



LEGISLATIVE ASSEMBLY OF GOA

**The Goa Ground Water
Regulation Bill, 2001**

(Bill No. 18 of 2001)

(As introduced in the Legislative Assembly of Goa)

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM
JANUARY, 2001**

THE GOA GROUND WATER REGULATION BILL, 2001

(Bill No. 18 of 2001)

A

BILL

*to regulate and control the development of
ground water resources and matters connected
therewith.*

Be it enacted by the Legislative Assembly
of Goa in the Fifty-first Year of the Republic
of India as follows:—

1. Short title, extent and commencement.—

(1) This Act may be called the Goa Ground
Water Regulation Act, 2001.

(2) It extends to the whole of the State of
Goa.

(3) It shall come into force on such date as
the Government may, by notification in the Official
Gazette, appoint.

2. Definitions.— In this Act, unless the context otherwise requires,—

(a) "Act" means the Goa Ground Water
Regulation Act, 2001;

(b) "Canal Officer (GW)" means the Canal
Officer authorised and/or appointed by the
Government to perform the functions of the
Canal Officer for ground water under this Act;

(c) "Government" means the Government of Goa;

(d) "ground water" means the water under the surface of the earth regardless of the geological structure in which it is stationery or moving and includes all ground water reservoirs;

(e) "ground water cell" means the cell headed by the Chief Engineer, Department of Water Resources of the Government;

(f) "mining activity" means that activity as governed by the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957);

(g) "prescribed" means prescribed by rules made under this Act;

(h) "scheduled area" means the areas as specified in Schedules A, B and C to this Act;

(i) "sink" with all its grammatical variations and cognate expressions in relation to a well shall include any digging, drilling or boring of a well or deepening carried out to the existing wells;

(j) "source of water" means the water which exists in the nallahs, wells, rivulets, rivers, lakes, ponds, borewells, tubewells, canals, springs, etc;

(k) "specified industry" means any industry specified in Schedule I to this Act;

(l) "user of ground water" means the person or persons or an institution including a

company or an establishment, whether Government or not, who or which own or use or draw ground water for any purpose, including domestic and agricultural use made, either on a personal, institutional or community basis;

(m) "watershed" means a land unit bounded by natural boundaries within which all the rainfall flowing over the land unit converges to a common point of outflow;

(n) "well" means a well sunk for the search or extraction of ground water by person or persons except by the authorised Officials of the State or Central Governments for carrying out scientific investigations, exploration, development or management work for the survey and assessment of ground water resources and includes open well, dug well, sunk well, bore well, tube well, tank, pond, dug-cum-borewell, filter point, collector well and infiltration gallery.

3. Grant of permission to sink a well, extract and/or transport ground water in the scheduled area.— (1) Notwithstanding anything contained in any law for the time being in force, no person shall sink a well in the scheduled area unless he has obtained permission in this behalf from the Canal Officer (GW).

(2) No person shall transport ground water by means of any lorry, tanker or any other goods vehicle.

(3) Any person desiring to,—

(i) sink a well and extract ground water in the scheduled area; and/or

(ii) transport the ground water by means of lorry, trailer or any goods vehicle,

shall apply to the Canal Officer (GW) for the grant of permission for this purpose and shall not proceed with any activity connected with such sinking or transportation, as the case may be, unless a permit has been granted by the Canal Officer.

(4) Every application made under sub-section (3) shall be in such form and contain such particulars as may be prescribed.

(5) On receipt of an application under sub-section (3), if the Canal Officer (GW) is, on the advice of the ground water cell, satisfied that it shall be in the public interest so to do, he may, for reasons to be recorded in writing,—

(a) grant, subject to such terms, conditions and restrictions as may be specified, a permission authorizing such sinking, or transportation, as the case may be, or

(b) refuse to grant the permission:

Provided that no permission shall be refused unless the applicant has been given an opportunity of being heard.

(6) The decision regarding the grant or refusal of permission shall be intimated by the Canal Officer (GW) to the applicant within a period of 120 days from the date of receipt of the application, failing which, the permission applied for shall be deemed to have been granted.

(7) In granting or refusing to grant permission under sub-section (5), the Canal Officer (GW)

shall have regard to the following matters, namely:—

(a) the purpose or purposes for which the well is to be sunk;

(b) the existence of other competitive users;

(c) the existence of other wells in the locality;

(d) the availability of ground water;

(e) quality of the ground water with reference to use;

(f) long term ground water behaviour;

(g) the lifting device proposed to be used;

(h) the quantity of ground water withdrawal and hours of operation per day;

(i) any other factors relevant or connected thereto.

(8) No person shall transport more than three thousand litres of ground water annually by means of transport vehicle or pipeline other than the Government, unless he has obtained a permission in this behalf from the Canal Officer (GW).

(9) If a registered well becomes defunct, this fact should be immediately brought to the notice of the Canal Officer (GW) by the user of the ground water.

(10) The permission under sub-section (3) shall be in such form as may be prescribed but shall not be issued for a period exceeding three years at a time.

4. Registration of existing wells in the scheduled area.— (1) Every existing user of ground water in the scheduled area shall, within a period of sixty days from the date of commencement of this Act, apply to the Canal Officer(GW) for grant of certificate of registration recognising his existing well, in such form and in such manner as may be prescribed:

Provided that the Canal Officer (GW) may entertain any such application after expiry of the said period of sixty days, if he is satisfied that the user of ground water was prevented by sufficient cause from filing the application in time.

(2) The details to be furnished in an application under sub-section (1) shall include the following, namely:—

(i) the description of the source of water, such as type of wells, its exact location;

(ii) the lifting device used;

(iii) the quantity of ground water withdrawal and hours of operation per day;

(iv) the total period of use in each year;

(v) the purpose or purposes for which ground water is being extracted;

(vi) in case of irrigation well, the location and extent of area irrigated;

(vii) in case of State, Municipalities or community run water supply schemes, the

details of the services involved in addition to the quantities of water extracted, the diversion or pumping points and their locations.

(3) On receipt of an application under sub-section (1), if the Canal Officer (GW) is satisfied that it shall not be against the public interest to do so, he may grant, subject to such conditions and restrictions and collection of such charges as may be specified from time to time, a certificate of registration authorising the continued use of the water from such well:

Provided that no person shall be refused a certificate of registration unless he has been given an opportunity of being heard.

(4) The decision regarding the grant or refusal of the certificate of registration shall be intimated by the Canal Officer (GW) to the applicant within a period of one hundred and twenty days from the date of receipt of application.

(5) In granting or refusing a certificate of registration under sub-section (3), the Canal Officer (GW) shall have regard to:—

(a) the purpose or purposes for which the water is to be used;

(b) the existence of other competitive users;

(c) the availability of water;

(d) quality of ground water with reference to the use;

(e) spacing of the ground water structures keeping in consideration the purpose for which water is to be used;

(f) long term ground water behaviour;

(g) any other factors relevant thereto;

(h) the quantity of ground water withdrawal and hours of operation per day.

(6) The certificate of registration shall be valid for a maximum period of five years from the date of issue.

(7) The certificate of registration shall be in such form as may be prescribed.

(8) Pending communication beyond one hundred and twenty days from the Canal Officer (GW) of the decision on an application under sub-section (1), every existing user of ground water shall be entitled to the continued use of the ground water in the same manner and to the same quantity as, he was entitled prior to the date of his application.

(9) If a registered well becomes defunct, this fact should be immediately brought to the notice of the Canal Officer (GW), by the user of the ground water of the said well.

5. Powers to alter, amend or vary the terms of the permission.— At any time after a permission under section 3 or certificate of registration under section 4, as the case may be, has been granted, the Canal Officer(GW) may, for technical reasons, alter, amend or vary

the terms of the permission or certificate of registration, as the case may be, provided the user of the ground water has been given an opportunity of being heard.

6. Cancellation of permission/ certificate of registration.— If the Canal Officer(GW) is satisfied, either on a reference made to him in this behalf or otherwise, that,—

(a) the permission or certificate of registration granted under sub-section(5) of section 3 or sub-section (3) of section 4 ,as the case may be, is not based on true facts;

(b) the holder of the permission or certificate of registration, as the case may be, has, without a reasonable cause, failed to comply with the conditions subject to which the permission or certificate of registration has been granted or has contravened any provisions of this Act or the rules made thereunder, or;

(c) a situation has arisen which warrants limiting of the use or extraction of ground water, without prejudice to any penalty to which the holder of the then permission or of the certificate of registration, as the case may be, may be liable under this Act,

the Canal Officer (GW) may, after giving the holder of the permission or of the certificate of registration, as the case may be, an opportunity to show cause, by order, cancel the permission or certificate of registration, as the case may be.

7. Declaration of protective measures in the scarcity areas.— (1) If, at any time, the Canal

Officer (GW) , on the advice of the ground water cell, having regard to the quantum and pattern of rainfall and any other relevant factor, is of the view that the public drinking water sources are likely to be affected, he may, by order, declare such area to be water scarcity area for such period as may be specified in the order, but not exceeding six months at a time.

(2) Upon declaration of any area as water scarcity area, the Canal Officer(GW) may, for the duration of the water scarcity period , by order, prohibit construction of new wells in such area for any other purpose other than drinking:

Provided that such restriction shall not apply to the sinking of a well on behalf of the Government or a local authority for being used as a public drinking water source.

(3) An application for permission to construct a new well under sub-section (2) shall be made to the Canal Officer (GW) in such form and accompanied with such fees as may be prescribed.

(4) Any permission granted under this section shall be subject to—

(a) the condition that the Canal Officer (GW) may, for reasons to be recorded in writing, by order, prohibit, restrict or regulate the extraction of water from such well for such a period as may be specified in such order, if, in his opinion, it is necessary to do so in the public interest; and

(b) such other conditions and restrictions as may be prescribed:

Provided that no order refusing permission or imposing restrictions shall be passed without affording an opportunity of being heard to the person affected thereby.

8. Prohibition of /or restrictions on extraction of water.— If, on the advice of the ground water cell, any existing well in the area declared under section 7 to be water scarcity area, is found to be adversely affecting any public drinking water source, the Canal Officer (GW) may, notwithstanding anything contained in any law for the time being in force and having regard to the quantum and pattern of rainfall and any other relevant factor , after giving its owner a reasonable opportunity of being heard, prohibit the extraction of water or impose such restrictions as may be considered necessary on drawal of water from such wells during the period commencing from 1st of February to 31st of July, every year.

9. Declaration of over-exploited watershed.— The Canal Officer (GW) may, on the advice of the ground water cell, declare a watershed as an over-exploited watershed.

10. Prohibition of sinking wells in over-exploited watersheds.— (1) Notwithstanding anything contained in the Goa Land Revenue Code, 1968 (Act 9 of 1969), or any other law for the time being in force, and having regard to the prime need of water for drinking purpose of the human beings and in the interest of general public to have the supply of requisite quantity of water for drinking purposes from the public drinking water source in the over-exploited watershed, no person shall, without the

permission of the Canal Officer (GW), sink a well within the area of over-exploited watershed: Provided that, the provisions of sub-section(1) shall not apply to the sinking of a well on behalf of the Government or a local authority for being used as a public drinking water source.

(2) An application for permission under sub-section (1) shall be made to the Canal Officer (GW) in such form and accompanied by such fee as may be prescribed.

(3) Every permission granted under this section shall be subject to:—

(a) the condition that the Canal Officer(GW) may, for reasons to be recorded in writing, by order, prohibit, restrict or regulate the extraction of water from such well for such period as may be specified in such order, if, in his opinion, it is necessary to do so in public interest;

(b) such other conditions and restrictions as may be prescribed.

11. Prohibition of extraction of water from an existing well for a certain period.— If, on advice of the ground water cell, any existing well in the area of an over-exploited watershed is found to be adversely affecting any public drinking water or extraction source, the Canal Officer (GW) may, notwithstanding anything contained in any of the laws relating to water for the time being in force and having regard to the quantum and pattern of rainfall and other data from the existing well and any other relevant factor, after giving its owner a reasonable

opportunity of being heard, by order, prohibit the extraction of water from such well during the period of six months from 1st of February to 31st of July, every year.

12. Closing down of existing well.— Notwithstanding anything contained in this Act or in any other law for the time being in force, the Canal Officer (GW) may, on the advice of the ground water cell, close down any existing well in the area of an over-exploited watershed, if it is found to be adversely affecting any public drinking water source and if such case cannot be adequately protected by action under section 8, may, after giving its owner a reasonable opportunity of being heard, by an order direct him to stop the extraction of water and close or seal off, such well forthwith, either temporarily or permanently, having regard to the extent to which it so adversely affects.

13. Payment of compensation.— Where an order of permanently closing down or sealing off the well is made under section 12, the Canal Officer (GW) may, on making such enquiry and requiring the owner to produce evidence as it may deem necessary, make an order for payment of compensation which shall be not less than the market value of the well and structures thereon and the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894) with regard to the determination of compensation of the well shall apply in determining the market value of the well under this section as they apply to the well acquired under that Act:

Provided that, where an order under section 12 relates to temporarily closing down or sealing

off a well, water from which is used for the irrigated crops standing at the time of making such an order, the compensation for such crops shall also be payable under this section:

Provided further that, where by virtue of an order made under section 12, any well which is permanently closed or sealed off is, for any reason whatsoever, allowed to be opened for extracting of water therefrom, any subsequent order made for permanently sealing or closing down such well again shall not entitle the owner thereof to claim compensation for such well again.

14. Bar to claim compensation.— Subject to the provisions of section 13, no person shall be entitled to claim any damages or compensation from the Government for any loss sustained by him as a result of any order passed under section 6, or under sections 8 or under section 12 or by virtue of any action taken under this Act.

15. Protection of ground water against quality degradation.— No person or a company/industry shall pollute/ contaminate potable water by using saline / brackish water for specified industrial process and or dumping industrial, mining and hazardous waste without adequate measures as suggested by the Ministry of Environment and Forests, Government of India, and the Goa State Pollution Control Board.

16. Power of Canal Officer(GW).— (1) The Canal Officer(GW) or any person authorized by him in writing in this behalf, shall have the following powers:—

(a) to enter on any property (private or Government) with the right to investigate and make any measurements concerning the land or water located on the surface or underground;

(b) to inspect the well which has been or is being sunk and the soils and materials excavated therefrom;

(c) to take specimens of such soils or other materials or of water extracted from such wells;

(d) to require, by order in writing, the person sinking a well to keep and preserve in the prescribed manner specimens of soils or any materials excavated therefrom for such period not exceeding three months from the date of completion or abandonment of the work as may be specified by the Canal Officer(GW) and thereupon such person shall comply with such requisition;

(e) to inspect and to take copies of the relevant record or documents and ask any question necessary for obtaining information (including diameter or depth of the well which is being sunk; the level at which the water is or was struck and subsequently restored/rested, the type of strata encountered in sinking of the well and the quality of the water struck) required for carrying out the purposes of this Act;

(f) to require the user of ground water to install water measuring device on any water supplies when necessary to properly administer the water or where there is a reason

to believe that the user does not comply with the provisions contained in this Act or any other sufficient reason for defending the public interest:

Provided that where the user of ground water does not comply with the requisition issued to him within a period of thirty days, the Canal Officer (GW) may install such water measuring device and recover the cost from the defaulting user of ground water;

(g) to seize and keep custody of any equipment/device utilised for illegal sinking and close the work executed, partly or fully;

(h) to require any user of ground water, who does not comply with the provisions of this Act and rules framed thereunder, to close down any water supply or destroy any hydraulic work found to be illegal according to the provisions of this Act and the rules framed thereunder:

Provided that where the user of ground water, does not comply with the requisition issued to him within a period of thirty days, the Canal Officer (GW) himself may carry out the necessary work and recover the cost from the illegal user as land revenue;

(i) to enter and search with assistance, if any, as it is considered necessary, any place in which the Canal Officer (GW) has reason to believe that offence under this Act has been or is being committed and order in writing the person who has been or is committing the offence not to extract or use the ground water for a specified period;

(j) to exercise such other powers as may be necessary for carrying out the purposes of this Act or any rules made thereunder.

(2) The power conferred by this section includes the power to break open the door of any premises where sinking, extraction and use of ground water may be going on:

Provided that the power to break open the door shall be exercised only after the owner or any other person in the occupation of the premises, if he is present therein, refuses to open the door on being called to do so.

(3) The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 93 of the said Code.

17. Powers of the Canal Officer (GW) regarding closure of the well and seizure of materials and equipments.— (1) Whenever it appears to the Canal Officer (GW) that any well has been sunk or is being sunk in contravention of provisions of section 3 or 7 or 10 or water has been extracted or is being extracted in contravention of section 8 or 11, the Canal Officer (GW) may, by an order in writing, call upon the owner or the person in possession of the well to close the extraction of water and stop the contravention forthwith.

(2) Where the owner or person in possession of the well fails to comply with the directives given in sub-section (1), the Canal Officer (GW)

or an Officer duly authorised by him, may enter upon the land, remove obstructions, if any, close the pumping of water, disconnect the power supply, seize any material or equipment used with such extraction of water and take such action as may be required, and may close or seal off the well.

(3) While closing the pumping of water or disconnecting the power supply or seizing any material or equipment under sub-section (2), the Canal Officer (GW) or an Officer duly authorised by him in this behalf shall call upon two or more independent and respectable inhabitants of the locality in which the well is situated or any other locality if no such inhabitant of the said locality is available or willing to be present and witness the aforesaid closure or seizure, as the case may be, and may issue an order to them in writing.

(4) The closure or seizure shall be made in their presence and a list of all materials and equipments seized, shall be prepared by the Officer acting under sub-section (3) and signed by such witnesses and a copy of the list so prepared shall be delivered to the owner of the well or any person representing him.

(5) Where the Canal Officer (GW) or an Officer authorised by him has closed or sealed off the well under sub-section (2), the cost incurred therefrom shall be recovered from such owner or person as an arrears of land revenue.

(6) When an order under this section regarding temporarily closing down or requisitioning a well which was being used

for irrigation of crops, is issued, the compensation for such crops standing at the time of making such an order, shall be paid on the basis of average yield of the crops of immediately preceding three years by the Canal Officer (GW) at such rate, not being less than the market value thereof, in such a manner as may be prescribed.

18. Service of orders, etc.— (1) Every Order under sections 8, 11 or 12 shall be served,—

(a) by giving or tendering the order or notice or by sending it by post to the user for whom it is intended; or

(b) if such user cannot be found, by affixing the order or notice on some conspicuous part of his last known abode or place of business or by giving or tendering the order or notice to some adult male member of his family or servant or by causing it to be affixed on some conspicuous part of the land or building in which the well is being sunk.

(2) Where the person on whom the order or notice is to be served is a minor, service upon his guardian in the manner provided in sub-section (1) shall be deemed to be service served upon the minor.

19. Protection against action taken in good faith.— No prosecution, suit or other legal proceedings shall be instituted against the Government, the Canal Officer (GW) or his authorised representatives for anything done or intended to be done in good faith under this Act, or the rules made thereunder.

20. Offences and penalties.—

(A) For non-receipt of information:

If any user—

(a) contravenes or fails to comply with any of the provisions of this Act or rules made thereunder in supplying information as prescribed, or

(b) obstructs the Canal Officer (GW) or any other person authorised by him to exercise any powers under this Act,

he shall be punishable—

(i) for the first offence, with fine which may extend to rupees one thousand; and

(ii) for the second and subsequent offence, with fine which may extend to rupees two thousand.

(B) For illegal sinking/ construction and/or use of wells and/or transportation of water and/or polluting and contaminating ground water:

If any user—

(a) contravenes or fails to comply with any of the provisions of this Act or any rules made thereunder;

(b) obstructs the Canal Officer (GW) or any other person authorised by him to exercise the powers under this Act,

he shall be punishable—

(i) for the first offence, with fine which may extend to rupees five thousand;

(ii) for the second and subsequent offence, with imprisonment for a term which may extend to six months and or fine which may extend upto rupees ten thousand.

21. Compounding of Offences.— Any offence under this Act may be compounded by the Canal Officer (GW), either before or after the institution of proceedings, subject to such conditions as may be prescribed.

22. Offences by Companies.— Whenever an offence under this Act has been committed by a Company, every person who, at the time the offence is committed, was in charge of, or was responsible to the Company for the conduct of the business of the Company, shall be deemed to be guilty of the offences and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this subsection shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Explanation:— For the purpose of this section, "Company" means any body corporate and includes a firm or other association of individuals.

23. Appeals.— (1) Any person aggrieved by a decision or action of the Canal Officer (GW) under this Act may, within a period of thirty

days from the date on which the action is taken or the decision is communicated to him and on payment of such fees as may be prescribed, prefer an appeal to the prescribed authority: Provided that the prescribed authority may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the prescribed authority shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

24. Requisition of wells.— (1) The Canal Officer (GW) may, in public interest, for providing water for drinking purposes, requisition any well or water source from its owner after due notice in such a manner and in such form as may be prescribed and for such period as may be specified in the order but in no case exceeding six months at a time.

(2) For a well requisitioned under sub-section (1), a compensation for the use of the well for extraction of water therefrom shall be paid to the owner, and such compensation shall be decided by the Canal Officer (GW).

(3) In determining the compensation to be awarded for the compulsory requisitioning of a well or a water source under this Act, the Canal Officer (GW) shall take into consideration,—

(a) the market value of the standing crop, if any, based on average yield of the preceding three years;

(b) the damage sustained by the owner of the well or the water source by depriving him of the use thereof; and

(c) the generation charges including wear and tear of the pump and other accessories in cases where the Canal Officer (GW) decides to retain such facilities while requisitioning the well or the water source.

(4) Where the terms of requisition of well are settled by mutual agreement and understanding, the amount payable to the owner shall be fixed by agreement between the owner and the Canal Officer (GW) and shall be paid in accordance with such agreement by the Canal Officer (GW).

(5) Where no mutual agreement can be reached, the Canal Officer (GW) may order in public interest for compulsory requisitioning of the water source under the provisions of the Act, the amount payable for such compulsory requisitioning shall be determined by the Canal Officer (GW) in accordance with the provisions of sub-section (3).

25. Power to charge fees.— The Government may charge such fees as may be prescribed for any permission granted under this Act.

26. Mining or quarrying.— No person shall conduct mining and quarrying operations in the scheduled areas where the mining or quarrying operations would affect the ground water, without the written permission of the Canal Officer (GW).

27. Protection measures for public drinking water source and existing ground water structures in non-scheduled areas.— (1) Notwithstanding anything contained in any law for the time being in force and having regard to the interest of the general public to have the supply of requisite quantity of water for drinking purposes from the drinking water source, to protect the existing ground water structures used for drinking and other essential purposes, no person shall sink any well for any purpose in the vicinity of the drinking water source within a distance of one hundred meters of such source or ground water structure. No person shall extract for the purpose of transporting water from a well if another well or ground water source is located within a limit of one hundred meters.

(2) Notwithstanding anything contained in sub-section (1), if any person desires to sink a well for any purpose, within a distance of one hundred meters of a drinking water source or existing ground water structure, he may do so only with the prior permission of the Canal Officer (GW).

(3) Notwithstanding anything contained in sub-section (1), if a person desires to transport ground water from a well if another well is located within a distance of one hundred meters of a drinking water source or ground water structure, he may do so only with the prior permission of the Canal Officer (GW).

(4) An application made for the permission under sub-section (2) or (3) shall be made to the Canal Officer in such form and accompanied by such fees as may be prescribed.

(5) The Canal Officer (GW), after receipt of the application under sub-section (2) or (3) may, on the advice of the ground water cell, for the reasons to be recorded in writing, grant permission for sinking a well for any purpose or transportation of ground water from a well if he is satisfied that such sinking/transportation of ground water from the well shall not adversely affect the drinking water source or refuse permission applied for if granting of such permission shall adversely affect such source:

Provided that if the Canal Officer (GW) fails to inform the applicant within one hundred and twenty days from the date of receipt of the application, the permission applied for shall be deemed to have been granted, but such deemed permission shall always be subject to any conditions prescribed under the rules.

(6) Every permission granted under this section shall be subject to—

(a) the condition that if the Canal Officer (GW) may, for reasons to be recorded in writing, by order, prohibit, restrict or regulate from time to time the extraction of water from such well if in his opinion it is necessary to do so in the public interest;

(b) such conditions and restrictions as may be prescribed.

28. Offences under this Act to be cognisable.— (1) Any offence punishable under this Act shall be cognisable offence within the meaning of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(2) No court shall take cognizance of any offence punishable under this Act, except upon a complaint in writing by the Canal Officer (GW) or an Officer generally or specially authorised by the Government in this behalf.

29. Provisions of this Act to have effect.—

The provisions of this Act and the orders issued or made under this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

30. Power to make rules.— (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for:—

(a) the form of application under sub-section (1) of section 4;

(b) the form of application under sub-section (3) of section 7 and sub-section (2) of section 10;

(c) the manner in which the specimens of soils or other materials shall be kept and preserved under clause (d) of sub-section (1) of section 16;

(d) conditions subject to which offences may be compounded under section 21;

(e) prescribing the authority to hear appeals under sub-section (1) of section 23 and the fees to accompany the application for appeal;

(f) any other matter which is to be or may be prescribed.

SCHEDULE I

- (1) Ferrous metallurgical industry.
- (2) Non-ferrous metallurgical industry.
- (3) Mining industry.
- (4) Ore processing industry.
- (5) Petroleum industry.
- (6) Petro-chemical industry.
- (7) Chemical industry.
- (8) Ceramic industry.
- (9) Cement industry.
- (10) Textile industry (including cotton synthetic and semi-synthetic fibres manufactured from these fibres).
- (11) Paper industry.
- (12) Fertilizer industry.
- (13) Coal (including coke) industry.
- (14) Power (Thermal, Diesel and Hydel) generating industry.
- (15) Processing of animal or vegetable products industry (including processing of milk, meat, hides and skins, all agricultural products and their waste).
- (16) Engineering industry.

SCHEDULE A

Sr No	Name of village/town/city	Taluka
1.	Terekhol	Pernem
2.	Keri	Pernem
3.	Harmal	Pernem
4.	Mandrem	Pernem
5.	Morjim	Pernem
6.	Chapora	Pernem
7.	Anjuna	Bardez
8.	Baga	Bardez
9.	Calangute	Bardez
10.	Candolim	Bardez
11.	Sinquerim	Bardez
12.	Aguada	Bardez
13.	Nerul	Bardez
14.	Reis Magos	Bardez
15.	Panaji	Tiswadi
16.	Dona Paula	Tiswadi
17.	Odxel	Tiswadi
18.	Kankara	Tiswadi
19.	Navsi	Tiswadi
20.	Bambolim	Tiswadi
21.	Siridona	Tiswadi
22.	Goa Velha	Tiswadi
23.	Agasaim	Tiswadi
24.	Vasco	Mormugao
25.	Bimbade	Mormugao
26.	Bogmalo	Mormugao
27.	Igorsi	Mormugao
28.	Pali	Mormugao
29.	Velsao	Mormugao
30.	Cansaulim	Salcette
31.	Arosim	Salcette
32.	Utorda	Salcette
33.	Majorda	Salcette
34.	Betalbatim	Salcette

Sr No	Name of village/town/city	Taluka
35.	Gandavalim	Salcette
36.	Colva	Salcette
37.	Benaulim	Salcette
38.	Varca	Salcette
39.	Fatrade	Salcette
40.	Karmane	Salcette
41.	Kavellosim	Salcette
42.	Mobor	Salcette
43.	Babsora	Salcette
44.	Betul	Salcette
45.	Kanagini	Salcette
46.	Khola	Canacona
47.	Parven	Canacona
48.	Agonda	Canacona
49.	Palolem	Canacona
50.	Kolomb	Canacona
51.	Patnem	Canacona
52.	Piplibag	Canacona
53.	Talpona	Canacona
54.	Kalsar	Canacona
55.	Galgibag	Canacona
56.	Mashem	Canacona
57.	Mayam	Canacona
58.	Polem	Canacona

SCHEDULE B

All Industrial Estates and Industrial Zones notified by the Government of Goa in the Official Gazette notified as restricted area for ground-water development.

SCHEDULE C

All the areas affected by mining leases.

STATEMENT OF OBJECTS AND REASONS

Concentrated development of ground water for industrial purposes is affecting the streams by effluent seepages and thereby affecting the traditional age old irrigation systems. Also, commercial exploitation and transportation of the ground water is affecting the public and private drinking water sources in the vicinity. It is, therefore, required to protect ground water resources against contamination and pollution and ensure optimum and sustainable development of ground water resources.

This Bill seeks to achieve the above objects.

Panaji-Goa
18 January, 2001

RAMAKANT KHALAP
Minister for Water Resources

FINANCIAL MEMORANDUM

For implementing the Ground Water Legislation and related essential ground water disciplines (monitoring of ground water levels, chemical quality, pollution, watershedwise/basinwise groundwater assessment, sustainable development and management) there is a need for setting up of ground water cell headed by the Chief Engineer, Water Resources Department and with the services of the existing Hydrogeologist and one Assistant Geologist and carving out technical personnel from the existing infrastructure.

It is proposed to meet the entire needs of the Ground Water cell from the existing staff of the Water Resources Department by administrative re-organisation of the Department. Chemical analysis of water

samples shall be got done through existing chemical/public health laboratories of State Pollution Control Board/ Health Department/ PWD.

As such, there may not be any additional financial implications.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1 (3) of the Bill empowers the Government to appoint a date by way of notification for bringing into force of the Act.

Clause 2 (b) of the Bill empowers the Government to authorise/appoint Canal Officer (GW).

Clause 7 of the Bill empowers the Canal Officer (GW) to declare water scarcity area for a certain period on advice of ground water cell.

Clause 9 of the Bill empowers the Canal Officer (GW) to declare a watershed as an over-exploited watershed on advice of ground water cell.

Clause 25 of the Bill empowers the Government to charge and prescribe fees for any permission to be granted under this Act.

Clause 30 of the Bill enables the Government to frame rules to carry out the purposes of the Act.

Assembly Hall,
Porvorim, Goa
18 January, 2001

R. KOTHANDARAMAN
Secretary (Legislature)