

Regulations for digging & use of Bore Well in **Pachmarhi Cantonment**

1. **Short Title:** Regulations for Digging and use of Bore wells in Pachmarhi Cantonment.

2. These regulations are applicable to the entire Cantonment as notified under section 3 of the Cantonments Act, 2006.

3. **Definitions:**

3.1. In these regulations, unless the context otherwise requires,

- (a) Act, means the Cantonments Act, 2006 as amended from time to time.
- (b) "Board" means the Cantonment Board Pachmarhi constituted under Cantonment Act 2006;
- (c) Availability and Use of Water – Notification issued by Ministry of Jal Shakti on Per Capita Availability of Water and Notification issued by Central Ground Water Authority (CGWA) from time to time.
- (d) Form means one of the forms annexed to these regulations.
- (e) Ground Water extraction structure means structure used for withdrawing ground water like bore well / tube well / dug well / tunnel well, etc.
- (f) Use means usage of water by Residential unit / House, Industry, Hotel, Commercial Restaurant, Tea Stall, Coffee Shop, Spa, Car Spa, Beauty Parlor, Barber Shop, Marriage Grounds / Halls etc. or for any other purpose mentioned in Annex VI of "Guidelines to regulate and control ground water extraction in India" issued vide notification dated 24/09/2020 of Ministry of Jal Shakti (MoJS).
- (g) Flow Meter means- ISI/ISO standard Flow Meter to be installed at the main extraction point.
- (h) Section means Section of the Cantonments Act, 2006.

(i) Authority means Board or CEO if authorized under regulation 7 of these regulations by the board.

3.2. The words and expressions used in these regulations but not defined herein shall have the same meaning as respectively assigned to them in the Act, rules made there under, and in the "Guidelines to regulate and control ground water extraction in India" issued vide notification dated 24/09/2020 of Ministry of Jal Shakti (MoJS) as amended from time to time.

4. Cantonment Board will conduct a survey of existing bore wells / tube wells / dug wells / tunnel wells, etc., The survey will include the date from which the respective bore well is in existence and average extraction of water every day.

5. Density of the population will be considered along with the availability of the present water supply source for considering the application for extraction of Ground Water within the Cantonment Area.

6. **Survey of Ground Water Available** - Board will conduct survey of the area within its jurisdiction to ascertain the level of Ground Water available for use with the help of agencies of Ministry of Jal Shakti, or any other organization of State Govt. in which the Cantonment is situated.

7. **Appointment of the Authority:** The authority means the Board. The Board may appoint Chief Executive Officer to exercise the power and discharge the functions and duties in the manner prescribed by the regulations.

8. **Preservation of Natural Water Course**

8.1. Survey of existing bore wells be conducted to ascertain the number of bore wells along with the availability of water current.

8.2. Survey to be conducted to ascertain the quality of water from Government Department, which includes as to ascertain the drinking water free from contamination as per the Government Standard to ascertain whether the water is potable or not.

8.3. Survey be conducted to also ascertain whether there is any source of effluents and whether hazardous water has percolated and water of the bore well is affected.

8.4. Considering the existing supply of water, quality, use and availability of ground water the application for Ground water extraction will be considered.

9. Exemptions for permission of ground water extraction structure: Exemptions will be given as per the "Guidelines to regulate and control ground water extraction in India" issued vide notification dated 24/09/2020 of Ministry of Jal Shakti as may be amended from time to time.

10. **Registration of Bore Well:**

10.1. **Registration of Existing Bore Well** - The Authority will publish the notice of compulsory registration of the bore well / tube well / dug well / tunnel well, etc. by using wide publicity. One Month time will be given for registration. The forms will be issued to the residents for registration. The registration fee and renewal charges, if any, will be decided by the Board. The Board may issue direction to stop extraction of ground water any time without assigning any reason therefor.

10.2 **New Bore well** - The applicant - owner, Head of Resident, Lessee, Legal heir, authorized occupant etc. can file the application with the authority of the intention to dig the bore well / tube well / dug well / tunnel well, etc in the prescribed form. The said application will be scrutinized by the authority preferably within 30 days and the decision communicated. In case, the decision is not communicated within 30 days, it will not be treated as deemed approval. For every new bore well, applicant will be required to renew the license at regular intervals as decided by the Board.

10.3. **Military Establishments** within the local limits of the Board will be required to inform about the existence of bore well.

11. Following Documents will be submitted by the applicant for registration / Permission to erect the structure for extracting ground water:

11.1. Application and declaration as per Forms attached to these regulations.

11.2. Proposal for rain water harvesting as per the existing model building bye laws issued by Ministry of Housing and Urban Affairs.

11.3. Impact Assessment Report for a specified purpose issued by the concerned authority i.e. report mentioned in Annexure IV to the Notification dated 24 /9 /2020 issued by Ministry of Jal Shakti.

11.4. Aadhaar Card / PAN Card / GST No. (as applicable) of the Applicant. In case of any registered Society, trust, firm, company etc. the resolution passed in General Body Meeting for extracting the water from the ground and authorization to the concerned office bearer of the society.

12. The Board may issue directions to stop extraction of Ground Water any time without any reasons therefor.

13. Levy of Charges

13.1 For determining the levy of charges, every applicant is required to fix the flow meter. In case flow meter is not working, the permission can be suspended forthwith. The suspension can be revoked with an application to the authority. Board will levy fine/damage of Rs.200/- for the same. The flow meter will be provided and maintained by the Board on cost incurred or as decided by the board during implementation of these model regulations

13.2 Charges for existing residential bore well – for extraction above 2500 ltrs per day will be charged at Rs.0.25/- ltrs or as decided by the board during implementation of these model regulations

13.3 Charges for commercial/industrial bore well – for extraction above 8000 ltrs per day will be charged 0.50/- ltrs. or as decided by the board during implementation of these model regulations

14. Restriction on use of water: Ground water so extracted will not be sold in any form by the application without permission of the Authority. If, it is noticed that the Application is selling the extracted ground water without permission, the permission granted will be suspended forthwith and bore well and the flow meter will be sealed and fine up to Rs.5000/- will be imposed.

15. **Protection of Quality of Ground Water:** The Applicant and User of the Ground Well Water is required to test the quality of the water every three years from the Government Agency in order to ascertain if the water is potable every and submit the report to the authority. In case, water is found contaminated the water will not be used for drinking purpose.

16. **Rain Water Harvesting:** Every Applicant who has dug the bore well has to ensure that rain water harvesting structures are erected and rain water harvesting is to be observed. The Board will ensure that rain water harvesting is functional and survey will be conducted by the Board from time to time.

17. **Prohibitory Orders:** The Authority may issue the prohibitory order, in case it is revealed that the water is contaminated and injurious to human consumption by issuing notice to the user / users.

18. **Water Audit** will be carried out by the Authority from time to time and availability of the Ground Water will be ascertained. In case of reduction in the Ground Water, restriction on the extraction of Ground Water will be imposed as decided by the Board / Chief Executive Officer.

19. **Appeal:** Every appeal on the decision of Chief Executive Officer shall lie with the Board and that against the decision of the board shall lie with the Principal

Director, Defence Estates, the Command. Every appeal shall be made within 30 days from date of communication of order of the Chief Executive Officer or the Board as the case may be.

20. **Protection for Action taken by the Authority:** No suit or prosecution shall be entertained in any Court against the Authority or its employees for anything which is in good faith done or intended to be done under the Act and Rules framed.
21. **Finality of the Order:** Every order / direction issued by the Authority under this Rules shall be final and shall not questioned in any suit or other legal proceedings.
22. **Power of Inspection:** As provided in sections 305 to 310 of the Cantonments Act, 2006 as amended from time to time.
23. **Penalties for Violations:** As provided in section 333 of the Cantonments Act, 2006 as amended from time to time.
24. Wherever any of the above provisions are inconsistent with the prevailing Central Ground Water Authority (CGWA) guidelines the provisions of Central Ground Water Authority (CGWA) guidelines will prevail.
25. Registration of all the drilling agencies, namely, Government/ Semi-Government, Private, etc. with the Cantonment Board authority wherever applicable should be mandatory.

Keeping in view the above to considered and approved the regulation of digging and use of borewells for further submission of proposal to the higher authorities.