

(Authoritative English Text of this Department Notification No. IPH-B (A) 3-1/2005 dated _____ as required under clause (3) of Article 348 of the Constitution of India).

GOVERNMENT OF HIMACHAL PRADESH.

IRRIGATION AND PUBLIC HEALTH DEPARTMENT

NOTIFICATION.

No.IPH- B(A)3-1/2005

Dated ,Shimla-2,-----2006.

In exercise of the powers conferred by section 25 of the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act, 2005 (Act No. 31 of 2005), the Governor, Himachal Pradesh proposes to make the following rules for carrying out the purposes of the Act ibid and hereby publishes the same in the Rajpatra Himachal Pradesh for the information of the general public;

If any interested person likely to be affected by these rules has any objections or suggestions with regard to these rules, he may send the same to the Principal Secretary (Irrigation and Public Health) to the Government of Himachal Pradesh within a period of thirty days form the date of publication of the said draft rules in the Rajpatra Himachal Pradesh;

The objections or suggestions, if any, received within the above stipulated period shall be taken into consideration by the Government before finalizing the said draft rules, namely :-

DRAFT RULES

CHAPTER-I

PRELIMINARY

- 1. Short title and commencement.** (1) These rules may be called the Himachal Pradesh Ground Water (Regulation and Control of Development and `Management) Rules, 2006.

(2) They shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh

2. Definitions. - (1) In these rules, unless the context otherwise requires, -

- (a) “Act” means the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act, 2005 (Act No. 31 of 2005);
 - (b) “Chairman” means the Chairman of the Authority;
 - (c) “Form” means the form appended to these rules;
 - (d) “fund” means the Himachal Pradesh Ground Water Authority Fund constituted under rule 9 of these rules;
 - (e) “Member Secretary” means the Member Secretary of the Authority;
 - (f) “permit” means the permit for extraction and use of ground water granted under section 7 of the Act;
 - (g) “Schedule” means the Schedule appended to these rules; and
 - (h) “section” means section of the Act.
- (2) The words and expressions used in these rules but not defined shall have the same meanings respectively as assigned to them in the Act.

CHAPTER –II**CONDUCT OF BUSINESS, CONSTITUTION OF FUND, MAINTENANCE AND
AUDIT OF ACCOUNTS OF THE AUTHORITY**

- 3. Office hours, Business and sittings of the Authority.** -(1) The office of the Authority shall remain open on such working days and hours as are applicable to the offices of the State Government.
- (2) Where the last day for any activity falls on the day on which the office of the Authority is closed, such activity may be done on the next working day on which the office is open.
- (3) The Authority may hold meetings for considering the matters including disposal of applications / petitions at its office or at any other place on any day as may be declared by it from time to time.
- 4. Language of the Authority.**- The proceedings of the Authority shall be conducted in English language.
- 5. Functions of the Authority.**-The Authority shall be responsible for the implementation of the provisions of the Act and shall, under the supervision and control of the State Government perform such functions and discharge such duties as assigned to it under the provisions of the Act and these rules.
- 6. Functions and duties of the Chairman of the Authority.**- (1)The Chairman shall,-
- (a) Chair the meetings of the Authority; and
 - (b) Supervise, direct and control the working of the Authority.
- (2) For exercise of the powers, performance of the functions and discharge of the duties of the Authority, the Chairman shall be assisted by the Member Secretary of the Authority.

- 7. Powers, Functions and duties of the Member Secretary of the Authority.**-(1) The Member Secretary under the supervision and control of the Chairman shall exercise the following powers and perform the following duties, namely :-
- (a) he shall have custody of the records of the Authority;
 - (b) he shall receive or cause to be received all applications, petitions, complaints or references pertaining to the Authority;
 - (c) he shall scrutinize all documents, interalia applications, petitions, complaints or references and shall seek clarifications or rectifications upon the same;
 - (d) he shall carry out such functions under these rules, as may be assigned to him by the Authority;
 - (e) he shall place before the Authority, the details of the applications received, for further disposal by the Authority;
 - (f) he shall issue notice for meetings, prepare the agenda of meetings and shall prepare the minutes of the meetings of the Authority; and
 - (g) he shall be assisted by such person as may be specified by an order of the Chairman of the Authority.
8. Travelling and other allowances for Chairman and Members of the Authority.
- (1) For attending meetings or any activity of the Authority, the ex-officio members including Chairman shall be paid travelling and other allowances in accordance with the provisions of the Travelling Allowances Rules as

applicable to them in the case of Himachal Pradesh Government Servants and shall draw such allowances from their parent Department or Organisation.

- (2) All other non official members of the Authority, other than those referred to in sub-rule (1) shall be paid a sitting fee of Rs.500/- per meeting and the travelling allowance and other allowances at the rate admissible to grade I offices of the State Government.

9. Constitution of the Fund.- (1) The Authority shall in consultation with the State Government constitute a Fund to be called the Himachal Pradesh Ground Water Authority Fund.

- (2) The Fund shall comprise of-
- (i) all fees, charges and penalties received by the Authority under the Act;
 - (ii) Sums received on account of grants-in-aid from the State or Central Governments; and
 - (iii) all sums received by the Authority from other sources.

10. Application of the Fund.- The Fund shall be applied for meeting:-

- (a) the expenses of the Authority in discharge of its functions and duties under the Act and these rules;
- (b) the expenses on activities and purposes specified under the Act and these rules.

- 11. Maintenance of accounts.-** (1) The Authority shall maintain proper accounts and other records as may be specified by the State Government.
- (2) The Authority shall in the month of July each year cause to be prepared a statement of income and expenditure of preceding financial year ending 31st March and furnish a copy thereof to the State Government.
- 12. Opening of bank account and its operation.-**(1) The Authority shall open an account in one or more Scheduled banks or in the State Co-operative Bank and all money received shall be deposited in the account of the Authority and the account shall be operated through cheque by the Member Secretary.
- (2) The Authority shall make available the specimen signature of the Member Secretary to the bank for its information and records.
- 13. Audit of Accounts.-**The accounts of the Authority shall be audited annually by the Examiner, Local Accounts Department, Himachal Pradesh.

CHAPTER –III**GENERAL RULES CONCERNING THE PROCEEDINGS OF THE AUTHORITY**

14. Proceedings of the Authority.- (1) The Authority from time to time hold meetings for discussions, deliberations, investigations and consultations as it may consider appropriate in discharge of its functions under the Act and these rules.

- (2) The Authority shall meet at least once in three months to dispose of its business .

15. The processing of applications.- (1) The applications received by the Authority during the normal working hours on a particular day shall be treated to have been received on that day.

- (2) An incomplete/vague application or an application not found to be in conformity with the provisions of the Act and these rules shall be rejected.
- (3) While processing the applications, the Member Secretary of the Authority, shall place before the Authority the applications that are complete in all respects for further disposal.
- (4) The Member Secretary may upon scrutiny of the application, require the applicant to submit such additional information or particulars or documents as he may consider necessary for the purpose of further processing of the application.
- (5) As far as practicable, the following time schedule shall be adhered to by the Authority for processing the applications received under these rules:-

| Sr. No. | Description /nature of application | Maximum processing time |
|--------------------|---|--|
| (a) | Grant of permit for the extraction and use of the ground water under section 7 of the Act; | Sixty days from the date of receipt of application |
| (b) | Grant of certificate of registration under section 8 of the Act for existing user; | Sixty days from the date of receipt of the application. |
| (c) | Registration of machinery of the rig owner/ drilling agency under section 9 of the Act; | Thirty days from the date of receipt of the application. |
| (d) | Alteration, amendment or variation of the terms and conditions of the permit or certificate of registration. under section 10 of the Act. | Thirty days from the date of receipt of the application. |

CHAPTER-IV**APPLICATION FOR GRANT OF PERMIT FOR EXTRACTION OF
GROUND WATER**

- 16. Application for permit for extraction and use of ground water.-** (1) Any user of ground water desirous of sinking new well in a notified area shall apply to the Authority for grant of permit to extract and use ground water, in Form-I for domestic/ irrigation purposes and Form-I-A for commercial / industrial purpose, in triplicate and application shall be accompanied by documentary proof of having paid non-refundable fees as specified in rule 31, and other documents as specified in the note below the said forms.
- (2) The applicant shall maintain at his residence or office, as the case may be, office and at such other place as may be designated by the Authority, the copies of the documents referred to in sub-rule (1) for public inspection and furnish to the persons applying for them the copies of such documents at a price not exceeding rupee 1/- per page.
- 17. Publication of notice of application for permit.-** (1) If the Authority finds the application for grant of permit in the notified area is complete in all respects and is accompanied by the requisite information and documents, it shall publish notice of the application in Form-2 appended for inviting objections from the interested persons: -
- (a) In case of commercial/industrial use, in two leading daily news papers and also display a copy thereof on the notice board of the Gram Panchayat or urban local authority having jurisdiction, as the case may be; and

- (b) In case of irrigation, display a copy of the notice on the notice board of the local authority having jurisdiction.
- (2) If no objections are received from any quarter by the due date given in the notice, the Authority shall proceed further for the grant or refusal of the permit in accordance with the provisions of the Act and under these rules.

18. Hearing of objections for granting the permit. – (1) The applicant shall furnish to the Authority no objection certificate, if any, required from any statutory body or the Central or the State Government.

- (2) The Authority shall give a notice of inquiry or hearing of application to the applicant and / or to the local authority concerned, or the persons who had filed objections or such other body or persons, as the case may be, as the Authority may consider appropriate.

19. Issuance of permit. - (1) After inquiry and hearing of the application and keeping in view the provisions of sub-section (5) of section 7, the Authority shall decide the application and the Authority or the Officer authorized by it shall, within thirty days from the date of the decision, intimate its decision to the applicant.

- (2) If the Authority decides to grant the permit, it may do so on such terms and conditions as may be specified by it keeping in view the provisions of section 7.

- (3) After fulfilling the condition by the applicant subject to which the permit is offered under sub-rule (2) above, the Authority shall issue the permit in Form-3 appended to these rules to extract the water or augment the existing water source.
- (4) The Authority shall immediately after issuance of the permit, forward a copy of the permit to the local body concerned and to such other person as the Authority may consider necessary.

20 . Date of commencement of permit.-The permit shall commence from the date of the issuance of the permit.

21. Duties and responsibilities of the permit holder.- It shall be the duty of the permit holder to develop and maintain an efficient, coordinated and economical system of extraction of ground water and to use the water for the purpose for which the permit has been given. He shall ensure that all other provisions contained in the Act, and these rules and the conditions imposed, if any, in the permit issued are not violated.

CHAPTER V**REGISTRATION OF EXISTING USERS OF GROUND WATER SOURCES**

22. Application for registration of existing ground water user.-(1) Application for registration and issuance of certificate of registration under section 8 to an existing user of the ground water source ,shall be made to the Authority in Form -4 for domestic/industrial purpose and Form 4-A for commercial /industrial purpose, in triplicate, and it shall be accompanied by documentary proof of having paid non-refundable fees as specified in rule 31 and other documents as specified in the note below the said Forms.

- (2) The applicant shall maintain at his residence or office, as the case may be, and at other place as may be designated by the Authority, the copies of the documents referred to in the sub-rule (1) for public inspection and furnish to the persons applying for them the copies of such documents at a price not exceeding rupee 1/- per page.

23. Publication of notice of application for registration of existing ground water user:

- (1) If the Authority finds the application for registration in the notified area complete in all respects and accompanied by the requisite information and documents, it shall publish notice of the application in Form-5 for inviting objections from the interested persons: -
- (a) In case of commercial/industrial use, in two leading daily news papers and also display a copy thereof on the notice board of the Gram Panchayat or urban local authority having jurisdiction, as the case may be; and
- (b) In case of irrigation, display a copy thereof on the notice board of the local authority having jurisdiction.

- (2) If no objections are received from any quarter by due date given in the notice, the Authority shall proceed further for the issuance of certificate of registration in accordance with the provisions of the Act and these rules.

24. Hearing of objections for granting the certificate of registration. - (1) If the Authority has duly published the notice of the application in the newspaper or otherwise and the time for filing of the objections is over and after the applicant has furnished to the Authority no objection certificate, if any, required from any statutory body or the Central or the State Government it shall proceed further with the hearing of the application.

- (2) The Authority shall give the notice of inquiry or hearing to the applicant and / or to the local body concerned, the persons who had filed objections and such other body or persons as the Authority may consider appropriate.

25. Issuance of certificate of registration:- (1) After inquiring and hearing and having taken stock of the provisions contained in sub-section (4) of section 8 of the Act, the Authority shall decide, within sixty days from the date of the receipt of the application for granting or refusing the issuance of certificate of registration and the Authority or the Officer authorized by it shall, within thirty days from the date of the decision, intimate its decision to the applicant.

- (2) If the Authority decides to grant the certificate of registration, it may do so on such terms and conditions as may be specified by it and the Authority shall issue certificate of registration in Form-6.
- (3) The Authority shall immediately after issuance of certificate of registration, forward a copy of the certificate to the local authority concerned and to such other person as the Authority may consider necessary.

CHAPTER –VI**REGISTRATION OF DRILLING MACHINERY**

- 26. Application for registration of drilling machinery.**-(1) Every rig-owner or the drilling agency operating in the State shall apply to the Authority for registration of his machinery, in the Form-7 appended to these rules and accompanied by documentary proof of having paid non-refundable fees as specified in the rule 31.
- (2) Every application, under sub-rule (1), for registration under section 9 alongwith the supporting documents shall be signed by the applicant (in case of individual) or by an authorized signatory (in case of body corporate) and addressed to Member Secretary of the Authority and shall be accompanied by three copies or such number of copies of proforma as the Authority may direct.
- (3) On receipt of the application, the Member Secretary shall note the date of its receipt and shall send to the applicant an acknowledgement of its receipt.
- (4) If the Authority finds the application complete alongwith requisite information, particulars and documents and after having satisfying itself that the applicant has complied with all the requirements for making the application, the Authority or the Member Secretary shall register the machinery/equipment and issue the certificate of registration in Form –8.

CHAPTER- VII

INVESTIGATIONS, INQUIRY, SURVEY, COLLECTION OF INFORMATION.

- 27. Collection of data on ground water resources.**-(1) Where it is necessary or expedient in the public interest to assess the availability of ground water in any area and to obtain any data on ground water related infrastructure, including diameter or depth of well, which is being or has been sunk; the level at which water is or was struck and subsequently restored/rested, the types of strata encountered in the sinking of well and the quality and quantity of water struck and optimum use of extracted water, the Authority may, at any time, take assistance of any institution, consultants, experts, engineers, surveyors and such other technical and professional persons, as it may consider necessary, and ask them to study, investigate or enquire into any matter or issue and submit report or reports or furnish any information and the Authority may determine the terms and conditions for engagement of such professionals.
- (2) Without prejudice to the generality of powers, the Authority may, regarding the collection of information relating to ground water and for the purpose of conducting an inquiry and investigation in this regard,-
- (a) at any time direct any one or more officers or consultants or any other person, as the Authority may consider appropriate, to study, investigate or furnish information with respect to any matter within the purview of the Authority;

- (b) for the purpose give such other directions as it may deem fit and further direct the time within which the report is to be submitted for information is to be furnished;
 - (c) for the purposes of collecting information, particulars (including diameter or depth of the well, type of strata encountered in drilling operations of the well and the quality and quantity of water extracted therefrom) or documents which the Authority considers necessary in connection with the discharge of its functions, issue such directions and follow any one or more of the methods provided for in the Act as the Authority may consider it to be appropriate;
 - (d) if any such report or information obtained as specified in the Act or in this rule appears to be insufficient or inadequate, the Authority or the Member Secretary so authorized by it may give directions for further inquiry, report and furnishing of information;
 - (e) direct that such incidental, consequential and supplemental matters which may be considered relevant in connection with the above, be attended to; and
 - (f) require, in writing, the person sinking a well to keep and preserve the specimen of soil and material excavated therefrom for a period not exceeding three months from the date of completion or abandonment of the sinking/drilling of a well and to produce it for examination to the Authority or Member Secretary authorized by it.
- (3) if the report or information sought under these rules or any part thereof is proposed to be relied upon by the Authority in forming its opinion or view in any proceeding, the parties in the proceedings shall be given a reasonable opportunity for filing objections and making submissions on the report or information.

CHAPTER –VIII**RAIN WATER HARVESTING, CONSERVATION, GROUND WATER RECHARGE
AND WASTE WATER MANAGEMENT.**

28. Rain water harvesting publicity programme.- The Authority, with a view to implementing the provisions of the Act, may-

- (a) Issue guidelines for adoption of rain water harvesting for ground water recharge;
- (b) suggest suitable measures to be followed, both in rural and urban areas, by the inhabitants at hill tops, spurs and on river/stream banks;
- (c) prepare schemes for ground water management in rural and urban areas;
- (d) undertake Information, Education and Communication activities including workshops, seminars, public discourses, debates, radio and television programs to promote rain water harvesting ; and
- (e) encourage construction of community rain water storage or percolation tanks, ponds, check dams or recharge shafts in catchment areas.

29. Power to issue directions.-(1) The Authority, may issue directions to the local authorities and the Government Departments to include in their developmental schemes/plans, the provision of rain water harvesting for ground water recharge in the notified areas:

Provided that in urban areas within the notified area no directions issued under these rules shall be applicable for construction of rain water harvesting structures. -

- (a) in residential or commercial premises having plinth area of less than 100 square meters; or
- (b) in the sinking zones, where construction of rain water harvesting structures would be detrimental to the safety of the building structures in the area .

CHAPTER-IX**ROYALTY FOR EXTRACTION AND USE OF GROUND WATER**

30. Levy and collection of royalty.- (1) Unless otherwise directed by the State Government, every person whosoever extracts the ground water within the notified area for commercial, industrial or irrigation purposes shall pay annually the royalty at the rate of rupee 1/- per ten thousand liters to the Authority:

Provided that a user of ground water who irrigates less than one hectare of land, whether owned or leased or both shall be exempted from the payment of royalty.

(2) One-fourth of the amount of royalty so collected shall be remitted to the State Government by the Authority and the remainder three -fourth shall be retained by the authority for further distribution to those Panchayati Raj Institutions/local bodies, from whose jurisdiction the royalty has been collected, for the development of ground water resources.

CHAPTER – X**FEES AND FINES**

31. Fees on applications.-(1) Every application for grant of permit under section 7 or for grant of registration certificate under section 8 or for registration of the rig operator and drilling agency and the machinery or equipment deployed by them under section 9 or for making alteration, amendment and variation in the permit or certificate of registration under section 10 in accordance with the terms and conditions of such permit or certificate, as the case may be, shall be made on payment of appropriate fee as specified in the Schedule.

(2) The fees payable under these rules shall be paid by means of a demand draft or pay order, drawn in favour of the Authority payable at Shimla.

(3) The fees received by the Authority under these rules shall be deposited in a schedule bank under Rule 12 of these Rules.

32. Compounding of Offences.- Where any offence under the Act has been committed such an offence may at any time before or after the institution of proceedings be compounded by the Authority, or any other officer authorized by the State Government, after accepting by way of compensation thereof a sum of money which shall not exceed one half of the maximum limit of the fine which could be imposed therefor:

Provided that while determining the compensation or extent of the fines and / or composition fee, the Authority shall consider, amongst other relevant things, the following:-

- (a) the nature and extent of non-compliance or contravention;
- (b) the amount of wrongful gain or unfair advantage derived as a result of the non-compliance or contravention;

- (c) the amount of loss or degree of harassment caused to any person (s) as a result of non-compliance or contravention; and
- (d) the repetitive nature of the non-compliance or contravention.

33 . Fines and compounding fees.- The fines charged and compounding fees levied by the Authority shall be payable and the amount shall be deposited in the same manner as specified in rule 31.

34. Recovery of fines and costs.- The costs, penalty, charges recoverable under proviso to clause (f) of subsection (1) of section 13 or proviso to section 14 or sub-section (3) of section 15 and compounding fee under section 22, if not paid, shall be recoverable as arrears of land revenue.

CHAPTER –XI

APPEALS

- 35. Appeals to State Government.-** (1) Any person aggrieved by an order made by the Authority, may prefer an appeal to the Principal Secretary (Irrigation and Public Health Department) to the Government of Himachal Pradesh, under section 24 of the Act.
- (2) The appeal shall be filed on payments of rupees two hundred in the manner as specified in sub-rule (2) of rule 31 of these rules.
- (3) The appeal to the State Government filed under section 24 of the Act shall be duly verified and supported by an affidavit in Form –9 and shall be accompanied by ,-
- (a) a copy of the order appealed against; and
- (b) a photocopy of receipt of payment of fee.

SCHEDULE**FEE STRUCTURE**

(See rules__16,22,26 and 31)

| Sr. No. | Nature of application. | Statutory provisions | Non- Refundable Fees(in Rs.) |
|--------------------|--|-----------------------------|--|
| 1 | Application for grant of permit | section 7 and rule 16 | (a) in case of tube well Rs. 5000/- (b) in case of hand pump energized. Rs. 1000/- (c) in case of Commercial / Industrial users Rs.10000/- |
| 2 | Application for issuance of registration certificate to the existing ground water user. | section 8 and rule 22 | (a) in case of tube well.Rs. 5000/- (b) in case of hand Pump energized. Rs. 1000/- (c) in case of commercial Industrial uses Rs.10000/- |
| 3 | Application for registration of the machinery and equipment of the rig owners and drilling agencies. | section 9 and rule 26 | Rs.10, 000/- - |
| 4 | Application for alteration, amendment or variation of the terms of permit or certificate of registration | section 10 | Rs.500/- |
| 5. | Any other application not covered under item (1), (2),(3) & (4) above | - | Rs.100/- |

FORM -1
(See rule 16)

**FORM OF APPLICATION FOR GRANT OF PERMIT FOR SINKING
OF WELL AND USE OF GROUND WATER
(DOMESTIC/ IRRIGATION)**

To

The Member Secretary,
Himachal Pradesh Ground Water Authority-cum-
Superintending Engineer (Planning & Investigation unit -II)
Jal Bhawan, Kasumpatti, Shimla-9

Sir,

I/we request you to grant me / us permit for sinking of well/augmentation of existing well and the use of ground water. The requisite information is furnished below:-

(1) Details of applicant .-

- (i) Name of the applicant :
- (ii) Name of father /husband :
- (iii) Address for correspondence :
- (iv) Phone No. (If any) :
- (v) Fax No. (If any) :
- (vi) E-mail address (If any) :

(2) Details of ground water source.-**Location**

- i) No. of Estate (Hadbast) with name of Estate:
- ii) Khata / Khatoni/ Khasra No.:
- iii) Village/Town/Mohalla/ Street:
- iv) Tehsil:
- v) District:
- vi) Whether the source is located in an area declared as notified under section 5, if so, give details :
- vii) Ownership:
- viii) Whether the proposal involves sinking of shallow / deep/ tube well.
- ix) Purpose for which water is proposed to be used.

I/we hereby declare that:

(a) the information provided above is true to the best my/our knowledge.

(b)I/we have read the provisions of Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act, 2005 and the rules framed thereunder and do undertake to comply with them.

(c) I/ we have deposited the application fee of Rs._____-- through bank draft /cheque No_____ dated _____issued by_____ in the name of _____bank, payable at_____ or in cash vide receipt No._____ dated_____

- (b) I /we shall own responsibility to execute /augment/maintain/use the ground water source strictly in accordance with the terms / conditions of the permit granted by the Authority under section 7 of the Himachal Pradesh Water (RegulationControl of Development and Management) Act,2005.
- (d) I /we shall provide access to the Authority and its officers and servants to my/our water source and its allied works.
- (e) I/we shall comply with every lawful directions/instructions issued by the Authority and its officers from time to time.

Signature of the applicant /authorized signatory
with complete Address

Date_____

Place_____

Note: The following documents shall be attached with the application form:-

1. The applicant must submit complete application in duplicate to the Member Secretary Himachal Pradesh Ground Water Authority-cum-Superintending Engineer (Planning & Investigation unit-II), Jal Bhawan, Shimla-9 alongwith application fee of Rs.5000/- for Tubewell and Rs.1000/- in case of energized handpump in the shape of a Demand Draft drawn in favour of Member Secretary, Himachal Pradesh Ground Water Authority payable at Shimla .
2. Copy of Jamabandi of the land in which the source is located.
3. Tatima indicating therein the exact location of the water source.
4. Site plan indicating there in the exact location and adjoining identifiable specific points.
5. List of equipments proposed to be installed with expected power load.
6. Strike off whichever is not applicable.

FORM -1-A

(See rule 16)

**FORM OF APPLICATION FOR GRANT OF PERMIT FOR SINKING
OF WELL AND USE OF GROUND WATER (COMMERCIAL /
INDUSTRIAL USERS)**

To

The Member Secretary,
Himachal Pradesh Ground Water Authority-cum-
Superintending Engineer (Planning & Investigation unit -II)
Jal Bhawan, Kasumpatti, Shimla-9

Sir,

I/we request you to grant me /us permit for sinking of well/augmentation of existing well and the use of ground water. The requisite information is furnished below:-

(1) Details of applicant

- (i) Name of the applicant:
- (ii) Name of father /husband:
- (iii) Address for correspondence:
- (iv) Where applicant is a corporate body, give details-
 - (a) company /firm /co-operative society/ other :
 - (b) when and where company incorporated/ registered:
Place of incorporation/registration:

Year of incorporation:

Registration No. :

Place of registration of the firm, co-operative society:

- (c) Names and address of the Director/ partners/ Governing body members/ trustees :

(2) Details of ground water source

(a) Location

- i) No. of Estate (Hadbast) with name of Estate:
- ii) Khata / Khatoni/ Khasra No.:
- iii) Village/Town/Mohalla/ Street:
- iv) Tehsil:
- iv) District:
- vi) Whether the source is located in an area declared as notified under section 5, if so, give details :

(b) Source details

- (i) whether source is perennial or seasonal :
- (ii) Quality of ground water:
- (iii) quantum of water availability :

- (c) If located in a rural area the name of the Gram Panchyat of the area:

(d) If located in an urban area the name of the municipality of the area:

(e) nature of existing use of source:-

(i) Domestic, (ii) industrial, (iii) whether industry is small / large (iv) commercial, (v) irrigation

(3) Details of Ownership - Whether the source is under the private ownership, if so, details of the ownership:

(4) Purpose of sinking well or /augmentation of ground water source. -

(i) Purpose for which water is proposed to be extracted or used:

(ii) Details of prospective users:

(iii) Quantum of water proposed to be extracted:

(iv) In case of mismatch between quantum of availability of water and its use, the details of availability of balance water to the beneficiaries:

(v) Whether certificate of registration has been obtained from the Director of Industries, (if yes, a copy should be furnished):

(5) Details of the Works to be executed /maintained

- (i) Details of works:
- (ii) Approximate cost/expenditure to be incurred:
- (iii) Whether the works are to be executed / maintained individually or collectively on cooperative or/on community basis:
 - (a) Where works are to be executed / maintained collectively, supply the details of the participants and their shares:
 - (b) Where the source or the land over which source is located is not under the ownership of the applicant, the mode of acquisition of such source / land:
- (iv) Whether the consent of other existing competitive users of the source has been obtained, if so, give details:
- (v) Date of commencement of the work:
- (vi) Date by which the work is to be completed: `

(6) Waste water management arrangements:

(7) Any other information which may be considered relevant or the applicant wishes to be included in the permit to be granted:

I/we hereby declare that:

- (a) the information provided in the form above is true to my knowledge.

- (b) I/we have read the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act, 2005 and rules framed thereunder and do undertake to comply with them.
- (c) I/ we have deposited the application fee of Rs._____ through bank draft /cheque No_____ dated _____drawn in favour of Member Secretary, Ground Water Authority, payable at _____ or in cash vide receipt No._____ dated_____
- (d) I/we shall own responsibility to execute /augment/maintain/use the ground water source strictly in accordance with the terms and conditions of the permit to be granted by the Authority under section 7 of the Himachal Pradesh Water (Regulation Control of Development and Management) Act,2005.
- (e) I /we shall provide access to the Authority and its officers and servants to my/our water source and its associate works.
- (f) I/we shall comply with every lawful direction/instruction issued by the Authority and its officers from time to time.

Signature of the applicant /authorized/signatory
With Complete Address

Date_____

Place_____

Note: The following documents shall be attached with the application form:-

1. The applicant must submit complete application in duplicate to the Member Secretary Himachal Pradesh Ground Water Authority-cum- Superintending

Engineer (Planning & Investigation unit-II), Jal Bhawan, Shimla-9 alongwith application fees of Rs.Ten Thousand in the form of a Demand Draft drawn in favour of the Member Secretary, Himachal Pradesh Ground Water Authority payable at Shimla.

2. Copy of Jamabandi of the land in which the source is located.
3. Tatima indicating therein the exact location of the water source.
4. Site plan indicating there in the exact location and adjoining identifiable specific points.
5. Licence/ No Objection Certificate from statutory Authority, if required, or declaration by the applicant that the proposed sinking /drilling of the well or augmentation of the water source does not fall under the requirements of No Objection Certificate under any other statute.
6. In case of partnership firm, partnership deed.
7. Incase of limited company Memorandum and Articles of Association and certificate of incorporation.
8. List of equipments proposed to be installed with expected power load.
9. Resolution for authorized signatory.
10. Registration from Industries Department/ Himachal Pradesh Pollution Control Board.
11. Extract of the project report relevant to ground water requirements (in case of industries) .
12. Where Water Survey /Study have been conducted, the report of such Survey/Study.
13. Statement describing lands or assets which the applicant proposes to acquire for the purpose of extraction of water and means of such acquisition.
14. Strike off whichever is not applicable.

FORM -2

[See rule 17(1)]

PROFORMA OF PUBLICATION

THE HIMACHAL PRADESH GROUND WATER AUTHORITY

SHIMLA

PUBLIC NOTICE

Notice is hereby given to all the interested persons that Sh/Messers _____ (Name and Address of the Applicant) has/have applied to the Himachal Pradesh Ground Water Authority for the grant of permit to extract and use of ground water available in _____ (specify the name, location of the water source) in the area _____ (specify the notified area). The application and other documents filed by the applicant can be inspected at the office / residence of the applicant or in the office _____

(name place or office if any
designated by the Authority)

And copies of the same will be available from the applicant for a price not exceeding rupee 1/- per page.

Any person having any objection or otherwise making representation with regard to the grant of the permit may forward the objection/representation to this Authority on or before _____ by hand or through a registered post and shall send a copy of the objection/representation to the applicant at the address mentioned above.

The person filing the objection/ representation should give the following particulars:-

- (1) Name and full address.
- (2) grounds /reasons in support of the objection/representation to-gether with document or evidence, if available.
- (3) Whether he wishes to be heard in person or through authorized representative at the time of hearing.

Member Secretary

FORM -3

[See rule 19 (3)]

**PROFORMA OF PERMIT FOR EXTRACTION AND AUGMENTATION OF THE
GROUND WATER SOURCE**

**THE HIMACHAL PRADESH GROUND WATER AUTHORITY
SHIMLA**

Permit No.

Dated_____

The Himachal Pradesh Ground Water Authority ,Shimla exercising the powers vested in it under sub-section (3) of section 7 of The Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act, 2005 (Act No 31 of 2005) hereby grants a permit to Sh./ M/S_____ to sink new well/augment the existing water source at_____(specify the details of the source) located in the area _____(specify the details of notified area) for the purpose_____(specify the purpose of use of water) subject to terms and conditions given hereunder:-

- (a)_____
- (b)_____
- (c)_____

The permit holder- shall be duty bound to develop and maintain the aforementioned source in an efficient, co-ordinated and economical manner and to use the water for the purpose for which permit has been given as well as all other provisions contained in the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act, 2005 (Act No 31 of 2005) and the rules framed thereunder; and the conditions of the permit issued or specified by this Authority

Given under the seal of the Himachal Pradesh Ground Water Authority

MEMBER SECRETARY

Place_____

Date_____

FORM-4

(See rule 22)

**PROFORMA OF APPLICATION FOR GRANT OF CERTIFICATE OF
REGISTRATION OF GROUND WATER USERS (DOMESTIC / IRRIGATION)**

To

The Member Secretary,
Himachal Pradesh Ground Water Authority-cum-
Superintending Engineer (Planning & Investigation unit -II)
Jal Bhawan, Kasumpatti, Shimla-9

Sir,

I/we request you to register my/our ground water source and issue the certificate of registration. The requisite information is furnished below:-

1. Details of the applicant

(i) Name of the applicant:

(ii) Name of father /husband:

(iii) Address for correspondence:

(iv) Phone No. (If any):

(v) Fax No. (If any):

(vi) E-mail Address. (If any) :

(2) Details of Ground Water Source

(a) Location

i) No. of Estate (Hadbast) with name of Estate

- ii) Khata / Khatoni/ Khasra No.
- iii) Village/Town/Mohalla/ Street
- iv) Tehsil
- v) District
- vi) Whether the source is located in an area declared
as notified under section 5, if so, give details :
- vii) Ownership
- viii) Whether the proposal involves sinking of shallow / deep/ tube
well
- ix) Purpose for which water is proposed to be used.

I / we hereby declare that:-

- (a) the information provided in the form above is true to my
Knowledge.
- (b) I/we have read the Himachal Pradesh Ground Water
(Regulation and Control of Development and Management)
Act, 2005 and rules framed thereunder and do under take to
comply with them.
- (c) I/we have deposited the registration fee of Rs. _____ Through
bank draft/cheque No. _____ - dated _____ issued
by/ in the name of _____ bank payable at _____ or in
cash vide receipt No _____ dated _____
- (d) I / we will own responsibility to execute/augment/maintain/use
the ground water source strictly in accordance with the terms/
conditions of the permit to be granted by the Authority under
section-7 of the Himachal Pradesh Ground Water (Regulation
Control of Development and Management) Act 2005.

(e) I/we will provide access to the Authority and its officers and servants to my/our water source and its associate works.

(f) I/we will comply with every lawful direction /instruction issued by the Authority and its officers,

Signature of the applicant/authorized
Signatory

With Complete Address

Date_____

Place_____

Note:- The following documents shall be attached with the application form the source is located.

1. The applicant must submit complete application in duplicate to the Member Secretary Himachal Pradesh Ground Water Authority-cum-Superintending Engineer (Planning & Investigation unit-II),Jal Bhawan, Shimla-9 alongwith application fee of Rs.Five Thousand for Tubewell & Rs.One Thousnad in case of energized handpump in the shape of a Demand Draft drawn in favour of Member Secretary Himachal Pradesh Ground Water Authority payable at Shimla.
2. Copy of Jamabandi of the land in which the water source.
3. Tatima indicating therein the exact location of the water source.
4. Site plan indicating the exact location and adjoining identifiable specific points.
5. List of equipments installed with power load.
6. Strike off whichever is not applicable.

FORM -4-A

(See rule 22)

**FORM OF APPLICATION FOR GRANT OF CERTIFICATE OF
REGISTRATION FOR USE OF GROUND WATER (COMMERCIAL /
INDUSTRIAL USERS)**

To

The Member Secretary,
Himachal Pradesh Ground Water Authority-cum-
Superintending Engineer (Planning & Investigation unit -II)
Jal Bhawan, Kasumpatti, Shimla-9

Sir,

I/we request you to register my /our ground water source and issue certificate of registration. . The requisite information is furnished below:-

(1) Details of applicant

- (i) Name of the applicant :
- (ii) Name of father /husband:
- (iii) Address for correspondence:
- (iv) Where applicant is a corporate body, give details:
 - (a) Whether the user is a company /firm /co-operative society/ other:
 - (b) Whether the same is incorporated/ registered:
 - (c) Place of incorporation/registration:
 - (d) Year of incorporation:
 - (e) Registration No.:
 - (f) Names and address of the Director/ partners/ Governing body members/trustees :

(2) Details of ground water source.-(a) Location

- i) No. of Estate (Hadbast) with name of Estate:
- ii) Khata / Khatoni/ Khasra No.:
- iii) Village/Town/Mohalla/ Street:
- iv) Tehsil:
- v) District:
- vi) Whether the source is located in an area declared as notified under section 5, if so, give details :

(b) Source details

- (i) Whether source is perennial or seasonal:
- (ii) quality of ground water:
- (iii) Quantum of water availability:

(c) if located in a rural area the name of the Gram Panchyat of the area:

(d) If located in an urban area the name of the municipality of the area:

(e) nature of existing use of source:-

- (i) Domestic,(ii) industrial (iii) whether industry is small / large
- (iv)commercial, (v) irrigation

(3) Details of Ownership - Whether the source is under the private ownership if so,

details of the ownership:

(4) Spacing of ground water sources/structure in the area

(a) Details and location of the existing ground water sources in the vicinity (with aerial distances)

i-----

ii-----

iii-----

iv-----

(b) Whether any lift water supply or gravity water supply scheme is in operation in the area, if so, give brief details thereof.

(5) Other details of water works

- (a) Whether the ground water source is being used individually, collectively or on community basis.
- (b) Whether ground water source or the land over which source is located is under the ownership of the applicant.
- (c) Whether the source is owned by the co-owners/partners give the proportions of the shares of the co-owners /partners
- (d) Date of commissioning of the water source.

(6) Details of waste water management .

(7) Any other information which may be considered relevant .

I/we hereby declare that:

- (a) the information provided in the form above is true to my knowledge.
- (b) I/we have read the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act, 2005 and rules framed thereunder and do undertake to comply with them.
- (c) I/ we have deposited the application fee of Rs. _____ through bank draft /cheque No _____ dated _____ drawn in favour of Member Secretary, Ground Water Authority payable at _____ or in cash vide receipt No. _____ dated _____.
- (d) I /we shall own responsibility to execute /augment/maintain/use the ground water source strictly in accordance with the terms / conditions of the permit to be granted by the Authority under section 7 of the Himachal Pradesh Water (Regulation & Control of Development and Management) Act,2005.
- (e) I /we shall provide access to the Authority and its officers and servants to my/our water source and its associate works.
- (f) I/we shall comply with every lawful direction/instruction issued by the Authority and its officers from time to time.

Signature of the applicant /authorized signatory

With Complete Address

Date _____

Place _____

Note: The following documents shall be attached with the application form:-

- 1.The applicant must submit complete application in duplicate to the Member Secretary Himachal Pradesh Ground Water Authority-cum- Superintending Engineer

(Planning & Investigation unit-II),Jal Bhawan, Shimla-9 alongwith application fees of Rs.Ten Thousand in the form of a Demand Draft drawn in favour of the Member Secretary Himachal Pradesh Ground Water Authority payable at Shimla.

2. Copy of Jamabandi of the land in which the source is located.
3. Tatima indicating therein the exact location of the water source.
4. Site plan indicating there in the exact location and adjoining identifiable specific points.
5. In case of partnership firm, partnership deed.
6. In case of limited company Memorandum and Articles of Association and certificate of incorporation.
7. List of equipments proposed to be installed with expected power load.
8. Resolution for authorized signatory.
9. Registration from Industries Department/ HP Pollution Control Board.
10. Extra Act of the project report relevant to ground water requirements (in case of industries).
11. Statement describing lands or assets which the applicant proposes to acqie for the purpose of extraction of water and means of such acquisition.

FORM -5

[See rule 23(1)]

PROFORMA OF PUBLICATION

THE HIMACHAL PRADESH GROUND WATER AUTHORITY SHIMLA

PUBLIC NOTICE

Notice is hereby given to all the interested persons that Sh/ M/S _____(Name and address of the applicant) has/have applied to the Himachal Pradesh Ground Water Authority for grant of Certificate of registration of user of ground water available in _____(specify the name and location of the water source) _____ in the area _____(specify the notified area) . The application and other documents filed by the applicant can be inspected at the office of the applicant on/are at _____

(Name, place or office ,if any designated by the Authority) .

And copies of same will be available from the applicant for a price not exceeding rupee 1/- per page.

Any person having objections or otherwise making representation with regard to the grant of the certificate of registration of the user of the aforesaid water source, may forward the objections /representation with this Authority on or before_____, by hand delivery or registered post and should serve a copy of the objection /representation on the M/S/applicant _____at the address mentioned above.

The person filing the objection/representation should give the following particulars:-

- (1) Name and full address:
- (2) Grounds/reasons in support of the objection/representation to-gether with the documents or evidence ,if available:
- (3) Whether he wishes to be heard in person or through authorized representative at the time of hearing:

Date:

Place:

Member Secretary

43
FORM -6
[See rule 25(2)]

PROFORMA OF CERTIFICATE OF REGISTRATION OF THE
GROUND WATER SOURCE
THE HIMACHAL PRADESH GROUND WATER AUTHORITY
SHIMLA

Certified that the GROUND WATER SOURCE Known as _____
located in _____ district _____ Himachal
Pradesh, owned by _____ s/o _____ and the water extracted therefrom
is being used for the purpose of _____ is registered with this Authority
vide registration No. _____ of _____ year

Given under seal of the Himachal Pradesh Ground water Authority

MEMBER SECRETARY

Date _____
Place _____

FORM 7
[See rule 26(1)]

**PROFORMA OF APPLICATION UNDER SECTION 9 FOR REGISTRATION OF
THE DRILLING MACHINERY**

[The applicant must submit complete application in duplicate to the Member Secretary Himachal Pradesh Ground Water Authority-cum- Superintending Engineer (Planning & Investigation unit-II),Jal Bhawan,Kasumpatti Shimla-9 alongwith application fees of Rs.10000/- in the form of a Demand Draft drawn in favour of the Member Secretary Himachal Pradesh Ground Water Authority payable at Shimla]

To

Sir

I/we request you to register the machinery employed by me/us, for drilling operations in the State of Himachal Pradesh under section 9 of the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act,2005 .The requisite information is furnished below:-

1. Details of the applicant.

- (1).Name of the applicant/ Organization:
- (2)Name of father /husband/Direct/Partner/Trustee:
- (3)Address for correspondence:
- (4) Where applicant is a corporate body, give details:

(a) Whether the user is a Company /Firm /Co-operative Society/others:

(b) Whether the same is incorporated /registered:

Place of incorporation /registration:

Year of incorporation :

Registration No.:

Place of registration of the firm, co-operative society:

(c) Names and address of the Directors/partners/Governing Body Member /Trustees:

5. Details of area of operation:

6. Nature of drilling operations:

7.Details of heavy drilling machinery in use:

8 Details of other machinery and equipments in use:

9 Details of drilling operations undertaken during last three years with results /targets achieved:

10. Any other information which may be considered relevant:

I/we hereby declare that.

(a) the information provided in the form above is true to my knowledge .

(b) I/we have read the Himachal Pradesh Ground Water (Regulation and Control of Development and Management)Act, 2005 and the rules framed thereunder and do undertake to comply with them.

- (c) I/we have deposited the registration fee of Rs. _____ through bank draft/
cheque No. _____ dated _____ drawn in favour of Member Secretary
(GroundWater Authority) payable at _____ or in cash vide receipt
No. _____ dated _____
- (d) I/we shall undertake the ground water drilling operations in efficient
co-ordinated and economical manner.
- (e) I/we shall comply with every lawful direction/ instruction issued by the
Authority and its officers.

Signature of the applicant/authorized signatory

Date: _____

Place: _____

Note: The following documents shall be attached with the application form:

- (1) In case of partnership firm, partnership deed.
- (2) In case of limited company Memorandum and Articles of Association and certificate of
incorporation.
- (3) List of machinery and equipment in use.
- (4) Statement describing assets which the applicant has acquired or purposes of drilling
operation in the State.

FORM 8
[See rule 26(4)]

**PROFORMA OF CERTIFICATE OF REGISTRATION OF
DRILLING MACHINERY**

THE HIMACHAL PRADESH GROUND WATER AUTHORITY SHIMLA

Registration No. _____

Dated_____

The Himachal Pradesh Ground Water Authority Shimla, in exercise of the power vested in it under section 9 of the Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act,2005(Act No.31 Of 2005) hereby registers M/S _____ (name and full address) as Rig Operator /Drilling Agency operating in the State of Himachal Pradesh and the list of the machinery/equipment employed by him/her and it is registered with the Authority vide registration No.____ of the year _____

Given under seal of the Himachal Pradesh Ground Water Authority

MEMBER SECRETARY

Date:_____

Place:_____

48
FORM 9
[See rule 35(3)]

BEFORE THE _____

(name of Appellate Authority)

APPEAL NO.

(To be filled by the office)

In the matter of:-

(Name and full address of the appellant /applicant and names and full address
of the respondents)

Affidavit Verifying the petition / reply /application

I , _____, son of _____, aged _____, resident of _____, do hereby solemnly
affirm and declare as under:-

1. I am a Director /Secretary /----- of ----- limited, the petition/appellant
/respondent / in the above matter and and duly authorized by the said
petitioner /appellant to make this affidavit on his/ its behalf.

Note:- This paragraph is to be included in cases where the petitioner /
appellant /respondent is the company.

2. The statements made in paragraphs _____ of the petition / application/reply
_____ herein now shown to me are true to the best of my knowledge and
the statements made in paragraphs _____ are based on information that I
believe to be true.

Deponent

Verification.

I, the above named deponent do hereby verify that the contents of my above affidavit are true to the best of my knowledge and no part of it is false and nothing material has been concealed there from.

Verified at _____ on this day of _____

Deponent

By Order

Principal Secretary (I&PH) to
the
Government of Himachal Pradesh

Endst. No.IPH-B(A)3-1/2005 Dated: Shimla-2, the 2006

Copy is forwarded for information and necessary action to :-

1. All Deputy Commissioners in H.P.
2. The Engineer-in-Chief (I&PH) H.P.Shimla-1.
3. The Senior Law Officer (English) Law Department,H.P.Sectt.Shimla-2.
4. All Chief Engineers, I&PH Deptt. (S/Z,C/Z&N/Z)in H.P.
5. The Controller, Printing & Staionery, H.P.Shimla-5 for publication in extra ordinary Gazette (Rajpatra). He is requested to send 100 copies of the Rajpatra to this department for record.
6. 20 spare copies /Gurad file.

Sd/-

Additional Secretary (I&PH) to the
Government of Himachal Pradesh