

Tamil Nadu Panchayats (Amendment) Act, 2014

22 OF 2014

[03 September 2014]

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Tamil Nadu Panchayats (Amendment) Act, 2014

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An Act further to amend the Tamil Nadu Panchayats Act, 1994.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-fifth Year of the Republic of India as follows:-

1. Short title and commencement :-

(1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 2014.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Insertion of new sections 143-A and 143-B :-

After section 143 of the Tamil Nadu Panchayats Act, 1994 (hereinafter referred to as the principal Act), the following sections shall be inserted, namely:-

"143-A. Grant of permit to sink well.-

(1) No person shall, either himself or through any person on his behalf engage in sinking any well in the panchayat village for any purpose without obtaining a permit from the executive authority:

Provided that this sub-section shall not apply for sinking of well for domestic purpose:

Provided further that this sub-section shall not apply to the revenue villages specified in the Schedule to the Chennai Metropolitan Area

Groundwater (Regulation) Act, 1987. (Tamil Nadu Act 27 of 1987).

(2) Any person desiring to sink a well shall apply to the executive authority, for grant of permit for this purpose and shall not proceed with any activity connected with such sinking of well, unless a permit has been granted by the executive authority.

(3) Every application for grant of permit shall be made in such form and contain such particulars as may be prescribed, and shall be accompanied by such fee not exceeding five thousand rupees, as may be prescribed.

(4) On receipt of an application under sub-section (2), the executive authority may grant, subject to such conditions and restrictions as it may specify, a permit authorising sinking of well or refuse to grant such permit:

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

(5) The decision regarding the grant or refusal to grant the permit shall be intimated by the executive authority to the applicant within such period as may be prescribed.

(6) Any person aggrieved by the decision of the executive authority under sub-section (5) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the Government, by notification, in this behalf.

(7) The owner of every well in use or disuse shall follow such safety measures as may be prescribed.

143-B. Grant of certificate of registration.-

(1) Every person desiring to carry on the business of sinking well in any panchayat village shall apply to the Collector for grant of a certificate of registration.

(2) Every application for grant of a certificate of registration shall be made in such form and contain such particulars as may be prescribed and shall be accompanied by such fee not exceeding fifteen thousand rupees, as may be prescribed.

(3) On receipt of an application under sub-section (1), the Collector may grant, subject to such conditions and restrictions as may be specified, a certificate of registration or refuse to grant the certificate of registration:

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

(4) The decision regarding the grant or refusal to grant the certificate of registration shall be intimated by the Collector to the person within such period as may be prescribed.

(5) Any person aggrieved by the decision of the Collector under

sub-section (4) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the Government, by notification, in this behalf.

(6) Every person carrying on the business of sinking well shall, while sinking a well or on completion of sinking a well, follow such safety measures, as may be prescribed.

Explanation.-For the purpose of sections 143, 143-A and 143-B,-

(a) "sink" with all its grammatical variations and cognate expressions includes digging, drilling, boring or deepening;

(b) "well" means a well sunk for search or extraction of groundwater and includes an open well, dug well, bore well, dug-cum-bore well, tube well, filter point, collection well or infiltration gallery, but does not include a well sunk by the Government or Central Government for carrying out scientific investigation, exploration, development or management work for the survey and assessment of groundwater resources;

(c) "person" includes a company or association of individuals, whether incorporated or not."

3. Insertion of new section 246-B :-

After section 246-A of the principal Act, the following section shall be inserted, namely:-

"246-B. Penalty for sinking well without permit or registration.-

Whoever contravenes any of the provisions of section 143-A or 143-B or the rules made thereunder shall, on conviction, be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and with fine which may extend to fifty thousand rupees."