



# REGULATION FOR GROUNDWATER ABSTRACTION

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**Research:** Centre for Policy Research (CPR)-Namati Environmental Justice Program

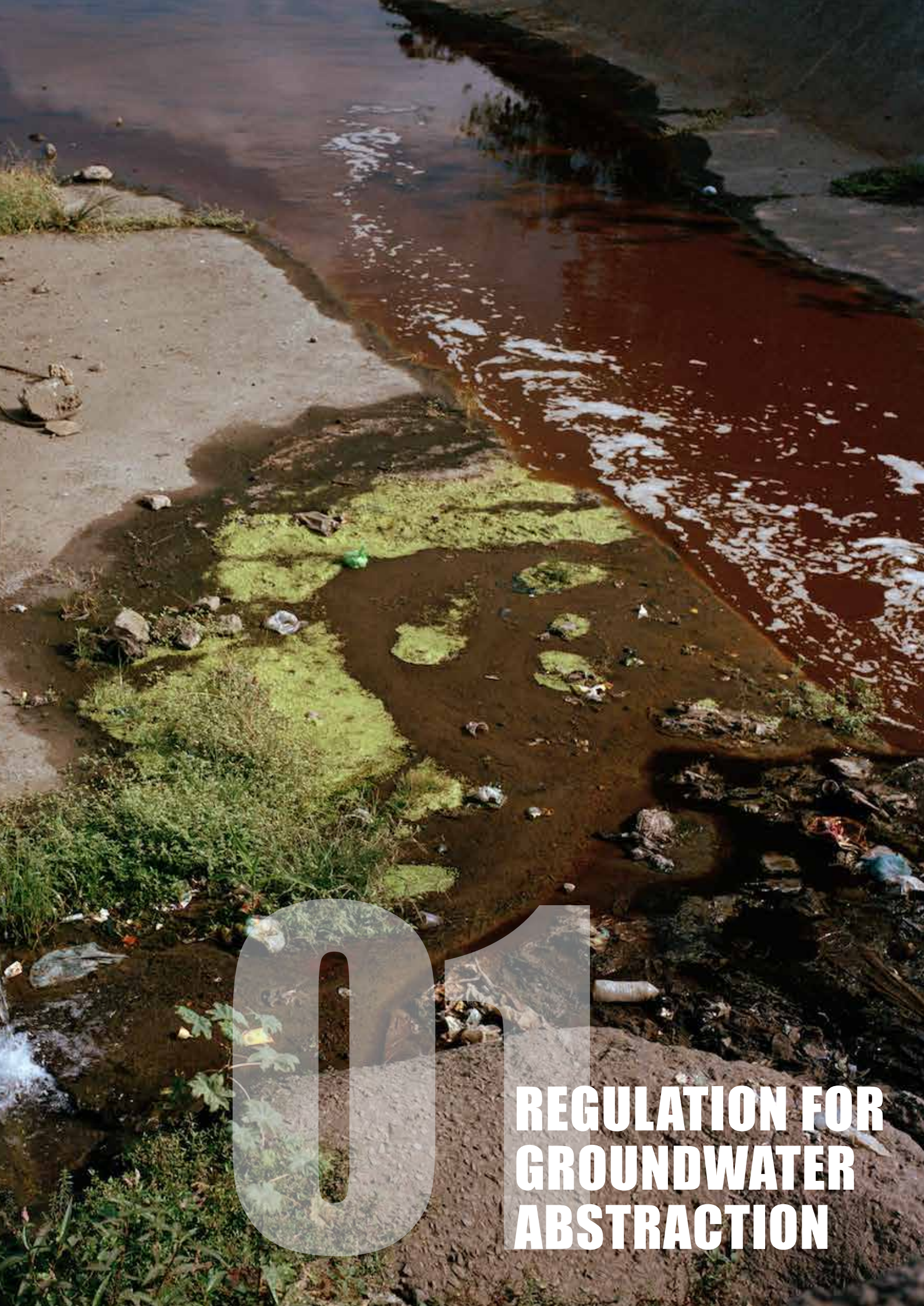
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01

**REGULATION FOR  
GROUNDWATER  
ABSTRACTION**



# 01 REGULATION FOR GROUNDWATER ABSTRACTION

Groundwater abstraction is the process of taking water from a ground source, either temporarily or permanently.

## Are permissions required to abstract groundwater?

All industries that want to abstract groundwater have to mandatorily take a No-Objection Certificate.

## Which all institutions are responsible for the monitoring of water pollution?

### CENTRAL

- Central Ground Water Authority, Delhi

### STATE

- Central Groundwater Board (CGWB), Regional Office at Bhubaneswar, Karnataka Groundwater Authority, CGWB Regional Office at Raipur, CGWB Regional Office at Ahmedabad

## How are the areas divided for regulation of groundwater abstraction?

CGWA has identified 162 areas as 'Notified Areas'.

The areas other than the Notified Areas are termed as Non Notified Areas. CGWA has identified four types of areas in this case: -

**Safe area - 4580** safe units

**Semi critical area - 697** semi critical units

**Critical area - 217** critical units

**Over Exploited areas - 1071** over exploited units

# Who grants permission for NOCs?

In Notified Areas, Authorised Officers are appointed who deal with the issues pertaining to the No Objection Certificates. These Authorized Officers are:-

- Deputy Commissioner/ District Magistrate/ District Collector in Administrative Block or Taluka
- Head of the Municipality in a Municipal Area

These District Administrative Heads are assisted by Advisory Committees. Permission to abstract groundwater is granted by the Authorized Officers in consultation with the Advisory Committees. In practice in Non-notified areas also District Collectors issue NOC

# When and to whom can be permission granted in Notified Areas for groundwater abstraction?

Permission can be granted to households and 'other than individual households only for such cases where public water supply system does not exist.

'Other than individual household' consists of 25 types of infrastructure projects in Notified Areas. It includes residential apartment, residential township, business plaza, malls and multiplex, hospitals, office building, school, college, university, resort, hotel, holiday home/guest house, industrial area (non-industrial use), SEZ(non-industrial use), banquet hall, metro station, railway station, bus depot, airport, seaport, highway infrastructure, fire station, warehouse, IT Complex, Logistics & Cargo

# What kinds of conditions are given for the industries abstracting groundwater?

- Conditions that specify the amount of groundwater that should be artificially recharged.
- Conditions on periodic reporting and to which office is given
- Conditions on reuse and recycling of water.

# Which all industries are water-intensive industries?

Packaged drinking water, mineral water plant, tannery, distillery, brewery, soft drink, paper & pulp, fertilizer, textile dyeing, textile printing, textile spinning, sugar, dairy product, water park & amusement centre.

Water intensive industries are not allowed to abstract water from over-exploited





# 02

**HOW CAN LAW  
BE USED TO  
COMBAT  
GROUNDWATER  
POLLUTION?**

# HOW CAN LAW BE USED TO COMBAT GROUNDWATER POLLUTION?

The earlier section explains the various laws one can use to combat water pollution. Simply knowing the law is however not enough. Unless the law is used in a proper manner, effective remedies shall be difficult to achieve. This section lists out the way in which the law should be used.

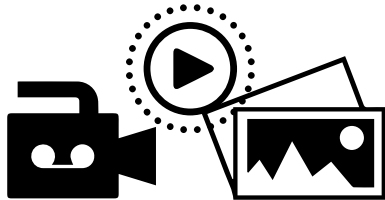


## I. GATHERING EVIDENCE: A. DOCUMENTS

TYPE OF DOCUMENT	AVAILABLE AT	USEFUL FOR
NOC	CGWA, District Collector's office	<ul style="list-style-type: none"> <li>Whether permission has been obtained to abstract groundwater</li> </ul>
Monitoring and Compliance reports of groundwater	CGWA, CGWB	<ul style="list-style-type: none"> <li>To see the quantity and quality of groundwater.</li> </ul>
EC	Category A: MoEFCC	<ul style="list-style-type: none"> <li>There will be conditions with respect to groundwater usage .</li> <li>It would be useful to read these and see whether they are being followed</li> </ul>
	Category B1: State level Environmental Impact Assessment Authority (SEIAA)	
	Category B2: District Level Environmental Impact Assessment Authority (DEIAA)	
	Also available at the SPCBs	
CTO CTE	SPCB	<ul style="list-style-type: none"> <li>Identification of the point/outlet of discharge.</li> <li>Nature and Composition of the kind of effluent that is released.</li> <li>Groundwater usage and discharge details</li> <li>It would be useful to see these conditions in case groundwater pollution</li> </ul>

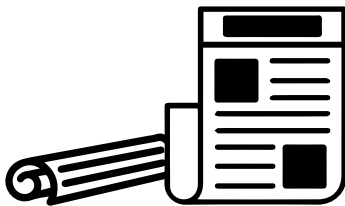


<b>TYPE OF DOCUMENT</b>	<b>AVAILABLE AT</b>	<b>USEFUL FOR</b>
Monitoring and Compliance Reports of EC	MOEFCC Regional Offices	<ul style="list-style-type: none"> <li>● It will be useful to find whether previously conditions with respect to water discharge where complied with</li> </ul>
Previous show cause, closure, direction notice issued	SPCB	<ul style="list-style-type: none"> <li>● It will be useful to see whether there has been any previous notices issued against the company with regard to these conditions</li> </ul>



## **B. PHOTOGRAPHS AND VIDEO CLIPS**

Photographic evidence is always useful to portray what the on-ground situation is like. It is important to record the date and time of when the photo was taken or the video was made.



## **C. NEWSPAPER REPORTS**

If the matter has been reported by a newspaper, it can be additional evidence to support a complaint. However, it must be ensured that the report in question is authentic and has been validated before using it as evidence.

# **II. FRAMING THE COMPLAINT:**



## **WHEN CAN A COMPLAINT BE FILED?**

A complaint can be made in the following cases:

- When no permission has been taken.
- When there is a violation of conditions specified
- In case of violation of provisions of the Water Act



## **WHAT SHOULD THE COMPLAINT CONTAIN?**

- The nature of the violation.
- The impact which the violation is having on people nearby.
- Supporting evidences.
- Stating the remedy sought.

## WHO MUST THE COMPLAINT BE SENT TO?

<b>Violations of CTO, CTE and the provisions of the Water Act</b>	The regional office of an SPCB
	The head office of an SPCB
<b>Violations of EC conditions</b>	MoEFCC, Regional Office
	SEIAA
	DEIAA
<b>Public Nuisance</b>	District Collector/Magistrate
<b>Illegal use of groundwater</b>	CGWA Regional offices
<b>Non-compliance with NOCs for groundwater</b>	District Collector

## WHAT ARE THE AVAILABLE REMEDIES?

<b>SITUATION</b>	<b>REMEDY AVAILABLE</b>
Non-compliance with NOC for groundwater	<ul style="list-style-type: none"> <li>It can lead to cancellation or non-renewal of NOCs, in both Notified Areas and non-Notified Areas described in the guidelines. Further penalties can be imposed under the Environment Protection Act in case of non-compliance in Notified Areas</li> </ul>
Emergency (when it appears to the State Board any poisonous, noxious or polluting matter is present in any stream or well or on land by discharge of such matter or has entered into such stream or well due to any accident or other unforeseen act or event, and if the Board is of opinion that it is necessary or expedient to take immediate action)	<ul style="list-style-type: none"> <li>The matter can be removed and disposed from the stream or well or on land</li> <li>The pollution caused by the presence of such matter can be remedied or mitigated</li> <li>Orders can be issued to restrain or prohibit the person concerned from discharging such matter</li> </ul>
Public Nuisance	An order will be passed by the District Collector.
Operation without any consent	A notice can be served by the SPCB in which Certain conditions with respect to operation will be mentioned.
Non-compliance of conditions specified in the consent	<ul style="list-style-type: none"> <li>Show-cause notice can be served by the SPCB.</li> <li>Issuance of a stop work order by the SPCB.</li> </ul>
No response to the show cause/ breach of promise made in the show cause	<ul style="list-style-type: none"> <li>Closure, prohibition or regulation of the polluting activity.</li> <li>Stoppage of supply of water, electricity or any other such service.</li> </ul>
Failure to comply with directions issued under the Water Act	Punishable by way of imprisonment and/or penalties.
Non-compliance of conditions specified in the EC	<ul style="list-style-type: none"> <li>Punishable by way of imprisonment and/or penalties as per the EPA, 1986 which could mean either a prison term of up to 5 years, or a fine of Rs. 1 lakh or both.</li> <li>Revocation of EC for non-compliance.</li> </ul>





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## **About Namati**

In a world where billions live outside the protection of the law, Namati is dedicated to putting the law in people's hands. It is building a global movement of grassroots legal advocates who work with communities to advance justice.

These advocates are fighting on the front lines to ensure that people can protect their land, access essential services, and take part in the decisions that govern their lives.

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