

**Laws, Regulations and Rules passed thereunder.**

**JAMMU AND KASHMIR STATE WATER RESOURCES REGULATORY  
AUTHORITY**

**NOTIFICATION**

**NO: 06 /JKSWRRA/2013, JAMMU**

**Dated: 22<sup>nd</sup> April 2013**

In exercise of the powers conferred under sections 91 (1) & 198(e) of 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 (Fees & service charges to be paid by the user for installation of a unit ) Regulations, 2013.  
(2) These Regulations shall come into force from the date of their publication in the Government Gazette.
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) ‘Authority’ means the J & K State Water Resources Regulatory Authority, established under the Act;
  - (c) ‘Chairperson’ means the Chairperson of the Authority;
  - (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) “Prescribed authority” means
    - (i) in relation to drinking water supply and groundwater, the Chief Engineer concerned in charge Public Health Engineering Department ; and

- (ii) in relation to irrigation, flood control and embankments, the Chief Engineer concerned in charge Irrigation and flood control Department.
- (h) 'Secretary' means the Secretary of the Authority
- (i) "Water " means natural resource flowing in any river, stream, tributary, canal, nallah or any other natural course of water or situated upon the surface of any land like lake, pond, lagoon, swamp, spring or ground water but does not include fish;
- (2) Words or expressions occurring in these Regulations and not defined herein but defined in the Act or in the J & K State Water Resources Regulatory Authority, (Conduct of Business) Regulations, 2013 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. The object of these Regulations is to fix the fees and service charges for applications made to the Authority for seeking approval/ recommendation to the Government for grant of licence for installation of a unit requiring usage of water for the purpose of:
- (a) generation of electricity;
  - (b) irrigation of land;
  - (c) drinking purposes (domestic, commercial, industrial or institutional);
  - (d) running of water mills; and
  - (e) exploration and exploitation of ground water,
4. These Regulations shall come into force from the date of notification in the Government Gazette.
5. These Regulations shall apply to all matters including all applications, pending before the Authority on the date of notification of these Regulations.

## **CHAPTER-2**

### **FEES & SERVICE CHARGES TO BE PAID BY THE USER FOR INSTALLATION OF A UNIT**

6. Fees on Application:
- (A) Existing users:
- 1. An existing user who has installed a unit for generation of electricity prior to the commencement of the Act, shall be required to obtain the licence from the licensing authority for use of water and shall be required to submit an application for grant of licence which shall be accompanied by a fee of Rupees five lacs.
  - 2. An existing user who has installed a unit for supply of water for irrigation, drinking purposes or any other hydraulic scheme requiring usage of water prior to the commencement of Act, shall be required to obtain the licence and shall be required to submit an application for grant of licence from the licensing authority and this application shall be accompanied by a fee of Rupees one lac.
  - 3. if the user is a government department, a local authority or a corporation owned and financed by the Government, it shall be deemed to be a licensee and shall not be required to obtain a licence for the purpose.

(B) New Users:

1. Any user intending to install a unit for generation of electricity shall be required to obtain a licence from the licensing authority and shall be required to apply to licensing authority for grant of licence for the use of water accompanied by a fee of Rupees five lacs.
2. Any user intending to install a unit for:
  - (a) irrigation of land;
  - (b) drinking purposes (domestic, commercial, industrial or institutional);
  - (c) running of water mills;
  - (d) exploration and exploitation of ground water,
  - (e) distribution of water;
  - (f) undertaking trading in water directly or indirectly;
  - (g) construction of dams on any water source;

shall be required to obtain a licence from the licensing authority and for the purpose shall be required to apply to the licensing authority for grant of licensee for the use of water accompanied by a fee of rupees one lac

3. if the user is a government department, a local authority or a corporation owned and financed by the Government, it shall be deemed to be a licensee and shall not be required to obtain a licence for the purpose.
4. The grant of licence shall require the approval of the scheme.
5. In respect of the schemes other than the generation of electricity, the approving authority shall be the 'Authority' who may either approve the scheme as submitted or with some modification as it may deem fit or reject the same by assigning grounds for such rejection in accordance with the procedure as laid down in the Conduct of Business Regulations 2013.
6. In respect of a scheme relating to use of water for generation of electricity, the approving authority shall be the Government, who may on receipt the recommendation of the Authority take an appropriate decision.
7. Every scheme submitted to the Authority for approval or recommendation to the Government shall be accompanied with a petition along with the service charges of Rupees One lac in respect of schemes relating to generation of electricity and Rupees Twenty thousand in respect of other schemes.
8. The fees payable under these Regulations shall be paid by a bank draft or pay order drawn in favour of the 'Secretary, J & K State Water Resources Regulatory Authority payable at Srinagar/ Jammu.

9. Power to Amend:  
The Authority may, at any time, vary, alter, modify or amend any provision of these Regulations.
10. Power to remove difficulties:  
If any difficulty arises in giving effect to the provisions of these Regulations, the Authority may, by general or specific order, make such provisions not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.

**By order of the Authority**

**Sd/-  
Secretary**