

Laws, Regulations and Rules passed thereunder.

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

NOTIFICATION

NO: 05 /JKSWRRA/2013, JAMMU

Dated: 22nd April 2013

In exercise of the powers conferred under sections 69(3) and section 198(d) of the J&K Water Resources (Regulation and Management) Act, 2010(Act No XXI of 2010) and all other enabling provisions in this 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 Distance from the boundaries of a hydraulic work for use of explosives). 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) ‘Chairperson’ means the Chairperson of the Authority;
 - (c) ‘Authority’ means the J & K State Water Resources Regulatory Authority, established under the Act;
 - (d) “Controller” means Joint Chief Controller of Explosives, Deputy Chief Controller of Explosives and Deputy Controller of Explosives; as defined in the Explosives Rules 2008

- (e) 'Government' means the Government of Jammu and Kashmir;
- (f) 'Member' means a Member of the Authority;
- (g) 'Officer', means an officer of the Authority;
- (h) 'Secretary' means the Secretary of the Authority;
- (i) 'Prescribed Authority' means either the Chief Engineer concerned of the Irrigation and Flood Control Department or the Chief Engineer concerned of the Public Health Engineering Department for their respective hydraulic works;
- (j) "Executive Engineer" means the Executive Engineer of the concerned wing of Irrigation and Flood Control Department exercising control over a division of Irrigation, Flood Control or the concerned Executive Engineer of the Public Health Engineering Department for their respective hydraulic works;
- (k) "Assistant Executive Engineer" means an Assistant Executive Engineer in charge of the concerned wing of the Irrigation and Flood Control Department exercising control over a sub-division of an irrigation, flood control or the concerned Assistant Executive Engineer of the Public Health Engineering Department for their respective hydraulic works;

(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 shall apply to all irrigation and flood control works and all other hydraulic works within the state of Jammu & Kashmir.

CHAPTER – 2

DISTANCE FROM THE BOUNDARIES OF A HYDRAULIC WORK FOR USE OF EXPLOSIVES

4. These regulations prescribe the distances from the boundaries of works specified in Regulation 3 above, where use of explosives by any person is prohibited as per Section-69 of the Act.
5. No person shall conduct any operation requiring the use of any explosives within such distances from the boundaries of the works as specified in the schedule annexed as annexure-I. This is to safeguard the works as specified above from any damage likely to be caused by use of such explosives.
6. No person without the permission of the Assistant Executive Engineer shall conduct any operation requiring use of explosives within such distances as are specified in these regulations.
7. The Assistant Executive Engineer shall verify the quantum of explosives being used, the distance required for the said quantum of explosives and accordingly issue permission. He/ She shall also ensure that following conditions are met:
 1. Blasting operation to be carried out by a shot firer holding a valid certification issued by the Controller of Explosives.
 2. A copy of the certificate to be carried by shot firer during blasting operations.
 3. The shot firer to take all due precautions in the handling or charging or blasting operations.
8. The Assistant Executive Engineer shall ensure that all the safeguards are met and no damage to the hydraulic structure/ water body is caused by use of explosives within the distances prescribed under schedule after permission is issued. He/ She shall also ensure that in case any damages are caused, the required rectification thereof is got carried out at the cost of the person concerned, on an immediate basis with a view to mitigating any disruption in the services being provided to the public by the said hydraulic work. The person causing damages shall also be liable to pay to the department supervision charges to the extent of 10% of the actual amount spent on rectification of damages.

9. Savings of inherent powers of the Authority.- Nothing in these provisions shall bar the Authority from adopting a procedure which is at variance with any of the provisions of these Regulations, if the Authority, in view of the special circumstances of the matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient to depart from the procedure prescribed in the Regulations.
10. 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 objective with which these Regulations have been framed.
11. Power to remove difficulties.-If any difficulty arises in giving effect to any of the provisions of these Regulations, the Authority may, by a 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**

Table -1
For magazine of category “ZZ”

Quantity in Kilogrammes	Distance in metres
50	45
100	45
150	45
200	52
300	68
400	82
500	95
600	107
700	119
800	129
1000	148
1250	171
1500	192
1750	211
2000	226
2500	257
3000	283
3500	304
4000	325
4500	343
5000	359
6000	387
7000	412
8000	434
10000	471
12500	510
15000	560
17500	580
20000	605
25000	650
30000	690
35000	730
40000	760
45000	790
50000	820
60000	870
70000	915
80000	960
90000	995
100000	1030
112500	1075
125000	1110
136000	1145
150000	1180
175000	1245
200000	1300

Table -2
For magazine of category “Y”

Quantity in Kilogrammes	Distance in metres
50	45
100	45
150	45
200	45
300	45
400	45
500	45
600	45
700	45
800	45
1000	46
1250	52
1500	57
1750	61
2000	65
2500	73
3000	80
3500	86
4000	92
4500	98
5000	110
6000	117
7000	123
8000	128
10000	138
12500	149
15000	158
17500	167
20000	174
25000	187
30000	199
35000	210
40000	219
45000	228
50000	236
60000	251
70000	264
80000	276
90000	287
100000	297
112500	309
125000	320
136000	329
150000	340
175000	358
200000	375

Table -3
For magazine of category “X”

Quantity in Kilogrammes	Distance in metres
50	45
100	45
150	45
200	45
300	45
400	45
500	45
600	45
700	45
800	45
1000	45
1250	45
1500	45
1750	45
2000	45
2500	45
3000	45
3500	45
4000	46
4500	47
5000	49
6000	50
7000	50
8000	53
10000	53
12500	55
15000	55
17500	57
20000	58
25000	60
30000	60
35000	61
40000	61
45000	64
50000	64
60000	66
70000	66
80000	66
90000	67
100000	67
112500	69
125000	69
136000	70
150000	70
175000	71
200000	71