well/Collector well/Infiltration gallery
 10. Diameter of well :
 11. Proposed depth :
 12. Purpose for which well is to be dug : Irrigation/Commercial/Industry/Public water supply. (Drinking water/Irrigation)
 13. Extent of irrigated area
(In case of irrigation well)
 14. Crops to be irrigated :
 15. Horse power of pump :
 16. Daily water consumption
(In case of Commercial or Industrial use) :
 17. Number of consumers
(In case of public water supply - drinking water)
- Place:
Date :
- Signature of applicant

(For office use)

1. Date of receipt of application
2. Fee receipt number and amount :
3. Date of site inspection :

4. Technical report and recommendation of the :
groundwater Scientist who inspected the site

Signature

5. Exact reason for rejection of application :
6. Detailed note on the discussion made with :
the applicant in the case of rejected application
7. Decision of the Authority :

Signature

Form No.2
KERALA GROUNDWATER AUTHORITY
[As per sub-section 2 of section 7 of Act]
[See rule 15]
APPLICATION FORM FOR PERMIT
(Conversion of existing well in notified area)

1. Name of applicant :
2. Address :
3. Survey number of the area :
4. Village :
5. Panchayat/Municipality/Corporation :
6. Block :
7. Taluk :
8. District :
9. Type of well proposed to be converted : Open well/filterpoint/Bore well/Dug-cumbore
well/Tube well/Collector well/Infiltration gallery
10. Present depth of the well :
11. Present diameter of the well :
12. Details of conversion of the existing well
 - (a) Deepening of well proposed new depth :
 - (b) Enlarging of well proposed new diameter :
 - (c) Conversion of existing well to a
pumping well :
Type of pump :
Horsepower of pump :
 - (d) Reason for Conversion
(Details of old and proposed new use) :
13. Purpose for which the converted well is
to be used (Irrigation/Industrial/Commercial/
Public Water Supply(drinking/irrigation))
14. Extend of Irrigated area
(In case of Irrigation well) :
15. Crops to be irrigated :
16. Daily water consumption
(In case of Commercial or Industrial use) :

17. Number of consumers
(In case of public water supply -
drinking water)

Place:

Date :

Signature of applicant

(For office use)

1. Date of receipt of application
2. Fee receipt number and amount :
3. Date of site inspection :
4. Technical report and recommendation of the :
groundwater Scientist who inspected the site

Signature

5. Exact reason for rejection of application :
6. Detailed note on the discussion made with :
the applicant in the case of rejected application
7. Decision of the Authority :

Signature

Form No.3

KERALA GROUNDWATER AUTHORITY

[As per sub-section 3 of section 7 of Act]

[See rule 14]

ACKNOWLEDGEMENT FOR APPLICATION FOR PERMIT

(In notified area)

No.

Name of applicant :

Address :

Date or receipt of application;

This is to inform you that authority is in receipt of you application
dated.....for granting of permit for digging of new well / conversion of existing
well.

Place:

Date :

Yours faithfully

Form No.4

KERALA GROUNDWATER AUTHORITY

[As per sub-section 4 of section 7 of Act]
[See rule 14]
PERMIT
(For digging new well in notified area)

No.

1. Date of receipt of application :
2. Name of Application :
3. Address
4. Survey number of the area in which the well situates :
5. Village :
6. Panchayat/Municipality/Corporation :
7. Block :
8. Taluk :
9. District :
10. Type of well proposed to be dug : Open well/Tube well/Bore well/
Collector well/Infiltration gallery/filter point/Dug-cum-Bore Well
11. Permitted Diameter :
12. Permitted depth :
13. Horse power of motor :
- 9
14. Purpose for which well is to be dug :
15. Decision of the authority :
16. Conditions and restrictions applicable to the permit :

Place:

Date :

Signature with date

* The authority may for technical reasons, change, amend or modify the conditions mentioned in this permit. The Authority may cancel the permit, if there is sufficient reason to do so.

Form No.5
KERALA GROUNDWATER AUTHORITY
[As per sub-section 4 of section 7 of Act]
[See rule 15]
PERMIT
(Conversion of existing well in notified area)

No.

1. Date of Receipt of Application :
2. Name of Applicant :
3. Address :

4. Survey number of the area in which the well is situated :
 5. Village :
 6. Panchayat/Municipality/Corporation :
 7. Block :
 8. Taluk :
 9. District :
 10. Type of well proposed to be converted : Open well/filterpoint/Bore well/
Dug-cum-bore well/Tube well/Collector well/Infiltration gallery
 11. Purpose for which the well is used :
 12. Details regarding conversion :
 - (A) deepening -
Existing depth :
permitted new depth :
 - (B) Enlarging -
Existing diameter :
permitted new diameter :
 - (C) Conversion as pumping well -
Type of pumps permitted :
Horsepower of motor :
 - (D) Need for conversion :
 - 10
 13. Decision of the Authority :
 14. Conditions and restrictions applicable }
to this permit :
Place:
Date : Signature
- * The authority may for technical reasons, change, amend or modify the conditions mentioned in this permit. The Authority may cancel the permit, if there is sufficient reason to do so.

Form No.6
KERALA GROUNDWATER AUTHORITY
[As per sub-section 5 of section 7 of Act]
[See rule 14]
INTIMATION REGARDING REUSEFUL OF PERMIT
(In notified area)

- No.
1. Date of receipt of application :
 2. Name of Applicant :
 3. Address

4. Survey number of the area :
 5. Village :
 6. Panchayat/Municipality/Corporation :
 7. Block :
 8. Taluk :
 9. District :
 10. Date of Discussion with the applicant :
- This is to inform that your application dated for digging of a new well/conversion of existing well is rejected.
Exact reason for rejection
Place:
Date :

Signature

Form No.7
KERALA GROUNDWATER AUTHORITY
[As per sub-section 1 of section 8 of Act]
[See rule 16]
APPLICATION FORM FOR REGISTRATION OF EXISTING WELL
(In notified area)

(Registration not required for open well for domestic purpose)

1. Name of Applicant :
2. Address
3. Survey number of the area :
4. Village :
5. Panchayat/Municipality/Corporation :
6. Block :
7. Taluk :
8. District :
9. Type of existing well : Open well/Bore well/Dug-cum-Bore Well/
filter point/filtering well/Tube well/Collector well/infiltration gallery.
10. Depth of the well :
11. Diameter of the well :
12. In case of energized well :
 - (a) Type of pump :
 - (b) Horse power of motor :
 - (c) Diameter of pipe :
 - (d) Electric motor - diesel engine :
13. Purpose for which well is used : Domestic/irrigation/commercial/industrial/
public water supply (drinking water/irrigation)
14. Extend of irrigated area
(for irrigation well) :
15. Crops irrigated :
16. Daily Consumption :

(In case of commercial or industrial use) :

17. Number of consumers

(In case of public water supply -
drinking water) :

18. Any other details :

Place:

Date :

Signature of applicant

(For office use)

1. Date of receipt of application :

2. Technical report and recommendation :
of the groundwater scientist

Signature

3. Exact reason for rejection of applicant :
(if rejected)

4. Details of discussion made with applicant
before rejection of application

5. Decision of the Authority :

Signature

Form No.8

KERALA GROUNDWATER AUTHORITY

[As per sub-section 6 of section 8]

[See rule 16]

REGISTRATION CERTIFICATE

(Registration of existing well in notified area)

No.

1. Registration Number :

2. Date of receipt of application :

3. Name of applicant :

4. Address :

5. Survey number of the area in which
the well is situated :

6. Village :

7. Panchayat/Municipality/Corporation :

8. Block :

9. Taluk :

10. District :

11. Type of existing well : Open well/Filter point/Bore well/Dug-cumbore

Well/Tube well/Collector well/infiltration gallery.

12. Depth of the well :
13. Diameter of the well :
14. (a) Type of pump :
(in the case of energized well)
- (b) Horse power of motor :
- (c) Diameter of pipe :
- (d) Type of motor - Electric/Diesel :
15. Purpose for which well is used :

With reference to your application dated you are informed that your well has been registered subject to the condition and restrictions mentioned below. If the registered well falls into disuse, the matter should be immediately informed in writing to the Authority.
Conditions and restrictions:

Place:

Date :

Signature

* The authority can for technical reasons, change, amend or modify the conditions mentioned in this permit. The Authority may cancel the certificate if there is sufficient reason to do so.

Form No.9

KERALA GROUNDWATER AUTHORITY
[As per sub-section (3) of section 8 of the Act]

[See rule 16]

INTIMATION REGARDING REFUSAL OF REGISTRATION FOR EXISTING WELL
(Notified area)

No.

1. Date of receipt of application :
2. Name of applicant :
3. Address :
4. Survey number of the area in which the well situates :
5. Village :
6. Panchayat/Municipality/Corporation :
7. Block :
8. Taluk :
9. District :
10. Date of discussion with applicant :

This is to inform you that your application dated..... for registration of well is rejected.
Exact reason for rejection
Place:
Date :

Signature

Form No.10
KERALA GROUNDWATER AUTHORITY
[As per sub-section (1) of section 9 of the Act]
[See rule 17]
APPLICATION FOR REGISTRATION AS USER OF GROUNDWATER

1. Name of applicant :
 2. Address :
 3. Survey number of the area in which the well situates :
 4. Village :
 5. Panchayat/Municipality/Corporation :
 6. Block :
 7. Taluk :
 8. District :
 9. Type of existing well : Open well/Filter point/Bore well/Dug-cumbore well/Tube well/Collector well/Infiltration gallery
 10. Depth of the well :
 11. Diameter of the well :
 12. Purpose for which well is used : Domestic/Irrigation/Commercial/Industrial/
Public Water Supply
(Drinking Water/Irrigation)
 13. Extend of Irrigated area
(In case of Irrigation well) :
 14. Crops irrigated :
 15. Daily water consumption
(In case of Commercial or Industrial use) :
 16. Number of consumers
(In case of public water supply -
drinking water)
 17. Other details :
- Place:
Date :

Signature of applicant

(For office use)

1. Date of receipt of application :
2. Technical report and recommendation of the :
groundwater Scientist

Signature

3. Exact reason for rejection of application
(if rejected) :
4. Detailed note on the discussion made with :
the applicant in the case of rejected application
5. Decision of the Authority :

Signature

Form No.11
KERALA GROUNDWATER AUTHORITY
[As per sub-section (2) of section 9 of the Act]
[See rule 17]
REGISTRATION CERTIFICATE FOR GROUNDWATER USER

No.

1. Registration Number :
2. Date of receipt of application :
3. Name of applicant :
4. Address :
5. Survey number of the area :
6. Village :
7. Panchayat/Municipality/Corporation :
8. Block :
9. Taluk :
10. District :
11. Type of existing well :
12. Depth of well :
13. Diameter of well :
14. In the case of energized well :
 - A. Type of Pump :
 - B. Horse power of motor :
 - C. Diameter of pipe :
15. Purpose for which the well is used :

With reference to your application dated you are informed that your well has been registered subject to the condition and restrictions mentioned below. If the registered well

falls into disuse, the matter should be informed immediately informed in writing to the Authority.

Conditions and restrictions:

Place:

Date :

Signature

* The authority may for technical reasons, change, amend or modify the conditions mentioned in this certificate. The Authority may cancel the certificate if there is sufficient reason to do so.

Form No.12
KERALA GROUNDWATER AUTHORITY
[As per sub-section (2) of section 9]
[See rule 17]

INTIMATION REGARDING REFUSAL OF REGISTRATION AS USER OF GROUND WATER

No.

1. Date of receipt of application :
2. Name of applicant :
3. Address :
4. Survey number of the area :
5. Village :
6. Panchayat/Municipality/Corporation :
7. Block :
8. Taluk :
9. District :
10. Date of discussion with applicant :

This is to inform you that your application dated..... for registration as user of groundwater is rejected for the reasons stated below.

Exact reason for rejection

Place:

Date :

Signature

Form No.13
KERALA GROUNDWATER AUTHORITY
[As per sub-section (2) of section 10]
[See rule 18]

**APPLICATION FOR DIGGING OF WELL WITHIN A DISTANCE OF 30 METRES FROM
A DRINKING WATER SOURCE WHICH IS PUMPED FOR PUBLIC WATER SUPPLY
(Not required for open well for domestic purpose)**

1. Name of Applicant :
2. Address :

3. Survey number :
 4. Village :
 5. Panchayat/Municipality/Corporation :
 6. Block :
 7. Taluk :
 8. District :
 9. Type of well proposed to be dug : Open well/Filter point/Bore well/Dug-cumbore
Well/Tube well/Collector well/Infiltration gallery.
 10. Diameter of well :
 11. Proposed depth of the well :
 12. Details of drinking water source
pumped for public water supply :
 13. Purpose for which well is to be dug : Domestic/irrigation/Public Water Supply
(Drinking water/Irrigation)
 14. Extend of irrigated area
(in case of irrigation well) :
 15. Crops to be irrigated :
 16. Number of consumers :
(In case of public water supply -
drinking water) :
 17. Details of application fee remitted :
Place:
Date :
- Signature of applicant*

(For office use)

1. Date of receipt of application :
2. Date of inspection of site :
3. Technical report and recommendation :
of the groundwater scientist who
inspected the site

Signature

4. Exact reason for rejection of applicant :
(if rejected)

5. Decision of the Authority :

Signature

Form No.14
KERALA GROUNDWATER AUTHORITY
[As per sub-section (3) of section 10]
[See rule 18]
**PERMISSION FOR DIGGING OF WELL WITHIN A DISTANCE OF 30
METRES
FROM A DRINKING WATER SOURCE WHICH IS PUMPED FOR PUBLIC
SUPPLY**

No.

1. Date of Receipt of Application :
2. Name of Applicant :
3. Address :
4. Survey number :
5. Village :
6. Panchayat/Municipality/Corporation :
7. Block :
8. Taluk :
9. District :
10. Type of well permitted :
11. Permitted Diameter :
12. Permitted Depth :
13. If the well is to be fitted with pump
 - A. Type of Pump :
 - B. Horse power of motor :
14. Distance of new well from the public water supply source :
15. Purpose for which well is dug : Domestic/Irrigation/Public Water Supply
(Irrigation/Drinking)
16. Decision of the Authority :
17. Conditions and restrictions applicable to the permit :

Place:

Date :

Signature

* The authority may for technical reasons, change, amend or modify the conditions mentioned in this permit. The Authority may cancel the permit, if there is sufficient reason to do so.

Form No.15
KERALA GROUNDWATER AUTHORITY
[As per sub-section (3) of section 10 of the Act]
[See rule 18]

**INTIMATION REGARDING REFUSAL OF PERMISSION FOR DIGGING OF WELL
WITHIN A DISTANCE OF THIRTY METERES FROM A DRINKING WATER SOURCE FROM WHICH WATER IS PUMPED FOR PUBLIC USE**

No.

1. Date of receipt of Application :
2. Name of Applicant :

3. Address :
4. Survey number :
5. Village :
6. Panchayat/Municipality/Corporation :
7. Block :
8. Taluk :
9. District :

Your are informed that your application dated for digging of well is rejected for the reasons noted below:

Exact reason for rejection

Place:

Date :

Signature

By Order of the Governor
DR. ALOK SHEEL,
Secretary to Government

Explanatory Note

(This doesn't form part of the notification, but is intended to indicate its general purport.)

The Kerala Ground Water (Control & Regulation) Act, 2002 (19 of 2002) came into force w.e.f. 16-12-2003. Clause (1) under rule 27 of the act provides for framing rules for implementing the stipulations in the Act.

This notifications is intended to achieve the above object