

Goa Ground Water Regulation Rules, 2003

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Goa Ground Water Regulation Rules, 2003

1. Short title and commencement :-

(1) These rules may be called the Goa Ground Water Regulation Rules, 2003.

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

2. Definitions :-

In these rules, unless the context otherwise requires,-

(a)"Act" means the Goa Ground Water Regulation Act, 2002 (Goa Act 1 of 2002);

(b)"form" means a form appended to these rules;

(c)"over exploited area" means an area declared by the Government as over exploited area under sub-section (3) of section 4 of the Act;

(d)"permission" means a permission for sinking a well in terms of sub-section (3) of section 5 of the Act;

(e)"registration" means a registration of the existing well in terms of section 5 of the Act;

(f)"scheduled area" means an area declared by the Government as scheduled area under sub-section (1) of section 4 of the Act;

(g)"water scarcity area" means an area notified by the Government as water scarcity area under sub-section (2) of section 4 of the Act; words and expressions used in these rules by not defined shall have the same meaning as assigned to them under the Act.

3. Registration of an existing well or permission for sinking a new well in the scheduled area :-

(1) Every application under sub-section (1) of section (5) of the Act for registration of an existing well in a Scheduled area, shall be in Form I hereto.

(2)Every application under sub-section (3) of section 5 of the Act for sinking a new well in a Scheduled area shall be in Form II hereto.

(3)When an application for registration of an existing well or sinking a new well in a Scheduled area is personally, delivered, the counterfoil receipt for the application attached to the duplicate form shall be initialled and dated by the officer receiving such application and handed back to the person from whom such application is received. In other cases, the counterfoil shall be similarly initialled and dated and shall be dispatched to the applicant as soon as may be practicable after the application is received.

(4) On receipt of an application under sub-section (1) or sub-section (3) of section 5 of the Act, if the Ground Water Officer is satisfied that it shall not be against the public interest to do so, he may grant a certificate of registration of an existing well in Form III hereto authorizing continued use of the well or grant permission for sinking of new well in Form IV hereto.

(5) No person shall be refused a certificate of registration of an existing well or permission for sinking a new well unless he has been given an opportunity of being heard. The decision regarding the grant or refusal of the certificate of registration and grant or refusal of permission for sinking a new well, as the case may be, shall be intimated by the Ground Water Officer to the applicant as far as possible within a period of ninety days from the date of receipt of the application. Where it is not possible for the Ground Water Officer to grant the certificate of registration of an existing well or to grant permission for sinking a new well, as the case may be, the Ground Water Officer shall intimate the reasons therefor to the applicant so that the applicant may make a fresh application after curing the defects, if any, specified therein.

4. Grant of permission to transport ground water in the Scheduled area :-

(1) Every application for grant of permission to transport ground water from a source of water in a Scheduled area shall be in Form V hereto.

1[(1A) Every application to be submitted under sub-rule (1) above shall be accompanied with following documents, namely: -

(1) A Certificate issued by the Goa State Pollution Control Board as to the fitness of the source of water for potable use.

(2) A Certificate obtained from the Directorate of Transport that body of water tanker transporting potable water have internal stainless steel linings or an undertaking to ensure compliance with

this requirements positively within six months period from the date of application.

(3)No Objection Certificate obtained from the Directorate of Health Services, on the suitability of the tanker for carrying potable water, to be submitted every six months.]

(2)When application for grant of permission to transport ground water under sub-section (2) of section 6 of the Act is personally delivered, the counterfoil receipt for the application attached to the duplicate form shall be initialled and dated by the officer receiving such application and handed over back to the person from whom such application is received. In other cases, the counterfoil shall be similarly initialled and dated and shall be dispatched to the applicant as soon as may be practicable after the application is received. The Ground Water Officer may grant permission for transportation of ground water from a source of water in the Schedule area in Form VI hereto.

(3)No person shall be refused a permission to transport ground water from a source of water in the Scheduled area unless he has been given an opportunity of being heard. The decision regarding the grant or refusal of the permission to transport ground water from a source of water in the Scheduled area shall be intimated by the Ground Water Officer to the applicant as far as possible within a period of ninety days from the date of receipt of the application. Where it is not possible for the Ground Water Officer to grant the permission for transportation of ground water, the Ground Water Officer shall intimate the reasons therefor to the applicant so that he may make a fresh application after curing the defects, if any, specified therein.

2[(4) The Ground Water Officer or any person authorized by the Government shall carry out periodical inspection of quality of water at source of water and in the water tankers. Such inspections shall be carried out in general regularly with monthly intervals during the monsoon period (June to September) and at interval of three months during the remaining months of the year.]

1. Inserted by Amendment Rules, 2005.
2. Inserted by Amendment Rules, 2005.

5. Order for stopping extraction of water :-

An order of the Ground Water Officer under sub-section (1) of section 14 of the Act, for stopping the extraction of water or contravention of the provisions of the Act, shall be in Form VII hereto.

6. Compounding of offences :-

(1) Any offence under the Act may be compounded by the Ground Water Officer by accepting from any person who has committed an offence punishable under the Act, a sum of money not exceeding the sum as stipulated in section 17 of the Act.

(2) On payment of such sum of money, the said person, if in custody, shall be released and no further proceedings shall be taken against him in regards to the offence so compounded.

(3) A valid receipt is to be issued for the money so received and the same is to be remitted to the Government Treasury.

(4) The composition of the offences shall be done only if the custody of the offender is no more required for further proceedings whatsoever.

7. Appellate Authority to hear the appeals :-

Any person aggrieved by a decision or action of the Ground Water Officer may prefer an appeal to the Chief Engineer, Department of Water Resources, within a period specified in section 20 of the Act.

8. Requisition of wells :-

(1) A notice under section 21 of the Act, requisitioning any well or water source from its owner shall be in Form VIII hereto.

9. Permission to sink a well in non-Scheduled area :-

(1) An application asking permission under sub-section (2) of section 23 of the Act for sinking a well in the non-scheduled area, shall be made in Form IX hereto to the Ground Water Officer.

(2) An application seeking permission under sub-section (3) of section 23 of the Act for transporting ground water from a well in non-scheduled area, shall be made in Form X hereto.

3[(3) "Every application to be submitted under sub-rule (2) above shall be accompanied with the following documents:-

(1)A Certificate issued by the Goa State Pollution Control Board as to the fitness of the source of water for potable use.

(2)A Certificate obtained from the Directorate of Transport that body of water tanker transporting potable water have internal stainless steel linings or an undertaking to ensure compliance with this requirements positively within six months period from the date of application.

(3)No Objection Certificate obtained from the Directorate of Health Services on the suitability of the tanker for carrying potable water, to be submitted every six months.

(4)When an application under sub-rule (2) above is personally delivered, the counterfoil receipt for the application attached to the duplicate form shall be initialled and dated by the Officer receiving such application and handed over back to the person from whom such application is received. In other cases, the counterfoil shall be similarly initialled and dated and shall be dispatched to the applicant as soon as may be practicable after the application is received.

(5)The Ground Water Officer shall grant permission for transportation of ground water from a well in Non-Scheduled area in Form XI hereto.

(6)The Ground Water Officer or any person authorized by the Government shall carry out periodical inspection of quality of water

at source of water and in the water tankers. Such inspections shall be carried out in general regularly with monthly interval during the monsoon period (June to September) and at intervals of three months during the remaining months of the year.

(7) No person shall be refused a permission to transport ground water from a well in Non-Scheduled area unless he has been given an opportunity of being heard. The decision regarding the grant or refusal of the permission to transport ground water from a source of water in the non-Scheduled area shall be intimated by the Ground Water Officer to the applicant as far as possible within a period of ninety days from the date of receipt of the application. Where it is not possible for the Ground Water Officer to grant the permission for transportation of ground water, the Ground Water Officer shall intimate the reasons therefore to the applicant so that he may make a fresh application after curing the defects, if any, specified therein.

3 Inserted by Amendment Rules, 2005.