

THE KARNATAKA GROUNDWATER (REGULATION AND CONTROL OF DEVELOPMENT AND MANAGEMENT) BILL, 2009

A Bill to regulate, and control the development and management of groundwater and matters connected therewith or incidental thereto.

Whereas, it is expedient to provide for regulation and control development and management of groundwater in the State and for matters connected therewith or incidental thereto.

Be it enacted by the Karnataka State Legislature in the fifty-seventh year of the Republic of India as follows.

CHAPTER – I

PRELIMINARY

1. Short title, extent and commencement and application:

- (1) This Act may be called the Karnataka Groundwater (Regulation, and control of Development and Management Act, 2009.
- (2) It extends to the whole of the State of Karnataka.
- (3) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different areas and for different provisions of the Act.
- (4) The Act shall apply to drilling/digging of a well or using groundwater from an existing well by or on behalf of the State Government or a local authority or any other authority notified by the State Government, as a public drinking water source.
- (5) The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force relating to protection of public sources of drinking water.

2. Definitions – In this Act, unless the context otherwise requires:

- (a) “**Artificial recharge to Groundwater**” means the process by which groundwater reservoir is augmented at a rate exceeding that under natural conditions of replenishment.
- (b) “**Authority**” means the Karnataka Groundwater Authority established under Section 3 of this Act.
- (c) “**Government**” means the State Government.
- (d) “**Groundwater**” 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.
- (e) “**Local Authority**” means a City Municipal Corporation, Municipal Council, Town Panchayat, Zilla Panchayat, Taluk Panchayat, Grama Panchayat, Industrial Township Authority, Bangalore Development Authority, Improvement Board,

Urban Development authority, planning Authority, Bangalore Water Supply and Sewerage Board, Karnataka Urban Water Supply and Sewerage Board, constituted under any law for the time being in force.

- (f) **“Notified area”** means the area notified under Section 10;
- (g) **“permit ”** means a permit granted under Section 11;
- (h) **“Rain water harvesting”** is the technique of collection, and use of rainwater at surface or in sub-surface aquifer.
- (i) **“Registration”** means a certificate of registration granted under Section 12 and Section 13;
- (j) **“digging/drilling”** means with all its grammatical variations and cognate expression in relation to a well includes digging, drilling or boring of new wells or in existing wells, deepening and modification (of radials and galleries) of existing wells for exploitation of groundwater.
- (k) **“Drilling Agency”** means a person or an agency or an organization or an institution engaged in the business of drilling/digging of well for exploration of water resources or extraction of water.
- (l) **“User or groundwater”** means any person or group of persons or an institution, State, and local authorities, including a company or an establishment, whether the Government or not who or which extract or use or sell groundwater for any purpose including domestic use made either on a personal or community basis.
- (m) **“Well”** means a structure constructed for the search or extraction of groundwater by a person or persons for drinking/domestic/industrial/commercial/agriculture use including except by the authorized officials of the State Government or the Central Government for carrying out scientific investigation, exploration, development, augmentation, conservation, protection or management of groundwater and shall include open well, dug well, bore well, dug-cum-bore well, tube well, filter point, collection well, infiltration gallery, recharge well, disposal well or any of their combinations or variations.
- (n) **“Defunct well”**, means open wells or borewells that are no longer yielding water or not in use.
- (o) **“failed borewell”** means a bore well yielding less than one liter per second (or 791 GPH) at the time of installation.
- (p) **“Interior quality work”** means the defects and faults occurred during the design stage that affect well maintenance.
- (q) **“Contravention”** means defiance or violation of a rule, law or judicial order or a breach of a regulatory requirement or or not fulfilling an obligation, promise, or agreement.

- (r) **“Zone of saturation”** means a subsurface zone in which all the pores or the material are filled with groundwater under phreatic condition.

CHAPTER-II
CONSTITUTION OF THE AUTHORITY

3. Establishment of Groundwater Authority:

- (1) As soon as may be after the commencement of this Act, the Government may by notification establish with effect from such date as may be specified in the notification, an authority to be known as the Karnataka Groundwater Authority for the whole of the State of Karnataka, with its head quarters at Bangalore.
- (2) The authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of the Act, to acquire hold and dispose of property both movable and immovable and to enter into contract, and may by the said name sue and be sued.
- (3) The Authority shall consist of the following members, namely :-
- (a) The Secretary to government in charge of the Department of water resources, Minor Irrigation, Government of Karnataka who shall be the chairperson.
 - (b) The Commissioner/Director of Mines and Geology, who shall be the Member Secretary
 - (c) The Regional Director, Central Groundwater Board, Government of India
 - (d) One representative from the ESCOMs not below the rank of a Chief Engineer
 - (e) The Chief Engineer, RDED, Rural Development and Panchayat Raj Department
 - (f) The Engineer-in-Chief, Water Resources Development Organization of Water Resources Department.
 - (g) The Chief Engineer, Minor Irrigation, nominated by the Government.
 - (h) The Commissioner/Director of Agriculture, Department of Agriculture.
 - (i) Chairman of Karnataka State Pollution Control Board.
 - (j) The Chief General Manager, National Bank for Agriculture and Rural Development, Bangalore.
 - (k) Four representatives of farmers to be nominated by the Government.
 - (l) The Chief Engineer, KUWS&DB.
 - (m) The Chief Engineer, BWSSB.

(n) Two members who have special knowledge or practical experience in matters relating to groundwater to be nominated by the Government.

4. **Disqualification for the members of the authority:** A person shall be disqualified for being nominated as, and for being a non-official member of the Authority if such member –

(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Government involves moral turpitude; or

(b) is of unsound mind and is so declared by a competent court;

(c) is an un-discharged insolvent; or

(d) has been removed or dismissed from the service of the Central Government or the Government or a Corporation owned or controlled by the Central Government or the Government or from the membership of the Authority; or

(e) has directly or indirectly, by himself or his partner, any share or interest in any work done by the order or the Authority or in any contract or employment with, or under, or by or on behalf of the Authority; or

(f) is employed as legal practitioner on behalf of the Authority or accepts employment as a legal practitioner against the Authority;

Provided that a person shall not be disqualified under clause (e) or be deemed to have any contract or employment within the meaning of the said clause by reason only of his having share or interest in a newspaper in which any advertisement relating to the affairs of the Authority is inserted.

5. **Term of office and conditions of service:**

(1) Subject to the pleasure of the Government and the provisions of section 6, non-official members nominated under clause (k) and (n) of sub-section (3) of section 3 shall hold office for a period of three years from the date on which they assume office and shall be eligible for reappointment under such conditions as may be prescribed.

(2) A non-official member nominated under clause (k) and (n) of sub-section (3) of section 3, may at any time resign this office by writing under his hand addressed to the Government but shall continue in office till his resignation is accepted by the Government.

(3) The non-official member nominated under clause (k) and (n) of sub-section (3) of section 3 shall be entitled to such allowances as may be prescribed.

6. Removal of a member:

- (1) The Government may remove a nominated non-official member, if such member:
 - (a) becomes subject to any of the disqualifications specified in section 4 or
 - (b) refuses to act or becomes incapable of acting; or
 - (c) without obtaining the leave of absence from the Chairperson absents himself from three consecutive meetings of the authority; or
 - (d) in the opinion of the Government, has so abused his position as to render his continuance detrimental to the interest of the authority.
- (2) No order of removal of a nominated non-official member under clauses (a) and (d) of sub-section (1), shall be made unless such member has been given an opportunity of making his representation.

7. Casual vacancies etc:

- (1) Any casual vacancy caused by resignation of a non-official member or otherwise may be filled by the Government, by nomination and the person so nominated shall hold office for the remaining period for which the member in whose place he is nominated would have held office;
- (2) No act or proceedings of the Authority shall be invalidated merely by reason of any vacancy in its membership or any defect in the constitution or reconstitution of the Authority or any irregularity in the procedure of the Authority not affecting the merits of the case.

8. Meetings of the Authority

- (1) The Authority shall ordinarily meet at least once in three months at the office of the Authority or at such other place as the Chairperson may decide and shall, subject to the provisions of sub-sections (2),(3) and (4), observe such rules of procedure in regard to the transaction of business at its meeting as may be provided by regulations.
- (2) The Chairperson or in his absence, any member chose by the members present from among themselves, shall preside at a meeting of the Authority.
- (3) If any member, being an officer of the Government is unable to attend any meeting of the Authority he may under intimation to the Chairperson, authorize his immediate authorized representative in writing, to do so.
- (4) All questions at a meeting of the Authority shall be decided by a majority of the votes of the members present and voting and in the case of equality of votes, Chairperson or in his absence the member presiding will have casting vote.
- (5) Quorum for a meeting shall be seven.

9. Staff of the Authority:

- (1) The Government shall for the purpose of enabling the Authority to efficiently perform its functions or exercise its powers under the Act, provide such number of technical and other staff as it may consider necessary.
- (2) The powers and duties and the terms and conditions of service of such employees shall be such, as may be prescribed.
- (3) The Administrative expenses of the Authority including the salaries and allowances and pension payable to be officers and staff of the Authority shall be defrayed out of the fund of the Authority.

10. Power to notify areas to regulate and control the development and management of groundwater:-

- (1) The Authority shall function under the overall control and supervision of the Government.
- (2) If the Authority, after consultation with various expert bodies is of the opinion that it is necessary or expedient in the public interest to regulate the extraction or the use or both of groundwater in any form in any area, it will advise the Government to declare any such area to be a notified area for the purpose of this Act with effect from such date as may be specified therein;
- (3) The Government on the Advise of the Authority may, by notification in the Official Gazette, declare any such area to notified area for the purposes of this Act with effect from such date as may be specified therein;

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

- (4) Every such notification shall in addition to its publication in the official Gazette, be published Is not less than one daily regional language newspaper having wide circulation in the State and in such other manner as may be prescribed.
- (5) If in the opinion of the authority the availability of groundwater has improved in a notified area, it may, in consultation with various expert bodies advise Government to de-notify such area and the Government may do so according to the procedure prescribed.
- (6) The authority shall also take steps to ensure that exploitation of Groundwater resources does not exceed the natural replenishment to the aquifers.
- (7) The Government on the advise of the authority may take steps as far as possible to ensure augmentation of ground water resources in addition to regulatory measures.

- (8) The authority shall maintain and upkeep the data base on ground water related information.

11. Grant of permit to extract and use groundwater in the notified area:

- (1) Subject to the provisions of any law relating of public sources of drinking water, any user of ground water desiring to drill/dig a well in any notified area for any purposes either on personal or community basis shall apply to the authority for grant of permit for this purpose and shall not proceed with any activity connected with such drilling/digging unless a permit has been granted by the authority.
- (2) Every application under sub-section (1) shall be made in such form, shall contain such particulars and in such manner accompanied by such fee for different purposes like industrial, commercial, entertainment, agricultural and domestic etc., and for different areas, as may be prescribed.
- (3) On receipt of an application under sub-section (1), if the Authority is satisfied that it shall not be against public interest to do so, it may, grant subject to such conditions and restrictions as may be specified therein, permit authorizing the extraction and use of groundwater. The conditions shall include mandatory provision of artificial recharge structures of appropriate size to be constructed by the applicant within a period as specified by the authority.

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

- (4) The decision regarding grant or refusal of their permit shall be intimated by the Authority to the applicant within a period of sixty day from the date of receipt of the application.
- (5) In granting or refusing a permit under sub-section (3), the Authority shall have regard to the following:-
- (a) The purpose for which the groundwater is to be used – domestic, agriculture, industry, commercial, establishments entertainment, - indicate sale/own use or both:-
 - (b) No permit shall be given for water intensive crops like paddy, sugarcane, banana in notified areas.
 - (c) The existence of other competitive users;
 - (d) The availability of groundwater and the need to conserve it;
 - (e) Quantity of groundwater to be drawn
 - (f) Quality of groundwater with reference to use;
 - (g) Spacing of groundwater structures keeping in consideration, the purpose for which the groundwater is to be used.
 - (h) Long term groundwater level behavior;
 - (i) Its likelihood of adversely affecting water availability of any drinking water sources in its vicinity.
 - (j) Priority may be given for those who adopt sprinkler and drip irrigation system.

(k) Any other factors relevant therein.

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

12. Registration of existing users in the notified areas.

(1) Every existing user of groundwater in the notified area shall within a period of one hundred twenty days from the date of establishment of the Authority by the Government shall apply to the authority for grant of a certificate of a registration recognizing its existing use in such form and in such manner as may be prescribed:

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

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

- (a) the description of the source of groundwater, such as type of well, its exact location;
 - (b) the lifting device used;
 - (c) the quantity of ground water withdrawal and hours
 - (d) the total period, of use in each year;
 - (e) the purpose or purposes for which groundwater is being extracted;
 - (f) in case the requirement of ground water is for purpose of drinking water, the approximate population to be served;
 - (g) In case of irrigation well, the location and extent of area irrigated; and the crops grown.
 - (h) In the case of State and Central Government, Local authorities or Community run water supply schemes, the details of the services involved in addition to the quantities of ground water extracted, the diversion or the pumping points and their locations.
- (3) On receipt of an application under sub-section (1), the Authority may, after such enquiry as it may deem fit and after satisfying itself that the applicant has the means and the knowledge to undertake drilling operations and extraction of groundwater, grant a registration in such form, for such period and subject to such condition as may be prescribed.
- (4) The decision regarding the grant or refusal of the certificate of registration shall be intimated by the authority to the applicant within a period of one month from the date of receipt of the application.
- (5) In granting or refusing a certificate of registration under sub-section (3) the Authority shall have regard to the following:-

- (a) The purpose for which, the groundwater is to be used, water intensive;
- (b) In case of applicants growing water intensive crops like paddy, sugarcane, and banana an undertaking shall be obtained from them for change of water intensive crops to less water intensive crops and such change to be incorporated in the certificate of registration.
- (c) The existence of other competitive users;
- (d) The availability of groundwater and the need to conserve it; quantity of groundwater to be drawn
- (e) Quality of groundwater with reference to use
- (f) Spacing of groundwater structure keeping in consideration, the purpose for which the groundwater is to be used

- (g) Long term groundwater level behaviour;
 - (h) Any other factors relevant thereto.
- (6) The certificate of registration shall be in such form as may be prescribed
 - (7) Pending the communication by the authority of the decision on the application under sub-section (1) every existing user of ground water shall be entitled to the continued use of ground water in the same manner and to the same quantity as he was entitled prior to the date of his application.
 - (8) If a registered well becomes defunct this fact should be immediately brought to the notice of the authority by the user of groundwater.

13) Registration of drilling agencies:

- (1) Every person desiring to carry on the business of drilling/digging well or extraction of groundwater shall register his machinery with authority in such manner as may be prescribed:
- (2) No person by himself or through person on his behalf shall, after expiry of a period of six months from the date of commencement of this Act carry on the business of drilling/digging well or extraction of groundwater except under and in accordance with the terms and conditions of the registration granted by the Authority under this Act.
- (3) Every person for the purpose of getting a registration under sub-section (1) shall make an application to the Authority in such form, containing such particulars and accompanied by such fees as may be prescribed.
- (4) On receipt of an, application under sub-section (2) the Authority may after such enquiry as it may deem fit and after satisfying itself that the applicant has the means and knowledge to undertake drilling operations and extraction of ground water, grant a certificate of registration in such form for such period and subject to such conditions as may be prescribed.

14) Power to alter, amend or vary the terms of permit/certificate of registration:

At any time after the permit certificate of registration as the case may be has been granted by the Authority may, for technical reasons alter, amend or vary the terms of the permit certificate of registration, as the case may be, provided the user of ground water has been given an opportunity of being heard:

Provided that before taking any such action the Authority shall ensure that standing crop or crops is not damaged.

15) Cancellation of permit or, certificate of registration:-

If the Authority is satisfied either on a reference made to it in this behalf of otherwise that –

- (a) The permit or certificate of registration has been obtained by fraud or misrepresentation, 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 license and

certificate of registration has been granted or has contravened any or the provisions of this Act or the rules made there under; or

- (c) A situation has arisen which warrants limiting the use of extraction of groundwater;
- (d) In case of drilling/digging agencies, who carries inferior quality of work either in drilling or installation of equipment including pipes and pumps.

It may, without prejudice to any other penalty to which the holder of the permit or certificate of registration may be liable under this Act or any law the authority may, after giving the holder of permit or certificate of registration an opportunity of being heard; cancel the permit or certificate of registration as the case may be.

16) Ineligibility to avail financial assistance, power connection etc

A person who does not possess a permit in notified area shall not be eligible.

- (a) to get any subsidy, grant or loan by the Government or any other agency, organization or financing institution to drill/dig well and extract ground water;
- (b) to get from the ESCOMS or any other authority, the power connection and supply of electricity to extract water from a well drilled without obtaining a permit.

17) Powers of the Authority:-

- (1) The Authority or any person authorized by it in writing in this behalf shall have power,-
 - (a) to enter any time on any private/public property and to investigate and take any measurement concerning the land or water located on the surface or underground.
 - (b) to inspect the well which is being constructed/drilled or has been drilled and the soils and other materials excavated there from.
 - (c) To take the specimens of such soils or other materials or of water extracted from such well;
 - (d) to order in writing the person drilling/digging a well to keep and preserve in the prescribed manner specimen of soil or any material excavated therefrom for such period not exceeding three months from the date of completion or abandonment of the work as may be specified- by the Authority and thereupon such person shall comply with such requisition.
 - (e) to inspect and to take copies of the relevant record or documents and to ask any question necessary for obtaining any information (including diameter or depth of the well which is being or has been dig, the level at which the water is or was struck and subsequently restored/rested the types of strata encountered in the drilling/digging of the well and quality of the water struck etc., required for carrying out the purposes of this Act.
 - (f) to serve or cause to be served a notice requiring any user of groundwater or drilling/digging agency to furnish such information or returns in such form, at such intervals and with such particulars, as may be prescribed and thereupon such user or drilling agency shall comply with such requisition.

- (g) to require the user of groundwater to install water measuring devices if it is necessary to properly administer the water there or there is reason to believe that the use of groundwater does not comply- with the provisions of this Act or the rules made there under or for any other sufficient reason:

Provided that where the user of groundwater does not comply with the direction issued to him within a period of thirty days, from the date of issue of such requisition the Authority itself may install such water measuring device and recover the cost from the defaulting user of groundwater.

- (h) to seize any mechanical equipment/device utilized for illegal drilling/digging of well and extraction of groundwater and to demolish the work executed fully or partly.

- (i) to direct any user of groundwater who does not comply with the provisions of this Act and the rules framed there under to close down: the extraction of ground water, disconnect its power supply or confiscate any hydraulic work found to be illegal, according to the provisions of this Act and the rules made thereunder.

Provided that where the user of groundwater does not comply with the direction issued to him within a period of sixty days , from the date of issue of such requisition the Authority itself may carry out the necessary work and recover the cost from the illegal user of groundwater;

- (j) to enter and search at all reasonable times 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 to order in writing the person who has or is committing the offence not to extract or use the groundwater for a specified period not exceeding thirty days;

- (k) to exercise such other powers as may be prescribed or as may be necessary for carrying out the purposes of this Act or any rules made thereunder.

- (2) The power conferred by section (1) includes the power to break open the door of any premises where drilling/digging /extraction and use of groundwater may be going,- on. Provided that the power to break open the door shall be exercised only after the owner or any other person in occupation of the premises if he is present therein, refuse to open the door, on being called to do so.

- (3) The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall, so far as may be, apply to any search or 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 seizes any mechanical equipment/device under clause (h) of sub-section (1), it shall as soon as may be, inform the Magistrate having jurisdiction of try the offence in respect of such seizure and take his orders as to the custody thereof.

CHAPTER – III FUNDS, ACCOUNTS AND AUDIT

18. Funds of the Authority –

(i) The Authority shall have and maintain a separate fund called the Karnataka Groundwater Authority fund to which shall be credited,-

- (a) such sums as may be placed at the disposal of the Authority from time to time by way
- (b) of grant or loan or otherwise by the Government; However, the grants released by the Government shall be utilized in the year in which it is release
- (c) grants and loans received from the Central Government;
- (c) loans raised with prior concurrence of the Government by the Authority from the financial agencies;
- (d) the proceeds of any fees, charges and fines levied;
- (e) such other sums by the Authority from any other source;
- (f) all the new appointments in the establishment of the Authority, where temporary or permanent with appropriate scale of pay and purchase of new vehicles shall be made with the concurrence of the Government.
- (g) the Authority may impose appropriate charges on the quantum of ground water extracted for industrial, commercial and entertainment purposes with the approval of the Government in such manner as may be prescribed.

(2) The fund shall be applied for the purpose of this Act in such manner as may be prescribed.

(3) The fund shall be kept in such deposit and drawn in such manner as may be prescribed.

19. Budget of the Authority.- The Authority shall prepare in such form and at such time every year, as may be prescribed, a budget for the next financial year showing estimated receipts and expenditure of the Authority in respect of the administration of the Act and shall forward to the Government such number of copies thereof, as may be prescribed.

20. Accounts and Audit-

- (1) The Authority shall maintain a true and proper account and other relevant records and prepare annual statements of accounts including the balance sheet in such form as may be prescribed.
- (2) The accounts of the Authority shall be subject to audit annually by the Controller of State Accounts. A copy of annual statement of accounts together with a copy of the report of the audit shall be forwarded annually to the Government.

21. Annual Report- The authority shall prepare every year a report of its activities during the year and submit the report to the Government in such form and on or before such date as may be prescribed and the government shall cause the same to be laid before each house of the State Legislature.

CHAPTER:IV RAIN WATER HARVESTING

22. Rainwater harvesting for ground water charge.-

- (1) To improve the ground water situation, the Authority may identify the recharge worthy areas in the State. The Authority in rural areas may encourage through community participation the watershed management to facilitate ground water recharge.
- (2) The Authority may give appropriate directions to the concerned departments of the Government to include Rain Water Harvesting, - in all developmental schemes, falling under notified areas.
- (3) In urban areas, falling in notified areas the Authority may issue directives for constructing appropriate rain water harvesting structures in all 'residential, commercial and other premises having an area of 100 square meters or more in manner prescribed within the stipulated period.
- (4) Notwithstanding anything contained in the relevant laws, the Municipal Corporation or any other local Authority as the case may be, may impose stipulated conditions for providing roof top, rain water harvesting, structures in the building plan in an area of 100 square meters or more, while according approval for construction, and permanent water and, electricity connections shall be extended only after compliance of the directions given in this regard.
- (5) The Authority shall take steps for promotion of Mass Awareness and Training Programmes, on Rain Water Harvesting and Artificial Recharge to Ground Water through Government Agencies/Non-Government Organizations (NGOs) Educational Institutions/Industries/Individuals.

MISCELLANEOUS

23. Delegation of power and duties – The Authority may, by general or special order and subject to such restrictions and conditions direct that all or any of the powers under this Act to be exercised also by any of its officers and servants or such other officer specified in this behalf in such order.

24. Public to give information regarding contravention of the Act-

- (1) Any persons who is aware of any contravention of the provisions of this Act, may in writing inform the same to the Authority.
- (2) On receipt of such information, the Authority may on enquiry take action in respect of such contravention under this Act.

25. Recovery of dues as arrears of land revenue.- If any sum due to the Authority has not been paid within the time stipulated for such payment, it shall be recovered with interest at such rates as may be prescribed as arrears of land revenue.

26. Restriction on publication of information and returns.- Any user of groundwater may give notice in writing to the Authority to treat as confidential any specimen taken under clause (c) of sub section (1) of section 17 of any other information or return furnished by him under clause (f) of sub section (1) of that section and thereupon the Authority shall not allow that specimen or other information or return except in so far as it contains or affords information as to water resources and supplied and geological conditions to be published or shown to any person (not being an officer of the State Government) unless the person giving the notice consents thereto.

27. Service of orders (1) The service of every order under clause (d) of sub-section (1) of section 17 and every notice under clause (f) of sub section (1) of that section of any person to whom it is by name addressed shall be effected-

- (a) By giving or tendering a copy of the said order or notice to such person; or
- (b) By sending it in a prepaid letter addressed to him; or
- (c) If such person cannot be found, affixing a copy of the order or notice to some conspicuous part of his last known abode or place of business or by delivering or tendering the order or notice to some adult male member or servant of his family, or by causing it to be affixed on some conspicuous part of the land or building in which the well is being sunk.

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

28. Bar to claim compensation; No person shall be entitled to claim any damages or compensation from the Government for any loss sustained by him by virtue of any action taken.

29. Members and employees of the authority to be public servants- All members and employees of the Authority shall while acting or purporting to act in pursuance of the provisions of this Act or of any rules made there under be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

30. Protection of action taken in good faith- No suit prosecution or other legal proceedings shall lie against the Government, Authority Chairperson or other member of the Authority or any other office of the Government or any officer or other employee or the Authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

31. Cognizance and trial of offences-

(1) No court shall take cognizance of an offence under this Act except on a complaint made with the previous sanction of the Authority by such officer as the Authority may authorize in this behalf.

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

32. Offences and penalties-

(1) Any person or drilling agency who,-

(a) obstruct the Authority or any other person authorized by it to exercise any of the powers under this Act; or

(b) having been required to furnish any information or return under clause (f) of sub-section (1) of section 17:

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

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

Shall be liable for punishment with fine which may extend to five thousand rupees and/or imprisonment for a term which may extend to six months or both. In the case of continuing and subsequent failure or contravention, an additional fine which may extend to one hundred rupees for every day during which such failure or contravention continues, shall be imposed.

(2) Any person who indulges in a drilling/digging well with out permit from authority shall be liable for punishment with fine which may extend to five thousand rupees or imprisonment for a term which may extend to six months or both further the authority or any other person authorized by it to exercise any of the powers under this Act may seize and confiscate the well and equipment sunk in such contravention, in favour of the Government in the manner as prescribed.

(3) If any person other than drilling agency which contravenes or fails to comply with any other provisions for this Act or any rule made thereunder or conditions of permit, except those mentioned in sub-section (1) and (2) above shall be liable for punishment with fine which may extend to two thousand rupees or imprisonment for a term which may extend to three month or both. In the case of subsequent and continuing failure or contravention the authority or any other person authorized by it to exercise any other powers under this Act may seize and confiscate the well and equipment in such contravention in favour of Government as prescribed.

(4) Any person or drilling agency which contravenes or fails to comply with any other provision of this Act or any rule made thereunder or conditions of certificate of registration, except those mentioned in sub-section (1) above, shall be punishable with fine which may extend to ten thousand rupees or imprisonment for a term which may extend to one year. In case of subsequent and continuing failure or contravention the authority or any other person authorized by it to exercise any of the powers under this Act may seize and confiscate the drilling,- equipment and machinery in favour of Government in the manner as prescribed.

(5) Incentives

- (a) Farmers who are following the conservation/recharge requirements of the Act shall be provided with subsidies / incentives of the Government line departments, Farmers who grow crops / adopt sprinkler / drip irrigation, shall get subsidies / incentive in all Governmental programs compared to those who continue to grow water intensive crops.

33. Compounding of offences

- (1) Authority or any other officer of the Authority authorized by it by general or special order in this behalf may either before or after the institution of the proceedings compound such offences as may be prescribed by the Government by accepting from any person who has committed or in respect of whom a belief can be inferred that he has committed an offence punishable under this Act or the rules made thereunder, a sum as may be prescribed by way of composition of such offences.
- (2) Where an offence has been compounded, the offender if in custody shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

34. Offences by Companies – (1) If the person committing an offence under this Act is a company whether incorporated or not the company as well as every person in charge of and responsible to the company for the conduct of its business at the time of commission of the offence shall be deemed to be guilty of the 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 the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- (3) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or that the commission of offence 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.

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.

35. Bar of jurisdiction by Civil Courts- No Civil Court shall have jurisdiction to entertain or decide any suit or other proceedings in respect of any matter which the Government or the Authority is empowered by this act to determine and no injunction

shall be granted by any court, in respect of any action taken or proposed to be taken by the Government or the Authority in exercise of the powers conferred by or under this Act.

36. Fines to be credited to the fund of the Authority- All fines recovered under this Act by or under the order of a Court shall be paid to the credit of the Fund of the authority.

37. Punishment under other laws not barred- Nothing in this Act shall prevent any person from being prosecuted and punished by or under any other law for the time being in force for any act or - omission made punishable by or under this Act.

Provided that no person shall be prosecuted and punished for the same offence more than once.

38. Power to make rules –

- (1) The State Government may, after previous publication, by notification, make rules to carry out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all any of the following matters, namely:-
 - (a) the term of,- office and manner of filling vacancies and other conditions of service of the non official members of the Authority;
 - (b) the powers and duties and the terms and conditions of service of the employees of the Authority;
 - (c) the manner of publication of notification under sub-section (3) of section 11
 - (d) the form of application under section 11
 - (e) the form of the permit under section 11
 - (f) the form of application under sub-section (1) of section 12
 - (g) the form of application under sub-section (1) of section 13
 - (h) the form of certificate of registration under sub-section (6) of section 13
 - (i) the form of certificate of registration and fees under sub-section (3) of section 13
 - (j) the manner in which the specimens of soils or other material shall be kept and preserved under section 17 (1) (c)
 - (k) the form in which, and the interval at which the information or return under clause
 - (l) of sub-section (1) of section 17 shall be furnished and the particulars which such information or return shall contain;
 - (m) specifying the appellate authority under sub-section (1) of section 41 and the fees to accompany the application for appeal;
 - (n) 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 each House of the State Legislature while it is in session for a total period of thirty days, - which may be comprised in one session or in two or more successive session, and if before the expiry of the session in which it is so laid or the sessions immediately following both Houses agree in making any rule or both Houses agree that the rule should not be made, the rule thereafter shall have effect only in such modified form or be of no effect, as the case may be, so however, that any such

modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

39. Regulations.- The Authority may with the previous approval of the State Government by notification, make regulations not inconsistent with the provisions of this Act and the rules made there under to carry out the purposes of this act, in so far as it relates to the discharge of its functions 'under this act.

40. Power to remove difficulties.-

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the official Gazette make such provisions not inconsistent with the provisions of this Act as appears to it, to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall as soon as may be, after it is made be laid before each House of the State Legislature.

41. Appeals:

(1) Any person aggrieved by a decision or action of the Authority under this Act may within a period of sixty days from the date on which the action is taken or the decision is communicated to him and on payment of – 'such fee' as may be prescribed, prefer such an appeal to such an Authority as may be specified by the State Government in this behalf: Provided that the appellate authority may entertain an appeal after the expiry of the said period of sixty days, if it is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the Appellate Authority shall after giving the applicant an opportunity of being heard, dispose of the appeal as expeditiously as possible.