

Laws, Regulations and Rules passed thereunder.

JAMMU AND KASHMIR STATE WATER RESOURCES REGULATORY AUTHORITY

NOTIFICATION

NO: 10 /JKSWRRA/2013, JAMMU

Dated: 22nd April 2013

In exercise of the powers conferred under sections 112 (2) and 198 (2) (i) of The J&K Water Resources (Regulation and Management) Act, 2010(Act No XXI of 2010) and all powers enabling it in that behalf, the J &K State Water Resources Regulatory Authority, hereby makes the following Regulations, namely:-

CHAPTER – I

1. Short title, commencement and interpretation-(1) These Regulations may be called the J&K State Water Resources Regulatory Authority (The form and manner of making an application for sinking a well in the notified area for any purpose, either personal or on community basis) Regulations, 2013.

(2) These Regulations shall come into force from the date of their publication in the Government Gazette.

(3) These regulations are applicable to the state of J&K and to all matters within the jurisdiction of the Authority.
2. Definitions- (1) In these Regulations unless the context otherwise requires-
 - (a) 'Act' means the Jammu and Kashmir Water Resources (Regulation & Management) Act 2010 (Act No XXI of 2010);
 - (b) 'Chairperson' means the chairperson of the Authority;
 - (c) 'Authority' means the J&K State Water Resources Regulatory Authority, established under the Act;
 - (d) 'Government' means the Government of Jammu and Kashmir;

- (e) 'Member' means a Member of the Authority;
- (f) 'Officer', means an officer of the Authority;
- (g) 'Secretary' means the Secretary of the Authority;
- (h) 'Prescribed Authority', means the Chief Engineer concerned in charge public Health Engineering Department for purpose of these regulations.
- (i) "Executive Engineer" means the Executive Engineer of the concerned wing of PHE, exercising control over a Division of ground water for purpose of these regulations.

(2) Words or expressions occurring in these Regulations and not defined herein but defined in the Act shall bear the same meaning as in the Act or in the J&K State Water Resources Regulatory Authority (Conduct of Business) Regulations, 2013.

3. These regulations pertain to the form and manner in which any user of ground water desiring to sink a well in a notified area for any purpose, either on personal or community basis, shall apply to the prescribed authority for grant of a permit for this purpose, and shall not proceed with any activity connected with such sinking unless a permit has been granted by such authority.

Provided that such a user shall not have to obtain a permit if the well is proposed to be fitted with a hand operated manual pump or water is proposed to be withdrawn by manual devices.

CHAPTER – 2

FORM AND MANNER OF MAKING AN APPLICATION FOR EXTRACTION AND USE OF GROUND WATER IN THE NOTIFIED AREA

4. Any person who desires to sink a well (other than a well fitted with a hand operated manual pump or other manual devices or a sub-surface well up to 20 metre depth), or use ground water, in any area notified by the Government under section 111 of the Act shall apply to prescribed authority in the format annexed as annexure – I, for grant of a permit for digging of such a well or use of such water. Such an application shall be accompanied by a fee of rupees twenty thousand and shall indicate the following information:-
 - (a) the description of source of ground water, such as type of well and its location;

- (b) the purpose of using the water (whether domestic, commercial, industrial or trading purposes);
 - (c) the lifting device to be employed by the applicant for extraction of water;
 - (d) the quantity of water to be extracted or used;
 - (e) the time and duration of such extraction or use per day;
 - (f) the existence of other such users in the area; and
 - (g) other details about the unit or scheme to be installed or operated by the applicant.
5. On receipt of application as described above in Regulation (4) , the prescribed authority shall seek a report from the Executive Engineer regarding the :-
- (a) Purpose for which the water is to be used by the applicant;
 - (b) Existence of other users in the notified area concerned;
 - (c) Availability of ground water in the area;
 - (d) Quantity of ground water to be extracted by the applicant;
 - (e) Long term behavior of ground water level in the area;
 - (f) Likelihood of adversely affecting water availability of any drinking water source in the area, being adversely affected; and
 - (g) Other relevant factors as the Chief Engineer may deem fit.
6. After considering the report of the Executive Engineer and on being satisfied that it shall not be against public interest to do so, the Chief Engineer may grant a permit to the applicant authorizing him to extract and use water subject to such terms and conditions as he may impose.
7. If the prescribed authority is satisfied that it shall not be in the public interest to allow extraction or use of ground water in any notified area, he may refuse to grant permission to the applicant for such extraction or use of ground water and inform the applicant accordingly within 90 days of receipt of his/her application:

Provided that applicant shall be given an opportunity of being heard before his/her application for grant of permit is rejected.

8. In granting or refusing a permit under Regulation 5 above, the prescribed authority shall have regard to the:-
 - (a) purpose for which water is to be used;
 - (b) existence of other competitive users;
 - (c) availability of ground water to be drawn;
 - (d) quality of ground water to be drawn;
 - (e) quality of ground water with reference to use;
 - (f) spacing of ground water structures keeping in consideration the purpose for which water is to be used;
 - (g) long term behavior of ground water level;
 - (h) likelihood of water availability of any drinking water source in its vicinity being adversely affected; and
 - (i) any other factor relevant thereto.
9. Registration: After grant of permission under Regulation 6, the prescribed authority shall register the user/ well and grant a Certificate of Registration after allotting a registration number to such a user/ well.
10. The permit shall be issued on the format as annexed in Annex – II
11. General power to amend.- The Authority may, at any time and on such terms as it may think fit, amend any provision of the Regulations for the purpose of meeting the objectives with which these Regulations have been framed.
12. Power to remove difficulties.-If any difficulty arises in giving effect to any of the provisions of these Regulations, the Authority may, by general or special order, do anything not being inconsistent with the provisions of the Act, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

By order of the Authority

**Sd/-
Secretary**

**APPLICATION FOR GRANT OF PERMISSION TO CONSTRUCT/ SINK A WELL IN
THE NOTIFIED AREA**

**THE CHIEF ENGINEER,
Public Health Engineering**

Sir/ Madam,

The Government has under section 111 of the Jammu & Kashmir Water Resources (Regulation and Management) Act, 210 notified the _____ (indicate the name and location of the area) vide Notification No. _____ Dated _____

I, Mr/Mrs/Miss _____ S/o /W/o/ D/o _____
R/o _____ Tehsil _____ District _____
_____ hereby apply for grant of a permit to construct/ sink a well and use water from such well for _____ (specify the purpose) at _____ (full description of the premises / land) which is owned by the undersigned/ is under the occupation of the undersigned.

I have deposited an amount of rupees _____ by cash /DD/ Bank Draft under cash receipt/ DD/BD No. _____ Dated _____ issued by _____ (the name of the Bank) favouring the Chief Engineer, PHE _____

I undertake to pay the fees and charges as fixed by the Department from time to time and shall abide by the terms and conditions subject to which the connection is granted.

I further undertake that I will not extract more water than the quantity applied for or use any other device for extracting such water or use the water for any purpose other than indicated above or extract the water for any period longer than applied for.

The proof of residence, proof of ownership/ occupancy of the premises and an affidavit duly attested by the first class Magistrate is enclosed.

The detailed information about for grant of permit is as under:-

- (a) Type of well and its location _____
- (b) Description of the source of ground water _____
- (c) The purpose of sinking the well/ using the water _____
- (d) Lifting device to be employed _____
- (e) The quantity of water to be extracted _____
- (f) Time and duration of extraction per day _____
- (g) The name and addresses of other users in the area _____
- (h) Details of the unit/ scheme installed/ operative (if any) _____

Signature of applicant

PERMISSION TO CONSTRUCT / SINK A WELL IN THE NOTIFIED AREA

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To

Pursuant to the application made Dated:_____ for grant of permit to construct / sink a well and use water for _____ (specify the purpose) at _____ (full description of the premises / land) owned by _____ and after considering the same as per the provisions of the Act, the permit is granted in your favour subject to following conditions and restrictions.

1 _____

2 _____

3 _____

Chief Engineer

**Public Health Engineering.....
(Prescribed Authority)**