List of Publications


3. 'Right to Safe Drinking Water under the Constitution of India’, accepted for publication in *Academy Law Review*.

Paper Presentations

1. ‘Water Pollution and its impact on Human Rights’ paper presented in the UGC Sponsored National Interdisciplinary Seminar on Science, Technology and Human Rights conducted by Department of Law, University of Kerala which was held on 8th to 10th October 2009.

2. ‘Right to Safe Drinking Water under the Constitution of India’ paper presented at the UGC Sponsored National Seminar on Realization of Socio-Economic Rights conducted by Department of Law, University of Kerala, which was held on 3rd to 5th February 2011.
India -- Kerala Ground Water (Control and Regulation), Act, 2002

05/16/2005

ACT 19 OF 2002
ANNEXURE VI
THE KERALA GROUND WATER (CONTROL AND REGULATION) ACT, 2002

AN ACT

To provide for the conservation of ground water and for the regulation and control of its extraction and use in the State of Kerala.

Preamble- Whereas it is expedient to provide for the conservation of Ground Water and for the regulation and control of its extraction and use in the State of Kerala;

And Whereas in certain, areas of the State the tendency of indiscriminate extraction of Ground Water is continuing;

And Whereas it is felt that the erratic extraction of ground water is found to result in undesired environmental problems in such areas;

And Whereas the groundwater is a critical resource of the State;

And Whereas it is considered necessary in the public interest to regulate and control any form of development of ground water in State of Kerala; Be it enacted in the Fifty-third Year of the Republic of India as follows:-

1. Short title, extent and commencement- (1) This Act may be called the Kerala Ground Water (Control and Regulation), Act, 2002.

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

(3) It shall come into force on such date as the Government may by notification in the Gazette, appoint: - Provided that different dates may be appointed for different areas and for different provision of the Act and any reference in any such-provision to the commencement of this Act shall be constructed as a reference to the commencement of such provision.

2. Definition- (1) In this Act, unless the context otherwise requires,

(a) "Authority" means "the State Ground Water Authority" constituted under subsection (1) of section 3 of this Act;

(b) "Government" means the Government of Kerala;

(c) "Ground Water" means the water which exist below the surface of the ground at any location or at any particular category of locations;
(d) "notified area" means the area notified under sub-section (1) of section 6 of this Act;

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

(f) "pumping well" means a well fitted with-pump driven by an electric motor or oil engine for pumping water but does not include open wells fitted with pumps driven by engine or motor of Horse Power up to 1.5 and tube wells, bore wells and dug-cum bore wells fitted with pumps driven by engine or motor of Horse Power up to 3;

(g) "digging" with all its grammatical variations and synonyms, includes digging or drilling of new wells, putting in pipes or drilling making tunnels or increasing depth or diameter of the existing wells;

(h) "user of ground water" means any person using ground water from a pumping well for any purpose including domestic purpose;

(i) "Well" means any structure made on the surface of earth by any person other than officers authorized by State Government or Central Government, for the purpose of drawing ground water for search, development, use or management of ground water resources and-includes open well, dug well, bore well, dug-cum bore well; tube well, storage well, infiltration gallery, but shall not include open well or dug well used for domestic purposes.

3. State Ground Water Authority- (1) The Government shall, by notification in the Gazette constitute an authority called the State Ground Water Authority with effect from such date as may be specified therein.

(2) The authority shall be a body corporate having perpetual succession and common seal with power subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable and to enter into contract and shall by the name of the Authority sue and be sued.

(3) The Authority shall consist of the following members, namely: -

(i) the Secretary to Government, Water Resources Department; Ex Officio who shall be Chairman of the Authority;

(ii) the Secretary to Government, Finance Department; Ex officio;

(iii) the secretary to Govt Local Self Government (Rural Development) Department Ex-Officio

(iv) The Director, Ground Water Department; Ex-Officio, who shall be the Secretary of the Authority;
The following persons nominated by the Government
(a) two members of the Legislative Assembly
(b) an expert in Water Resource;
(c) a member of Grama Panchayat;
(d) a member of Municipal Council;
(e) a member belonging to a Scheduled Caste or Scheduled Tribe;
(f) a Woman;
(g) a public man;
(h) an environmental activist.

The term of office of the nominated members shall be three years.

Any nominated member may resign his official at any time by a resignation letter addressed to Government. Provided that the resignation shall not come into effecting until it is accepted.

The conditions of the service of the members of the Authority shall be, such as may be prescribed;

4. Acts not to be invalidated by irregularity, vacancy etc. No act done or proceedings taken by the authority shall be invalidated merely on the following reasons-

(a) any vacancy or any defect in the constitution of the authority; or

(b) any defect or irregularity, in the appointment of a person action as a member of the authority.

5. Officers and staff of the Authority - All officers and other employee of the Ground Water Department shall, for the purpose of this Act, be considered as the officers and staff of the Authority and they shall exercise the powers and perform the duties assigned to them from time to time by the Authority in writing: Provided that the Government may depute such number of scientists and technicians, as it may deem necessary for the purpose of the proper functioning of the Authority under this Act or for the proper exercise of the powers under this Act.

6. Notifying areas for the control and regulation of ground water development:- (1) The Government may, if satisfied on the recommendation of the authority, that it is necessary in the public interest to regulate the extraction of use of ground water of any area, declare by notification, in the Gazette, such area as notified are or the purpose of this Act, with effect from such date as may be specified therein.

(2) Every notification issued under sub-section (1) shall be published in the Gazette as well as in two daily newspapers having wide circulation in the said areas and a copy of the same shall be exhibited. On the notice board of the office of the Grama Panchayat or Municipality, as the case may be and Village Office of the said area.
7. Grant of Permit to extract and use ground water.- (1) Any person desiring to dig a well or to convert the existing well into pumping well, for his own or social purpose in the notified area, shall submit an application before the Authority for the grant of a permit it for the purpose and shall not proceed with any activity connected with such digging or conversion unless a permit has been granted by the Authority.

(2) Every application under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed:

(3) The Authority shall acknowledge the receipt of every application in the manner as may be prescribed.

(4) On receipt of an application under sub-section (1) the Authority shall, if satisfied that it shall not be against the public interest so to do grant; subject to such conditions as may be prescribed permit authorizing to draw ground water or reject the application. Provided that no person shall be refused a permit without giving an opportunity of being heated.

(5) The decision regarding the grant or refusal of the permit shall be communicated to the applicant by the Authority in writing within ninety days from the date of receipt of the application.

(6) Where the Authority received the application under sub-section (1) fails to inform "the applicant" of its decision on the application within ninety days from the date of receipt of the application, the permit shall be deemed to have been granted to the applicant and such person shall for the purpose of this Act be deemed to be a permit holder.

(7) In granting or refusing the permit the Authority shall consider the following matters, namely:-
(a) the purpose or purposes for which the water is used;
(b) the other existing users of that locality
(c) the availability of ground water of that area;
(d) the quality of ground water in connection with its use;
(e) the distance of the proposed well with the adjoining well and the number of wells in the area and the chance of interference with existing wells;
(f) chances of ground water pollution;
(g) the long term nature of ground water level in the area
(h) any other factors relevant thereto

8. Registration of the existing wells of the notified area-(1) Every owner of the existing wells of the notified area in the State shall, within a period of one hundred and twenty days from the date of constitution of the Authority, register the wells existing and in use and shall apply to the Authority in such form and in such manners as may be prescribed for a certificate or registration: Provided that If the Authority is satisfied that there are sufficient reasons for the applicant for not submitting the application within the said time limit it may entertain the application submitted thereafter.
(2) The details to be furnished in an application under sub-section (1) shall contain such particulars and shall be in such manner as may be prescribed.

(3) On receipt of an application under sub-section (1) the Authority shall, if satisfied that it shall not be against the public interest so to do, register the well subject to such conditions and restrictions as may be prescribed and issue a certificate of registration to the applicant or reject the application. Provided that no application for registration shall be rejected without giving the applicant an opportunity of being heard.

(4) The decision regarding the grant or refusal of certificate of registration shall be communicated to the applicant by the Authority within ninety days from the date of receipt of the application.

(5) The Authority shall consider the following matters before granting or rejecting the application for registration of well under sub-section (3) namely:-
(a) the purpose for which water is used;
(b) the other existing users of that locality;
(c) the rate of re-charge of the area of influence of the well;
(d) the quality of ground water in the location;
(e) the long term nature of water level of well;
(f) the other relevant factors.

(6) The Certificate of registration shall be in the form prescribed.

(7) Until the Authority intimates the decision regarding grant or rejection of registration under sub-section (1), every owner of existing well in the notified area shall be entitled to the continued use of ground water in the same manner as before the date of application.

(8) In case a registered well becomes unuseful, the owner shall inform the matter in writing to the Authority immediately.

9. Registration of user of Ground Water- (1) All users of ground water in the State shall within one hundred and twenty days from the date of constitution of the Authority, apply, to be registered with the Authority as a user of ground water in the State and for grant of certificate of registration.

(2) On receipt of an application under sub-section (1) the Authority shall; if satisfied that it shall not be against public interest so to do; grant registration subject to the conditions and restrictions as may be prescribed, and issue a certificate of registration or reject the application: Provided that no application for registration shall be rejected without giving the applicant an opportunity of being heard.

10. Protection of Public drinking water sources:- (1) Notwithstanding anything contained in this Act, no person shall without the permission of Authority dig well for any purpose within thirty meters from any drinking water source from where water is pumped for
public purpose. Provided that the provision in sub-section (1) shall not apply to the
digging of a well for any drinking water scheme implemented by the government or local
bodies.

(2) Every application for permission under sub-section (1) shall be in such form as may
be prescribed and shall be submitted to the Authority with such fees as may be fixed.

(3) On receipt of an application under sub-section (2) and if it is satisfied that digging of
well shall not adversely affect the public drinking water source, permission may, subject
to such restrictions and conditions mentioned therein, be granted to dig the well for the
purpose of drinking water or for agriculture: Provided that if the decision of the Authority
is not communicated to the applicant within ninety days from the date of application,
permission shall be deemed to have been granted and the permission so deemed to have
been granted shall be subject to the laws in this regard.

11. Power to make changes to the conditions in the permit or certificate of registration-
At any time after any permit or certificate of registration has been granted, the authority
may, after giving the owner an opportunity of being heard, make change, amend or
modify the condition, in the permit or certificate of registration, as the case may be, on
technical reasons. Provided that before taking such action, the Authority shall ensure that
no standing crops are damaged by this decision.

12. Cancellation of permit or certificate of registration- The Authority may, if satisfied on
receipt of any information on or on the basis of its own studies that,-

(a) the permit or certificate of registration under this Act is not based on facts;

(b) the holder of the permit or certificate or registration has, without any reasonable cause,
failed to comply with the conditions subject to which the permit or the certificate of
registration has been issued, or has contravened any of the provisions of this Act or rules
made there under; or

(c) a situation has arisen which warrants limiting of the use or extraction of ground water
in the area around well; without prejudice to any other penalty to which the holder of the
permit or certificate of registration may be subjected to under this Act, and after giving
the holder of permit or certificate of registration an opportunity of being heard cancel the
permit certificate of registration.

made by the State Legislative by law in this behalf, provide to the Ground Water
Authority by way of grants such sum of money as it may consider necessary for carrying
out the purpose of this Act.

14. Fund of the Grant water Authority: - The Authority shall have a Fund to be called The
Ground Water Authority Fund and,
(a) all sums to money received by the authority by way of grant loan or otherwise from
the central or state Governments or from Financial Institutions;

(b) all other sums of money received by, or on behalf of the Authority; shall be credited
to it.

(2) The Ground Water Authority Fund shall be utilized for meeting the expense of the
activities of the Authority.

15. Powers of Ground Water Authority.- (1) The Authority shall have power.-

(a) to enter any property and to measure the quantity of water located on the surface of
earth or under the earth.

(b) to inspect any well which is dug or being dug and the soil and other materials
excavated there from;

(c) to take samples of such soil or other materials or water extracted on such wells.

(d) to enquire, by order in writing the persons digging a well to keep and preserve in such
manner as may be prescribed, the samples of soil or materials extracted from there as
directed by the Authority for a period not exceeding three months from the date of
completion or abandonment of the work;

(e) to examine and take copies of the relevant records or documents and for obtaining and
information required for the implementation of the objects of this Act, to ask any
question on matters including the diameter or depth of the well which is dug or being dug,
the level at which the water was found out or may be found out and subsequently restored
or rested, the types of strata encountered in the digging of well and the quality of water
found out;

(f) to enquire the user of ground water to install water measuring instrument in any water
supply machinery. When it is necessary for the proper use of water or there is reason to
believe that the user is not complying the provisions contained in this Act or to protect
public interest.

(g) to seize the equipments and instruments used for unauthorized digging and to destroy
partially or completely the work done.

(h) to require any user of water who does not comply with the provisions of this Act and
the rules made there under, to stop any water apply or to destroy any hydraulic work
which is found un authorized as per the provisions of this Act and the rules made there
under.

(i) to enter and research any place with such assistance as is deemed necessary, if there is
reason to believe that an offence under this Act has been committed or is being
committed and to order in writing the person, who has committed or is committing the
offence not to use the ground water for a specified period not exceeding thirty days.

(j) to take necessary steps to present the installation of drainage pipes etc. affecting the
water source and to prevent depositing of water materials in the surface water sources if it
is likely to affect the ground water sources:-

(k) to exercise such other powers that may be necessary for the implementation of the
objects of this Act or the rules made hereunder.

(2) The Authority shall perform such functions as may be assigned by the Government
from time to time in accordance with the objective of this Act.

(3) In case where any user of ground water makes any default in doing any act as
required by the authority in exercise of the power under sub-section (1), the authority
shall have power to perform such act directly and or realize the expense incurred in that
behalf from that person in such manner as may be prescribed.

(4) The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall,
as far as possible, apply to any search held or seizure made under this Act.

(5) Where the authority seizes any machinery or instruments under clause (g) of sub-
section (1), it shall as soon as may be within ten-day report to magistrate and take his
order for the custody of the same.

16. Implementation of orders, etc.- every order under section I shall be furnished to the
user in such manner as may be prescribed.

17. Delegation of powers and duties.- The Authority may, by general or special order in
writing, direct that all or any of the powers and duties to be exercised or performed by it
shall be exercised or performed by such employee of the Authority under such
circumstances and on such conditions as may be specified therein.

18. Members and Employees of Ground Water Authority to be public servants: - All
members and employees of the Authority while acting or purporting to Act under the
provisions of this Act or any rules made there under shall be deemed to be public servants
within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860);

19. Protection of action taken in good faith:- No suit prosecution or other legal
proceedings shall lie against the govt. or authority or any officer of the govt. or any
member or other employees of the authority for anything which is in good, faith done or
purported to be done under or in pursuance of this act or the rules made there under

20. Cognisance of offences and Trial: - No court shall take cognisance of any offence
publishing under this Act except on a report in writing of the facts constituting such
offence submitted with the prior permission of the Secretary of the Authority.
21. Penalties: - (1) If any owner or user of a well contravenes any of this provisions of this Act or Rules made there under or fails to comply with the rules, in furnishing any information in the manner prescribed, he shall be punishable.

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

(ii) with fine which may extend to one thousand rupees for the second and subsequent offences.

(2) If for the unauthorized digging or construction or use of wells any user of ground water or the owner of a well.

(a) Contravenes any of the provisions of this Act or the rules made there under or fails to comply with the same; or

(b) obstructs the Authority or any other person authorized by it exercising any of the powers under this Act, he shall be punishable,

(i) with fine which may extend to two thousand rupees for first offences; and

(ii) with imprisonment up to six months or a fine which may extend to ten thousand rupees for the second or subsequent offences.

22. Compounding of offences.- The Authority may in such manner as may be prescribed, compound any offence under this Act which is liable to be punished with a fine not exceeding, two thousand rupees.

23. Offences by Companies.- If an offence punishable under this Act is committed at any time by a company every person who is in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence and the company shall be deemed to be responsible for the offence and shall be liable to be proceeded against and punished accordingly. Provided that where any offence under this Act has been committed by a company and it is proved that the commission of the offence is with the consent and connivance or attributable to any neglect on the part of any Director, manager, Secretary of other officer of the company such Director, Manager, Secretary of other officers shall be deemed to be responsible for that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purpose of this section,- (a) "Company" means any body corporate and includes a firm or other association or individuals; and (b) "Director" in relation to a firm means the partner in the firm.

24. Appeals.- (1) Any person aggrieved by the decision or action of the Authority under this Act may, within thirty days from the date on which such action is taken or the date of communication of that decision to him, and remitting such fees as may be determined,
prefer an appeal to such Authority as may be prescribed. Provided that the Appellate Authority may entertain an appeal preferred after the expiry of the said period of thirty days if it is satisfied that the appellant has sufficient causes for not filling the appeal in time.

(2) Or receipt of an appeal under sub-section (1) the Appellate Authority shall dispose of the appeal as early as possible after giving the appellant a reasonable opportunity of being heard.

25. Accounts and Audit.- (1) The Authority shall maintain true and proper accounts and other relevant records and prepare and annual statement and a balance sheet containing accounts of income and expenditure in such form and in such manner as may be prescribed.

(2) The accounts of the Authority shall be inspected and audited in accordance with the provisions of the Kerala Local Fund Audit Act, 1994 (14 of 1994)

(3) The accounts of the Authority as audited and certified together with the audit report there on shall be forwarded annually to the Government and the Government shall, as early as possible cause the same to be laid before the Legislative Assembly.

26. Removal of difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may by order do anything not inconsistent with the provisions of this Act, which appear to the necessary for the purpose of removing the difficulty. Provided that Government shall not issue any order under this sub section after the expiry of two years from the date of commencement of this Act.

(2) Every order issued under sub-section (1) shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive session and if before the expiry of the session in which it is no laid or the session immediately following the Legislative Assembly make any modification in the order or decides that the order should not be issued the order shall thereafter have effect only in such modifies form or be of no effect as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

27. Power to make rules.- (1) The Government may, by notification in the Gazette, make rules to carry out the provisions of this Act.

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

(a) service conditions of the members of the Authority

(b) procedure for convening meeting of the Authority and other matters ancillary thereto
(c) power and functions of the Secretary of the Authority

(d) duties and service conditions of the staff of the Authority

(e) any other manner of issuing notification under sub-section (3) of section 6;

(f) format of application form permit and the certificate or registration under various sections of this Act:

(g) mode of keeping and maintaining samples of soil and other materials as per clause (d) of sub section (1) of section 15;

(h) for specifying the Appellate Authority and the fee payable along with the appeal memorandum under sub-section (1) of section;

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

(3) Every rule made under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly, while it is in session, for a total period of fifteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of any thing previously done under that rule.

The Kerala Legislative Assembly passed this Bill on the 1st day of August 2002.
In pursuance of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to authorize the publication in the Gazette of the following translation in the English language of the Kerala Ground Water (Central and Regulation) Rules, 2004, published as SRO No.256/2004 in the Kerala Gazette Extraordinary No. 674 dated 16-3-2004.

By order of the Governor

DR. ALOK SHEEL,
Secretary to Government
S.R.O. No. 256/2004 - In exercise of the powers conferred by sub section (1) of section 27 of the Kerala Ground Water (Control and Regulation) Act, 2002 (19 of 2002). the Government of Kerala hereby makes the following rules. namely:-

RULES

1. Short title and commencement:-(1) These rules may be called the Kerala Ground Water (Control and Regulation) Rules, 2004. (2) They shall come into force at once.

2. Definitions:- (1) In these rules, unless the context otherwise requires -
(a) ‘Act means the Kerala Groundwater (Control and Regulation) Act, 2002 (19 of 2002)
(b) ‘agenda’ means the list of subjects to be discussed in the meeting of the Authority.
(c) ‘Government’ means the Government of Kerala.
(d) ‘meeting’ means any ordinary or extraordinary meeting of the Authority.
(e) ‘Chairman’ means the chairman of the Authority appointed as per the provision of the Act.
(f) ‘Secretary’ means the secretary of the Authority appointed as per the provision of the Act.
(2) Words and expressions used in those rules, but not defined shall have the respective meanings assigned to them in the Act.

3. The time and place of meeting:- (1) The Authority shall meet at least once in two months. The Secretary shall decide the time and place of the meeting after discussion with the Chairman.
(2) The Chairman shall preside over the meeting. In the absence of Chairman, the members present may elect one among themselves to preside over that meeting.
(3) The Secretary may convene an extraordinary meeting of the Authority with the permission of the Chairman if at least three members of the Authority make a written request thereof.

4. Intimation regarding the meeting:- (1) The Secretary shall at least ten days before the date fixed for the meeting give notice to all the members specifying the place, date and time of the meeting. The agenda and notes of the meeting shall also be given to the members along with the notice. In addition, the Secretary may in cases of emergency,
convene a meeting with the approval of the Chairman by giving three days notice. These notices shall be sent either by post or through a messenger.

(2) With the permission of the Chairman, any urgent matter not included in the agenda may be placed for discussion in the meeting.

5. Regarding Authority’s decision on urgent matters:- When Authority’s decision in any urgent matter, the said matter may be distributed among the members as a resolution. If the resolution is approved by not less than two thirds of its members, it will be considered as passed by the Authority. Such decision shall be placed in the next meeting and recorded in the minutes.

6. Quorum for the meeting:- (1) The quorum for a meeting shall be seven.
(2) If the number of members present is not sufficient for the quorum, the Chairman, in his absence the Secretary may postpone the meeting.
(3) Where a meeting is postponed under sub rule (2), the quorum for the next meeting as postponed shall be not less than five members provided that the proceedings of this meeting shall be in accordance with the agenda of the meeting so postponed.

7. Decisions of the Authority:- Decision of the majority in the meeting shall be the Authority’s final decision. If the voting position is equal, the Chairman shall have a casting vote.

8. Recording the summary of the proceedings and the decisions of the Authority:- (1) A Summary of the discussions held in the meeting and the decision taken thereon shall be recorded in the minutes book and this shall be signed by both the Chairman and the Secretary.
(2) The Secretary shall send the minutes to all the members and this shall be submitted for approval in the next meeting. The Secretary will be the custodian of the minutes book.

9. Modification and cancellation of decisions taken by the Authority:- No decision taken by the authority can be altered or cancelled by it before the expiry of a period of three months from the date on which the decision was taken. However, decision can be altered or cancelled through a resolution passed by two thirds of the members.

10. Attendance at meetings:- The Secretary shall keep a record of the attendance of members in all meetings.

11. The service conditions of the members of the Authority:- The non-official members of the Authority are entitled for travelling allowances admissible to Class 1 Officers and sitting fee of Rs.250 for taking part in meeting of the Authority.

12. Powers of the Secretary:- The Secretary shall have powers-
(i) to undertake works for the normal day-to-day functioning of the Authority.
(ii) to sanction expenditure in connection with the Authority’s functioning.
(iii) to call for and approve tenders for the purchase of materials for the Authority.
13. **Funds utilisation of the Authority** :- The Authority may utilize its fund for the following purposes:

(i) Travelling expenses of the members of the Authority;
(ii) Sitting fee for non-official members of the Authority;
(iii) Expenditure related to the meetings of the Authority;
(iv) Stationery required for the Authority
(v) The expenditure incurred by the Authority while exercising its powers under the Act;
(vi) Cost of purchase and repair of instruments required for scientific studies related to the Authority’s work;
(vii) Expenditure for purchase of vehicles required by the Authority and the cost of diesel and repair charges of these vehicles.
(viii) expenditure for purchase of furniture, computer photocopiers, typewriters and other office equipment required by the Authority;
(ix) the expenditure for payment of telephone, electricity and water charges of the Authority.

14. **Procedure for granting permit for digging new well in notified area** :- The application for getting a permit for digging new well shall be given in Form No.1 to the Groundwater Authority. A fee of Rupees Fifty in the case of individuals or Rupees One thousand in the case of commercial and industrial establishments has to be remitted to the Authority along with the application. The Authority shall issue a receipt to the applicant for the amount remitted. Every application should be acknowledged by the Authority in the form prescribed in Form No.3. On receipt of an application, a groundwater scientist deputed by the Authority, should visit the concerned place and, after studying the geology and existing groundwater conditions of the area, give an investigation report with recommendations. If found necessary geophysical survey may also be done in addition to the hydro geological survey. The Authority will have the power either to issue the permit in Form No.4 or refuse it in Form No.6 of these rules on the basis of the said recommendation. In granting or refusing the permit the Authority shall consider the matters enumerated in sub-section (7) of section 7 of the Act. However, no person should be refused a permit without giving him an opportunity of being heard. The reason for rejecting an application should be indicated clearly. The decision regarding the grant or refusal of the permit shall be communicated to the applicant by Authority in writing within ninety days from the date of receipt of the application. If such communication is not made, the permit shall be deemed to have been granted to the applicant.

15. **Procedure for grant of permit for converting existing well into a pumping well in notified area** :- The application for permit for converting an existing well into a pumping well shall be given in Form No.2 to the Groundwater Authority. A fee of fifty-rupees in the case of individuals or one thousand rupees in the case of commercial and industrial establishments has to be remitted to the Authority along with the application. The Authority shall issue a receipt to the applicant for the amount remitted. Every application shall be acknowledged by the Authority in Form No.3. On receipt of an application, a
groundwater scientist deputed by the Authority, should visit the concerned place and, after studying the geology and existing ground water conditions of the area, give an investigation report with recommendation. If necessary, geophysical survey may also be done in addition to the hydro geological survey. The Authority will have the power either to issue the permit in Form No.5 or to refuse it on the basis of the investigation report and after examining the matters under section 7 (7). However, no application shall be refused without giving the applicant an opportunity of being heard. The reason for rejecting an application should be indicated clearly. The decision regarding the grant or refusal of permit shall be communicated to the applicant by the Authority in writing within ninety days from the date of receipt of the application.

16. Procedure for registration of existing wells in notified area:- The application for registration of an existing well in the notified area should be given in the prescribed Form No.7 to the Authority within 120 days from the formation of the Authority. The application should bear a court fee stamp worth Rupees Five affixed on it. On receipt of the application, a groundwater scientist deputed by the Authority should give his recommendation after considering the geology and existing groundwater conditions of the particular area. If necessary, the said scientist can conduct a site inspection. The Authority shall, considering such recommendation and the matters enumerated under sub-section (5) of section 8 of the Act, either to grant or refuse registration. The registration certificate shall be in form No.8 and the refusal thereof shall be in Form No.9. However, no application for registration shall be rejected without giving the applicant an opportunity of being heard. The reason for rejecting an application should be indicated clearly. The decision regarding the grant or refusal of permit shall be communicated to the applicant by the Authority in writing within ninety days from the date of receipt of the application. Until the applicant receives the communication from the Authority he can continue to use groundwater as before the date of application. In case the owner fails to apply within the time limit specified and the Authority is satisfied that there are sufficient reasons for the applicant for not submitting the application within the said time limit, it may entertain the application submitted thereafter.

17. Procedure for registration as user of groundwater:- All users of ground water in the State shall, within one hundred and twenty days of the Constitution of the Authority give an application in Form No.10 to the Authority for registration as a user of groundwater. The application should bear a court fee stamp worth Rupees Five affixed on it. On receipt of the application a ground water scientist deputed by Authority, shall give his recommendation after considering the geology and existing groundwater conditions of the particular area. If necessary, the said scientist can conduct a site inspection. The Authority after considering the recommendation shall either grant or refuse the registration. The registration certificate shall be in Form No.11 and the refusal shall be in form No.12. However, no application for registration shall be rejected without giving the applicant an opportunity of being heard. The reason for rejecting an application should be indicated clearly.
18. Procedure for grant of permit for digging a well within thirty meters of any drinking water source from which water is pumped for public purpose: - An application for permission to dig a well within thirty metres from any existing drinking water source for public purpose shall be given in the Form No.13 to the Authority. An application fee of five hundred rupees in the case of individuals and five thousand rupees in the case of commercial and industrial establishments in the form of demand draft drawn in favour of Secretary, Groundwater Authority, Thiruvananthapuram should be attached along with the application. On receipt of the application the Authority shall despite a groundwater scientist, and he shall visit the concerned place and after studying the geology and existing groundwater conditions of the area, give an investigation report with recommendations. If necessary, geophysical survey may also be done in addition to the hydro geological survey. The Authority on the basis of investigation report and recommendation, shall have the power either to issue the permit or refuse it. The permit shall be in Form No.14 and the refusal shall be in Form No.15. Unless the applicant is informed of the decision within ninety days of receipt of application, it shall be presumed that permission have been granted.

19. Conditions and restrictions which may be specified in the registration certificate and permit: - The following conditions and restrictions may be specified in the registration certificate and permit. namely:
   (1) Limit prescribed for daily groundwater use (Limit prescribed for duration and rate of pumping);
   (2) Distance between nearby existing well and the new well proposed to be constructed;
   (3) Any reason, which makes it necessary that, the location of the new well proposed to be constructed should be in any particular part of the applicant’s plot;
   (4) Limit prescribed for depth and diameter in the case of both new well proposed to be constructed and existing well proposed to be deepened or enlarged;
   (5) Type of pump and limit prescribed for motor horsepower;
   (6) Condition regarding use of groundwater;
   (7) In addition to the above-mentioned conditions, any other condition taking into account the special characteristics of an area.

20. Manner of keeping and preserving samples of soil and other materials: - The owner of the well shall, as per the written instructions of the Authority, collect and keep samples of soil, rock and groundwater from different depths in the new well being constructed, and inform this matter to the Authority. Soil and rock samples should be dried in the sun and stored in plastic bags of half litre capacity, with the depths of sample collection noted on them, for a period not exceeding three months. Groundwater samples should be collected in air tight one litre plastic container (filled to the brim) and preserved away from direct sunlight for a period not exceeding three months. The depth from which the sample was collected should be recorded on the containers. Authority will have the power to examine these samples.

21. Manner of preferring an appeal to the appellate authority: - Any person aggrieved by the decision or action of the Authority under this Act may, within thirty days from the date on which such action is taken or the date of communication of that decision to him,
give a written appeal to the Government. Court fee stamp worth five rupees should be affixed on the appeal. The appellate authority may entertain an appeal preferred after the expiry of the said period of thirty days if it is satisfied that the applicant has sufficient cause, for not filing the appeal in time. On receipt of an appeal the appellate authority shall dispose of the appeal as early as possible after giving the appellant an opportunity of being heard.

Form No.1
KERALA GROUNDWATER AUTHORITY
[As per sub-section 2 of section 7 of Act]
[See rule 14]
Application Form For permit
(For digging new well in notified area)

1. Name of applicant :
2. Address :
3. Survey number of the area in which
   the well is proposed to be dug :
4. Village :
5. Panchayat/Municipality/Corporation :
6. Block :
7. Taluk :
8. District :
9. Type of well proposed to be dug : Open well/filterpoint/Bore well/
   Dug-cum-bore well/Tube well/Collector well/Infiltration gallery
10. Diameter of well :
11. Proposed depth :
12. Purpose for which well is to be dug : Irrigation/Commercial/Industry/Public water
    supply. (Drinking water/Irrigation)
13. Extent of irrigated area
    (In case of irrigation well)
14. Crops to be irrigated :
15. Horse power of pump :
16. Daily water consumption
    (In case of Commercial or Industrial use) :
17. Number of consumers
    (In case of public water supply - drinking water)
Place: Date : Signature of applicant
---------------------------------------------------------------------------------------------------------------------------------
(For office use)
1. Date of receipt of application
2. Fee receipt number and amount :
3. Date of site inspection :
4. Technical report and recommendation of the groundwater Scientist who inspected the site 

5. Exact reason for rejection of application:

6. Detailed note on the discussion made with the applicant in the case of rejected application

7. Decision of the Authority:

Form No.2
KERALA GROUNDWATER AUTHORITY
[As per sub-section 2 of section 7 of Act]
[See rule 15]
APPLICATION FORM FOR PERMIT
(Conversion of existing well in notified area)

1. Name of applicant:
2. Address:
3. Survey number of the area:
4. Village:
5. Panchayat/Municipality/Corporation:
6. Block:
7. Taluk:
8. District:
9. Type of well proposed to be converted: Open well/filterpoint/Bore well/Dug-cumbore well/Tube well/Collector well/Infiltration gallery

10. Present depth of the well:
11. Present diameter of the well:
12. Details of conversion of the existing well
   (a) Deepening of well proposed new depth:
   (b) Enlarging of well proposed new diameter:
   (c) Conversion of existing well to a pumping well:
      Type of pump:
      Horsepower of pump:
   (d) Reason for Conversion
      (Details of old and proposed new use):
13. Purpose for which the converted well is to be used (Irrigation/Industrial/Commercial/Public Water Supply(drinking/irrigation))
14. Extend of Irrigated area
   (In case of Irrigation well):
15. Crops to be irrigated:
16. Daily water consumption
   (In case of Commercial or Industrial use):
17. Number of consumers
(In case of public water supply - drinking water)
Place:
Date: 
Signature of applicant

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(For office use)
1. Date of receipt of application
2. Fee receipt number and amount :
3. Date of site inspection :
4. Technical report and recommendation of the : groundwater Scientist who inspected the site

5. Exact reason for rejection of application :
6. Detailed note on the discussion made with :
the applicant in the case of rejected application
7. Decision of the Authority :

Signature

Form No.3
KERALA GROUNDWATER AUTHORITY
[As per sub-section 3 of section 7 of Act]
[See rule 14]
ACKNOWLEDGEMENT FOR APPLICATION FOR PERMIT
(In notified area)

No.
Name of applicant :
Address :
Date or receipt of application;
This is to inform you that authority is in receipt of you application
dated.......................for granting of permit for digging of new well / conversion of existing well.
Place:
Date :
Yours faithfully

Form No.4
KERALA GROUNDWATER AUTHORITY
PERMIT
(For digging new well in notified area)

No.
1. Date of receipt of application :
2. Name of Application :
3. Address
4. Survey number of the area in which
   the well situates :
5. Village :
6. Panchayat/Municipality/Corporation :
7. Block :
8. Taluk :
9. District :
10. Type of well proposed to be dug : Open well/Tube well/Bore well/
    Collector well/Infiltration gallery/filter point/Dug-cum-Bore Well
11. Permitted Diameter :
12. Permitted depth :
13. Horse power of motor :
14. Purpose for which well is to be dug :
15. Decision of the authority :
16. Conditions and restrictions applicable
   to the permit :
Place:
Date : Signature with date

* The authority may for technical reasons, change, amend or modify the conditions
  mentioned in this permit. The Authority may cancel the permit, if there is sufficient
  reason to do so.

Form No.5
KERALA GROUNDWATER AUTHORITY
[As per sub-section 4 of section 7 of Act]
[See rule 15]
PERMIT
(Conversion of existing well in notified area)

No.
1. Date of Receipt of Application :
2. Name of Applicant :
3. Address :
4. Survey number of the area in which the well is situated:
5. Village:
6. Panchayat/Municipality/Corporation:
7. Block:
8. Taluk:
9. District:
10. Type of well proposed to be converted: Open well/filterpoint/Bore well/
    Dug-cum-bore well/Tube well/Collector well/Infiltration gallery
11. Purpose for which the well is used:
12. Details regarding conversion:
    (A) deepening -
    Existing depth:
    permitted new depth:
    (B) Enlarging -
    Existing diameter:
    permitted new diameter:
    (C) Conversion as pumping well -
    Type of pumps permitted:
    Horsepower of motor:
    (D) Need for conversion:
13. Decision of the Authority:
14. Conditions and restrictions applicable to this permit:
Place:
Date: Signature
* The authority may for technical reasons, change, amend or modify the conditions mentioned in this permit. The Authority may cancel the permit, if there is sufficient reason to do so.

Form No.6
KERALA GROUNDWATER AUTHORITY
[As per sub-section 5 of section 7 of Act]
[See rule 14]
INTIMATION REGARDING REUSEFUL OF PERMIT
(In notified area)

No.
1. Date of receipt of application:
2. Name of Applicant:
3. Address
This is to inform that your application dated ................. for digging of a new well/conversion of existing well is rejected.

Exact reason for rejection
Place:
Date : 
Signature

Form No.7
KERALA GROUNDWATER AUTHORITY
[As per sub-section 1 of section 8 of Act]
[See rule 16]
APPLICATION FORM FOR REGISTRATION OF EXISTING WELL
(In notified area)
(Registration not required for open well for domestic purpose)

1. Name of Applicant :
2. Address
3. Survey number of the area :
4. Village :
5. Panchayat/Municipality/Corporation :
6. Block :
7. Taluk :
8. District :
9. Type of existing well : Open well/Bore well/Dug-cum-Bore Well/
filter point/filtering well/Tube well/Collector well/infiltration gallery.
10. Depth of the well :
11. Diameter of the well :
12. Incase of energized well :
(a) Type of pump :
(b) Horse power of motor :
(c) Diameter of pipe :
(d) Electric motor - diesel engine :
13. Purpose for which well is used : Domestic/irrigation/commercial/industrial/
public water supply (drinking water/irrigation)
14. Extend of irrigated area
(for irrigation well) :
15. Crops irrigated :
16. Daily Consumption :
(In case of commercial or industrial use):
17. Number of consumers
(In case of public water supply - drinking water):
18. Any other details:
Place:
Date: 
Signature of applicant 
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(For office use)
1. Date of receipt of application:
2. Technical report and recommendation:
of the groundwater scientist
3. Exact reason for rejection of applicant:
   (if rejected)
4. Details of discussion made with applicant
   before rejection of application
5. Decision of the Authority:
Signature

Form No.8
KERALA GROUNDWATER AUTHORITY
[As per sub-section 6 of section 8 ]
[See rule 16]
REGISTRATION CERTIFICATE
(Registration of existing well in notified area)

No.
1. Registration Number:
2. Date of receipt of application:
3. Name of applicant:
4. Address:
5. Survey number of the area in which
   the well is situated:
6. Village:
7. Panchayat/Municipality/Corporation:
8. Block:
9. Taluk:
10. District:
11. Type of existing well: Open well/Filter point/Bore well/Dug-cumbore
Well/Tube well/Collector well/infiltration gallery.

12. Depth of the well:
13. Diameter of the well:
14. (a) Type of pump:
   (in the case of energized well)
(b) Horse power of motor:
(c) Diameter of pipe:
(d) Type of motor - Electric/Diesel:
15. Purpose for which well is used:

With reference to your application dated ................ you are informed that your well has been registered subject to the condition and restrictions mentioned below. If the registered well falls into disuse, the matter should be immediately informed in writing to the Authority.

Conditions and restrictions:

Place:
Date:  
Signature

* The authority can for technical reasons, change, amend or modify the conditions mentioned in this permit. The Authority may cancel the certificate if there is sufficient reason to do so.

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Form No.9
KERALA GROUNDWATER AUTHORITY
[As per sub-section (3) of section 8 of the Act]
[See rule 16]
INTIMATION REGARDING REFUSAL OF REGISTRATION FOR EXISTING WELL
(Notified area)

No.
1. Date of receipt of application:
2. Name of applicant:
3. Address:
4. Survey number of the area in which the well situates:
5. Village:
6. Panchayat/Municipality/Corporation:
7. Block:
8. Taluk:
9. District:
10. Date of discussion with applicant:
This is to inform you that your application dated............................... for registration of well is rejected.
Exact reason for rejection
Place:
Date : 

Signature

Form No.10
KERALA GROUNDWATER AUTHORITY
[As per sub-section (1) of section 9 of the Act]
[See rule 17]
APPLICATION FOR REGISTRATION AS USER OF GROUNDWATER

1. Name of applicant :
2. Address :
3. Survey number of the area in which the well situates :
4. Village :
5. Panchayat/Municipality/Corporation :
6. Block :
7. Taluk :
8. District :
9. Type of existing well : Open well/Filter point/Bore well/Dug-cumbore well/Tube well/Collector well/Infiltration gallery
10. Depth of the well :
11. Diameter of the well :
12. Purpose for which well is used : Domestic/Irrigation/Commercial/Industrial/
Public Water Supply
(Drinking Water/Irrigation)
13. Extend of Irrigated area
(In case of Irrigation well) :
14. Crops irrigated :
15. Daily water consumption
(In case of Commercial or Industrial use) :
16. Number of consumers
(In case of public water supply - drinking water)
17. Other details :
Place:
Date : 

Signature of applicant
Form No.11
KERALA GROUNDWATER AUTHORITY
[As per sub-section (2) of section 9 of the Act]
[See rule 17]
REGISTRATION CERTIFICATE FOR GROUNDWATER USER

No.
1. Registration Number :
2. Date of receipt of application :
3. Name of applicant :
4. Address :
5. Survey number of the area :
6. Village :
7. Panchayat/Municipality/Corporation :
8. Block :
9. Taluk :
10. District :
11. Type of existing well :
12. Depth of well :
13. Diameter of well :
14. In the case of energized well :
   A. Type of Pump :
   B. Horse power of motor :
   C. Diameter of pipe :
15. Purpose for which the well is used :
With reference to your application dated ................. you are informed that your well has been registered subject to the condition and restrictions mentioned below. If the registered well
falls into disuse, the matter should be informed immediately informed in writing to the Authority.

Conditions and restrictions:
Place:
Date:  
* The authority may for technical reasons, change, amend or modify the conditions mentioned in this certificate. The Authority may cancel the certificate if there is sufficient reason to do so.

Form No.12
KERALA GROUNDWATER AUTHORITY
[As per sub-section (2) of section 9]
[See rule 17]
INTIMATION REGARDING REFUSAL OF REGISTRATION AS USER OF GROUND WATER

No.
1. Date of receipt of application:
2. Name of applicant:
3. Address:
4. Survey number of the area:
5. Village:
6. Panchayat/Municipality/Corporation:
7. Block:
8. Taluk:
9. District:
10. Date of discussion with applicant:

This is to inform you that your application dated............................................ for registration as user of groundwater is rejected for the reasons stated below.
Exact reason for rejection
Place:
Date:  
Signature

Form No.13
KERALA GROUNDWATER AUTHORITY
[As per sub-section (2) of section 10]
[See rule 18]
APPLICATION FOR DIGGING OF WELL WITHIN A DISTANCE OF 30 METRES FROM A DRINKING WATER SOURCE WHICH IS PUMPED FOR PUBLIC WATER SUPPLY
(Not required for open well for domestic purpose)

1. Name of Applicant:
2. Address:
3. Survey number:
4. Village:
5. Panchayat/Municipality/Corporation:
6. Block:
7. Taluk:
8. District:
9. Type of well proposed to be dug: Open well/Filter point/Bore well/Dug-cumbore Well/Tube well/Collector well/Infiltration gallery.
10. Diameter of well:
11. Proposed depth of the well:
12. Details of drinking water source pumped for public water supply:
13. Purpose for which well is to be dug: Domestic/irrigation/Public Water Supply (Drinking water/Irrigation)
14. Extend of irrigated area (in case of irrigation well):
15. Crops to be irrigated:
16. Number of consumers: (In case of public water supply - drinking water):
17. Details of application fee remitted:

Place: Date: ________________________

Signature of applicant

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(For office use)
1. Date of receipt of application:
2. Date of inspection of site:
3. Technical report and recommendation: of the groundwater scientist who inspected the site

Signature

4. Exact reason for rejection of applicant:
   (if rejected)
5. Decision of the Authority:

Signature

Form No.14
KERALA GROUNDWATER AUTHORITY
[As per sub-section (3) of section 10]
[See rule 18]

PERMISSION FOR DIGGING OF WELL WITHIN A DISTANCE OF 30 METRES FROM A DRINKING WATER SOURCE WHICH IS PUMPED FOR PUBLIC SUPPLY
No.
1. Date of Receipt of Application :
2. Name of Applicant :
3. Address :
4. Survey number :
5. Village :
6. Panchayat/Municipality/Corporation :
7. Block :
8. Taluk :
9. District :
10. Type of well permitted :
11. Permitted Diameter :
12. Permitted Depth :
13. If the well is to be fitted with pump
   A. Type of Pump :
   B. Horse power of motor :
14. Distance of new well from the public water supply source :
15. Purpose for which well is dug : Domestic/Irrigation/Public Water Supply
   (Irrigation/Drinking)
16. Decision of the Authority :
17. Conditions and restrictions applicable to the permit :
Place:
Date : Signature
* The authority may for technical reasons, change, amend or modify the conditions mentioned in this permit. The Authority may cancel the permit, if there is sufficient reason to do so.

Form No.15
KERALA GROUNDWATER AUTHORITY
[As per sub-section (3) of section 10 of the Act]
[See rule 18]
INTIMATION REGARDING REFUSAL OF PERMISSION FOR DIGGING OF WELL
WITHIN A DISTANCE OF THIRTY METERES FROM A DRINKING WATER SOURCE FROM WHICH WATER IS PUMPED FOR PUBLIC USE

No.
1. Date of receipt of Application :
2. Name of Applicant :
Your are informed that your application dated ......................... for digging of well
is rejected for the reasons noted below:

Exact reason for rejection
Place:

Date : Signature

Explanatory Note

(This doesn’t form part of the notification, but is intended to indicate its general purport.)
The Kerala Ground Water (Control & Regulation) Act, 2002 (19 of 2002) came into
force w.e.f. 16-12-2003. Clause (1) under rule 27 of the act provides for framing rules for
implementing the stipulations in the Act.
This notifications is intended to achieve the above object
1. PREAMBLE

1.1 Water is a natural resource, fundamental to life, livelihood, food security and sustainable development. It is also a scarce resource. India has more than 17 percent of the world’s population, but has only 4% of world’s renewable water resources with 2.6% of world’s land area. There are further limits on utilisable quantities of water owing to uneven distribution over time and space. In addition, there are challenges of frequent floods and droughts in one or the other part of the country. With a growing population and rising needs of a fast developing nation as well as the given indications of the impact of climate change, availability of utilisable water will be under further strains in future with the possibility of deepening water conflicts among different user groups. Low public consciousness about the overall scarcity and economic value of water results in its wastage and inefficient use. In addition, there are inequitious distribution and lack of a unified perspective in planning, management and use of water resources. The objective of the National Water Policy is to take cognizance of the existing situation and to propose a framework for creation of an overarching system of laws and institutions and for a plan of action with a unified national perspective.

1.2 The present scenario of water resources and their management in India has given rise to several concerns, important amongst them are;

(i) Large parts of India have already become water stressed. Rapid growth in demand for water due to population growth, urbanization and changing lifestyle pose serious challenges to water security.

(ii) There is wide temporal and spatial variation in availability of water, which may increase substantially due to climate changes, causing more water crisis and incidences of water related disasters, i.e., floods, increased erosion and increased frequency of droughts, etc.

[1]
(iii) Climate change may also increase the sea levels. This may lead to salinity intrusion in ground water aquifers / surface waters and increased coastal inundation in coastal regions.

(iv) Access to safe drinking water still continues to be a problem in some areas. Skewed availability of water between different regions and different people in the same regions is inequitous and has the potential of causing social unrest.

(v) Groundwater, though part of hydrological cycle and a community resource, is still perceived as an individual property and is exploited inequitably and without any consideration to its sustainability leading to its over-exploitation in several areas.

(vi) Water resources projects, though multi-disciplinary with multiple stakeholders, are being planned and implemented in a fragmented manner without giving due consideration to optimum utilization, environment sustainability and holistic benefit to the people.

(vii) Inter-State, inter-regional disputes in sharing of water hamper the optimum utilization of water through scientific planning on basin/sub-basin basis.

(viii) The existing water resources infrastructure is not being maintained properly resulting in under-utilization of available resources.

(ix) Natural water bodies and drainage channels are being encroached upon, and diverted for other purposes.

(x) Growing pollution of water sources is affecting the availability of safe water besides causing environmental and health hazards.

(xi) Low public consciousness about the overall scarcity and economic value of water results in its wastage and inefficient use.

(xii) The lack of adequate trained personnel for scientific planning, utilizing modern techniques and analytical capabilities incorporating information technology constrains good water management.

(xiii) A holistic and inter-disciplinary approach at water related problems is missing.
(xiv) The public agencies in charge of taking water related decisions tend to take these on their own without consultation with stakeholders.

1.3 Public policies on water resources need to be governed by certain basic principles, so that there is some commonality in approaches in dealing with planning, development and management of water resources. These basic principles are:

(i) Planning, development and management of water resources need to be governed by national perspectives on an integrated and environmentally sound basis, keeping in view the human, social and economic needs.

(ii) Principle of equity and social justice must inform use and allocation of water.

(iii) Good governance through informed decision making is crucial to the objectives of equity, social justice and sustainability.

(iv) Water needs to be managed as a community resource held, by the state, under public trust doctrine to achieve food security, livelihood, and equitable and sustainable development for all.

(v) Access to safe and clean drinking water and sanitation should be regarded as a right to life essential to the full enjoyment of life and all other human rights. As such, water for such human needs should have a pre-emptive priority over all other uses.

(vi) Water, over and above the pre-emptive need for safe drinking water and sanitation, should be treated as an economic good so as to promote its conservation and efficient use.

(vii) Water is essential for sustenance of eco-system, and therefore, ecological needs should be given due consideration.

(viii) All the elements of the water cycle, i.e., evapo-transpiration, precipitation, runoff, river, lakes, soil moisture, and ground water, sea, etc., are interdependent and the basic hydrological unit is the river basin, which should be considered as the basic unit for planning.

[5]
Water quality and quantity are interlinked and need to be managed in an integrated manner, consistent with broader environmental management approaches inter-alia including the use of economic incentives and penalties to reduce pollution and wastage.

The impact of climate change on water resources availability must be factored into water management related decisions.

2. WATER FRAMEWORK LAW

2.1 Even while it is recognized that States have the right to frame suitable policies, laws and regulations on water; there is a felt need to evolve a broad over-arching national legal framework of general principles on water to lead the way for essential legislation on water governance in every State of the Union and devolution of necessary authority to the lower tiers of government to deal with the local water situation.

2.2 Such a framework law must recognize water not only as a scarce resource but also as a sustainer of life and ecology. Therefore, water needs to be managed as a community resource held, by the state, under public trust doctrine to achieve food security, livelihood, and equitable and sustainable development for all. The Indian Easements Act, 1882 may have to be modified accordingly in as much as it appears to give proprietary rights to a land owner on groundwater under his/her land.

2.3 There is a need for comprehensive legislation for optimum development of inter-State rivers and river valleys to facilitate inter-State coordination ensuring scientific planning of land and water resources taking basin/sub-basin as unit with unified perspectives of water in all its forms (including precipitation, soil moisture, ground and surface water) and ensuring holistic and balanced development of both the catchment and the command areas. Such legislation needs, inter alia, to deal with and enable establishment of basin authorities with appropriate powers to plan, manage and regulate utilization of water resource in the basins.

[7]
3. **USES OF WATER**

3.1 The Centre, the States and the local bodies (governance institutions) must ensure access to a minimum quantity of potable water for essential health and hygiene to all its citizens, available within easy reach of the household.

3.2 Ecological needs of the river should be determined recognizing that the natural river flows are characterized by low or no flows, small floods (freshets), large floods, etc., and should accommodate developmental needs. A portion of river flows should be kept aside to meet ecological needs ensuring that the low and high flow releases are proportional to the natural flow regime, including base flow contribution in the low flow season through regulated ground water use.

3.3 After meeting the minimum quantity of water required for survival of human beings and ecosystem, water must be used as an economic good with higher priority towards basic livelihood support to the poor and ensuring national food security.

3.4 In the water rich eastern and north eastern regions of India, the water use infrastructure is weak and needs to be strengthened in the interest of food security.

3.5 Community should be sensitized and encouraged to adapt to utilization of water as per local availability of waters. Community based water management should be institutionalized and strengthened.

4. **ADAPTATION TO CLIMATE CHANGE**

4.1 Climate change is likely to increase the variability of water resources affecting human health and livelihoods. Therefore, special impetus should be given towards mitigation at micro level by enhancing the capabilities of community to adopt climate resilient technological options.

4.2 The adaptation strategies could, inter alia, include increasing water storage in its various forms, namely, soil moisture, ponds, ground water, small and large reservoirs, and their combination, which provides a mechanism for dealing with increased variability because of climate change.
4.3  Stakeholder participation in land-soil-water management with scientific inputs from local research and academic institutions for evolving different agricultural strategies, reducing soil erosion and improving soil fertility should be promoted. Cost sharing system between upstream and downstream regions should be evolved since these measures in upstream region may reduce the sediment load in the streams increasing life of and benefits from downstream structures.

4.4  In view of likely impact of the climate change, there is a need to adopt compatible agricultural strategies, and cropping patterns. This may be achieved by involving the water users, sensitizing them appropriately and building their capacities.

4.5  Planning and management of water resources structures, such as, dams, flood embankments, tidal embankments, etc., should incorporate coping strategies for possible climate changes. The acceptability criteria in regard to new water resources projects need to be re-worked in view of the likely climate changes.

5.  ENHANCING WATER AVAILABLE FOR USE

5.1  The availability of water resources in the country need to be assessed scientifically and reviewed at periodic intervals, say, every five years. The trends in water availability due to various factors including climate change must be assessed and accounted for during water resources planning.

5.2  As per present estimate, India receives on average annual precipitation of about 4000 Billion Cubic Meter (BCM), which is its basic water resource. Out of this, after considering the natural evaporation-transpiration, only about 1869 Billion Cubic Meter (BCM) is average annual natural flow through rivers and aquifers. Of this, only about 1123 BCM is utilizable through the present strategies, if large inter-basin transfers are not considered. Thus, the availability of water is limited but the demand of water is increasing rapidly due to growing population, rapid urbanization, rapid industrialization and economic development.
Therefore, availability of water for utilization needs to be augmented to meet increasing demands of water. Direct use of rainfall and avoidance of inadvertent evapo-transpiration are the new additional strategies for augmenting utilisable water resources.

5.3 There is a need to map the aquifers to know the quantum and quality of ground water resources (replenishable as well as non-replenishable) in the country. This may be periodically updated.

5.4 Declining ground water levels in over-exploited areas need to be arrested by introducing improved technologies of water use, incentivizing efficient water use and encouraging community based management of aquifers. In addition, where necessary, artificial recharging projects should be undertaken so that extraction is less than the recharge. This would allow the aquifers to provide base flows to the surface system, and maintain ecology.

5.5 Inter-basin transfers are not merely for increasing production but also for meeting basic human need and achieving equity and social justice. Inter-basin transfers of flood waters to recharge depleting ground waters in water stressed areas should be encouraged. If the transfer is from an open basin to a closed basin, increased water use is achieved. Such transfers need to be encouraged.

5.6 Watershed development activities need to be taken in a comprehensive manner to increase soil moisture, reduce sediment yield and increase overall land and water productivity. To the extent possible, existing programs like MGNREGA may be used by farmers to harvest rain water using farm ponds and other soil and water conservation measures.

6. DEMAND MANAGEMENT AND WATER USE EFFICIENCY

6.1 Given the limits on enhancing the availability of utilisable water resources and increased variability in supplies due to climate change, meeting the future needs will depend more on demand management, and hence, this needs to be given priority, especially through (a) evolving an agricultural system which economizes on water use and maximizes value from water, and (b) bringing in maximum efficiency in use of water and avoiding wastages.
6.2 A system to evolve benchmarks for water uses for different purposes, i.e., water footprints, and water auditing should be developed to promote and incentivize efficient use of water. The “project” and the “basin” water use efficiencies need to be improved through continuous water balance and water accounting studies. An institutional arrangement for promotion, regulation and controlling efficient use of water will be established for this purpose at the national level.

6.3 Recycle and reuse of water, including return flows, should be encouraged to the extent possible.

6.4 Project financing should be structured to incentivize efficient & economic use of water and facilitate early completion of ongoing projects.

6.5 Water saving in irrigation use is of paramount importance. Methods like micro irrigation (drip, sprinkler, etc.), automated irrigation operation, evaporation-transpiration reduction, etc., should be encouraged and incentivized. At many places, seepage from irrigation canals in monsoon results in recharging underground storage enabling higher conjunctive ground water use in the low flow season and the advantages of such re-cycling may also be considered.

6.6 Use of very small local level irrigation through small bunds, field ponds, agricultural and engineering methods and practices for watershed development, etc, need to be encouraged. However, their externalities, both positive and negative, like reduction of sediments and reduction of water availability, downstream, may be kept in view.

6.7 There should be concurrent mechanism involving users for monitoring if the water use pattern is causing problems like unacceptable depletion or building up of ground waters, salinity, alkalinity or similar quality problems, etc., with a view to planning appropriate interventions.
7. **WATER PRICING**

7.1 Over and above the pre-emptive uses for sustaining life and eco-system, water needs to be treated as an economic good and therefore, may be priced to promote efficient use and maximizing value from water. While the practice of administered prices may have to be continued, economic principles need to increasingly guide the administered prices.

7.2 There should be a mechanism in every State to establish a water tariff system and fix the criteria for water charges, preferably on volumetric basis, at sub-basin, river basin and State level after ascertaining the views of the beneficiary public, based on the principle that the water charges shall reflect the full recovery of the cost of administration, operation and maintenance of water resources projects taking into account the cross subsidy, if any.

7.3 Recycle and reuse of water, after treatment to specified standards, should be encouraged through a properly planned tariff system, in which there is a cost for the quantity withdrawn, a refund for properly treated water returned for reuse, and heavy fines for returning polluted waters.

7.4 Water Users Associations should be given statutory powers to collect and retain a portion of water charges, manage the volumetric quantum of water allotted to them and maintain the distribution system in their jurisdiction.

7.5 Heavy under-pricing of electricity leads to wasteful use of both electricity and water. This needs to be reversed.

8 **PRESERVATION OF RIVER CORRIDORS, WATER BODIES AND INFRASTRUCTURE**

8.1 Preservation of river corridors, water bodies and infrastructure should be undertaken in a planned manner through community participation. The storage capacities of water bodies and water courses and/or associated wetlands, the
flood plains, ecological buffer and areas required for specific aesthetic recreational and/or social needs may be managed to the extent possible in an integrated manner to balance the flooding, environment and social issues.

8.2 Encroachments and diversion of water bodies (like rivers, lakes, tanks, ponds, etc.) and drainage channels (irrigated area as well as urban area drainage) must not be allowed, and wherever it has taken place, it should be restored to the extent feasible.

8.3 Environmental needs of aquatic eco-system, wet lands and embanked flood plains need to be recognized and taken into consideration while planning.

8.4 Sources of water and water bodies should not be allowed to get polluted. System of third party periodic inspection should be evolved and heavy penalty should be imposed on the basis of polluter pays principle. The money recovered from penalty may be put in a fund for facilitating water treatment.

8.5 Quality conservation and improvements are even more important for ground waters, since cleaning up is very difficult. It needs to be ensured that industrial effluents, local cess pools, residues of fertilizers and chemicals, etc., do not reach the ground water.

8.6 The water resources infrastructure shall be maintained properly to continue to get the intended benefits. A suitable percentage of the costs of infrastructure development may be set aside along with collected water charges, for repair and maintenance. Contract for construction of projects should have inbuilt provision for longer periods of proper maintenance and handing over back the infrastructure in good condition.

8.7 Legally empowered dam safety services need to be ensured in the States as well as in Centre. Appropriate safety measures should be undertaken on top priority.
9 PROJECT PLANNING AND IMPLEMENTATION

9.1 Being inter-disciplinary in nature, water resources projects should be planned considering social and environmental aspects also in addition to techno-economic considerations in consultation with project affected and beneficiary families. The integrated water resources management with emphasis on finding reasonable and generally acceptable solutions for most of the stakeholders should be followed for planning and management of water resources projects.

9.2 Concurrent monitoring at project, State and Centre levels should be undertaken for timely interventions to avoid time and cost over-runs.

9.3 All components of water resources projects should be planned and executed in a pari-passu manner so that intended benefits start accruing immediately after completion of the component and there is no gap between potential created and potential utilized.

9.4 Local governing bodies like Panchayats, Municipalities, Corporations, etc., and Water Users Associations shall be involved in planning and implementation of the projects.

9.5 All water resources projects, including hydro power projects, should be planned to the extent feasible as multi-purpose projects with provision of storage to derive maximum benefit from available topology and water resources.

10 RESETTLEMENT & REHABILITATION

10.1 The identification, resettlement & rehabilitation of project affected families shall be given due consideration right at the beginning of the project formulation. In addition to compensation for loss of land, house and sustenance livelihood, the project affected families should be made partners in progress and given a share in the benefits comparable to project benefited families.
10.2 The cost of rehabilitation and compensation to the project affected families should partly be borne by project benefited families through adequate pricing of water.

10.3 The resettlement & rehabilitation policy for water resources project should conform to the national act / guidelines in this regard.

11 PREPAREDNESS FOR FLOOD & DROUGHT

11.1 While every effort should be made to avert water related disasters like floods and droughts, through structural and non-structural measures, emphasis should be on preparedness for flood / drought with coping mechanisms as an option.

11.2 Land, soil, energy and water management with scientific inputs from local, research and scientific institutions should be used to evolve different agricultural strategies and improve soil and water productivity to manage droughts. Integrated farming systems and non-agricultural developments may also be considered for livelihood support and poverty alleviation.

11.3 In order to prevent loss of land eroded by the river, which causes permanent loss, revetments, spurs, embankments, etc., should be planned, executed, monitored and maintained on the basis of morphological studies. This will become increasingly more important, since climate change is likely to increase the rainfall intensity, and hence, soil erosion.

11.4 Flood forecasting is very important for flood preparedness and should be expanded extensively all across the country and modernized using real time data acquisition system and medium range weather forecasting to enhance lead time.

11.5 Working tables for reservoirs should be evolved and implemented in such a manner to have flood cushion and to reduce trapping of sediment during flood season.

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11.6 Protecting all areas prone to floods may not be practicable; hence, methods for coping with floods have to be encouraged. Frequency based flood inundation maps should be prepared to evolve coping strategies.

11.7 To increase preparedness for sudden and unexpected flood related disasters, dam/embankment break studies, as also preparation and periodic updating of emergency action plans / disaster management plans should be ensured. In hilly reaches, glacial lake outburst flood and landslide dam break floods studies with periodic monitoring along with instrumentation, etc., should be carried out.

12 WATER SUPPLY AND SANITATION

12.1 There is a need to remove the large disparity between stipulations for water supply in urban areas and in rural areas. Efforts should be made to provide improved water supply in rural areas with proper sewerage facilities.

12.2 Rural areas with endemic ground water quality problems (such as fluoride or arsenic) may be supplied piped surface water. If ground water treatment is done through local systems, the problem of disposing the concentrates should be tackled adequately with due regards to environmental hazards. Another alternative is to improve the quality of ground water through dilution with good quality surface water, wherever feasible.

12.3 Urban domestic water supplies should preferably be from surface water. Where alternate supplies are available, a source with better reliability and quality needs to be assigned to domestic water supply. Exchange of sources between uses, giving preference to domestic water supply should be possible. Also, reuse of urban water effluents from kitchens and bathrooms, after primary treatment, in flush toilets should be encouraged.

12.4 Urban domestic water systems need to collect and publish water accounts and water audit reports indicating leakages and pilferages, which should be reduced taking into due consideration social issues.
12.5 In urban and industrial areas, de-salinization, wherever technoeconomically feasible, should be encouraged to increase availability of utilisable water.

12.6 Urban water supply and sewage treatment schemes should be integrated and executed simultaneously. Water supply bills should include sewerage charges.

12.7 Industries in water short regions may be allowed to either withdraw only the make up water or should have an obligation to return treated effluent to a specified standard back to the hydrologic system. Tendencies to unnecessarily use more water within the plant to avoid treatment or to pollute ground water need to be prevented.

12.8 Subsidies and incentives should be implemented to encourage recovery of industrial pollutants and recycling / reuse, which are otherwise capital intensive.

13 INSTITUTIONAL ARRANGEMENTS

13.1 A Water Regulatory Authority should be established in each State. The Authority, inter-alia, will fix and regulate the water tariff system and charges, in general, according to the principles stated in this Policy in an autonomous manner. The Authority may also have functions other than tariff systems, such as regulating allocations, monitoring operations, reviewing performance and suggesting policy changes, etc. Water Regulatory Authority in a State may also assist in resolving intra-State water-related disputes.

13.2 There should be a forum at the national level to deliberate upon issues relating to water and evolve consensus, co-operation and reconciliation amongst party States. A similar mechanism should be established within each State to amicably resolve differences in competing demands for water amongst different users of water, as also between different parts of the State.
13.3 A permanent Water Disputes Tribunal at the Centre should be established to resolve the disputes expeditiously in an equitable manner. Apart from using the ‘good offices’ of the Union or the State Governments, as the case may be, the paths of Arbitration and Mediation may also to be tried in dispute resolution.

13.4 The “Service Provider” role of the state has to be gradually shifted to that of a regulator of services and facilitator for strengthening the institutions responsible for planning, implementation and management of water resources. The water related services should be transferred to community and / or private sector with appropriate “Public Private Partnership” model.

13.5 Integrated Water Resources Management (IWRM) taking river basin / sub-basin as a unit, should be the main principle for planning, development and management of water resources. The departments / organizations at Centre / State Governments levels should be restructured and made multi-disciplinary accordingly.

13.6 Appropriate institutional arrangements for each river basin should be developed to collect and collate all data on regular basis with regard to rainfall, river flows, area irrigated by crops and by source, utilizations for various uses by both surface and ground water and to publish water accounts on ten daily basis every year for each river basin with appropriate water budgets and water accounts based on the hydrologic balances.

13.7 Appropriate institutional arrangements for each river basin should also be developed for monitoring water quality in both surface and ground waters.

13.8 States should be encouraged and incentivized to undertake reforms and progressive measures for innovations, conservation and efficient utilization of water resources.

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14 INTERNATIONAL RIVERS

14.1 Even while accepting the principle of basin as a unit of development, on the basis of practicability and easy implementability, efforts should be made to enter into international agreements with neighbouring countries on bilateral basis for exchange of hydrological data of international rivers on near real time basis.

14.2 Negotiations about sharing and management of water of international rivers should be done on bilateral basis in consultative association with riparian States keeping paramount the national interests. Adequate institutional arrangements at the Center should be set up to implement international agreements.

15 DATABASE & INFORMATION SYSTEM

15.1 All hydrological data, other than those classified as secret on national security consideration, should be in public domain. A National Water Informatics Center should be established to collect and collate hydrologic data (other than data classified as secret on national security consideration) regularly from all over the country, conduct the preliminary processing, and maintain in open and transparent manner on a GIS platform. Periodic reviews of the need for the secrecy with regard to data may be carried out. In view of the likely climate change, much larger data about snow and glaciers, evaporation, tidal hydrology and hydraulics, river geometry changes, etc. needs to be collected. A programme of such data collection needs to be developed and implemented.

15.2 All water related data, like rainfall, snowfall, geo-morphological, climatic, geological, surface water, ground water, ecological, water extraction and use, irrigated area, glaciers, etc., should be integrated with well defined procedures and formats to ensure online updation and transfer of data to facilitate development of database for informed decision making in the management of water.
16 **RESEARCH & TRAINING NEEDS**

16.1 Continuing research and advancement in technology shall be promoted to address the issues in water sector in a scientific manner. Innovations in water resources sector should be encouraged, recognized and awarded.

16.2 It is necessary to give adequate grants to the States to update technology, design practices, planning and management practices, preparation of annual water balances and accounts for the site and basin, preparation of hydrologic balances for water systems, and benchmarking and performance evaluation.

16.3 It needs to be recognized that the field practices in water sector in advanced countries have been revolutionized by advances in information technology and analytical capabilities. A re-training and quality improvement programme for water planners and managers at all levels in India, both in private and public sectors, needs to be undertaken.

16.4 An autonomous center for research in water policy should also be established to evaluate impacts of policy decisions and to evolve policy directives for changing scenario of water resources.

16.5 To meet the need of the skilled manpower in the water sector, regular training and academic courses in water management should be promoted. These training and academic institutions be regularly updated by developing infrastructure and promoting applied research, which would help to improve the current procedures of analysis and informed decision making in the line departments and by the community.
An Ordinance further to amend the Laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

WHEREAS the Legislative Assembly of the State is not in session and the Governor of Tamil Nadu is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor hereby promulgates the following Ordinance:-

PART-I

PRELIMINARY

1. (1) This Ordinance may be called the Tamil Nadu Municipal Laws (Second Amendment) Order, 2003.
2. After section 255 of the Chennai City Municipal Corporation Act, 1919, the following section shall be inserted, namely:

"255-A Provision of Rain Water Harvesting Structure.- (1) In every building owned or occupied by the Government or a statutory body or a company or an institution owned or controlled by the Government, rain water harvesting structure shall be provided by the Government or by such statutory body or company or other institution, as the case may be, in such manner and within such time as may be prescribed.

(2) Subject to the provisions of sub-section (1), every owner or occupier of a building shall provide rain water harvesting structure in the building in such manner and within such period as may be prescribed.

Explanation.- Where a building is owned or occupied by more than one person, every such person shall be liable under this sub-section.

(3) Where the rain water harvesting structure is not provided as required under sub-section (2), the Commissioner or any person authorised by him in this behalf may, after giving notice to the owner or occupier of the building, cause rain water harvesting structure to be provided in such building and recover the cost of such provision along with the incidental expense thereof in the same manner as property tax.

(4) Notwithstanding any action taken under sub-section (3), where the owner or occupier of the building fails to provide the rain water harvesting structure in the building before the date as may be prescribed, the water supply connection provided to such building shall be disconnected till rain water harvesting structure is provided.

PART-III

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

3. After section 215 of the Tamil Nadu District Municipalities Act, 1920, the following section shall be inserted, namely:

"215-A Provision of Rain Water Harvesting Structure.- (1) In every building owned or occupied by the Government or a statutory body or a company or an institution owned or controlled by the Government, rain water harvesting structure shall be provided by the Government or by such statutory body or company or other institution, as the case may be, in such manner and within such time as may be prescribed.

(2) Subject to the provisions of sub-section (1), every owner or occupier of a building shall provide rain water harvesting structure in the building in such manner and within such period as may be prescribed.

Explanation.- Where a building is owned or occupied by more than one person, every such person shall be liable under this sub-section.

(3) Where the rain water harvesting structure is not provided as required under sub-section (2), the Commissioner or any person authorised by him in this behalf may, after giving notice to the owner or occupier of the building, cause rain water harvesting structure to be provided in such building and recover the cost of such provision along with the incidental expense thereof in the same manner as property tax.

(4) Notwithstanding any action taken under sub-section (3), where the owner or occupier of the building fails to provide the rain water harvesting structure in the building before the date as may be prescribed, the water supply connection provided to such building shall be disconnected till rain water harvesting structure is provided.
"215-A Provision of Rain Water Harvesting Structure.- (1) In every building owned or occupied by the Government or a statutory body or a company or an institution owned or controlled by the Government, rain water harvesting structure shall be provided by the Government or by such statutory body or company or other institution, as the case may be, in such manner and within such time as may be prescribed.

(2) Subject to the provisions of sub-section (1), every owner or occupier of a building shall provide rain water harvesting structure in the building in such manner and within such period as may be prescribed.

Explanation.- Where a building is owned or occupied by more than one person, every such person shall be liable under this sub-section.

(3) Where the rain water harvesting structure is not provided as required under sub-section (2), the Executive Authority or any person authorised by him in this behalf may, after giving notice to the owner or occupier of the building, cause rain water harvesting structure to be provided in such building and recover the cost of such provision along with the incidental expense thereof in the same manner as property tax.

(4) Notwithstanding any action taken under sub-section (3), where the owner or occupier of the building fails to provide the rain water harvesting structure in the building before the date as may be prescribed, the water supply connection provided to such building shall be disconnected till rain water harvesting structure is provided.

PART-IV

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.


4. After section 295 of the Madurai City Municipal Corporation Act, 1971, the following section shall be inserted, namely:-

"295-A Provision of Rain Water Harvesting Structure.- (1) In every building owned or occupied by the Government or a statutory body or a company or an institution owned or controlled by the Government, rain water harvesting structure shall be provided by the Government or by such statutory body or company or other institution, as the case may be,
in such manner and within such time as may be
prescribed.

(2) Subject to the provisions of sub-section (1),
every owner or occupier of a building shall
provide rain water harvesting structure in the
building in such manner and within such period
as may be prescribed.

Explanation.- Where a building is owned or
occupied by more than one person, every such
person shall be liable under this sub-section.

(3) Where the rain water harvesting structure is
not provided as required under sub-section (2),
the Commissioner or any person authorised by
him in this behalf may, after giving notice to the
owner or occupier of the building, cause rain
water harvesting structure to be provided in such
building and recover the cost of such provision
along with the incidental expense thereof in the
same manner as property tax.

(4) Notwithstanding any action taken under sub-
section (3), where the owner or occupier of the
building fails to provide the rain water harvesting
structure in the building before the date as may
be prescribed, the water supply connection
provided to such building shall be disconnected
till rain water harvesting structure is provided.

PART-V

AMENDMENT TO THE COIMBATORE CITY
MUNICIPAL CORPORATION ACT, 1981.

Tamil Nadu Act 25 of 1981.

5. After section 295 of the Coimbatore City Insertion of new
Municipal Corporation Act, 1981, the following section shall be inserted, namely:-

"295-A Provision of Rain Water Harvesting Structure.- (1) In every building owned or
occupied by the Government or a statutory body
or a company or an institution owned or
controlled by the Government, rain water
harvesting structure shall be provided by the
Government or by such statutory body or
company or other institution, as the case may be,
in such manner and within such time as may be
prescribed.

(2) Subject to the provisions of sub-section (1),
every owner or occupier of a building shall
provide rain water harvesting structure in the
building in such manner and within such period..."
as may be prescribed.

Explanation.- Where a building is owned or occupied by more than one person, every such person shall be liable under this sub-section.

(3) Where the rain water harvesting structure is not provided as required under sub-section (2), the Commissioner or any person authorised by him in this behalf may, after giving notice to the owner or occupier of the building, cause rain water harvesting structure to be provided in such building and recover the cost of such provision along with the incidental expense thereof in the same manner as property tax.

(4) Notwithstanding any action taken under sub-section (3), where the owner or occupier of the building fails to provide the rain water harvesting structure in the building before the date as may be prescribed, the water supply connection provided to such building shall be disconnected till rain water harvesting structure is provided.

19th July 2003.                                         P.S.
RAMAMOHAN RAO
Governor of Tamil Nadu

EXPLANATORY STATEMENT

In order to augment ground water resources, it has been decided to make it mandatory to provide rain water harvesting structure in all building. As rain water harvesting structures will have to be put up before the ensuing monsoon, it has also been proposed to give a time limit to be specified in the Rules, to provide rain water harvesting structure by the owner or occupier of every building and in case they do not provide rain water harvesting structure within the above said period, the authorities of the local body concerned will provide the rain water harvesting structure in those buildings and recover the cost of provision of rain water harvesting structure with the incidental expense from such owner or occupier as property tax.

2. It has also been decided that if such owner or occupier of the building fails to provide rain water harvesting structure on or before the date to be specified in the Rules, the water supply connection provided to such building shall be disconnected.

3. The Ordinance seeks to give effect to the
An Ordinance further to amend the Laws relating to the Municipal Corp... Page 6 of 6 above decisions.

(By order of the Governor)

A. KRISHNANKUTTY NAIR
Secretary to Government
ACT 8 OF 2009
THE KERALA WATER SUPPLY AND SEWERAGE (AMENDMENT) ACT, 2008.

An Act further to amend the Kerala Water Supply and Sewerage Act, 1986.

Preamble— WHEREAS, it is expedient further to amend the Kerala Water Supply and Sewerage Act, 1986 for the purposes hereinafter appearing;

BE it enacted in the Fifty-ninth year of the Republic of India as follows:

1. Short title and commencement.— (1) This Act may be called the Kerala Water Supply and Sewerage (Amendment) Act, 2008.

(2) It shall be deemed to have come into force on the 29th day of January, 2008.

2. Amendment of section 2.— In section 2 of the Kerala Water Supply and Sewerage Act, 1986 (14 of 1986) (hereinafter referred to as the principal Act),—

(i) for clause (vii), the following clause shall be substituted, namely:-

“(vii) “domestic sewage” means waste water from any house or residence arising out of personal and normal human activities such as drinking, bathing, washing and cooking;”;

(ii) after clause (x), the following clause shall be inserted, namely:-

“(xa) “flat” means buildings/independent villas having ten or more dwelling units or buildings having a total plinth area of one thousand square metres or more in a premise;”;

“(xb) “licensed plumber” means a plumber who is provided with a license by the Authority to execute works relating to any water connection or domestic or non-domestic sewer connected to sewerage of the Authority, under sections 43 and 47B;”:

(iii) after clause (xv), the following clause shall be inserted, namely:-

“(xva) “multistoried building” means buildings in a premise having five or more units or having a total plinth area of five hundred square metres or more used for non-domestic activities with or without any dwelling unit;

“(xvb) “non-domestic sewage” means sewage other than domestic sewage and includes industrial sewage;”;

(iv) in clause (xxxvi), the words “and units for manufacturing, marketing and storing of packaged drinking water, mineral water, aerated water or any other processed water or of goods or articles necessary for the water supply,” shall be added at the end.

3. Amendment of section 4.— In section 4 of the principal Act,
(i) for clause (c) the following clause shall be substituted, namely:-
	“(c) the Secretary to Government in-charge of Water Resources Department, ex-officio;”;
(ii) for clause (e), the following clause shall be substituted, namely:-
	“(e) the Secretary to Government in-charge of Local Self Government Department ex-officio;”.

4. Amendment of section 14.-In section 14 of the principal Act,-

(i) in clause (x), the word “and” at the end shall be omitted;
(ii) after clause (x), the following clauses shall be inserted, namely:-
	“(xa) making provision for manufacture and marketing of packaged drinking water, mineral water, aerated water or any other processed water and of goods or articles necessary for water supply and sewerage;
	(xb) any other matter supplemental, incidental or consequential to any of the above functions of the Authority; and”.

5. Amendment of section 15. - In sub-section (2) of section 15 of the principal Act, after clause (viii), the following clause shall be inserted, namely:-
	“(viiia) to invest funds, with the previous approval of the Government, in any public sector undertakings or public sector companies that are involved in the production of goods or articles utilized for the functions of the Authority;”.

6. Insertion of new section 15A. - After section 15 of the principal Act, the following section shall be inserted, namely:-

15A. Manufacture and marketing of packaged drinking water, mineral water etc. – Notwithstanding anything contained in any other provisions of this Act, the Authority shall have the power to manufacture, market and sell packed water, mineral water, aerated water or any other processed water and of goods or articles necessary for the water supply and sewerage in such manner as may be provided by regulations.”.

7. Amendment of section 33.-For section 33 of the principal Act, the following section shall be substituted, namely:-

“33. Meter rent. - The Authority may charge meter rent for the meters provided by the Authority at such rates as may be provided by regulations.”.

8. Amendment of section 38. -In section 38 of the principal Act,-
(i) for sub-section (1),(2) and (3) the following sub-section shall be substituted, namely:-
	“(1) The authority shall on an application made to it by the owner of any premises or by the occupier with the consent in writing of the owner thereof, grant supply of water for domestic purposes on such terms and conditions as may be provided by regulations;”;
(ii) sub-sections (4), (5) and (6) shall be re-numbered as sub-sections (2), (3), and (4) respectively;
(iii) after sub-section (4) so re-numbered, the following sub-section shall be inserted, namely:-
	“(5) The ownership and control over the pipe line up to the meter point shall vest with the Authority even though the cost of any connection or part thereof has been borne by the applicant.”.
9. Insertion of new sections 38A and 38B. - After section 38 of the principal Act, the following sections shall be inserted, namely:

“38A. Water supply to flats and multi-storied buildings. - (1) Notwithstanding anything contained in this Act, and subject to sub-section (2), the Authority may supply water through cisterns, tanks, sumps and ground level reservoirs to multi-storied buildings and flat type buildings, subject to such terms and conditions as may be provided by regulations.

(2) The supply of water referred to in sub-section (1) shall not be made from a distribution main having diameter of 150 mm or less.

38B. Control over water supply connections. - All water connections, irrespective of ownership shall be under the control of the Authority and shall be maintained properly and altered or repaired only in such manner as may be provided by regulations.”

10. Amendment of section 40. - In section 40 of the principal Act, after sub-section (4a) the following sub-sections shall be inserted, namely:

“(5) The water from any public hydrant shall not be used for any non-domestic purpose.

(6) No external instruments or pipes or hose or other devices shall be connected to any public hydrants for taping water.

(7) No cleaning or washing of any animal, vehicle, cloth, utensils or any other materials shall be done under or near any public hydrants.”.

11. Insertion of new section 40A. - After section 40 of the principal Act, the following section shall be inserted, namely:-

“40A. Punishment for illegal use of public hydrants. - Any person who unlawfully draw off or take or use water from a public hydrant shall be punishable with fine extending to three thousand rupees and with imprisonment for a term not exceeding one month or with both.”.

12. Amendment of section 42. - For section 42 of the principal Act, the following sections shall be substituted, namely:

“42. Provision of water meters.-(1) The consumer shall provide a water meter and attach the same to the service pipes in his premises connected with the water works of the Authority after obtaining approval from the Authority.

(2) The consumer shall repair or replace water meters installed in his premises, at his own cost whenever required to do so by the Authority.

(3) Notwithstanding anything contained in sub-section (1), the Authority shall have the power to install its own water meters to any connection wherever the authority deems fit.

(4) The provision of water meters and the transfer of connection thereto, the use, maintenance, and testing of such meters and the expense of installation thereof and their rents and the furnishing of security, if any, in connection therewith shall be regulated by Regulations.

42A. Presumption as to correctness of meters. - Whenever water is supplied under this Act through a meter, it shall be presumed that the quantity indicated by the meter has been consumed, until the contrary is proved.”.

13. Amendment of section 43. - For section 43 of the principal Act, the following section shall be substituted, namely:

“43. Works relating to water connection to be done by licensed plumbers and as per specifications etc.-(1) No person other than plumber licensed by the Authority or person duly authorized by it shall execute any work relating to a water connection, not being a work of a trivial nature and no person shall permit any such work to be executed by a person other than such a person.

(2) Every person who employs a licensed plumber to execute any such work shall when so
required furnish the details of work executed or to be executed in the manner such as may be provided by regulations;

(3) No licensed plumber shall contravene any of the specifications or standards relating to execution of such works provided in the Regulation or specified by the Authority or execute such works using sub-standard materials, appliances or fittings;

(4) Where any such work is executed in contravention of sub section (1), (2) and (3), such connection is liable to be refused or disconnected;

(5) The Authority may, from time to time, fix the charges to be paid to licensed plumbers for each such kind of work through regulations.

(6) No licensed plumber shall, demand or receive charge for any such work in excess of the rate fixed by the Authority under sub-section (5).

(7) If any licensed plumber executes any such works in contravention of the provisions of this section or the regulations, his license shall be suspended or cancelled irrespective of the fact whether any criminal proceedings is taken against him or not.

(8) Complaint against any licensed plumber of the Authority, regarding violation of the provisions of this Act, shall be filed before the Executive Engineer, within thirty days, from the date of notice of the violation.

(9) The Executive Engineer after making such inquiry as he deems fit and giving the parties concerned a reasonable opportunity of being heard shall dispose of the complaint referred to in sub-section (8) within thirty days of receipt of its date of receipt.

(10) Any person aggrieved by the orders of the Executive Engineer, under the foregoing sub-section may appeal to the Superintending Engineer, having jurisdiction over the area and he shall dispose of the appeal after affording a reasonable opportunity of being heard to the persons concerned. His decision thereon shall be final.”.

14. Insertion of new section 43A.-After section 43 of the principal Act, the following section shall be inserted, namely:-

“43A. Offences by licensed Plumbers.- Whoever, being a licensed plumber, contravenes sub-sections (3) or sub-section (6) of section 43, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to ten thousand rupees or with both.”.

15. Insertion of new section 45A.-After section 45 of the principal Act, the following section shall be inserted, namely:-

“45A. Non-liability of the Authority to pay penalty or damages.- The Authority shall not be liable in any way for any loss or damage or sufferings caused to any person by the cutting off the supply of water due to drought or accidents or works relating to re-laying or repairing of any water works or other unavoidable causes.”.

16. Amendment of section 46.-In clause (c) of sub-section (1) of section 46 of the principal Act, after the words “water is supplied” the words “with or without any mechanical or other device” shall be inserted.

17. Insertion of new sections 46A, 46B, 46C, 46D and 46E.- After section 46 of the principal Act, the following sections shall be inserted, namely:

“46A. Prohibition of construction of buildings etc., over land, pipes etc.-(1) No person shall without permission of the Authority construct any private street, building, wall fence or other structure over any land or pipes or mains belonging to the Authority.

(2) If any private street is constructed or any building, wall, fence or other structure is erected on any land or pipes or mains belonging to the Authority, the Authority may remove or file://C:\Documents and Settings\DP_4\Desktop\THESIS\24 THE KERA...
cause to remove the same as may be provided in the regulations.

(3) The expenses incurred by the Authority in so doing shall be paid by the owner of the private street or of the building, fence, wall or other structure or as the case may be, by the person offending and shall be recoverable as arrears of land revenue.

46B. Punishment for taping or making illegal connection. – Whoever, with intent to draw water, taps or makes or causes to be made any connection with the mains or service pipes of the authority without obtaining prior permission of the authority shall be punishable,

(i) on first conviction with fine which may extend to ten thousand rupees, and in the event of a second or subsequent conviction with imprisonment for a term not exceeding six months and with fine which may extend to twenty five thousand rupees if the water is intended to be used for domestic purpose;

(ii) on first conviction with fine which may extend to fifty thousand rupees, and in the event of a second or subsequent conviction imprisonment for a term not exceeding two years and with fine which may extend to one lakh rupees, if the water is intended to be used for non domestic purpose.

46C. Punishment for certain other illegal activities. – Whoever, being a consumer, with intention to get unlawful gain, damages or tampers a water meter, or uses any device or method which interferes with the accurate and proper metering of the water supply, shall be punishable,

(i) on first conviction with fine which may extend to ten thousand rupees, and in the event of a second or subsequent conviction with imprisonment for a term not exceeding six months and with fine which may extend to twenty five thousand rupees, if he is a domestic consumer;

(ii) on first conviction with fine which may extend to fifty thousand rupees, and in the event of a second or subsequent conviction imprisonment for a term not exceeding two years and with fine which may extend to one lakh rupees, if he is a non-domestic consumer.

46D. Assessment of water charges in the case of unauthorized use.-(1) If on inspection of any place or premises or water meters or any other devices, or any record maintained by any person, the authorized officer of the Authority comes to the conclusion that any consumer is indulging in unauthorized use of water, he shall, notwithstanding any criminal proceedings that may be taken against the consumer, provisionally assess to the best of his judgment the water charges payable on account of such unauthorized use of water.

(2) The order of provisional assessment shall be served to the consumer in such manner, as may be provided by Regulations.

(3) The consumer to whom a notice has been served under sub-section (2) shall be entitled to file objection, if any, against the provisional assessment before the authorized officer of the Authority who may, after affording a reasonable opportunity of hearing to such consumer, pass a final order of assessment of the water charges payable by such consumer.

(4) Any consumer served with the order of provisional assessment may accept such assessment and deposit the assessed amount with the officer designated for the purpose within seven days of service of such provisional assessment order upon him.

(5) If the assessing officer arrives at the conclusion that unauthorized use or theft of water has taken place, it shall be presumed that the unauthorized use has been continuing since the date of starting of the construction, in case the unauthorized use is for construction purpose or from a date which the assessing officer finds that the unauthorized use has been continuing in case the unauthorized use is for other purpose.
(6) The assessment shall be based on the plinth area of the building, in case of unauthorized use for construction purpose or based on the number of inhabitants, in case of domestic purpose or based on the probable quantity, in case of other purposes.

(7) The water charges under this section shall be assessed in accordance with the guidelines as may be provided by Regulations.

46E. Appeals and Appellate Authority.- (1) Any person aggrieved by the final order passed under section 46D may, within thirty days of the said order, prefer an appeal to the Superintending Engineer of the Authority having jurisdiction over the area, in such form and in such manner and accompanied by such fee as may be provided by the regulations.

(2) No appeal under sub-section (1) shall be entertained unless an amount equal to one third of the assessed amount is deposited within the period prescribed for the purpose.

(3) The appellate authority referred to in sub-section (1) shall dispose of the appeal within thirty days after hearing the parties.

(4) The orders of the appellate authority passed under sub-section (3) shall be final.”.

18. Amendment of section 47.- In section 47 of the principal Act, after clause (b), the following proviso shall be inserted, namely:-

“Provided that nothing in this section shall entitle any person to discharge directly or indirectly into any sewer of the Authority any trade effluent from any trade premises except in the manner and subject to such conditions as may be provided by regulations.”.

19. Insertion of new sections 47A and 47B.- After section 47 of the principal Act, the following sections shall be inserted, namely:-

“47A. New premises not to be erected without drains.- (1) In areas where sewers of the Authority are available within a distance of 50 meters it shall not be lawful to construct or reconstruct any building or other structure unless a drain is constructed of such size, materials and descriptions, at such level and with such fall as may be provided by regulations.

(2) The drain so constructed shall be connected with the sewer of the Authority in such manner and subject to such terms and conditions and payment of such fees as may be provided by regulations.

47B. Work relating to sewer to be done by Licensed Plumber and as per specifications etc.- (1) No person other than a licensed plumber or a person duly authorized by the Authority shall execute any work relating to any domestic or non-domestic sewer connecting to a sewer of the Authority and no person shall permit any such work to be executed by a person other than such a person.

(2) Every person who employs a licensed plumber to execute any such shall when so required furnish the details of such work executed or to be executed, in such manner as may be provided in the regulations.

(3) No licensed plumber shall contravene any specifications or standards relating to the execution of such works, provided in the regulation or specified by the Authority or execute such work using sub-standard materials, appliances or fittings.

(4) Where any such work is executed in contravention of sub-section (1), (2) and (3), such connection is liable to be refused or disconnected;

(5) The Authority may, from time to time, fix the charges to be paid to licensed plumbers for each such kind of work by regulations.
20. Insertion of new section 49A.-After section 49 of the principal Act, the following section shall be inserted, namely:-

"49A. Certain matters not to be passed into Authority Sewers.- (1) No person shall throw, empty, or turn into any Authority sewer or into any drain or sewer communicating with the authority sewer,-

(a) any matter likely to damage the sewer or to interfere with the free flow of its contents or to affect prejudicially the treatment and disposal of its contents; or

(b) any chemical refuse or waste steam or harmful liquid provided in the regulation as damaging the sewerage or causing nuisance or harmful to health;

(c) any dangerous petroleum.

(d) any other liquids or other materials, the discharge of which is prohibited by the regulations.

Explanation:- In this section, the expression “dangerous petroleum” has the same meaning as in the Petroleum Act, 1934 (Central Act 30 of 1934)"

21. Insertion of new section 50A.-After section 50 of the principal Act, the following section shall be inserted, namely:-

"50A. Prohibition of certain Acts.- No person shall,-

(a) willfully obstruct any person acting under the orders or directions of the Authority in setting out the lines of any sewerage or put up or remove any pillar, post or stake fixed in the ground for the purpose of setting out such lines, or deface or destroy any works made for the same purpose; or

(b) willfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe or other apparatus of any sewerage of the Authority; or

(c) unlawfully obstruct the flow of or flush, draw off or divert or take sewage from any sewerage of the Authority.”.

22. Insertion of new section 52A. - After section 52 of the principal Act, the following section shall be inserted, namely:-

"52A. Penalty for the violation of the provisions in this Chapter.- Any person who contravenes any provisions of this Chapter shall be punishable with fine extending to ten thousand rupees for the first conviction and for the second and subsequent convictions with fine extending to twenty thousand rupees or with imprisonment extending to six months or with both.”

23. Amendment of section 60.-In section 60 of the principal Act,-

(i) the existing section 60 shall be re-numbered as sub-section (1) of section 60 and in sub-section (1) as so re-numbered, for the words, “one thousand rupees” and “twenty five rupees”, the words “three thousand rupees and “one hundred rupees” shall respectively be substituted.

(ii) after sub-section (1) so re-numbered, the following sub-section shall be inserted, namely:-

“(2) All fines imposed under this Act or any rule or regulation made thereunder shall on realization be credited to the fund of the Authority.”

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24. **Insertion of new section 61A.** - In the principal Act, after section 61 the following section shall be inserted, namely.

"61A. **Cognizance of offences.** - No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by the Authority or an officer not below the rank of an Assistant Executive Engineer authorized by the Authority.”.

25. **Amendment of section 64.** - In sub-section (2) of section 64 of the principal Act, after clause (g), the following clause shall be inserted, namely:-

“(ga) the form and manner in which an appeal to the Superintending Engineer is to be preferred under sub-section (1) of section 46E and the fee for such appeal;”.

26. **Amendment of section 65.** - In sub-section (2) of section 65 of the principal Act, -(i) after clause (g) the following clause shall be inserted, namely:-

“(ga) the manner in which the Authority shall manufacture, market and sell packaged drinking water, mineral water etc. and goods and articles relating to water supply and sewerage;”;

(ii) after clause (h), the following clauses shall be inserted, namely:-

“(ha) the terms and conditions subject to which water supply is to be provided to multi-storied buildings and flats;

(hb) the manner in which all water connections shall be maintained altered or repaired;”

(iii) after clause (i), the following clause shall be inserted, namely:-

“(ia) the manner in which the details of work executed or to be executed by licensed plumbers are to be furnished to the authority and the charges to be paid to licensed plumbers for each kind of work relating to water connection and sewer connection;”

(iv) after clause (j), the following clauses shall be inserted, namely:-

“(ja) the manner of serving the order of provisional assessment in the case of unauthorized use or theft of water by the consumer and the guidelines for assessment of water charges in such cases;

(jb) the manner in which, the details of the works relating to any sewer connected to the sewer of the Authority is executed or to be executed, is to be furnished to the Authority;

(jc) the liquids and other materials, other than those specified in section 49A, the discharge of which into a sewer is to be prohibited;”.

27. **Repeal and Saving.** - (1) The *Kerala Water Supply and Sewerage (Amendment*) Ordinance, 2008(30 of 2008) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act, as amended by this Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.
KERALA MUNICIPALITY BUILDING RULES 1999

S.R.O. No. 777/99.- In exercise of the powers conferred by sections 381, 382, 387, 398, and 406 read with section 565 of the Kerala Municipality Act, 1994 (20 of 1994) and in super session of the Kerala Building Rules, 1984 issued in G.O. (Ms.) No. 127/84/LA & SW dated 14th May 1984 and published as S.R.O. No. 486/84 in Kerala Gazette Extraordinary No. 403 dated 15th May 1984, the Government of Kerala hereby make the following rules, namely

CHAPTER 1
DEFINITIONS

1. Short title, applicability and commencement.-
   (1) These rules may be called the Kerala Municipality Building Rules, 1999.
   (2) They shall apply to all Municipalities in the State.
   (3) They shall come into force at once.

2. Definitions -
   (1) In these rules unless the context otherwise requires,-
      (a) 'access' means the way to a plot or building;
      (b) 'accessory building' means a building attached or detached to a building on a plot and containing one or more accessory uses;
      (c) 'accessory use' means any use of the premises subordinate to the principal use and customarily incidental to the principal use;
      (d) 'Act' means the Kerala Municipality Act, 1994 (20 of 1994);
      (e) 'advertising sign' means any sign either free, supported or attached to a building or other structure which advertises an individual, a firm, a society, an establishment or a product displayed on the said premises for identification purposes;
      (f) 'alteration' means a structural change, such as an addition to the area or height or addition of floor/floors or mezzanine floor within any existing floor height, or change of existing floor or changing the roof to concrete slab or re-construction of existing walls or construction of concrete beams and columns amounting to structural change or construction of internal walls for subdividing the existing rooms with the intention of changing the use of the room/rooms which amount to change in the occupancy group of the building under these rules, or closing of any required means of ingress and egress to the building;
      (g) 'apartment' means a part of a building intended for any type of independent use including one or more rooms or enclosed spaces located on one or more floors or parts thereof in a building, intended to be used for residential purposes and with a direct exit to a public street, road or highway or to a common area, leading to such street, road or highway. This word is synonymous with residential flat;
      (h) 'appendix' means the appendix to these rules;
      (i) 'approved plan' means the set of drawing and statements submitted under these rules for obtaining development permit or building permit and duly approved by the secretary;
      (ia) 'balcony' means a horizontal projection, including a handrail, or balustrade to serve as passage or sitting out place;
      (j) 'basement floor' means the lower storey of a building below or partly below the ground floor. This word is synonymous with cellar;
      (k) 'bathroom' means a room or cubicle for bathing;
CHAPTER XVI A
RAINWATER HARVESTING

109A. Roof top Rain Water harvesting Arrangements :- (1) Unless otherwise stipulated specifically in a Town Planning Scheme, workable rainwater harvesting arrangements shall be provided as an integral part of all new building constructions for the following occupancies namely:-

(i) Group A1 residential (with floor area of 100 sq.m or more and plot area of 200 or more)
(ii) Group A2 Special Residential
(iii) Group B Educational
(iv) Group C Medical/Hospital
(v) Group D Assembly
(vi) Group E Office/Business
(vii) G1 and G2 Industrial (only for workshops, assembly plants laboratories, dry cleaning plants, power plants, gas plants, refineries, diaries, food processing units and any other occupancies notified by the Government from time to time)
(vii) Group GI hazardous (automobile wash stall, Automobile service Stations, Service Garages, with repairing facilities and any other occupancies notified by the Government from time to time.

Provide that the floor area to be considered shall be the total floor area in all floors.

Provided further that the rainwater harvesting arrangements is not mandatory for thatched roofed building.

(2) The components of workable rooftop rainwater harvesting arrangements as stipulated in Sub-rule (1) above shall include.

(i) Roof catchment area
(ii) Roof gutters
(iii) Down pipe and first flush pipe arrangement
(iv) Filter unit and
(v) Storage tank with provision for drawing water and spillover

(3) The minimum capacity of the storage tank as stipulated in Sub-rule (2) (v) of the rooftop rainwater harvesting arrangements shall be at the rates given below

Group A1 25 liters/sqm of total floor area.
Group A2 25 liters/sqm of total floor area
Group B 50 liters/sqm of total floor area
Group C 50 liters/sqm of total floor area
Group D 50 liters/sqm of total floor area
Group E 50 liters/sqm of total floor area
Group G1 & G2  50 liters/sqm of total floor area
Group I(1)  25 liters/sqm of total floor area

(4) The municipality shall enforce workable artificial groundwater recharging arrangements as an integral part of all new building construction through collection of rooftop rain water.

(5) The component of workable artificial groundwater recharging arrangements as stipulated in sub-rule (iv) above shall include:

(i) Roof catchment area
(ii) Roof gutters
(iii) Down pipe
(iv) Filter units
(v) Recharge well/percolation pit

(6) Where ever rooftop rain water harvesting arrangements as stipulated in sub rules (i) to (iii) above are provided, additional arrangements for carrying the spill over water from storage tanks to recharge well or percolation pit need only be provided.

(7) The owner(s)/occupier(s) shall maintain the roof top rain water harvesting arrangements and artificial ground water recharge arrangements in healthy working conditions.

(8) The municipality may, in exceptional cases such as water logging or impermeable subsoil conditions to considerable depths exempt constructions from the mandatory ground water recharging arrangements.

CHAPTER XVII
SAFETY PROVISIONS FOR HIGH RISE BUILDINGS

110. High rise building.-
For the purposes of this Chapter high rise building means a building having more than four floors and or 15 metres of height from ground level.

111. Provisions to apply as modified for high rise buildings¹-
In the case of high rise buildings, the provisions in these rules elsewhere shall apply subject to modification in this chapter.

112. Staircase.-
(1) Every high rise building shall have at least two staircases.
(2) The height of the handrail in the staircase shall not be less than 90 cms. and if balusters are provided no gap in the balusters shall be more than 10 cms wide.

113. Guard rails or parapets.-
Every slab or balcony overlooking any exterior or interior open space which are 2 metres or more below shall be provided with parapet walls or guard rails of height not less than 1.20 metres and such guard rails shall be firmly fixed to the walls and slabs and may also be of blank walls, metal grills or a combination of both.
Provided that if metal grills are used they shall not be made of continuous horizontal members to prevent climbing on them:
1) കുരുക്കമ്പുകൾ ലേക്ക് അടക്കം ചെയ്യാനുള്ള സമയം എങ്ങിനെ ഉണ്ടെങ്കിൽ?
(a) തുമ്പി (b) കോയ്യാലി (c) തെങ്ങിനു (d) മുങ്ങല

2) പുളിക്കണ്ഡം ലേക്ക് എങ്ങിനെ അടക്കം ചെയ്യും?
(a) 10-15 L (b) 20-25 L (c) 5-10 L (d) 40-45 L

3) കുരുക്കമ്പ് മൂലഭൂഭൂമിയിലെ ലേക്ക് അടക്കം ചെയ്യുന്നതിന് വരവിനു എത്ര സമയം കേടുവെന്ന് എന്നു എത്രയും?
(a) കുരുക്കാണ് (b) പരിസ്ഥിതിയുടെ (c) പ്രവാചകത്വം (d) കാണാം പ്രഭാവം

4) കുരുക്കമ്പുകൾ പൂരാണ്ടളക്കാർക്ക് വിവരിക്കുക എങ്ങിനെ ചെയ്യുന്നതെന്ന്?
(a) താഴ്ച (b) മുള്ളു (c) കാളിയിൽ

5) മണ്ണിൽ പുളിക്കണ്ഡാണ്ടളക്കാരെ പാലിക്കാന് പാശ്ചാത്തലം എങ്ങിനെ വിവരിക്കുന്നു?
(a) താഴ്ച (b) മുള്ളു (c) കാളിയിൽ

6) പാലിപ്പെടുത്തുന്നതിനു കാരണം പുളിക്കണ്ഡാണ്ടളക്കാരേയും മണ്ണും ഭൂമിയും കൂടായ മണ്ണുകളെ പാലിക്കാനുള്ള മണ്ണുകളെ എങ്ങിനെ വിവരിക്കുന്നു?
(a) താഴ്ച (b) മുള്ളു (c) കാളിയിൽ

7) മണ്ണുകളെ കൂട്ടിക്കൊണ്ട് ഉണ്ടാകുന്ന മണ്ണിൽ പുളിക്കണ്ഡാണ്ടളക്കാരെ പാലിക്കാനുള്ള മണ്ണുകളെ എങ്ങിനെ വിവരിക്കുന്നു?
(a) താഴ്ച (b) മുള്ളു (c) കാളിയിൽ

8) കുരുക്കമ്പ് എണ്ണം, പ്രകൃതിയുടെയും ലേക്ക് അടക്കം എങ്ങിനെ എളുപ്പവും എളുപ്പവുമോ?
(a) മുള്ളു പ്രകൃതിയും പ്രകൃതിയും (b) മുള്ളു പ്രകൃതിയും, പ്രകൃതിയും പ്രകൃതിയും (c) പ്രകൃതിയും പ്രകൃതിയും എളുപ്പവും