



**The Himachal Pradesh Ground Water
(Regulation and Control of Development and Management) Act, 2005**

Act No. 31 of 2005

Keywords:

Exploitation Limit, Drinking Water, Royalty, Sink

Amendments appended: 14 of 2022, 9 of 2023

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AUTHORITATIVE ENGLISH TEXT
**THE HIMACHAL PRADESH GROUND WATER (REGULATION AND
CONTROL OF DEVELOPMENT AND MANAGEMENT) ACT, 2005**

ARRANGEMENT OF SECTION

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THE HIMACHAL PRADESH GROUND WATER (REGULATION AND CONTROL OF DEVELOPMENT AND MANAGEMENT) ACT, 2005

(As ASSENTED TO BY THE GOVERNOR ON 27th OCTOBER, 2005)

AN

ACT

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

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-Sixth Year of the Republic of India, as follows:-

Short title
and com-
mencement

1. (1) This Act may be called the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act, 2005.

(2) It shall come into force on such date as the state Government may by notification, in the Official Gazette, appoint.

Definitions.

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

- (a) "Act" means the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act, 2005;
- (b) "artificial recharge to ground water" means the process by which ground water reservoir is augmented beyond the natural condition of replenishment;
- (c) "Authority" means the Himachal Pradesh Ground Water Authority established under section 3 of the Act ;
- (d) "drinking water" means water for consumption or use by human population for drinking and for other domestic purposes, which shall include consumption or use of water for cooking, bathing, washing, cleansing and other day to day activities and shall include water meant for consumption by the livestock ;
- (e) "exploitation limit" means such limit where the estimated annual ground water extraction is more than eighty-five percent of the estimated average annual ground water recharge;
- (f) "Government" or "State Government" means the Government of Himachal Pradesh ;
- (g) "ground water" means the water which exists below the ground surface in the zone of saturation and can be extracted through wells or any other means or emerges as springs and base flows in streams and rivers;
- (h) "notified area" means the area notified under section 5 (5) of this Act ;
- (i) "Official Gazette" means the Rajpatra of Himachal Pradesh

- (j) “prescribed” means prescribed by rules made under this Act;
- (k) “rain water harvesting” is the process of collection and storage of rain water at surface or in sub surface aquifer;
- (l) “royalty” means the royalty payable to the State Government under section 12 of this Act;
- (m) “sink: with all its grammatical variations and cognate expression in relation to a well includes any digging, drilling or boring of new wells of deepening of the existing wells;
- (n) “State: means the State of Himachal Pradesh ;
- (o) “user of ground water” means a person or an institution including a company or an industry or an establishment, whether Government or not, who or which use ground water for any purpose excluding domestic use;
- (p) “well” means a structure sunk for the search or extraction of ground water by any person, except by the authorized officials of the State of Central government, for carrying out scientific investigations, exploration, development, augmentation, conservation, protection or management of ground water and shall include open well, dug well, bore well, dug-cum-bore well, tubewell, filter point, collector well, infiltration gallery, recharge well, disposal well, or any of their combinations or variations, except any manually operated device for extraction of ground water.

3. (1) The State 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 “The Himachal Pradesh Ground Water Authority” Establishment of the Authority
- (2) The Authority shall have as members,--
- | | | |
|--|----|-----------------------|
| (i) Engineer-in-Chief, Irrigation and Public | .. | Chairman, |
| (ii) Principal Chief Conservator of Forests, Himachal Pradesh | .. | Member, |
| (iii) Director, Industries, Himachal Pradesh | .. | Member, |
| (iv) Director, Rural Development and Panchyati Raj Department, Himachal Pradesh | .. | Member |
| (v) Director, Agriculture Department, Hiamchal Pradesh | .. | Member, |
| (vi) Head, Remote Sensing Cell, Himachal Pradesh | .. | Member, |
| (vii) Member-Secretary, Pollution Control Board, Himachal Pradesh | .. | Member, |
| (viii) Nominee of Himachal Pradesh State Electricity Board | .. | Member, |
| (ix) Regional Director, Central Ground Water Board | .. | Member, |
| (x) Superintending Engineer (Planning and Investigation Unit-II), Irrigation and Public Health Department | .. | Member-Secretary, and |

(xi) Such other members not exceeding five, who in the opinion of the state Government have special knowledge or practical experience in matters relating to management of ground water resources.

(3) The members shall advise the Chairman who shall be the Chief Executive of Authority.

Staff of the Authority

(4). The headquarters of the Authority shall be at Shimla.

4. The State Government may deploy such member of technical personnel and other staff with the Authority as it may consider necessary.

Power to notify areas to regulate and control the development and management of ground water

5. (i) The Authority shall function under the over all control and supervision of the State Government.

(2) The Authority is of the that it is necessary or expedient in the public interest to control and or regulate the extraction of ground water in any form in any area, it shall advise the State Government to declare any such area to be notified area for the purposes of this Act.

(3) The State Government after examining the advice of the Authority, received under sub-section(2), and after making such further enquiry, as it may deem fit, may by notification, declare such area or part thereof to be the notify area, with effect from such date, as may be specified therein,

Provided that the State Government may suo motu by notification declare its intention to notify any area to be the notified are under this section, if deemed necessary.

(4) Every such notification issued under Sub-section (3) shall , in addition to its publication in the official Gazette, be published in not less that two daily regional language newspapers having wide circulation in the State and shall also be served by affixing a copy of the notification at the offices of the Gram Panchyats located in the said area and at some conspicuous places of the locality.

(5) The persons likely to be affected by the notification issued under sub-section (3), may file objections or suggestions within thirty days from the date of publication to the State Government which shall be decided by it within thirty days, after public hearing and thereafter, final notification shall be issued within thirty days.

(6) If in the opinion of the Authority, the availability of the ground water has improved in a notified area, it may advise the State Government to denotify such area, and the State Government may in the like manner, denotify such area.

(7) The Authority shall take steps to ensure that exploitation of ground water resources does not exceed the natural replenishment to the aquifers and wherever, there is mismatch, steps shall be taken to ensure augmentation of ground water resources in addition to regulatory measures.

6. The Authority shall maintain and update the data base on ground water resources of the State

Authority to maintain data base on ground water.

7. (1) Any user of ground water desiring to sink a well within notified area, for any purpose shall, on payment of such fee as may be prescribed, apply to the Authority for grant of a permit, and shall not proceed with any activity connected with such sinking unless a permit has been granted by the Authority.

Grant of permit to extract and use ground water.

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

(3) The Authority shall consider the application made under sub-section (1) and if satisfied, may grant a permit, in such form as may be prescribed subject to such conditions and restrictions as may be specified, within sixty days from the date of receipt of the application :

Provided that while considering the application the Authority shall give first priority for drinking water needs in preference to other needs:

Provided further that no permit shall be refused without affording an opportunity of being heard.

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

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

- (a) the purpose or purposes for which water is to be used;
- (b) the existence of other competitive users;
- (c) the availability of water ;
- (d) Quality of ground water to be drawn with reference to proposed usage ‘
- (e) Spacing of ground water structures keeping in view the purpose for which water is to be used ;
- (f) Minimum distance of two hundred meters in case of shallow well and three hundred meters in case of tube well from the existing source of water supply scheme of irrigation scheme, as the case may be;
- (g) long term ground water level behaviour ; and
- (h) any other factor relevant thereto.

Registration of existing users of ground water. 8. (1) Every existing user of ground water in a notified area shall, within a period of two months from the date of establishment of the Authority shall, make an application on such form containing such particulars and fees, as may be prescribed, to the Authority for the grant of certificate of registration recognizing its existing use.

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

(2) On receipt of an application under sub-section (1), if the Authority is satisfied that it shall not be against the public interest to do so, it shall grant, subject to such conditions and restrictions as may be specified therein, a certificate of registration in such form as may be prescribed authorizing continued use of ground water :

Provided that while considering the application, the Authority shall give first priority for drinking water needs in preference to other needs:

Provided further that no user of ground water shall be refused a certificate of registration without being given an opportunity of being heard.

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

(4) In granting or refusing a certificate of registration under sub-section (2), the Authority shall have regard to,--

- (a) the purpose or purposes for which water is to be used;
- (b) the existence of other competitive users;
- (c) the availability of water;
- (d) quality of ground water with reference to its usage;
- (e) spacing of ground water abstraction structures keeping in view the purpose for which water is to be used;
- (f) long term ground water level behaviour ; and
- (g) any other factor relevant there to.

(5) Every existing user of ground water in the notified area during pendency of decision of the Authority under sub-section (2) shall be entitled to the continued use of the ground water in the same manner and to the same quantity as he was entitled prior to the date of application.

(6) If a registered well becomes defunct, this shall be immediately brought to the notice of the Authority by the user of ground water and such well may be used for ground water recharging if in the opinion of the Authority it is found fit.

9. Every rig owner operating in the State shall register his machinery with the Authority in such manner and on payment of such fee as may be prescribed and shall follow the instructions issued by the Authority.

Registration of drilling agencies.

10. At any time after a permit or certificate of registration, as the case may be has been granted the Authority may, for reasons to be recorded in writing, alter, amend or vary the terms of the permit or certificate of registration, as the case may be:

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

Provided that no change shall be made in the permit or certificate of registration, as the case may be unless the user of ground water is afforded an opportunity of being heard:

Provided further that before taking such action the Authority shall ensure that the standing crop(s) are not damaged.

11. If the authority is satisfied either on a reference made to it in this behalf or otherwise that, -

Cancellation of permit/certificate of registration.

- (a) the permit or certificate of registration granted, under sub-section (3) of section 7 of sub-section (2) of section 8 as the case may be, is not based on facts, or
- (b) the holder of the permit or certificate of registration has without reasonable cause failed to comply with the conditions subject to which the permit or certificate of registration 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 or the use or extraction of ground water, then without prejudice to any other penalty to which the holder of the permit or of the certificate of registration may be liable under this Act, the Authority may after giving the holder of the permit or certificate of registration, as the case may be, an opportunity of being heard, cancel the permit or certificate or registration, as the case may be.

12. (1) Every user of ground water in a notified area shall pay to the State Government a royalty for extraction of ground water at such rates and in such manner as may be prescribed:

Royalty in respect of use of ground water.

Provided that a user of ground water who irrigates less than one hectare of land, whether owned or leased or both, shall be exempted from payment of royalty under this section.

(2) The State Government may, assign such proportion of the royalty, as may be prescribed for development of ground water resources.

13. (1) The Authority or any person authorized under section 17 of this Act in this behalf shall have the following powers, namely :- Powers of the Authority.
- (a) to inspect the well, which has been or is being sunk and the soils and other materials excavated there from;
 - (b) to take specimens of such soils or other materials or of water extracted from such wells;
 - (c) to require, by order, in writing the person sinking a well to keep and preserve in the prescribed manner specimens of soil or any material excavated there from for such period not exceeding three months from the date of completion or abandonment of such work, as may be specified by the Authority and there upon such person shall comply with such order ;
 - (d) to inspect and to take copies of the relevant record or documents and seek any information including diameter or depth of the well which is being or has been sunk; the level at which the water is or was struck and subsequently restored/ rested, the types of strata encountered in the sinking of the well and the quality of the water struck, required for carrying out the purposes of this Act ;
 - (e) to seize any equipment or device utilized for illegal sinking and destroy the work executed fully or partly ;
 - (f) to require, by order any user of ground water who does not comply with the provisions of this Act or the rules made there under to close down any water supply or destroy any hydraulic work found to be in contravention of the provisions of this Act or the rules made there under :

Provided that where the user of ground water does not comply with such order within a period of sixty days from the date of issue of the same, the Authority or any person authorized in this behalf may carry out the necessary work and recover the cost from such user or ground water ;

- (g) 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 ground water for a specified period not exceeding thirty days ;
 - (h) to direct an appropriate body to assess exploitation limit of ground water in different areas and submit periodic report for consideration of the Authority ;
 - (i) to exercise such other powers as may be necessary for carrying out the purposes of this Act or the 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 or ground water may be going on :

Provided that the power to break open the door shall be exercised only 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.

2 of 1974

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

(4) Where the Authority or any person authorized by it seizes any mechanical equipment or device under clause (e) of sub-section (1) it shall, as soon as may be, inform a Magistrate having jurisdiction and take his orders as to the custody thereof.

14. Every user of ground water in a notified area shall install water measuring device on ground water abstraction structure within a period of thirty days from the date of registration under section 7 or 8, as the case may be: Installation of measuring devices.

Provided that where the user of ground water does not comply with the provisions of this section within a period of thirty days, the Authority or any person authorized in this behalf may install such water-measuring device and recover the cost from the defaulting user of ground water.

15. (1) The Authority may, in order to improve the ground water situation, identify the areas of ground water recharge and issue guidelines for adoption of rain water harvesting for ground water recharge in such areas. Rain water harvesting for conservation and ground water recharge.

(2) The Authority may, issue directions to the concerned departments of the State Government, to include rain water harvesting in all developmental schemes within notified areas.

(3) The Authority may, in urban areas, issue directions, in such manner as may be prescribed, for construction of rain water harvesting structures in residential, commercial and other premises having plinth area of 100 square meters or above and in the event of failure to comply with the directions so issued, such rain water harvesting structures shall be constructed by the Authority and the cost there on shall be recovered along with such penalty in such manner as may be prescribed.

(4) The Authority may, issue directions to the Municipal Corporation or any other Local Authority, as the case may be, to impose stipulated conditions for providing roof top rain water harvesting structures in building plans with plinth area of 100 square meters or above.

16. (1) Every order or notice made under this Act shall be served in the following manner, namely:- Service of orders etc.

(a) by giving or tendering copy of the order or the notice by sending it by post to the user of ground water, if such user of ground

water cannot be found, by giving or tendering the copy of such order or notice to any adult member of his family or his servant;

(b) if the service of such order or notice cannot be effected under clause(a), by affixing the copy of such order or notice on some conspicuous place of his last known residence or place of business or on any 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 of such order or notice upon his guardian in the manner provided in sub-section (1), shall be deemed to be served upon the minor.

Delegation of powers and duties.

17. The State Government may, by general or special order in writing, direct that all or any of the powers and duties which may be exercised or discharged by the Authority shall, in such circumstances and under such conditions, if any, as may be specified in its order, be exercised by any person specified in such order.

Members and employees of the Authority to be public servants.

18. All members and employees of the Authority shall when acting or purporting to act in pursuance of the provisions of this Act or the rules made thereunder be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Protection of action taken in good faith.

19. No prosecution, suit or other legal proceedings shall be instituted against any officer/official of the Government or any member or other employee of the Authority for anything done or intended to be done in good faith, under this Act, or the rules made thereunder.

Cognizance and trial of offences.

20. (1) No prosecution for an offence under this Act shall be instituted except on a written complaint of the Authority or a person authorized in this behalf by the State Government.

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

Offences and penalties.

21. (1) If any user of ground water fails to supply information required under the provisions of this Act or the rules made thereunder or obstructs the Authority or any other person authorized by the State Government to exercise any of the powers under this Act. He shall be punished for the first offence with fine which may extend to one thousand rupees and for the second and subsequent offence with fine which may extend to two thousand rupees.

(2) If any user of ground water sink, constructs or uses well in contravention of the provisions of this Act or the rules made thereunder, he shall be punished for the first offence with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees, or with both and 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

22. Compounding of offences.—Where any offence under this Act has been committed, such an offence may, at any time before or after the institution of proceedings, be compounded by the Authority, or any other officer authorised by the State Government after accepting by way of compensation thereof, a sum of money not exceeding such amount as may be prescribed, and such composition shall have the effect of discharging such person of the offence and no further proceedings shall be taken or continued against him in respect of the offence so compounded.

23. Offences by Companies.—(1) Whenever an offence under this Act has been committed by a Company, every person who at the time of the commission of the offence was in charge of, or was responsible to the Company for the conduct of the business of the Company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent or connivance of, or is attributable to any neglect on the part of any Director, Manager, Secretary or other officer of the Company, such director, 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 render any such person liable to any punishment under this Act, if he proves that offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Explanation.—For the purpose of this section—

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

24. Appeals.—(1) Any person aggrieved by an order of the officer exercising powers delegated under this Act may, within a period of thirty days from the date of such order, on payment of such fee as may be prescribed , prefer an appeal to the State Government :

Provided that the State Government may entertain an appeal after the expiry of said period of 30 days, if satisfied that the applicant was prevented by sufficient cause from filing the appeal within time.

(2) On receipt of an appeal under sub-section (1), the State Government shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible but not later than six months and the decision of the State Government shall be final.

25. Power to make rules.— (1) The State Government may, by notification in the Official Gazette, after previous publication, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section 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, Assembly agrees in making any modifications in the rules or Assembly 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. However, that any such modification or annulment shall be without prejudice to the validity of anything done earlier under that rule.

विधि विभाग

अधिसूचना

शिमला-2, 26 सितम्बर, 2022

संख्या: एल.एल.आर.-डी.(6)-11/2022-लेज.-हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए हिमाचल प्रदेश भूगर्भ जल (विकास और प्रबन्धन का विनियमन और नियन्त्रण) संशोधन विधयेक, 2022 (2022 का विधेयक संख्यांक 9) को दिनांक 22-09-2022 को अनुमोदित कर दिया है तथा अनुच्छेद 348 के खण्ड (3) के अधीन, विधेयक के अंग्रेजी पाठ को राजपत्र, हिमाचल प्रदेश में प्रकाशित करने के लिए प्राधिकृत कर दिया है। अतः उपरोक्त विधेयक को वर्ष 2022 के अधिनियम संख्यांक 14 के रूप में अंग्रेजी प्राधिकृत पाठ सहित राजपत्र (ई-गजट) हिमाचल प्रदेश में प्रकाशित किया जाता है।

आदेश द्वारा,

राजीव भारद्वाज,
प्रधान सचिव (विधि)।

हिमाचल प्रदेश भूगर्भ जल (विकास और प्रबन्धन का विनियमन और नियन्त्रण) संशोधन अधिनियम, 2022

धाराओं का क्रम

धारा:

1. संक्षिप्त नाम और प्रारम्भ।
2. धारा 2 का संशोधन।
3. धारा 3 का संशोधन।
4. धारा 4 क. का अन्तःस्थापन।
5. धारा 5 का संशोधन।
6. धारा 5 क. का अन्तःस्थापन।
7. धारा 6 क. का अन्तःस्थापन।
8. धारा 7 का संशोधन।
9. धारा 8 का संशोधन।
10. धारा 9 का संशोधन।
11. धारा 11 का संशोधन।
12. धारा 11 क. का अन्तःस्थापन।
13. धारा 12 का संशोधन।
14. धारा 13 का संशोधन।
15. धारा 14 का संशोधन।
16. धारा 20 का संशोधन।
17. धारा 21 का प्रतिस्थापन।

**हिमाचल प्रदेश भूगर्भ जल (विकास और प्रबन्धन का विनियमन और नियन्त्रण)
संशोधन अधिनियम, 2022**

(माननीय राज्यपाल महोदय द्वारा तारीख 22 सितम्बर, 2022 को यथा अनुमोदित)

हिमाचल प्रदेश भूगर्भ जल (विकास और प्रबन्धन का विनियमन और नियन्त्रण) अधिनियम, 2005 (2005 का अधिनियम संख्यांक 31) का संशोधन करने के लिए अधिनियम।

भारत गणराज्य के तिहत्तवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश भूगर्भ जल (विकास और प्रबन्धन का विनियमन और नियन्त्रण) संशोधन अधिनियम, 2022 है।

(2) यह उस तारीख को प्रवृत्त होगा, जो राज्य सरकार राजपत्र (ई-गजट), हिमाचल प्रदेश में अधिसूचना द्वारा नियत करे।

2. धारा 2 का संशोधन.—हिमाचल प्रदेश भूगर्भ जल (विकास और प्रबन्धन का विनियमन और नियन्त्रण) अधिनियम, 2005 (जिसे इसमें इसके पश्चात् “मूल अधिनियम” कहा गया है) की धारा 2 में,—

(क) खण्ड (ग) के पश्चात् निम्नलिखित खण्ड अन्तःस्थापित किया जाएगा, अर्थात्:—

“(ग-1)” केन्द्रीय भूगर्भ जल प्राधिकरण” से, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (3) के अधीन स्थापित प्राधिकरण अभिप्रेत है;”;

(ख) खण्ड (अ) के पश्चात् निम्नलिखित खण्ड अन्तःस्थापित किए जाएंगे, अर्थात्:—

“(अ-क) “लोक जल स्रोत” से, कोई स्रोत जिस के अंतर्गत कुआँ, बेधित कुआँ ट्यूबवैल या कोई अन्य भूगर्भ जल है जिससे राज्य सरकार या ऐसा अन्य प्राधिकरण, जिसे राज्य सरकार राजपत्र (ई-गजट), हिमाचल प्रदेश में अधिसूचना द्वारा विनिर्दिष्ट करे, जन-साधारण को जल उपलब्ध करवाती है, अभिप्रेत है;

(अ-ख) “लोक जल आपूर्ति प्रणाली” से, जल पहुंचाने वाली पाइप लाइनों, भण्डारण जलाशय, स्टैंड पोस्टस, पानी की टंकियों, हस्तचालित पम्प (हैंडपम्प), ऊर्जा चालित पम्प सहित लोक पेयजल स्रोत से सम्बन्धित अवसंरचना और इससे सम्बन्धित अन्य समस्त सामग्री जिसके माध्यम से पेयजल के लिए जलापूर्ति की जाती है, अभिप्रेत है;” और

(ग) खण्ड (ण) में “घरेलू उपयोग को अपवर्जित करके” शब्दों के स्थान पर “वैयक्तिक घरेलू उपभोक्ता, ग्रामीण पेयजल आपूर्ति स्कीम, सशस्त्र बल और केन्द्रीय सशस्त्र पुलिस बल स्थापन, कृषि कार्यकलापों और दस घन मीटर प्रति दिन से कम भूगर्भ जल निकालने वाले सूक्ष्म और लघु उद्यमों को अपवर्जित करके” शब्द और चिन्ह रखे जाएंगे।

3. धारा 3 का संशोधन.— मूल अधिनियम की धारा 3 की उपधारा (2) में “सिंचाई एवं जन स्वास्थ्य” शब्द जहाँ-जहाँ ये आते हैं, के स्थान पर “जल शक्ति विभाग” शब्द रखे जाएंगे।

4. धारा 4क. का अन्तःस्थापन.—मूल अधिनियम की धारा 4 के पश्चात् निम्नलिखित धारा अन्तःस्थापित की जाएगी, अर्थात् :-

“4 क. प्राधिकरण की निधियां.—(1) प्राधिकरण, हिमाचल प्रदेश भूगर्भ जल प्राधिकरण निधि के नाम से ज्ञात एक पृथक् निधि संचालित और अनुरक्षित करेगा जिसमें निम्नलिखित.—

(क) ऐसी रकम, जो राज्य सरकार और इसके अभिकरण द्वारा, समय-समय पर अनुदान या ऋण के रूप में या अन्यथा प्राधिकरण के व्ययन (अधिकार) में रखी जाए;

(ख) ऐसी रकम जो प्राधिकरण द्वारा केन्द्रीय सरकार से समय-समय पर अनुदान या ऋण के रूप में या अन्यथा प्राप्त की जाए;

(ग) प्राधिकरण द्वारा किन्हीं वित्तीय अभिकरणों से सरकार की पूर्व सहमति से लिए गए ऐसे ऋण;

(घ) प्राधिकरण द्वारा किन्हीं फीसों, प्रभारों, रॉयल्टियों और उद्गृहीत जुर्मानों के आगम; और

(ङ) ऐसी अन्य रकमें, जो प्राधिकरण द्वारा किसी अन्य स्रोत से प्राप्त की जाए;
जमा की जाएगी।

(2) प्राधिकरण द्वारा निधियों का उपयोग, भूगर्भ जल के विकास और उन प्रयोजनों, जो विहित किए जाएं, के लिए किया जाएगा।

(3) प्राधिकरण सही (सत्य) और उचित लेखा तथा उससे सुसंगत अन्य अभिलेख अनुरक्षित करेगा तथा लेखाओं के वार्षिक विवरण जिसके अंतर्गत तुलन-पत्र है, ऐसे प्ररूप में तैयार करेगा, जैसा विहित किया जाए।”।

5. धारा 5 का संशोधन.—मूल अधिनियम की धारा 5 की उपधारा (2) में “निकालने” शब्द के पश्चात् “या उपयोग” शब्द अन्तःस्थापित किए जाएंगे।

6. धारा 5क. का अन्तःस्थापन.—मूल अधिनियम की धारा 5 के पश्चात् निम्नलिखित धारा अन्तःस्थापित की जाएगी, अर्थात्.—

“5 क. जल गुणवत्ता का संरक्षण और परिरक्षण.—(1) भूगर्भ जल उपयोक्ता सहित कोई भी व्यक्ति ऐसा कुछ नहीं करेगा या कोई अपशिष्ट प्रवाहित नहीं करेगा, जो या अस्थायी या स्थायी रूप से भूगर्भ जल को संदूषित करे।

(2) प्राधिकरण ऐसे उपाय करेगा जो विहित किए जाएं या जो राज्य में अधिसूचित और गैर-अधिसूचित क्षेत्रों के भीतर किसी भूगर्भ जल स्रोतों की जल गुणवत्ता के संरक्षण और परिरक्षण के लिए आवश्यक हो।”।

7. धारा 6क. का अन्तःस्थापन.—मूल अधिनियम की धारा 6 के पश्चात् निम्नलिखित धारा अन्तःस्थापित की जाएगी, अर्थात्.—

“6 क. भूगर्भ जल निकालने वाले किसी व्यक्ति द्वारा कुएं का रजिस्ट्रीकरण.—किसी अधिसूचित क्षेत्र में भूगर्भ जल निकालने वाला और भूगर्भ जल के उपयोक्ता की परिभाषा की परिधि में न आने वाला प्रत्येक व्यक्ति प्राधिकरण की स्थापना या हिमाचल प्रदेश भूगर्भ जल (विकास और प्रबन्धन का विनयमन और नियन्त्रण) संशोधन, अधिनियम, 2022, जो भी पश्चात्पूर्वी हो, के प्रारम्भ की तारीख से साठ दिन की अवधि के भीतर प्राधिकरण को ऐसी विशिष्टियों से समाविष्ट ऐसे प्ररूप पर और ऐसी रीति में, जैसी विहित की जाए निःशुल्क आवेदन करेगा।”।

8. धारा 7 का संशोधन.—मूल अधिनियम की धारा 7 में,—

(क) उपधारा (1) के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

“(1) भूगर्भ जल का कोई उपयोक्ता, जो किसी प्रयोजन हेतु अधिसूचित क्षेत्र के भीतर कुआँ खोदने या भूगर्भ जल निकालने की वॉछा रखता है, ऐसी फीस, जो विहित की जाए के संदाय पर, अनुज्ञापत्र (परमिट) प्रदान करने या उसका नवीकरण करने के लिए प्राधिकरण को आवेदन करेगा और ऐसी खुदाई या भूगर्भ जल को निकालने से संबंधित कोई कार्यकलाप (गतिविधि) तब तक नहीं करेगा जब तक कि प्राधिकरण द्वारा, ऐसी रीति, जो विहित की जाए, में अनुज्ञापत्र प्रदान न कर दिया गया हो।”;

(ख) उपधारा (3) के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

“(3) प्राधिकरण उपधारा (1) के अधीन किए गए आवेदन पर विचार करेगा और यदि उसका समाधान हो जाता है तो वह, ऐसे प्ररूप और ऐसी रीति में तथा ऐसी शर्तों के अध्यधीन जो विहित की जाएं, यथास्थिति, अनुज्ञापत्र प्रदान कर सकेगा या उसका नवीकरण कर सकेगा या आवेदन की प्राप्ति के साठ दिन के भीतर ऐसी शर्तों, जो विहित की जाएं, के अध्यधीन कारणों को लिखित में अभिलिखित करके अनुज्ञापत्र या नवीकरण प्रदान करने से इनकार कर सकेगा, ऐसा न होने पर अनुज्ञापत्र प्रदान किया गया समझा जाएगा:

परन्तु प्राधिकरण आवेदन पर विचार करते समय अन्य आवश्यकताओं की अधिमानतः पेयजल आवश्यकताओं को प्रथम प्राथमिकता देगा:

परन्तु यह और कि सुनवाई का अवसर प्रदान किए बिना किसी भी अनुज्ञापत्र को नामंजूर नहीं किया जाएगा :

परन्तु यह और भी कि सम्पत्ति के भू-उपयोग या जल उपयोग में परिवर्तन की दशा में भूगर्भ जल उपयोक्ता नए अनुज्ञापत्र के लिए आवेदन करेगा।”;

(ग) उपधारा (4) में, “अनुज्ञापत्र प्रदान करने या नामंजूर करने” शब्दों के स्थान पर, “यथास्थिति, अनुज्ञापत्र प्रदान करने या नामंजूर करने या इसका नवीकरण करने” चिन्ह और शब्द अन्तःस्थापित किए जाएंगे ।

(घ) “उपधारा (5) में,—(i) “उपधारा (3)के अधीन” शब्दों, चिन्हों और अंक के पश्चात” “यथास्थिति, अनुज्ञापत्र या इस का नवीकरण” शब्द और चिन्ह अंतःस्थापित किए जाएंगे;

(ii) उप-खण्ड (ड.) का लोप किया जाएगा; और

(iii) उप-खण्ड (च) में, क्रमशः “टयूबवैल” शब्द के स्थान पर “डीप वैल” शब्द और “जल आपूर्ति स्कीम” शब्दों के स्थान पर “लोक जल आपूर्ति स्कीम” शब्द रखे जाएंगे।

9. धारा 8 का संशोधन.—मूल अधिनियम की धारा 8 में,—

(क) शीर्षक में, “रजिस्ट्रीकरण” शब्द के पश्चात “और अनुज्ञापत्र का नवीकरण” शब्द अन्तःस्थापित किए जाएंगे ।

(ख) उपधारा (1) में,—

- (i) "प्राधिकरण के गठन" शब्दों के पश्चात् "या हिमाचल प्रदेश भूगर्भ जल (विकास और प्रबंधन का विनियमन और नियन्त्रण) संशोधन, अधिनियम, 2022 के प्रारम्भ, जो भी पश्चात्पूर्वी हो" शब्द और चिन्ह अन्तः स्थापित किए जाएंगे; और
- (ii) "रजिस्ट्रीकरण का प्रमाण-पत्र" शब्दों के पश्चात् "या अनुज्ञापत्र" शब्द अन्तः स्थापित किए जाएंगे;
- (ग) उपधारा (2) में,—
- (i) "के अध्यक्षीन" शब्दों के पश्चात्, "आवेदन की प्राप्ति की तारीख से साठ दिन के भीतर" शब्द रखे जाएंगे;
- (ii) "रजिस्ट्रीकरण प्रमाण-पत्र प्रदान करेगा" शब्दों के स्थान पर, "रजिस्ट्रीकरण प्रमाण-पत्र या अनुज्ञापत्र प्रदान करेगा, ऐसा न होने पर इसे प्रदान किया गया समझा जाएगा", शब्द और चिन्ह रखे जाएंगे; और
- (iii) उपधारा (2) के प्रथम परन्तुक का लोप किया जाएगा।
- (घ) उपधारा (3) में "रजिस्ट्रीकरण प्रमाण-पत्र" शब्दों के पश्चात् "या यथास्थिति, अनुज्ञापत्र या इसका नवीकरण" शब्द और चिन्ह अन्तःस्थापित किए जाएंगे; और
- (ङ) उपधारा (4) में,—
- (i) "उपधारा (2) के अधीन रजिस्ट्रीकरण प्रमाण-पत्र" शब्दों, चिन्ह और अंकों के स्थान पर, "यथास्थिति, रजिस्ट्रीकरण प्रमाण-पत्र या अनुज्ञापत्र प्रदान करने या उसका नवीकरण," शब्द और चिन्ह रखे जाएंगे; और
- (ii) खण्ड (ङ) का लोप किया जाएगा।

10. धारा 9 का संशोधन.— मूल अधिनियम की धारा 9 में,—

- (क) विद्यमान उपबंध को उपधारा (1) के रूप में संख्यांकित किया जाएगा, और
- (ख) इस प्रकार पुनः संख्यांकित उपधारा (1) के पश्चात् निम्नलिखित अन्तः स्थापित किया जाएगा, अर्थात् :—
- "(2) मशीनरी का रजिस्ट्रीकरण प्रमाण-पत्र प्रदान करने या उसे नामंजूर करने में, प्राधिकरण ऐसी शर्तों, जैसी विहित की जाएं, को ध्यान में रखेगा।
- (3) किसी भी अरजिस्ट्रीकृत बेधन (ड्रिलिंग) अभिकरण या जलयान (रिंग) के स्वामी को भूगर्भ जल निकालने की अवसंरचनाओं का सन्निर्माण करना अनुज्ञात नहीं किया जाएगा और किसी व्यक्तिक्रम की दशा में वह राज्य भूगर्भ जल प्राधिकरण या केंद्रीय भूगर्भ जल प्राधिकरण द्वारा यथा विहित शास्त्रि के लिए दायी होगा।"

11. धारा 11 का संशोधन.— मूल अधिनियम की धारा 11 में उप-खण्ड (ग) के अन्त में, "।" चिन्ह के स्थान पर "या" चिन्ह और शब्द रखे जाएंगे और तत्पश्चात् निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—

- "(घ) सम्पत्ति के भू-उपयोग या जल के उपयोग में परिवर्तन की दशा में, स्वामी के लिए नए अनुज्ञापत्र हेतु आवेदन करना आवश्यक होगा।"

12. धारा 11क. का अन्तःस्थापन.—मूल अधिनियम की धारा 11 के पश्चात् निम्नलिखित धारा अन्तःस्थापित की जाएगी, अर्थात् :-

"11क. बेधन (ड्रिलिंग) अभिकरण द्वारा प्रस्तुत की जाने वाली सूचना.—

- (1) बेधन (ड्रिलिंग) अभिकरण या जलयान (रिंग) का स्वामी, किसी कुएं का सन्निर्माण/ड्रिलिंग करने के लिए कोई भी कार्रवाई करने से पूर्व पहले अपना समाधान करेगा कि किसी कुएं की खुदाई की वांछा रखने वाले आवेदक ने ऐसे कुएं के बेधन (ड्रिलिंग) हेतु प्राधिकरण से पहले ही अपेक्षित अनुज्ञा प्राप्त कर ली है और ऐसे कुएं के सन्निर्माण के बारे में, ऐसी रीति में, जैसी विहित की जाए लिखित में संसूचित करेगा और प्राधिकरण के सदस्य—सचिव या इस निमित्त प्राधिकृत किसी अन्य व्यक्ति को ऐसी सूचना, जैसी विहित की जाए, की प्राप्ति सुनिश्चित करेगा।
- (2) बेधन (ड्रिलिंग) अभिकरण या जलयान (रिंग) का स्वामी तकनीकी और अन्य समस्त ब्यौरे ऐसी रीति में, जैसी विहित की जाए, प्रस्तुत करेगा।
- (3) बेधन (ड्रिलिंग) अभिकरण, अधिसूचित या गैर-अधिसूचित क्षेत्र के भीतर समस्त बेधन (ड्रिलिंग) किए गए कुओं के ब्यौरे ऐसे बोर वेल या डीप वेल के बेधन (ड्रिलिंग) किए जाने की तारीख से तीस दिन के भीतर प्राधिकरण को राज्य के भूगर्भ जल स्रोतों के डाटा बेस को अनुरक्षित करने और अपडेट करने हेतु सूचित करेगा।"

13. धारा 12 का संशोधन.— मूल अधिनियम की धारा 12 के परन्तुक का लोप किया जाएगा।

14. धारा 13 का संशोधन.—मूल अधिनियम की धारा 13 की उपधारा (1) के खण्ड (झ) में "कार्यान्वित करने" शब्दों के पश्चात् "या किन्ही शर्तों को अधिरोपित करने, जो केंद्रीय भूगर्भ जल प्राधिकरण द्वारा विहित की जाएं," शब्द अन्तःस्थापित किए जाएंगे।

15. धारा 14 का संशोधन.— मूल अधिनियम की धारा 14 में, विद्यमान परन्तुक का लोप किया जाएगा और शेष उपबन्ध को उपधारा (1) के रूप में संख्यांकित किया जाएगा और तत्पश्चात् निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात्:-

"(2) किसी अधिसूचित क्षेत्र में भूगर्भ जल का प्रत्येक उपयोक्ता यदि दूरमापी (टैलीमीट्री) प्रणाली के साथ डिजिटल वाटर फ्लो मीटर स्थापित करने में असफल रहता है या त्रुटिपूर्ण डिजिटल वाटर फ्लो मीटर स्थापित करता है तो दो लाख रुपए की रकम की शास्ति के लिए दायी होगा।"

16. धारा 20 का संशोधन.— मूल अधिनियम की धारा 20 की उपधारा (2) में "मजिस्ट्रेट" शब्द से पूर्व "न्यायिक" शब्द अन्तःस्थापित किया जाएगा।

17. धारा 21 का प्रतिस्थापन.—मूल अधिनियम की धारा 21 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:-

"21. अपराध और शास्तियां.—जो कोई इस अधिनियम या तद्धीन बनाए गए नियमों या जारी किए गए आदेशों अथवा निर्देशों के उपबन्धों का पालन करने में असफल रहता है या उनका उल्लंघन करता है, तो वह ऐसी प्रत्येक असफलता या उल्लंघन की बाबत कारावास से जिसकी अवधि पांच वर्ष तक की हो सकेगी या जुर्माना से, जो दस लाख रुपए तक का हो सकेगा या दोनों से दण्डनीय होगा और यदि असफलता या उल्लंघन जारी रहता है, तो अतिरिक्त जुर्माना से, जो ऐसी प्रथम असफलता या उल्लंघन के लिए दोषसिद्धि के पश्चात् प्रत्येक दिवस, जिसके दौरान ऐसी असफलता या उल्लंघन जारी रहता है के लिए, पांच हजार रुपए तक का हो सकेगा, से दण्डित किया जाएगा।"

AUTHORITATIVE ENGLISH TEXT

THE HIMACHAL PRADESH GROUND WATER (REGULATION AND CONTROL OF DEVELOPMENT AND MANAGEMENT) ACT, 2022

ARRANGEMENT OF SECTIONS

Sections:

1. Short title and commencement.
2. Amendment of Section 2.
3. Amendment of Section 3.
4. Insertion of Section 4A.
5. Amendment of Section 5.
6. Insertion of Section 5A.
7. Insertion of Section 6A.
8. Amendment of Section 7.
9. Amendment of Section 8.
10. Amendment of Section 9.
11. Amendment of Section 11.
12. Insertion of Section 11A.
13. Amendment of Section 12.
14. Amendment of Section 13.
15. Amendment of Section 14.
16. Amendment of Section 20.
17. Substitution of Section 21.

Act No. 14 of 2022

THE HIMACHAL PRADESH GROUND WATER (REGULATION AND CONTROL OF DEVELOPMENT AND MANAGEMENT) AMENDMENT ACT, 2022

(AS ASSENTED TO BY THE GOVERNOR ON 22ND SEPTEMBER, 2022)

AN

ACT

to amend the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act, 2005 (Act No. 31 of 2005).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Seventy-third Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Amendment Act, 2022.

(2) It shall come into force on such date as the State Government may, by notification published in the Rajpatra (e-Gazette), Himachal Pradesh, appoint.

2. Amendment of Section 2.—In Section 2 of the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act, 2005 (hereinafter referred to as the “principal Act”),—

(a) after clause (c), the following clause shall be inserted, namely:—

“(c-1) “Central Ground Water Authority” means the Authority established under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986);”;

(b) after clause (j), the following clauses shall be inserted, namely:—

“(j-a) “Public Water Source” means a source from which the State Government or such other authority as the State Government may, by notification in the Rajpatra (e-Gazette) Himachal Pradesh specify, provides water to the public and includes such well, borewell, tubewell or any other ground water; and

“(j-b) “Public Water Supply System” means the structure relating to a public drinking water source, including conveying pipelines, storage reservoir, stand posts, cisterns, hand pump, power pump and all other materials connected thereto, through which water is supplied for drinking water purposes;” and

(c) in clause (o), for the words “excluding domestic use”, the words and signs, “excluding individual domestic consumer, rural drinking water supply scheme, Armed Forces and Central Armed Police Forces establishments, agricultural activities and micro and small enterprises drawing ground water less than 10 cubic meter per day” shall be substituted.

3. Amendment of Section 3.—In Section 3 of the principal Act, in sub-section (2), for the words “Irrigation and Public Health” wherever occurs the words, “Jal Shakti Vibhag” shall be substituted.

4. Insertion of Section 4A.—After Section 4 of the principal Act, the following Section shall be inserted, namely:—

“4 A. Funds of the Authority.— (1) The Authority shall operate and maintain a separate fund called the Himachal Pradesh Ground Water Authority Fund to which it shall credit,—

(a) such sums as may be placed at the disposal of the Authority from time to time by way of grant or loan or otherwise by the State Government and its agencies;

(b) such sums as may be received by the Authority from time to time by way of grant or loan or otherwise from the Central Government;

(c) such loans raised with prior concurrence of the Government, by the Authority from any financial agencies;

- (d) the proceeds of any fees, charges, royalties and fines levied by the Authority; and
- (e) such other sums as may be received by the Authority from any other source.

(2) The fund shall be utilized by the Authority for the development of Ground Water and the purposes as may be prescribed.

(3) The Authority shall maintain a true and proper account and other relevant records there to and prepare annual statements of accounts including the balance sheet in such form as may be prescribed.”.

5. Amendment of Section 5.— In Section 5 of the principal Act, in sub-section (2), after the words “the extraction”, the words “or use” shall be inserted.

6. Insertion of Section 5A.—After Section 5 of the principal Act, the following Section shall be inserted, namely :—

“5 A. Protection and preservation of water quality.— (1) No person including user of Ground Water shall do anything or release any effluent that contaminates the groundwater either temporarily or permanently.

(2) The Authority shall take such measures as may be prescribed or necessary for the protection and preservation of water quality of any ground water source within notified and non-notified areas in the State.”.

7. Insertion of Section 6A.—After section 6 of the principal Act, the following Section shall be inserted, namely :—

“6A. Registration of well by any person extracting ground water.—Every person extracting ground water and does not come in the ambit of definition of user of ground water in a notified area shall, within a period of sixty days from the date of establishment of the authority or the commencement of the Himachal Pradesh Ground Water (Regulation and Control of Development and Management), Amendment Act, 2022, whichever is later make an application on such form containing such particulars, free of cost, in the manner as may be prescribed, to the Authority.”.

8. Amendment of Section 7.—In Section 7 of the principal Act,—

(a) for sub-section (1), the following shall be substituted, namely:—

“(1) Any user of ground water desiring to sink a well or extracting ground water within notified area, for any purpose shall, on payment of such fee as may be prescribed, apply to the Authority for grant or renewal of a permit, and shall not proceed with any activity connected with such sinking or extraction of ground water unless a permit has been granted by the Authority in the manner as may be prescribed.”;

(b) for sub-section (3), the following shall be substituted, namely:—

“(3) The Authority shall consider the application made under sub-section (1) and if satisfied, may grant a permit or renewal as the case may be, in such form and manner and subject to such conditions as may be prescribed or

refuse to grant permit or renewal for reasons to be recorded in writing, subject to such conditions and restrictions as may be specified, within sixty days from the date of receipt of application failing which it shall be deemed to have been granted:

Provided that while considering the application, the Authority shall give first priority for drinking water needs in preference to other needs:

Provided further that no permit shall be refused without offering an opportunity of being heard:

Provided further that in case of change in land use of the property or water use, the user of ground water shall apply for fresh permit.”;

- (c) in sub-section (4), after the words “refusal of the permit”, the words and sign “or its renewal, as the case may be” shall be inserted; and
- (d) in sub-section (5),—
 - (i) after the words “or refusing a permit” the words and sign “or its renewal, as the case may be” shall be inserted;
 - (ii) the clause (e) shall be omitted; and
 - (iii) in clause (f), for the words “tube well” and “water supply scheme”, the words “deep well” and “public water supply scheme” shall be substituted respectively.

9. Amendment of Section 8.—In Section 8 of the principal Act,—

- (a) in the heading, after the word “Registration”, the words “and renewal of permit” shall be inserted;
- (b) in sub-section (1),—
 - (i) after the words “establishment of the Authority”, the words “or the commencement of the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Amendment Act, 2022, whichever is later,” shall be inserted; and
 - (ii) after the word “certificate of registration,” the words “or permit” shall be inserted;
- (c) in sub-section (2),—
 - (i) after the words “specified therein”, the words and sign “within sixty days from the date of receipt of application, failing which it shall be deemed to have been granted” shall be inserted;
 - (ii) after the words “a certificate of registration”, the words “or permit” shall be inserted; and
 - (iii) first proviso shall be omitted;

- (d) in sub-section (3), after the words “certificate of registration”, the words and sign “or permit or its renewal, as the case may be,” shall be inserted; and
- (e) in sub-section (4),—
 - (i) after the words sign and figure “under sub-section (2)”, the words and sign “or permit or its renewal, as the case may be,” shall be inserted; and
 - (ii) clause (e) shall be omitted.

10. Amendment of Section 9.—(a) In Section 9 of the principal Act, the existing provision shall be numbered as (1); and

- (b) after the existing provision so renumbered, the following shall be inserted, namely:—

- “(2) In granting or refusing certificate of registration of the machinery, the Authority shall have regard to the conditions as may be prescribed.
- (3) No unregistered drilling agency or rig owner shall be allowed to construct ground water abstraction structures and in case of default, he will be liable for penalty as specified by the State Ground Water Authority or Central Ground Water Authority.”.

11. Amendment of Section 11.—In Section 11 of the principal Act, at the end of sub-clause (c), for the sign “.”, the sign and word “; or” shall be substituted and thereafter the following clause shall be inserted, namely :—

- “(d) in case of change in land use of the property or water use, it shall be mandatory for the owner to apply for fresh permit.”.

12. Insertion of Section 11A.—After Section 11 of the principal Act, the following Section shall be inserted, namely:—

“11 A. Information to be furnished by the drilling agency.—(1) A drilling agency or rig owner, before taking any step for constructing or drilling any well, shall first satisfy itself that the applicant desirous of sinking a well has obtained prior requisite permission from the Authority for drilling of such well and shall inform in writing, in a manner as may be prescribed, about the construction of such well and ensure receipt of such information to the Member-Secretary of the Authority or any other person authorized in this behalf, as may be prescribed.

- (2) The drilling agency or rig owner will submit all the details, technical and others, in the manner as may be prescribed.

- (3) The drilling agency, shall inform the details of all drilled wells within notified or non-notified area within a period of thirty days from the date of drilling of such bore well or deep well to the Authority for maintaining and updating the data base on ground water resources of the State.”.

13. Amendment of Section 12.—In Section 12 of the principal Act, the proviso shall be omitted.

14. Amendment of Section 13.—In Section 13 of the principal Act, in sub-section (1), in clause (i), after the words “rules made thereunder”, the words “or to impose any conditions as may be specified by the Central Ground Water Authority” shall be inserted.

15. Amendment of Section 14.—In Section 14 of the principle Act, the proviso shall be omitted and the remaining provision shall be numbered as (1) and thereafter, the following shall be inserted, namely:—

“(2) Every user of ground water in a notified area shall be liable for penalty for amounting to rupees two lakhs, in case fails to install or installs faulty digital water flow meter with telemetry system.”.

16. Amendment of Section 20.—In Section 20 of the principal Act, in sub-section (2), after the words “to that of a”, the word “Judicial” shall be inserted.

17. Substitution of Section 21.—For Section 21 of the principal Act, the following shall be substituted, namely :—

“21. Offences and penalties.— Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with a fine which may extend to ten lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.”.



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शुक्रवार, 23 जून, 2023 / 02 आषाढ़, 1945

हिमाचल प्रदेश सरकार

विधि विभाग

अधिसूचना

शिमला-2, 12 मई, 2023

संख्या: एल.एल.आर.-डी.(6)-11/2023-लेज.-हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए हिमाचल प्रदेश भूगर्भ जल (विकास और प्रबन्धन

का विनियमन और नियन्त्रण) संशोधन विधेयक, 2023 (2023 का विधेयक संख्यांक 9) को दिनांक 19-05-2023 को अनुमोदित कर दिया है तथा अनुच्छेद 348 के खण्ड (3) के अधीन, विधेयक के अंग्रेजी पाठ को राजपत्र, हिमाचल प्रदेश में प्रकाशित करने के लिए प्राधिकृत कर दिया है। अतः उपरोक्त विधेयक को वर्ष 2023 के अधिनियम संख्यांक 9 के रूप में अंग्रेजी प्राधिकृत पाठ सहित राजपत्र (ई-गजट) हिमाचल प्रदेश में प्रकाशित किया जाता है।

आदेश द्वारा,

शरद कुमार लगवाल,
सचिव (विधि)।

हिमाचल प्रदेश भूगर्भ जल (विकास और प्रबन्धन का विनियमन और नियन्त्रण)
संशोधन अधिनियम, 2023

धाराओं का क्रम

धारा:

1. संक्षिप्त नाम और प्रारम्भ।
2. धारा 21 का संशोधन।

2023 का अधिनियम संख्यांक 9

हिमाचल प्रदेश भूगर्भ जल (विकास और प्रबन्धन का विनियमन और नियन्त्रण) संशोधन अधिनियम, 2023

(माननीय राज्यपाल महोदय द्वारा तारीख 19 मई, 2023 को यथाअनुमोदित)

हिमाचल प्रदेश भूगर्भ जल (विकास और प्रबन्धन का विनियमन और नियन्त्रण) अधिनियम, 2005 (2005 का अधिनियम संख्यांक 31) का और संशोधन करने के लिए अधिनियम।

भारत गणराज्य के चौहत्तरवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो:-

1. **संक्षिप्त नाम और प्रारम्भ.**—(1) इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश भूगर्भ जल (विकास और प्रबन्धन का विनियमन और नियन्त्रण) संशोधन अधिनियम, 2023 है।

(2) यह उस तारीख को प्रवृत्त होगा, जो राज्य सरकार राजपत्र (ई-गजट), हिमाचल प्रदेश में अधिसूचना द्वारा नियत करे।

2. **धारा 21 का संशोधन.**—हिमाचल प्रदेश भूगर्भ जल (विकास और प्रबन्धन का विनियमन और नियन्त्रण) अधिनियम, 2005 की धारा 21 में “कारावास से जिसकी अवधि पांच वर्ष तक की हो सकेगी या जुर्माने से, जो दस लाख रुपये तक का हो सकेगा या दोनों से” शब्दों और चिन्ह के स्थान पर “जुर्माने से जो दस लाख रुपये तक का हो सकेगा” शब्द रखे जाएंगे।

AUTHORITATIVE ENGLISH TEXT

THE HIMACHAL PRADESH GROUND WATER (REGULATION AND CONTROL OF DEVELOPMENT AND MANAGEMENT) AMENDMENT ACT, 2023

ARRANGEMENT OF SECTIONS

Sections:

1. Short title and commencement.
2. Amendment of section 21.

Act No. 9 of 2023

THE HIMACHAL PRADESH GROUND WATER (REGULATION AND CONTROL OF DEVELOPMENT AND MANAGEMENT) AMENDMENT ACT, 2023

(AS ASSENTED TO BY THE HON'BLE GOVERNOR ON 19TH MAY, 2023)

AN

ACT

Further to amend the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act, 2005 (Act No. 31 of 2005).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Seventy-fourth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Amendment Act, 2023.

(2) It shall come into force on such date as the State Government may by notification, in the Rajpatra (e-Gazette), Himachal Pradesh, appoint.

2. Amendment of section 21.—In section 21 of the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act 2005, for the words and sign “imprisonment for a term which may extend to five years or with a fine which may extend to ten lakh rupees, or with both”, the words “a fine which may extend to ten lakh rupees” shall be substituted.

विधि विभाग

अधिसूचना

शिमला-2, 12 मई, 2023

संख्या: एल.एल.आर.-डी.(6)-8/2023-लेज.-हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए हिमाचल प्रदेश नगर निगम (संशोधन) विधेयक,