

- (2) बेधन (ड्रिलिंग) अभिकरण या जलयान (रिंग) का स्वामी तकनीकी और अन्य समस्त ब्यौरे ऐसी रीति में, जैसी विहित की जाए, प्रस्तुत करेगा।
- (3) बेधन (ड्रिलिंग) अभिकरण, अधिसूचित या गैर-अधिसूचित क्षेत्र के भीतर समस्त बेधन (ड्रिलिंग) किए गए कुओं के ब्यौरे ऐसे बोर वेल या डीप वेल के बेधन (ड्रिलिंग) किए जाने की तारीख से तीस दिन के भीतर प्राधिकरण को राज्य के भूगर्भ जल स्रोतों के डाटा बेस को अनुरक्षित करने और अपडेट करने हेतु सूचित करेगा।

13. धारा 12 का संशोधन.—मूल अधिनियम की धारा 12 के परन्तुक का लोप किया जाएगा।

14. धारा 13 का संशोधन.—मूल अधिनियम की धारा 13 की उपधारा (1) के खण्ड (झ) में "कार्यान्वित करने" शब्दों के पश्चात् "या किन्ही शर्तों को अधिरोपित करने, जो केंद्रीय भूगर्भ जल प्राधिकरण द्वारा विहित की जाएं," शब्द अन्तःस्थापित किए जाएंगे।

15. धारा 14 का संशोधन.—मूल अधिनियम की धारा 14 में, विद्यमान परन्तुक का लोप किया जाएगा और शेष उपबन्ध को उपधारा (1) के रूप में संख्यांकित किया जाएगा और तत्पश्चात् निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात्:—

"(2) किसी अधिसूचित क्षेत्र में भूगर्भ जल का प्रत्येक उपयोक्ता यदि दूरमापी (टैलीमीट्री) प्रणाली के साथ डिजिटल वाटर फ्लो मीटर स्थापित करने में असफल रहता है या त्रुटिपूर्ण डिजिटल वाटर फ्लो मीटर स्थापित करता है तो दो लाख रुपए की रकम की शास्ति के लिए दायी होगा।"

16. धारा 20 का संशोधन.—मूल अधिनियम की धारा 20 की उपधारा (2) में "मजिस्ट्रेट" शब्द से पूर्व "न्यायिक" शब्द अन्तःस्थापित किया जाएगा।

17. धारा 21 का प्रतिस्थापन.—मूल अधिनियम की धारा 21 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

"21. अपराध और शास्तियां.—जो कोई इस अधिनियम या तदधीन बनाए गए नियमों या जारी किए गए आदेशों अथवा निर्देशों के उपबन्धों का पालन करने में असफल रहता है या उनका उल्लंघन करता है, तो वह ऐसी प्रत्येक असफलता या उल्लंघन की बाबत कारावास से जिसकी अवधि पांच वर्ष तक की हो सकेगी या जुर्माना से, जो दस लाख रुपए तक का हो सकेगा या दोनों से दण्डनीय होगा और यदि असफलता या उल्लंघन जारी रहता है, तो अतिरिक्त जुर्माना से, जो ऐसी प्रथम असफलता या उल्लंघन के लिए दोषसिद्धि के पश्चात् प्रत्येक दिवस, जिसके दौरान ऐसी असफलता या उल्लंघन जारी रहता है के लिए, पांच हजार रुपए तक का हो सकेगा, से दण्डित किया जाएगा।"

-----

*AUTHORITATIVE ENGLISH TEXT*

**THE HIMACHAL PRADESH GROUND WATER (REGULATION AND CONTROL OF DEVELOPMENT AND MANAGEMENT) ACT, 2022**

**ARRANGEMENT OF SECTIONS**

*Sections:*

1. Short title and commencement.
2. Amendment of Section 2.

3. Amendment of Section 3.
4. Insertion of Section 4A.
5. Amendment of Section 5.
6. Insertion of Section 5A.
7. Insertion of Section 6A.
8. Amendment of Section 7.
9. Amendment of Section 8.
10. Amendment of Section 9.
11. Amendment of Section 11.
12. Insertion of Section 11A.
13. Amendment of Section 12.
14. Amendment of Section 13.
15. Amendment of Section 14.
16. Amendment of Section 20.
17. Substitution of Section 21.

Act No. 14 of 2022

**THE HIMACHAL PRADESH GROUND WATER (REGULATION AND CONTROL OF DEVELOPMENT AND MANAGEMENT) AMENDMENT ACT, 2022**

(AS ASSENTED TO BY THE GOVERNOR ON 22<sup>ND</sup> SEPTEMBER, 2022)

AN

ACT

*to amend the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act, 2005 (Act No. 31 of 2005).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Seventy-third Year of the Republic of India as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Amendment Act, 2022.

(2) It shall come into force on such date as the State Government may, by notification published in the Rajpatra (e-Gazette), Himachal Pradesh, appoint.

**2. Amendment of Section 2.**—In Section 2 of the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act, 2005 (hereinafter referred to as the “principal Act”),—

(a) after clause (c), the following clause shall be inserted, namely:—

“(c-1) “Central Ground Water Authority” means the Authority established under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986);”;

(b) after clause (j), the following clauses shall be inserted, namely:—

“(j-a) “Public Water Source” means a source from which the State Government or such other authority as the State Government may, by notification in the Rajpatra (e-Gazette) Himachal Pradesh specify, provides water to the public and includes such well, borewell, tubewell or any other ground water; and

(j-b) “Public Water Supply System” means the structure relating to a public drinking water source, including conveying pipelines, storage reservoir, stand posts, cisterns, hand pump, power pump and all other materials connected thereto, through which water is supplied for drinking water purposes;” and

(c) in clause (o), for the words “excluding domestic use”, the words and signs, “excluding individual domestic consumer, rural drinking water supply scheme, Armed Forces and Central Armed Police Forces establishments, agricultural activities and micro and small enterprises drawing ground water less than 10 cubic meter per day” shall be substituted.

**3. Amendment of Section 3.**—In Section 3 of the principal Act, in sub-section (2), for the words “Irrigation and Public Health” wherever occurs the words, “Jal Shakti Vibhag” shall be substituted.

**4. Insertion of Section 4A.**—After Section 4 of the principal Act, the following Section shall be inserted, namely:—

“**4 A. Funds of the Authority.**— (1) The Authority shall operate and maintain a separate fund called the Himachal Pradesh Ground Water Authority Fund to which it shall credit,—

- (a) such sums as may be placed at the disposal of the Authority from time to time by way of grant or loan or otherwise by the State Government and its agencies;
- (b) such sums as may be received by the Authority from time to time by way of grant or loan or otherwise from the Central Government;
- (c) such loans raised with prior concurrence of the Government, by the Authority from any financial agencies;
- (d) the proceeds of any fees, charges, royalties and fines levied by the Authority; and
- (e) such other sums as may be received by the Authority from any other source.

(2) The fund shall be utilized by the Authority for the development of Ground Water and the purposes as may be prescribed.

(3) The Authority shall maintain a true and proper account and other relevant records there to and prepare annual statements of accounts including the balance sheet in such form as may be prescribed.”.

**5. Amendment of Section 5.**— In Section 5 of the principal Act, in sub-section (2), after the words “the extraction”, the words “or use” shall be inserted.

6. **Insertion of Section 5A.**—After Section 5 of the principal Act, the following Section shall be inserted, namely :—

**“5 A. Protection and preservation of water quality.**— (1) No person including user of Ground Water shall do anything or release any effluent that contaminates the groundwater either temporarily or permanently.

(2) The Authority shall take such measures as may be prescribed or necessary for the protection and preservation of water quality of any ground water source within notified and non-notified areas in the State.”.

7. **Insertion of Section 6A.**—After section 6 of the principal Act, the following Section shall be inserted, namely :—

**“6A. Registration of well by any person extracting ground water.**—Every person extracting ground water and does not come in the ambit of definition of user of ground water in a notified area shall, within a period of sixty days from the date of establishment of the authority or the commencement of the Himachal Pradesh Ground Water (Regulation and Control of Development and Management), Amendment Act, 2022, whichever is later make an application on such form containing such particulars, free of cost, in the manner as may be prescribed, to the Authority.”.

8. **Amendment of Section 7.**—In Section 7 of the principal Act,—

(a) for sub-section (1), the following shall be substituted, namely:—

“(1) Any user of ground water desiring to sink a well or extracting ground water within notified area, for any purpose shall, on payment of such fee as may be prescribed, apply to the Authority for grant or renewal of a permit, and shall not proceed with any activity connected with such sinking or extraction of ground water unless a permit has been granted by the Authority in the manner as may be prescribed.”;

(b) for sub-section (3), the following shall be substituted, namely:—

“(3) The Authority shall consider the application made under sub-section (1) and if satisfied, may grant a permit or renewal as the case may be, in such form and manner and subject to such conditions as may be prescribed or refuse to grant permit or renewal for reasons to be recorded in writing, subject to such conditions and restrictions as may be specified, within sixty days from the date of receipt of application failing which it shall be deemed to have been granted:

Provided that while considering the application, the Authority shall give first priority for drinking water needs in preference to other needs:

Provided further that no permit shall be refused without offering an opportunity of being heard:

Provided further that in case of change in land use of the property or water use, the user of ground water shall apply for fresh permit.”;

(c) in sub-section (4), after the words "refusal of the permit", the words and sign "or its renewal, as the case may be" shall be inserted; and

(d) in sub-section (5),—

(i) after the words "or refusing a permit" the words and sign "or its renewal, as the case may be" shall be inserted;

(ii) the clause (e) shall be omitted; and

(iii) in clause (f), for the words "tube well" and "water supply scheme", the words "deep well" and "public water supply scheme" shall be substituted respectively.

**9. Amendment of Section 8.**—In Section 8 of the principal Act,—

(a) in the heading, after the word "Registration", the words "and renewal of permit" shall be inserted;

(b) in sub-section (1),—

(i) after the words "establishment of the Authority", the words "or the commencement of the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Amendment Act, 2022, whichever is later," shall be inserted; and

(ii) after the word "certificate of registration," the words "or permit" shall be inserted;

(c) in sub-section (2),—

(i) after the words "specified therein", the words and sign "within sixty days from the date of receipt of application, failing which it shall be deemed to have been granted" shall be inserted;

(ii) after the words "a certificate of registration", the words "or permit" shall be inserted; and

(iii) first proviso shall be omitted;

(d) in sub-section (3), after the words "certificate of registration", the words and sign "or permit or its renewal, as the case may be," shall be inserted; and

(e) in sub-section (4),—

(i) after the words sign and figure "under sub-section (2)", the words and sign "or permit or its renewal, as the case may be," shall be inserted; and

(ii) clause (e) shall be omitted.

**10. Amendment of Section 9.**—(a) In Section 9 of the principal Act, the existing provision shall be numbered as (1); and

(b) after the existing provision so renumbered, the following shall be inserted, namely:—

"(2) In granting or refusing certificate of registration of the machinery, the Authority shall have regard to the conditions as may be prescribed.

- (3) No unregistered drilling agency or rig owner shall be allowed to construct ground water abstraction structures and in case of default, he will be liable for penalty as specified by the State Ground Water Authority or Central Ground Water Authority.”.

**11. Amendment of Section 11.**—In Section 11 of the principal Act, at the end of sub-clause (c), for the sign “.”, the sign and word “; or” shall be substituted and thereafter the following clause shall be inserted, namely :—

“(d) in case of change in land use of the property or water use, it shall be mandatory for the owner to apply for fresh permit.”.

**12. Insertion of Section 11A.**—After Section 11 of the principal Act, the following Section shall be inserted, namely:—

**“11 A. Information to be furnished by the drilling agency.**—(1) A drilling agency or rig owner, before taking any step for constructing or drilling any well, shall first satisfy itself that the applicant desirous of sinking a well has obtained prior requisite permission from the Authority for drilling of such well and shall inform in writing, in a manner as may be prescribed, about the construction of such well and ensure receipt of such information to the Member-Secretary of the Authority or any other person authorized in this behalf, as may be prescribed.

(2) The drilling agency or rig owner will submit all the details, technical and others, in the manner as may be prescribed.

(3) The drilling agency, shall inform the details of all drilled wells within notified or non-notified area within a period of thirty days from the date of drilling of such bore well or deep well to the Authority for maintaining and updating the data base on ground water resources of the State.”.

**13. Amendment of Section 12.**—In Section 12 of the principal Act, the proviso shall be omitted.

**14. Amendment of Section 13.**—In Section 13 of the principal Act, in sub-section (1), in clause (i), after the words “rules made thereunder”, the words “or to impose any conditions as may be specified by the Central Ground Water Authority” shall be inserted.

**15. Amendment of Section 14.**—In Section 14 of the principle Act, the proviso shall be omitted and the remaining provision shall be numbered as (1) and thereafter, the following shall be inserted, namely:—

“(2) Every user of ground water in a notified area shall be liable for penalty for amounting to rupees two lakhs, in case fails to install or installs faulty digital water flow meter with telemetry system.”.

**16. Amendment of Section 20.**—In Section 20 of the principal Act, in sub-section (2), after the words “to that of a”, the word “Judicial” shall be inserted.

**17. Substitution of Section 21.**—For Section 21 of the principal Act, the following shall be substituted, namely :—

**“21. Offences and penalties.**—Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder,

shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with a fine which may extend to ten lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.”.

ब अदालत उप-मण्डल दण्डाधिकारी, सदर, जिला बिलासपुर (हि0प्र0)

तारीख पेशी : 07-10-2022

ब मुकद्दमा श्रीमती राज कुमारी पुत्री श्री रतन सिंह, निवासी गांव पंजैतन, तहसील सदर, जिला बिलासपुर (हि0प्र0) प्रार्थिया।

बनाम

आम जनता

विषय.—प्रार्थना—पत्र जन्म एवं मृत्यु रजिस्ट्रीकरण अधिनियम, 1969 के अन्तर्गत मृत्यु तिथि दर्ज करने बारा।

नोटिस बनाम आम जनता।

उपरोक्त मुकद्दमा उनवान वाला में प्रार्थिया श्रीमती राज कुमारी पुत्री श्री रतन सिंह, निवासी गांव पंजैतन, तहसील सदर, जिला बिलासपुर (हि0प्र0) ने इस अदालत में प्रार्थना—पत्र दिया है कि उसकी जन्म तिथि संबन्धित ग्राम पंचायत के रिकार्ड में दर्ज नहीं है उसकी जन्म तिथि 11-03-1967 है। इसे दर्ज करने के आदेश किये जायें।

अतः आम जनता को इस नोटिस द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त प्रार्थिया श्रीमती राज कुमारी पुत्री श्री रतन सिंह, निवासी गांव पंजैतन, तहसील सदर, जिला बिलासपुर (हि0प्र0) की जन्म तिथि ग्राम पंचायत जुखाला, विकास खण्ड सदर, जिला बिलासपुर के रिकार्ड में दर्ज करने के बारा में कोई एतराज हो वह दिनांक 07-10-2022 को सुबह 11.30 बजे असालतन या वकालतन इस कार्यालय में उपस्थित होवें। अन्यथा श्रीमती राज कुमारी पुत्री श्री रतन सिंह, निवासी गांव पंजैतन, तहसील सदर, जिला बिलासपुर (हि0प्र0) की जन्म तिथि सम्बन्धित ग्राम पंचायत जुखाला, विकास खण्ड सदर, जिला बिलासपुर (हि0प्र0) के रिकार्ड में दर्ज करने के आदेश जारी कर दिये जायेंगे।

आज दिनांक 07-09-2022 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ है।

मोहर।

हस्ताक्षरित /—  
उप-मण्डल दण्डाधिकारी,  
सदर, जिला बिलासपुर (हि0 प्र0)।

ब अदालत जनाब उप-मण्डल दण्डाधिकारी, सदर, जिला बिलासपुर (हि0प्र0)

तारीख पेशी : 19-10-2022