

No. F.16013/1/2018-PHE
GOVERNMENT OF MIZORAM
PUBLIC HEALTH ENGINEERING DEPARTMENT

Dated Aizawl, the 10th Nov., 2022.

To

The Engineer-in-Chief, PHED
Mizoram, Aizawl.

Subject : Draft Mizoram Ground Water (Control and Regulation) Bill,
2022 – reg.

Sir,

In pursuance to the minutes of meeting on Draft Mizoram Ground Water (Control and Regulation) Bill, 2022 held on 19.9.2022 (Copy enclosed), I am directed to request you to kindly upload the approved draft Bill in the Department's website for public consultation.

Comments and suggestions, if any, may be entertained for 2(two) weeks from the date of publication on the Departments website. Comments received may then be submitted to the undersigned on or before 30th November, 2022.

- Encl : 1) Meeting Minutes
- 2) Approved Draft Bill

Yours faithfully,

(C. LALCHAWIMAWIA)

Under Secretary (T) to the Govt. of Mizoram
Public Health Engineering Department

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C.E (Hq. W)
S.E (U)
S.E (M)
DD Admn/Supdt

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 14/11/22

Office of the Engineer-in-Chief,
 PHED
 Receipt No: 4166
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**MINUTES OF THE MEETING ON DRAFT MIZORAM GROUND WATER
(CONTROL AND REGULATION) BILL, 2022**

Venue : Chief Secretary Conference Room
Date & Time : 19.9.2022 at 11:00 AM
Member Present : List attached

The meeting was presided over by Chief Secretary, Govt. of Mizoram. After welcoming the members she invited Secretary, PHE Department to highlight the agenda who in turn reported the present status of the draft Mizoram Ground Water (Control and Regulation) Bill, 2022. He stated that as decided in the last meeting held on 1.9.2022 officials of PHE Department and I&WR had discussed the draft Bill and correction were made where needed. However, the comments made by EF&CC Department was not addressed on the discussion due to late receipt of the comments.

PCCF explained the comments made by their department as invited by the Chairperson.

After due deliberation, the meeting made the following decisions :

- 1) In addition to constitution of State Level Authority, Working Group at State Level and District Level Committee should be incorporated in the Bill.
- 2) Director, Land Revenue and Settlement Department may also be included as member of State Ground Water Authority.
- 3) Comments made by EF&CC Department may be incorporated in the draft Bill. If required provisions made in the existing laws enforced by EF&CC Department may be referred and necessary corrections be made accordingly in consultation with Regional Director, CGWB, NER, so that the best and suitable laws for the state be adopted.
- ✓ 4) After making all the required corrections, the draft Bill will be endorsed to Hon'ble Deputy Chief Minister, so as to obtain permission for public consultation. If agreed, the draft Bill will be re-circulated to all concerned Departments and up-loaded in the website to get public opinion and for comments & suggestions.


The meeting ended with vote of thanks from the chair.

Sd/- Dr. RENU SHARMA
Chief Secretary to the Govt. of Mizoram

Memo No. F. 16013/1/2018-PHE : Dated Aizawl, the 21st September, 2022

Copy to :-

1. Sr. PPS to Chief Secretary, Mizoram
2. PPS to PCCF, EF&CC Department
3. PS to Secretary, PHE Department
4. PS to Secretary, I&WR Department
5. Engineer-in-Chief, PHED
6. Chief Engineer, I&WR
7. Director, Land Revenue & Settlement Department
8. All Officers concerned
9. Guard file.


21/9/22

(LALZUIMAWII)

Under Secretary (T) to the Govt. of Mizoram
Public Health Engineering Department

THE
MIZORAM GROUND WATER
(CONTROL AND REGULATION) BILL-2022
(DRAFT)



GOVERNMENT OF MIZORAM

**THE MIZORAM GROUND WATER
(CONTROL AND REGULATION) BILL-2022
(DRAFT)**

GOVERNMENT OF MIZORAM

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**THE MIZORAM GROUND WATER (CONTROL AND REGULATION) BILL,
2022**

**A
BILL**

to regulate and control the development and management of ground water in the State of Mizoram and the matters connected therewith and incidental thereto.

WHEREAS, due to continuous population increase in the country, the utilization of ground water is also increasing for domestic, agriculture and industrial purposes. In order to control the exploitation of ground water as per availability, the Government of India had circulated a draft model bill for enacting law on control of ground water.

AND, WHEREAS it is expedient and necessary to keep control on exploitation of ground water in the states where ground water exploitation exceeds its availability. In addition to this, provision is being made to improve the ground water status in the critical areas by adopting methods which can conserve the rain water and ensure recharge of ground water. The control over ground water and notification of the critical regions/areas of the state fully or partially and controlling the ground water by the grant of the permission for establishment of ground water structures is essential for meeting the needs of future generations.

NOW, THEREFORE, the Government of Mizoram is pleased to make the following law of the control, regulation, conservation and management of ground water and the matters connected therewith and incidental thereto.

Be it enacted by the Mizoram State Legislature in the Seventy Fifth Year of the Republic of India as follows, namely: -

CHAPTER-1
PRELIMINARY

1. SHORT TITLE, EXTENT AND COMMENCEMENT: -

- 1) This Act may be called the “Mizoram Ground Water (Control and Regulation) Act, 2022”.
- 2) It shall extend to the whole of the State of Mizoram.
- 3) It shall come into force on such date as the State Government may, by notification, in the Official Gazette specify, appoint and different dates may be appointed for different areas of the State.

2. DEFINITIONS: -

In this Act, unless the context otherwise requires:

- a) “**Act**” means Mizoram Ground Water (Control and Regulation) Act, 2022.
- b) “**artificial recharge to ground water**” means the process by which ground water reservoir is augmented at a rate exceeding that under natural condition of replenishment.
- c) “**availability of water**” means total estimated water available in a particular area during an assessment period and calculated with the standard prescribed procedures.
- d) “**Authority**” means State Ground Water Authority established in accordance with section 3 of this Act.
- e) “**business/ commercial**” means users using ground water for sale, supply through tankers as earning business or as a raw material like packaged drinking & soft drinking water, distilleries, breweries, construction works and cooling system in industrial & commercial complexes, etc.
- f) “**drinking water**” in relation to the use of water, means consumption or use of water by human population for drinking and for other domestic purposes and includes consumption of water for similar relevant purposes for domestic animals.

Explanation: For the purposes of this clause, the expression “domestic purposes” shall include consumption or use of water for cooking, bathing, washing, cleansing and other day to day activities.

- g) “**Government**” means the Government of Mizoram.
- h) “**ground water**” means the water which exists below the ground surface of the zone of saturation and can be extracted through wells or any other means or emerges as springs and base flows in streams and rivers.
- i) “**Ground Water Authority**” means an Authority prescribed or established under this Act.
- j) “**notified Area**” means the area notified under section 10 of the Act.
- k) “**prescribed**” means prescribed by rules made under this Act as framed by authority.
- l) “**rainwater harvesting**” is the technique of collection and storage of rainwater at surface or in sub-surface aquifer.
- m) “**sink**” with all its grammatical variations and cognate expression in relation to a well includes any digging, drilling or boring of new well or deepening carried out to the existing wells.
- n) “**spring**” location where ground water naturally emerges from the Earth's subsurface in a defined flow and in an amount large enough to form a pool or stream-like flow.
- o) “**Technical Officers**” means hydrogeologists in the office of Ground Water Resources Assessment Cell of Department of PHE, not below the rank of Assistant Hydrogeologist.
- p) “**user of ground water**” means the person or persons an institution including a Company or an Establishment, whether Government or non-government who or which extract or use or sell ground water for any purpose including domestic use made either on a personal or community basis.
- q) “**well**” means a well sunk for the search or extraction of ground water and includes open dug well, drilled well, point collector well, infiltration gallery, recharge well or any of their combinations or variations.

CHAPTER-II
CONSTITUTION OF MIZORAM GROUND WATER AUTHORITY

3. CONSTITUTION OF GROUND WATER AUTHORITY: -

1) The State Government may by notification in the Official Gazette, constitute with effective from such date as may be specified in the notification, an authority called the Mizoram State Ground Water Authority, State Level Working Group and District Committee as follows.

a) The Authority shall consist of following members:

- | | | |
|--|---|------------------|
| i) Secretary, Public Health Engineering Department | - | Chairman |
| ii) Engineer-in-Chief, Public Health Engineering Department | - | Member Secretary |
| iii) PCCF, Environment, Forest & Climate Change Department | - | Member |
| iv) Regional Director, CGWB, NE India | - | Member |
| v) Chief Engineer, Irrigation & Water Resources Department | - | Member |
| vi) Director, Land Resources Soil & Water Conservation Department | - | Member |
| vii) Director, Commerce and Industries Department | - | Member |
| viii) Director, Agriculture Department | - | Member |
| ix) Director, Rural Development Department | - | Member |
| x) Director, Horticulture Department | - | Member |
| xi) Director, A.H. and Veterinary Department | - | Member |
| xii) Member Secretary, Mizoram State Pollution Control Board | - | Member |
| xiii) Director, Land Revenue and Settlement Department | - | Member |
| xiv) Head of Department, Department of Geology, Mizoram University | - | Member |
| xv) Hydro-geologist, Public Health Engineering Department | - | Member |

b) State Level Working Group shall consist of the following members.

- | | | |
|--|---|--------------------------------|
| Chairman | : | Secretary, PHE Department |
| Member Secretary | : | Hydrogeologist, PHE Department |
| Members | : | Representative from |
| i) Environment, Forest & Climate Change Department | | |

- ii) Irrigation & Water Resources Department
- iii) Land Resources Soil & Water Conservation Department
- iv) Agriculture Department
- v) Mizoram University

c) District Committee shall consist of the following members.

- Chairman : Deputy Commissioner
- Member Secretary : Executive Engineer, PHE Department
- Members : Representative from
 - i) Environment, Forest & Climate Change Department
 - ii) Irrigation & Water Resources Department
 - iii) Land Resources Soil & Water Conservation Department
 - iv) Agriculture Department
 - v) Commerce and Industries Department
 - vi) Rural Development Department
 - vii) Horticulture Department
 - viii) A.H. and Veterinary Department
 - ix) Land Revenue and Settlement Department

2) The Authority constituted under sub-section (I) shall be a body corporate having perpetual succession with power to contract, acquire, hold and dispose of property, both movable and immovable and to do all things necessary for the purpose of this Act and may sue and be sued by the said name.

4. MEETING OF THE STATE AUTHORITY: -

The Mizoram State Ground Water Authority shall meet at least once in a year at such place and time as the Chairman may decide.

5. STAFF OF THE GROUND WATER AUTHORITY: -

1) The State Government may for the purpose of enabling the Ground Water Authority to perform its functions efficiently and exercise its powers under the Act appoint such number of specific technical officer/scientists of the Hydrogeology stream and other relevant staff as it may consider necessary to solve the purpose of ground water development in the State.

2) The functions as well as the terms and conditions of service of such employees shall be such as may be prescribed.

6. MEMBERS AND EMPLOYEES OF THE GROUND WATER AUTHORITY TO BE PUBLIC SERVANTS, CENTRAL ACT 45 of 1860: -

All members and employees of the Ground Water Authority shall when acting or purporting to act in pursuance of the provisions of this Act or of any rules made there under be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Act No. 45 of 1860).

7. POWERS OF THE GROUND WATER AUTHORITY: -

1) The Ground Water Authority or any other official authorized by it in writing in this behalf shall have power: -

a) to enter any property (private or government owned) with the right to collect information and to investigate and make any measurements concerning the land or the water located on the surface and underground;

b) to inspect the well, which is being sink or has been sunk and take the specimens of the soils and other materials or water sample extracted from such wells;

c) to give necessary directive for submitting the boreholes record and soil samples;

d) to order in writing the persons sinking a well to keep and preserve in the prescribed manner specimens of soils or any material excavated therefrom for such period not exceeding three months from the date of completion or abandonment of the work as may be specified by the Authority and such person shall comply with such requisition;

e) to inspect and to take copies of the relevant records or documents and ask any questions necessary for obtaining any information (including diameter and depth of the well which is being or has been sunk; the level at which the water is or was struck and subsequently restored/rested, the types of strata encountered in sinking of the well and the quality of the ground water struck, etc) required for carrying out the purposes of this Act;

f) to give necessary directives to users of ground water to install water measuring devices on any water supplies when necessary to properly administer the water or where there is reason to believe that the user does not comply with the provisions contained in this Act or any other sufficient reason for defending the public interest;

Provided that where the user of ground water does not comply with the requisition issued to him within a period of sixty days, the ground water authority itself may install such water-measuring device and recover the cost from the defaulting user of ground water;

g) to seize any equipment/device utilized for illegal sinking of well and demolish any structure for illegal abstraction of ground water;

h) to direct any user of ground water who does not comply with the provision of this Act and rules framed there under to close down the extraction of ground water, disconnect power supply or destroy any hydraulic work found to be illegal as per the provisions of this Act and the rules framed there under;

i) to enter and search with such assistance, if any, as it considers necessary, any place in which it had reason to believe that offence under this Act has been or is being committed and order in writing the person who has been or is committing the offence not to extract or use the ground water for specified period exceeding thirty days;

j) to retrieve or enforce regulatory authority on the land given to any individual by village council or local council on the ground that such areas(s) is/are potential areas(s) for artificial groundwater recharge to prevent drought of a spring water, while that spring water is drinking water source of the concerned village/area.

k) to exercise such other powers as may be necessary for carrying out the purposes of this Act or any rules made there under.

2) The power conferred by section (1) includes the power to break open the door of any premise where sinking, extraction and use of ground water may be going on;

Provided that the power to break open the door shall be exercised only after the owner or any other person in occupation of the premises, if he is present therein, refuse to open the door on being called to do so.

3) The provisions of the Code of Criminal Procedure 1973 (2 of 1974), shall so far as may be, apply to any search or seizure under this section as they apply to any search or seizure under this section as they apply to any under section 93 of the said Code.

4) Where the Authority seizes any mechanical equipment under clause (g) of sub-section (1) of section 7, it shall as soon as may be inform the Magistrate within whose area of jurisdiction such seizure took place and take orders as to the custody thereof.

5) To impose and charge Ground water fees, penalties and environmental charges in the prescribed manner.

8. DELEGATION OF POWER AND DUTIES: -

The Authority may delegate any of their powers to the District level authorities or any Department or Officer of the Government for the purpose of carrying out the provisions of this Act. The Authority may, by general or special order in writing, direct that all or any of the duties which may be exercised or discharged by it shall, in such circumstances and under such conditions, if any, as may be specified in its order be exercised or discharged also by any other officer/official of the Ground Water Authority, specified in this behalf in the order.

9. FUNCTIONS OF THE AUTHORITY: -

Subject to any special or general directions by the Government in this behalf, the Authority shall perform the following functions, namely:

- a) Regulate and control ground water development in the State. The Authority will monitor the overlapping of the different schemes in the same area and will conduct the impact study and make coordination with different Departments and Central Government Departments/ Agencies, which are implementing the various kinds of schemes in the State for water conservation to control the depletion of natural ground water resources;
- b) make rules for functioning of the authorities at State level as well as District level and Working Group constituted under the Act;
- c) advise the Government on the legislative and administrative measures to be taken from time to time for the conservation of ground water resources and its protection from pollution;
- d) advise on economic measures to be taken by the Government as incentives or disincentives relating to taxes, levies, fees or other charges to regulate over-

exploitation and water quality of ground water, promote conservation and recharge of ground water;

e) advise on any other matter that may be referred to it by the Government.

10. POWER TO NOTIFY ANY AREAS AS “NOTIFIED AREA” FOR CONTROL AND REGULATION OF GROUND WATER DEVELOPMENT: -

1) The Authority shall function under the overall control and supervision of the State Government.

2) If the Authority is of the opinion that it is necessary or expedient in the interest of the public to regulate the extraction or the use of ground water in any form in any area, it will advise the State Government to declare any such area to be a notified area for the purpose of this Act, with effect from such date as may be specified therein. This declaration will be notified in the Official Gazette;

Provided that the date so specified in the notification shall not be earlier than three months from the date of publication of the said notification.

3) Every such notification shall, in addition to its publication in the Official Gazette, be published in not less than one daily regional language newspaper having wide circulation in the State, and shall also be served in such manner as the State Government may think fit and all or any of the following modes may be followed in affecting such service, namely: -

- a) by putting on the website of the authority;
- b) by affixing a copy of the notification to some conspicuous part of the offices of the Village Council/Local Council located in the said area;
- c) by proclaiming by beat of drum or by means of loudspeakers the content of the notification in the said area;
- d) in such other manner as may be prescribed.

- 4) If in the opinion of the Authority, the availability of the ground water has improved in a notified area, it may advise State Government to de-notify such area and the State Government may do so according to the procedure prescribed under sub-section (3).
- 5) The Authority will also take steps to ensure that exploitation of ground water resources does not exceed the natural replenishment to the aquifers. Whenever there is mismatch, steps will be taken to ensure augmentation of ground water resources in addition to regulatory measures.
- 6) The authority shall maintain and upkeep the data-base on ground water related information.

11. GRANT OF PERMIT TO EXTRACT AND USE GROUND WATER IN THE NOTIFIED AREA: -

- 1) User of ground water desiring to sink a well or to convert the existing well into pumping well in the notified area for any purpose either on personal or community basis, shall apply to the Authority for grant of a permit for this purpose, and shall not proceed with any activity connected with such sinking or conversion unless a permit has been granted by the Authority.
- 2) Every application under sub-section (1) shall be made in such form, shall contain such particulars and in such manner as may be prescribed.
- 3) On receipt of an application under sub-section (1), if the Authority is satisfied that it shall not be against public interest to do so, it may grant, subject to such conditions and restriction as may be specified, a permit authorizing the extraction and use of ground water. The conditions will include mandatory

provision of artificial recharge structures of appropriate size to be constructed by the applicant within a period as specified by the Authority;

Provided that no person shall be refused a permit unless he has been given an opportunity of being heard.

- 4) The decision regarding the grant or refusal of the permit shall be intimated by the Authority to the applicant within a period of 60 days from the receipt of the application.

- 5) In granting or refusing a permit under sub-section (3), the Authority shall have regard to:
 - a) the purpose or purposes for which ground water is to be used;
 - b) the existence of other competitive users;
 - c) the availability of ground water;
 - d) quantity of ground water to be drawn;
 - e) quality of ground water with reference to use;
 - f) spacing of ground water structures keeping in consideration the purpose for which ground water is to be used;
 - g) long-term ground water level behavior;
 - h) its likelihood of adversely affecting water availability of any drinking water source in its vicinity;
 - i) any other factor relevant thereto.

- 6) The permit shall be in such form as may be prescribed, and shall include: -
 - a) the devices used;
 - b) the quantity of ground water withdrawal and hours of operation per day;
 - c) the total period of use in each year;
 - d) the purpose or purposes for which ground water is being extracted;
 - e) in case the requirement of ground water is for purpose of drinking water, the approximate population to be served;
 - f) in case of irrigation well, the location and extend of area irrigated; and

g) in the case of State, Municipal or Community run water supply schemes, the details of the services involved in addition to the quantities of ground water extracted, the diversion or the pumping points and their locations.

- 7) Agriculture sector may be exempted from having NOC for ground water extraction and drawing of ground water less than 10cum per day.
- 8) Any user of groundwater desiring to sink a well within the forest reserved area, should take prior permission from Environment, Forest and Climate Change Department before apply to the authority.

CHAPTER-III
GROUND WATER PROTECTION MEASURES

12. REGISTRATION OF EXISTING USERS IN NOTIFIED AREAS: -

1) Every existing user of ground water in the notified area of the State shall within a period of 90 (Ninety) days from the date of establishment of the Authority by the State Government, shall apply to the Authority for the grant of a certificate of registration recognizing its existing use in such form and in such manner as may be prescribed;

Provided that the Authority may entertain any such application after the expiry of the said period of 90 (Ninety) days, if it is satisfied that the user was prevented by sufficient cause from filing the application in time.

2) The details to be furnished in applications under sub-section (1) shall include the following, namely:

- a) the description of the source of water, such as type of well, its exact location, size and specifications and date of installation;
- b) the device used for lifting water;
- c) the quantity of ground water extracted and hours of operation per day;
- d) the total period of use in each year;
- e) the purpose or purposes for which the water is being extracted;
- f) the period of use in each year for the purpose or purposes;
- g) in case the requirement of ground water is for drinking water, the approximate population to be served; and
- h) in the case of irrigation well, the location and extent of the area irrigated.

3) On receipt of an application under sub-section (1) if the Ground Water Authority is satisfied that it shall not be against the public interest to do so, it may grant, subject to such conditions and restriction as may be specified, a certificate of registration authorizing the continued use of the water;

Provided that no person shall be refused a certificate of registration unless he has been given an opportunity of being heard.

4) The decision regarding the grant or refusal of the registration shall be intimated by the Ground Water Authority to the applicant within a period of 60 days from the receipt of the application. A copy of this refusal may also be sent to the concerned Department including Mizoram State Pollution Control Board, District Administration etc. so that further action in the matter is taken by Department concerned.

5) In granting or refusing a certificate of registration under sub-section (4) the Ground water Authority shall have regard to: -

- a) the purpose or purposes for which ground water is being used.
- b) the existence or other competitive users;
- c) the availability of ground water;
- d) any other fact relevant thereto.

6) If a registered well becomes defunct, this fact should be immediately brought to the notice of the Ground Water Authority by the user of such ground water and the defunct well should be sealed properly.

13. GRANT OF PERMIT TO EXTRACT GROUND WATER AND REGISTRATION OF USERS OF EXISTING AND NEW WELLS IN NON-NOTIFIED AREA: -

- 1) The provisions under section 11 will also be applicable in the Non-notified area.
- 2) All wells sunk/installed in the state shall have to be registered including the areas not notified under sub section (2) of section 10 of the Act.
- 3) The provisions under sub-section (6) of section 12 will also be applicable for the purpose of this section.

14. REGISTRATION OF DRILLING AGENCIES: -

- 1) Every drilling rig which are utilized within the State shall be registered to the Authority in such manner and on payment of such fees as may be prescribed.
- 2) Every rig owner or operator shall follow the instructions issued by the Authority from time to time.

15. POWER TO ALTER, AMEND OR VARY THE TERMS OF THE PERMIT/ CERTIFICATE OF REGISTRATION: -

At any time after granting permit/certificate of registration, as the case may be the Authority may, for any reasons, alter, amend or vary the terms of the permit or certificate of registration, as the case may be, provided that the user of ground water has been given an opportunity of being heard;

Provided that before taking such action, the Ground water Authority shall ensure that the standing crop(s) are not damaged.

16. CANCELLATION OF PERMISSION/CERTIFICATE OF REGISTRATION: -

If the Ground water Authority is satisfied either on a reference made to it in this behalf or otherwise that: -

- 1) The permit/ certificate of registration granted, has been obtained by fraud or misrepresentation as to an essential fact under sub-section (3) of section 11, or sub-section (3) of section 12;
- 2) the holder of the permit/certificate of registration has without reasonable cause failed to comply with the conditions subject to which the permission or certificate of registration has been granted or has contravened any of the provisions of this Act or the rules made there under;
- 3) a situation has arisen which warrants limiting of the use or extraction of ground water then without prejudice to any other penalty to which the holder of the permission or of the certificate of registration may be liable under this Act or any

other law, the Ground Water Authority may after giving the holder of the permission, certificate of registration, an opportunity for showing cause, cancel the permit or certificate of registration, as the case may be.

17. SERVICE OF ORDERS, ETC: -

1. Every order under sub-section 1 of section 16 shall be served: -

- a) by giving or tendering the order of the notice or by sending it by post to the users for whom it is intended; or
- b) if such user cannot be found, by affixing the order of notice on some conspicuous part of his last known abode or place of business or by giving or tendering of the notice to some adult member/servant of this family or by affixing on some conspicuous part of the land or building in such violation of the provisions of this Act is being done.

2. Where the persons on whom an order or a notice is to be served is a minor, service upon his guardian in the manner provided in sub-section 1 shall be deemed to be served upon the minor.

18. BAR TO CLAIM COMPENSATION: -

No person shall be entitled to claim any damages or compensation from the Government for any losses sustained by him by virtue of any action taken under this Act.

19. BAR OF JURISDICTION BY CIVIL COURTS: -

No Civil Court shall have jurisdiction in respect of any matter which the State Government or the Ground Water Authority is empowered by this Act to determine and no injunction shall be granted by any Court or any other Authority in respect of any action that is being taken or to be taken in pursuance of any powers conferred by or under this Act.

20. PROTECTION AGAINST ACTION TAKEN IN GOOD FAITH: -

No prosecution, suit or other legal proceeding shall be instituted against the Government or the Ground Water Authority or any other officer of the Government or any member or other employee of the Ground Water Authority for anything done or intended to be done in good faith under this Act, or the rules made there under.

21. COGNIZANCE AND TRIAL OF OFFENCES: -

1) No prosecution for an offence under this Act shall be instituted except by or with the written consent of the Chairman, Mizoram Ground Water Authority or a person authorized in this behalf by the Ground Water Authority.

2) No Court inferior to that of a Metropolitan Magistrate or a Magistrate of First Class shall try any offence under this Act.

CHAPTER-IV
FUNDS, ACCOUNTS AND AUDIT

22. FUNDS OF THE AUTHORITY: -

1) The Authority shall have and maintain a separate fund called the Mizoram Ground Water Authority Fund to which shall be credited, -

(a) such sums as may be placed at the disposal of the Authority from time to time by way of grant or loan or otherwise by the State Government;

(b) grants and loans received from the Central Government;

(c) loans raised with prior concurrence of the Government by the Authority from the financial agencies;

(d) the proceeds of any fees, charges and fines levied;

(e) such other sums received by the Authority from any other source;

2) All the new appointments in the establishment of the Authority, whether temporary or permanent with appropriate scale of pay and purchase of new vehicles shall be made with the concurrence of the Government;

3) The Authority may impose appropriate charges on the quantum of ground water extracted for domestic, industrial, commercial, mining, infrastructure projects, bulk water suppliers and entertainment purposes with the approval of the Government in such manner as may be prescribed.

4) The fund shall be applied for the purpose of this Act in such manner as may be prescribed.

5) The fund shall be kept in such deposit and drawn in such manner as may be prescribed.

23. BUDGET OF THE AUTHORITY: -

The Authority shall prepare in such form and at such time every year, as may be prescribed, a budget for the next financial year showing estimated receipts and expenditure of the Authority in respect of the implementation of the Act and shall forward to the Government such number of copies thereof, as may be prescribed.

24. ACCOUNTS AND AUDIT: -

1) The Authority shall maintain a true and proper account and other relevant records and prepare annual statements of accounts including the balance sheet in such form as may be prescribed.

2) The accounts of the Authority shall be subject to audit annually by the Controller of State Accounts. A copy of annual statement of accounts together with a copy of the report of the auditor shall be forwarded annually to the Government.

CHAPTER –V

RAIN WATER HARVESTING AND RECHARGE FOR GROUND WATER

25. RAIN WATER HARVESTING FOR GROUND WATER RECHARGE: -

1) To improve the ground water situation, the Authority may identify the recharge worthy areas in the State and issue necessary guidelines for adoption of rain water harvesting for ground water recharge in these areas. In rural areas, watershed management to facilitate ground water recharge may be encouraged through community participation. The Authority may give appropriate directions to the concerned departments of the State Government to include rain water harvesting in all developmental schemes falling under notified areas. The Authority may issue directives for constructing appropriate rain water harvesting structures in all residential, commercial and other premises having an area of 100 Sq. mt. or more in manner prescribed within a stipulated period, failing which the Authority may get such rain water harvesting structure constructed and recover the cost incurred along with penalty as may be prescribed.

2) Notwithstanding anything contained in the relevant laws, the Municipal Corporation or any other local Authority as the case may be, may impose stipulated conditions for providing roof top rain water harvesting structures in the building plan in an area of 100 Sq.mt. or more, while according approval for construction, and permanent water and electricity connections shall be extended only after compliance of the directions given in this regard.

3) The Authority shall take steps for promotion of Mass Awareness Training Programmes on Rain Water Harvesting, scientific groundwater research and artificial recharge to groundwater for sustainable groundwater resources through Government Agencies/Non-Government Organizations (NGOs)/Volunteer Organizations (VOs)/Academic and Educational Institutions / Industries / Individuals.

CHAPTER-VI
MISCELLANEOUS

26. PROHIBITION ON GROUND WATER CONTAMINATION: -

No ground water resources shall be contaminated in any manner by anybody including municipal and local bodies, industrial waste and agriculture inputs. Direct disposal of wastewater into the aquifers will be punishable offence.

27. PROHIBITION ON SPRINGS ENCROACHMENT: -

No springs and their catchment areas shall be encroached upon in any manner by any body, municipal and local bodies, industrial and agricultural activities.

Construction of houses, dumping sites or any other structures crossing streams or spring water channels is prohibited.

28. POWER TO REMOVE DIFFICULTIES: -

If any difficulty arises in giving effect to the provision of this Act, the Government may, as occasion arises, by order do anything, which appears to it necessary or expedient to remove the difficulty;

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act. The government may, by order make provisions or give such directions, not inconsistent with the provision of this Act, as may appear to it necessary or expedient for the removal of the doubt or difficulty

29. OFFENCES AND PENALTIES: -

If any user of ground water: -

- 1) Contravenes or fail to comply with any of the provisions of this Act or any rule made there under,
- 2) Obstructs the Ground water Authority or any other person authorized by it to exercise any of the power under this Act, or

he/ she shall be punishable: -

a) for the first offence with a penalty of Rs.5000/- which may extend to Rs. 1lakh, and

b) for the second and subsequent offence, penalty not less than Rs. 1lakh or simple imprisonment for a term which may extend upto 6 months or both;

c) if any person contravenes the provisions of this act for third time, he/she shall be punishable with a penalty of Rs. 1lakh in addition to the penalties mentioned at (a) and (b) above, for every day till such contravention continues.

3) Direct disposal of wastes into the springs and their catchment areas, construction of houses, dumping sites or any other structures crossing streams or spring water channels will be punishable offences.

30. COMPOUNDING OF OFFENCES: -

Any offence under this Act may be compounded by the authority as prescribed, either before or after the institution/initiation of the proceedings subject to such conditions as may be prescribed.

31. OFFENCES BY COMPANIES: -

1) Whenever an offence under this Act has been committed by a Company, every person who at the time the offence is committed was in charge of, or was responsible to the company for the conduct of the business of the Company, as well as the Company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Company and that the offence has been committed with the consent or connivance, or is attributable to any neglect on the part of any Director, Manager, Secretary or other officers of the Company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Explanation: - For the purpose of this Section-

- 1) ‘**Company**’ means anybody corporate and includes a firm or other association of individuals, and
- 2) ‘**Director**’ in relation to a firm, means a partner in the firm.

32. APPEALS: -

- 1) Any person aggrieved by a decision or action of the Authority under this Act may, within a period of sixty days from the date on which the action is taken or the decision is communicated to him / her and on payment of such fees as may be prescribed, prefer such an appeal to such Appellate Authority as may be specified by the State Government in this behalf.

Provided that the Appellate Authority as entertain an appeal after the expiry of the said period of sixty days, if it is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.

- 2) On receipt of an appeal under sub- section (1), the Appellate Authority shall, after giving the applicant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

33. FINES TO BE CREDITED TO THE FUND OF THE AUTHORITY: -

All fines recovered under this Act by or under the order of a Court shall be paid to the credit of the Fund of the Authority.

34. POWER TO MAKE RULES: -

- 1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for

- a) the term of office and manner of filling vacancies and other conditions of service among the members and Chairman of the Ground water Authority.
- b) the functions and the terms and conditions of service of the employees of the Ground Water Authority;
- c) any other manner of affecting service of the notification under Clause (d) of sub-section (3) of section 10.
- d) the form of application under sub-section (2) of section 11 and the particulars that may be furnished with these applications;
- e) the form of application under section sub-section (1) of section 12;
- f) the form of the permit and certificate of registration under sub-section (6) of section 11 and sub-section (5) of section 12.
- g) the manner in which the specimens of soils or other material shall be kept and preserved under clause (d) of sub-section (1) of section 7;
- h) Exemption for ground water users if required.
- i) any other matter which is to be or may be prescribed.