



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Ground Water Regulation
(Amendment) Bill, 2024**

(Bill No. 18 of 2024)

(As introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
JULY, 2024

The Goa Ground Water Regulation (Amendment) Bill, 2024

(Bill No. 18 of 2024)

A

BILL

*further to amend the Goa Ground Water
Regulation Act, 2002 (Goa Act 1 of 2002).*

5 BE it enacted by the Legislative Assembly of
Goa in the Seventy-fifth Year of the Republic of
India as follows:—

1. Short title and commencement.— (1) This
Act may be called the Goa Ground Water
10 Regulation (Amendment) Act, 2024.

(2) It shall come into force at once.

2. Amendment of section 2.— In section 2 of
the Goa Ground Water Regulation Act, 2002 (Goa
Act 1 of 2002) (hereinafter referred to as the
15 “principal Act”), after clause (a), the following
clause shall be inserted, namely:—

“(aa) “aquifer systems” means geological
formation capable of storing and transmitting
ground water;”.

20 **3. Amendment of section 17.**— In section 17
of the principal Act,—

(i) for clause (B), the following clause shall
be substituted, namely:—

25 “(B) For illegal sinking/construction and/
or use of well, or transportation of ground
water:

If any person/user,—

(a) contravenes or fails to comply with any of the provisions of this Act or any rule made thereunder, in sinking of an open well or bore well or transportation of ground water; 5
or

(b) obstructs the Ground Water Officer or any other person authorized by him to exercise the powers under this Act,

he shall be punishable with fine as 10
specified in the table below,—

TABLE

	For illegal sinking of an open well/illegal transportation of ground water	For illegal sinking of a bore well/ transportation of ground water in violation of any of the terms and conditions stipulated in the permission granted for transportation of ground water	
			15
			20
For the first offence	Fine which may extend for rupees five thousand only.	Fine which may extend to rupees five lakhs only.	25
For the second or subsequent offence	Fine which may extend for rupees ten thousand only.	Fine which may extend to rupees ten lakhs only.	

(ii) after clause (B), the following clause shall 30
be inserted, namely:—

“(C) For polluting or contaminating ground water by injecting treated/untreated water into the aquifer systems:

If any person/user,—

(a) pollutes or contaminates ground water by injecting treated or untreated water into the aquifer systems; or

5 (b) obstructs the Ground Water Officer or any other person authorized by him to exercise the powers under this Act,

10 he shall be punishable with a fine of rupees ten lakhs and the well if any sunk, shall be filled and permanently sealed and the expenditure incurred thereto shall be recovered from such person/user.”.

STATEMENT OF OBJECTS AND REASONS

The present quantum of fines as provided in the Goa Ground Water Regulation Act, 2002 (Goa Act 1 of 2002) (hereinafter referred to as the “said Act”) are not effective to deter the activities of illegal sinking/construction of wells and illegal transportation of ground water. There is an urgent need to protect ground water aquifer from pollution and/or contamination. Therefore, the Bill seeks to amend clause (B) of section 17 of the said Act so as to enhance the quantum of fines.

The water quality of several wells in the State, especially in the urban areas and in the industrial estates, have been deteriorating due to direct or indirect injection of pollutants into the aquifers. Many such incidents have come to light wherein industrial affluent was directly released/pumped into the aquifer.

The Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation in pursuance of the directions issued by the Hon'ble National Green Tribunal, New Delhi vide its Order dated 15-4-2015 in O.A. Nos. 204/205/206 of 2014 and powers conferred by sub-section (3) of section 3 read with section 5 of the Environment (Protection) Act, 1986 (29 of 1986) has notified guidelines to regulate and control ground water extraction in India vide notification No. S.O. 3289(E) dated 24-9-2020, published in the Gazette of India, Extraordinary, Part II-SEC3(ii) dated 24-9-2020.

As per the provisions contained in the clause 16.0 of the said Guidelines a penalty of Rs. 10,00,000/- is to be levied for injection of treated/untreated water into the aquifer systems.

The Bill therefore seeks to insert clause (C) in section 17 of the said Act so as make the penal provision contained therein consistent with the penal provision contained in the said guidelines.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

No Financial implications are involved in this Bill, however, it will generate additional revenue by way of collection of penalty.

MEMORANDUM REGARDING DELEGATED LEGISLATION

No delegated legislation is envisaged in this Bill.

Assembly Hall
Porvorim-Goa.
----- July, 2024.

Subhash Shirodkar
Minister for Water Resources

Assembly Hall
Porvorim-Goa
----- July, 2024.

Namrata Ulman
Secretary (Legislature)

ANNEXURE

Extract of Section 17 of the Goa Ground Water
Regulation Act, 2002 (Goa Act 1 of 2002)

Section 17. Offences and Penalties.—

(A) For non-receipt of information:

If any user.—

(a) contravenes or fails to comply with any of the provisions of this Act or rules made thereunder, in supplying information as prescribed; or

(b) obstructs the Ground Water Officer or any other person authorized by him to exercise any powers under this Act,

he shall be punishable—

(i) for the first offence, with fine which may extend to rupees one thousand; and

(ii) for the second and subsequent offence, with fine which may extend to rupees two thousand, every time.

(B) For illegal sinking/construction and/or use of wells and/or transportation of water and/or polluting and contaminating ground water:

If any user—

(a) contravenes or fails to comply with any of the provisions of this Act or rules made thereunder;

(b) obstructs the Ground Water Officer or any other person authorized by him to exercise the powers under this Act,

he shall be punishable—

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

(ii) for the second and subsequent offence, with fine which may extend upto rupees ten thousand, every time and the well shall be sealed by the Ground Water Officer.