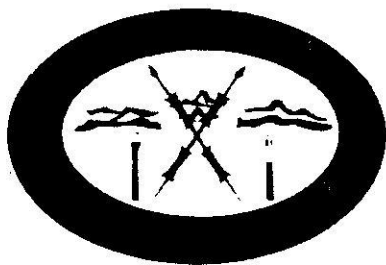
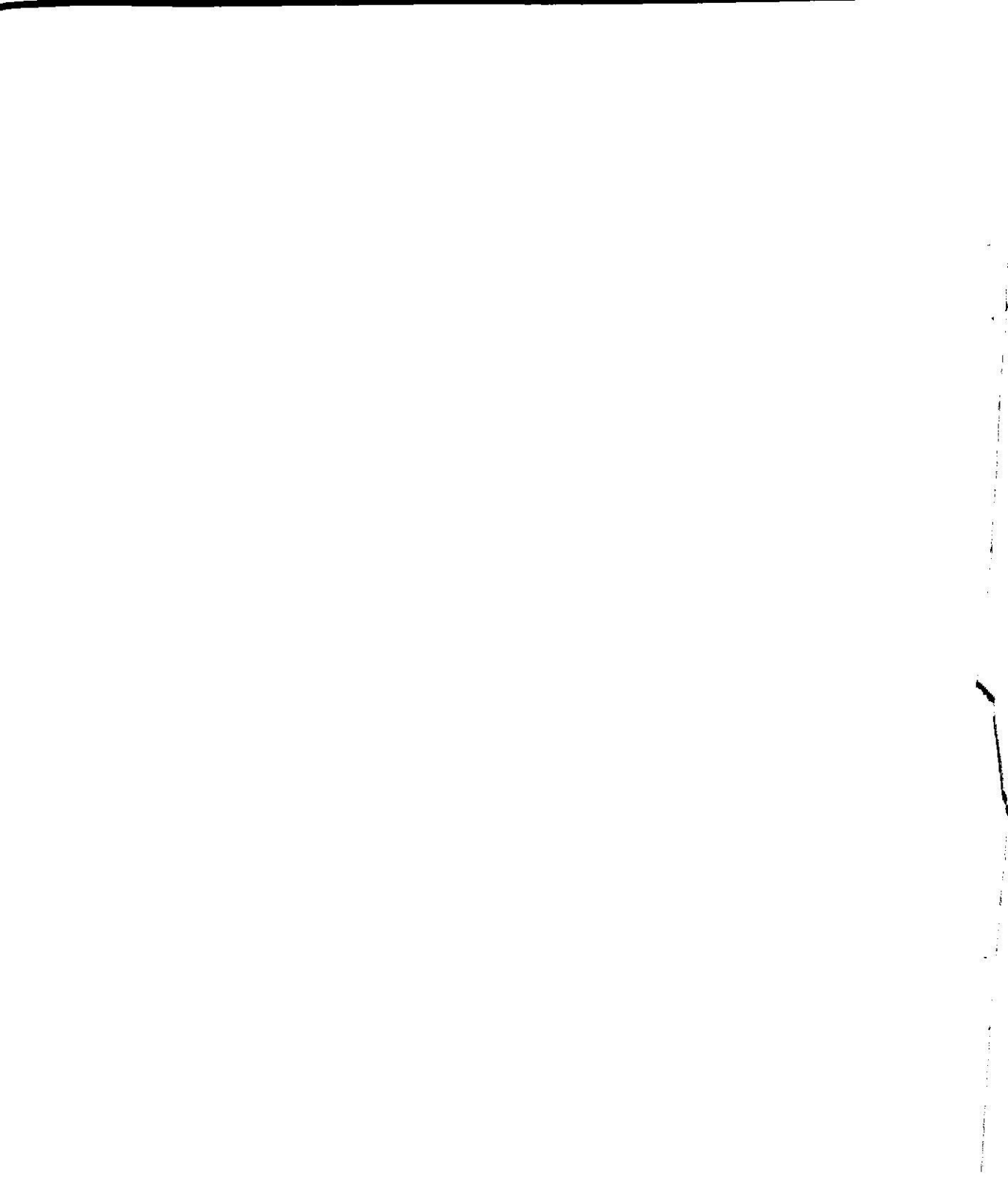




**GOVERNMENT OF NAGALAND**  
**DEPARTMENT OF GEOLOGY AND MINING**

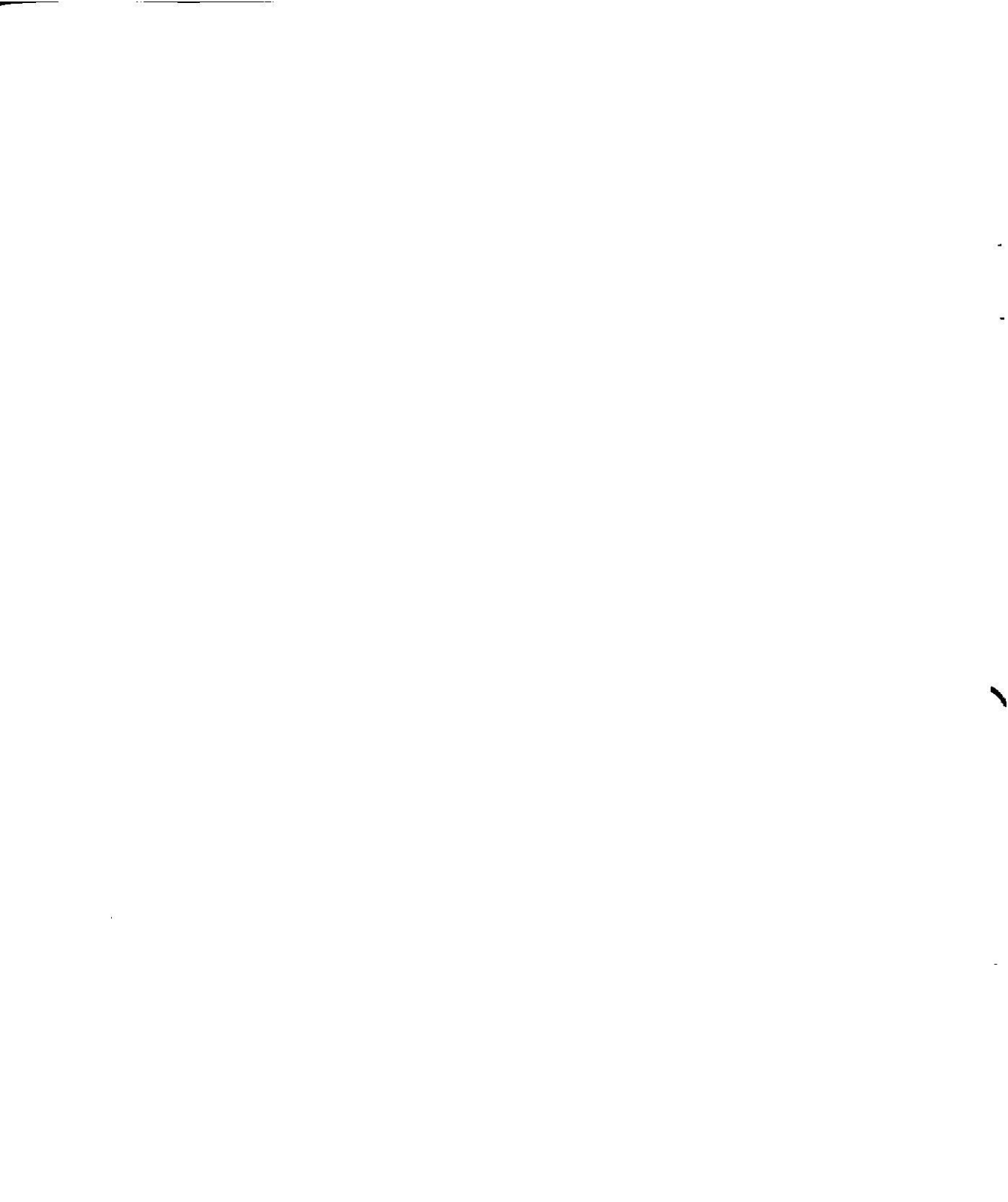


**THE NAGALAND GROUNDWATER (REGULATION AND CONTROL OF  
DEVELOPMENT AND MANAGEMENT) BILL,  
2020**



## CONTENTS

	Page
1. THE NAGALAND GROUNDWATER (REGULATION AND CONTROL OF DEVELOPMENT AND MANAGEMENT) BILL, 2020.	1 - 14
2. THE NAGALAND GROUNDWATER RULES, 2020.	15 - 50





# THE NAGALAND GROUNDWATER (REGULATION AND CONTROL OF DEVELOPMENT AND MANAGEMENT) BILL, 2020.

## CHAPTER I

### PRELIMINARY

#### 1. Short title, Extent and Commencement

- (1) This Bill may be called the Nagaland Groundwater (Regulation and Control of Development and Management) Bill, 2020.
- (2) It extends to the whole of the State of Nagaland
- (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

#### 2. Objective

The objectives of this Bill are to ensure that groundwater is protected, conserved and regulated so as to:

- (a) Meet basic human needs and livestock needs.
- (b) Promote sustainable groundwater use in the public interest, based on a long-term protection of available resources.
- (c) Ensure that the protection, conservation and regulation of groundwater is integrated with the protection, conservation and regulation of surface water to ensure conjunctive use of surface water and groundwater.
- (d) Ensure the implementation of the principle of subsidiarity.
- (e) Protect ecosystems and their biological diversity.
- (f) Reduce and prevent pollution and degradation of groundwater.
- (g) Ensure that present and future generations have access to sufficient quantity and quality of basic water.

#### 3. Definitions

In this Bill unless the context otherwise requires: -

- (a) "**Bill**" means the Nagaland Groundwater Regulation Bill, 2020.
- (b) "**Appellate Authority**" means the Nodal Department that is Directorate of Geology & Mining established under section 3 of the Bill.
- (c) "**Artificial recharge to groundwater**" means the process by which groundwater reservoir is augmented beyond the natural condition of replenishment.
- (d) "**Aquifer**" is a geological formation that stores and transmits water.
- (e) "**Drinking water**" means water for consumption or use by human population for drinking and for other domestic purposes, which shall include consumption or use of water for cooking, bathing, washing, cleansing and other day to day activities and shall include water meant for consumption by the livestock.

- (f) "**Exploitation limit**" means such limit where the estimated annual groundwater extraction is more than 85% (eighty-five percent) of the estimated average annual groundwater recharge.
- (g) "**Government**" or "**State Government**" means Government of Nagaland.
- (h) "**Department**" means the department of Geology and Mining, Nagaland.
- (i) "**Groundwater**" means the water which exists below the ground surface in 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.
- (j) "**Notified area**" means the area notified under section 7 (3) of this Bill.
- (k) "**Official Gazette**" means the Nagaland Gazette.
- (l) "**Prescribed**" means prescribed by rules made under this Bill.
- (m) "**Rain water harvesting**" is the process of collection and storage of rain water at surface or in sub surface aquifer.
- (n) "**Royalty**" means the royalty payable to the State Government under section 16 of this Bill.
- (o) "**Sink**" with all its grammatical variations and cognate expression in relation to a well includes any digging, drilling or boring of new wells or deepening of the existing wells.
- (p) "**State**" means the State of Nagaland.
- (q) "**User of groundwater**" means a person or an institution including a company or an industry or an establishment, whether Government or not, who or which use groundwater for any purpose excluding domestic use.
- (r) "**Well**" means a structure sunk for the search or extraction of groundwater by any person, except by the authorized officials of the State or Central government, for carrying out scientific investigations, exploration, development, augmentation, conservation, protection or management of groundwater and shall include open well, dug well, bore well, dug-cum-bore well, tube well, filter point, collector well, infiltration gallery, recharge well, disposal well, or any of their combinations or variations for extraction of groundwater.
- (s) "**Source of water**" means the water which exists in the nallahs, wells, rivulets, rivers, lakes, ponds, bore wells, tube wells, canals, springs, etc.
- (t) "**Conservation**" means to conserve forest, catchment areas, springs sources and any other structures that augment groundwater aquifers for sustainable hydrological cycle.
- (u) "**Permit**" means the permit for extraction and use of groundwater granted under section 9 of the Bill.
- (v) "**Safe yield**" means the amount of water which may be abstracted from an aquifer at a rate that will not reduce the supply to such an extent that it would not be recharged to the original level by the annual natural recharging process of that locality and, as such, rendering such abstraction harmful to the aquifer, quality of the water or environment.

## CONSTITUTION OF THE AUTHORITY

### 4. Establishment of Authority

- (1) The State Government shall, by notification in the official Gazette, establish, with effect from such date as may be specified in the notification, an Authority to be known as “**Nagaland Groundwater Authority**”.
- (2) The Authority shall consist of the following members, namely: -
  - (i) Commissioner & Secretary/Secretary, Geology & Mining: Chairman
  - (ii) Director, Geology and Mining: Member Secretary
  - (iii) Chief Engineer, Deptt. of Water Resources: Member
  - (iv) Chief Engineer, Public Health Engineering Deptt.: Member
  - (v) Director, Deptt. of Soil and Water Conservation: Member
  - (vi) Director, Deptt. Of Municipal Affairs: Member
  - (vii) Regional Director, Central Ground Water Board: Member
  - (viii) Joint Director (G), Geology & Mining: Co-opted Member
- (3) The Members of the Authority shall by designation represent as representative of the Department.

### 5. Staff of the Authority

- (1) The Government shall for the purpose of enabling the Authority to efficiently perform its functions or exercise its powers under the Bill, provide such number of technical and other staff as it may consider necessary.
- (2) The powers and duties and the terms and conditions of service of such employees shall be such, as may be prescribed.
- (3) The officers, technical personnel and staffs of the Authority under sub-section (1) shall be constituted from the existing *Groundwater Cell* of the Directorate of Geology & Mining, Dimapur.

### 6. Term of Office and Conditions of Service

The term of office and service conditions of the staff of Authority under sub-section (3) of Section 5 shall be guided by the Service Rule, 2005 of the Department of Geology and Mining.

### 7. Power to notify areas to regulate and control the development and management of Groundwater

- (1) The Authority shall function under the overall control and supervision of the State Government.
- (2) If the Authority after consultation with the experts is of the opinion that it is necessary or expedient in the public interest to control and or regulate the extraction of groundwater in any form in any area, it shall advise the State Government to declare any such area to be *notified area* for the purposes of thi. Bill.

- (3) The State Government after examining the advice of the Authority, received under sub-section (2), and after making such further enquiry, as it may deem fit, may by notification, declare such area or part thereof to be the *notified area*, with effect from such date, as may be specified therein, provided that the State Government may suo motu by notification declare its intention to notify any area to be the *notified area* under this section, if deemed necessary.
- (4) Every such notification issued under Sub-section (3) shall, in addition to its publication in the official Gazette, be published in not less than two daily newspapers having wide circulation in the State and shall also be served by affixing a copy of the notification at the offices of the Village/Ward/Colony Councils located in the said area and at some conspicuous places of the locality.
- (5) The persons likely to be affected by the notification issued under sub-section (4), may file objections or suggestions within 30 (thirty days) from the date of publication to the State Government which shall be decided by it within thirty days, after public hearing and thereafter, final notification shall be issued within thirty days.
- (6) If in the opinion of the Authority, the availability of the groundwater has improved in *notified area*, it may advise the State Government to denotify such area, and the State Government may in the like manner, denotify such area.
- (7) The Authority shall take steps to ensure that exploitation of groundwater resources does not exceed the natural replenishment to the aquifers and wherever, there is mismatch, steps shall be taken to ensure augmentation of groundwater resources in addition to regulatory measures.

#### **8. Authority to maintain data base on groundwater**

The Authority shall maintain and update the data base on groundwater resources of the State.

#### **9. Grant of Permit to extract and use groundwater**

- (1) Any user of groundwater desiring, to sink a well within notified area, for any purpose shall, on payment of such fee as may be prescribed, apply to the Authority for grant of a permit, and shall not proceed with any activity connected with such sinking unless a permit has been granted by the Authority.
- (2) Every application made under sub-section (1) shall be in such form and contain such particulars as may be prescribed.
- (3) The Authority shall consider the application made under sub-section (1) and if satisfied, may grant a permit, in such form as may be prescribed subject to such conditions and restrictions as may be specified, within 60 (sixty days) from the date of receipt of the application.

Provided that, while considering the application, the Authority shall give first priority for drinking water needs in preference to other needs.

Provided further that no permit shall be refused without affording an opportunity of being heard.

- (4) The decision regarding grant or refusal of the permit shall be intimated by the Authority to the applicant within a period of (30) thirty days from the date of decision.
- (5) In granting or refusing a permit under sub-section (3), the Authority shall have regard to:
  - (a) Hydrogeology and geomorphology of the area.
  - (b) The purpose or purposes for which water is to be used.
  - (c) The existence of other competitive users.
  - (d) The availability of water/aquifer zones.
  - (e) Prospect of groundwater.
  - (f) Feasibility for groundwater development.
  - (g) Quality & quantity of groundwater to be drawn with reference to proposed usage.
  - (h) Spacing of groundwater structures keeping in view its conservation and sustainability.
  - (i) Minimum distance of 200 (two hundred) meters in case of shallow well and 300 (three hundred) meters in case of tube well from the existing source of water supply scheme or irrigation scheme, as the case may be.
  - (j) No permit shall be given for water intensive crops like paddy, sugarcane, banana and heavy industries in notified areas.
  - (k) Long term groundwater level behavior.
  - (l) Any other factor relevant thereto.

#### **10. Registration of existing users of groundwater in notified areas**

- (1) Every existing user of groundwater in a notified area shall, within a period of 2 (two) months from the date of establishment of the Authority shall, make an application on such form containing such particulars and fees, as may be prescribed, to the Authority for the grant of certificate of registration recognizing its existing use.

Provided that the Authority may entertain any such application after the expiry of the said period of (60) sixty days, if it is satisfied that the user was prevented by sufficient cause from filing application in time.

- (2) On receipt of an application under sub-section (1), if the Authority is satisfied that it shall not be against the public interest to do so, it shall grant, subject to such conditions and restrictions as may be specified therein, a certificate of registration in such form as may be prescribed authorizing continued use of groundwater:

Provided that while considering the application, the Authority shall give first priority for drinking water needs in preference to other needs.

Provided further that no user of groundwater shall be refused a certificate of registration without being given an opportunity of being heard.

- (3) The decision regarding grant or refusal of the certificate of registration shall be intimated by the Authority to the applicant within a period of (30) thirty days from the date of decision.
- (4) In granting or refusing a certificate of registration under sub-section (2), the Authority shall have regard to :-
  - (a) The purpose or purposes for which water is to be used.
  - (b) The existence of other competitive users.
  - (c) The availability of water.
  - (d) Quality of groundwater with reference to its usage.
  - (e) Spacing of groundwater abstraction structures keeping in view the purpose for which water is to be used.
  - (f) Long term groundwater level behavior.
  - (g) Any other factor relevant thereto.
- (5) Every existing user of groundwater in a *notified area* during pendency of decision of the Authority under sub-section (2) shall be entitled to the continued use of the groundwater in the same manner and to the same quantity as he was entitled prior to the date of application
- (6) If a registered well becomes defunct, this shall be immediately brought to the notice of the Authority by the user of groundwater and such well may be used for groundwater recharging if in the opinion of the Authority it is found fit.

#### **11. Registration of user of existing/new wells in non-notified areas**

- (1) All wells sunk in the State shall have to be registered including the areas notified under section 7 of this Bill, except those excluded under clause (r) of section 3 of this Bill.
- (2) The clause under sub-section (6) of section 10 shall also be applicable.

#### **12. Registration of Drilling Agencies**

Every Rig owner including the manual hand boring party operating in the State shall register his equipment and machinery with the Authority in such manner and on payment of such fee as may be prescribed and shall follow the instructions issued by the Authority.

### **13. Power to alter, amend or vary the terms of the permit or certificate of registration**

At any time after a permit or certificate of registration has been granted, the Authority may, for reasons to be recorded in writing, alter, amend or vary the terms of the permit or certificate of registration, as the case may be.

Provided that no change shall be made in the permit or certificate of registration, as the case may be, unless the user of groundwater is afforded an opportunity of being heard.

### **14. Cancellation of Permit/ Certificate of Registration**

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

- (1) the Permit or Certificate of registration granted, under sub-section (3) of section 9 or sub-section (2) of section 10 as the case may be, is not based on facts, or
- (2) the holder of the permit or certificate of registration has without reasonable cause failed to comply with the conditions subject to which the permit or certificate of registration has been granted or has contravened any of the provisions of this Bill or the rules made there under, or
- (3) a situation has arisen which warrants limiting the use or extraction of groundwater, then without prejudice to any other penalty to which the holder of the permit or of the certificate of registration may be liable under this Bill, the Authority may after giving the holder of the permit or certificate of registration, an opportunity of being heard, cancel the permit or certificate or registration, as the case may be.

### **15. Powers of the Authority**

- (1) The Authority or any person authorized under section 23 of this Bill in this behalf shall have the following powers, namely;
  - (a) To inspect the well, which has been or is being sunk and the soils and other materials excavated there from.
  - (b) To take specimens of such soils or other materials or of water extracted from such wells.
  - (c) To require, by order, in writing the person sinking a well to keep and preserve in the prescribed manner specimens of soil or any material excavated there from for such period not exceeding 3 (three months) from the date of completion or abandonment of such work, as may be specified by the Authority and there upon such person shall comply with such order.
  - (d) To inspect and to take copies of the relevant record or documents and seek any information including diameter or 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 the sinking of the well and the quality of the water struck, required for carrying out the purposes of this Bill.

- (e) To seize any equipment or device utilized for illegal sinking and destroy the work executed fully or partly.
- (f) To require, by order any user of groundwater who does not comply with the provisions of this Bill or the rules made there under to close down any water supply or destroy any hydraulic work found to be in contravention of the provisions of this Bill or the rules made there under.

Provided that where the user of groundwater does not comply with such order within a period of 60 (sixty) days from the date of issue of the same, the Authority or any person authorized in this behalf may carry out the necessary work and recover the cost from such user of groundwater.

- (g) To enter and search with such assistance, if any, as it considers necessary, any place in which it has reason to believe that offence under this Bill has been or is being committed and order, in writing, the person who has been or is committing the offence, not to extract groundwater for a specified period not exceeding 30 (thirty) days.
  - (h) To direct an appropriate body to assess exploitation limit of groundwater in different areas and submit periodic report for consideration of the Authority.
  - (i) To exercise such other powers as may be necessary for carrying out the purposes of this Bill or the rules made there under.
- (2) The power conferred by this section includes the power to break open the door of any premises where sinking, extraction and use of groundwater may be going on.

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

- (3) The provisions of the Code of Criminal Procedure, 1973 shall, so far as may be applied to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 93 of the said Code.
- (4) Where the Authority or any person authorized by it seizes any mechanical equipment or device under clause (e) of sub-section (1) it shall, as soon as may be, inform a Magistrate having jurisdiction and take his orders as to the custody thereof.



## FUND AND ACCOUNTS

**16. Royalty in respect of use of Groundwater**

Every user of groundwater in a notified area shall pay to the State Government a royalty for extraction of groundwater at such rates and in such manner as may be prescribed:

- (1) Provided that a user of groundwater who irrigates less than 1 (one) hectare of land, whether owned or leased or both, shall be exempted from payment of royalty under this section.
- (2) The State Government may, assign such proportion of the royalty, as may be prescribed for development of groundwater resources.

**17. Fund of the Authority**

- (1) The Authority shall have and maintain a separate fund called the *Nagaland Groundwater 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 Government. However, the grants released by the Government shall be utilized in the year in which it is released.
  - (b) grants and loans received from the Central Government:
  - (c) loans raised with prior concurrence of the Government by the Authority from
  - (d) the financial agencies.
  - (e) the proceeds of any fees, charges and fines levied.
  - (f) such other sums by the Authority from any other source.
  - (g) all the new appointments in the establishment of the Authority, where temporary or permanent with appropriate scale of pay and purchase of new vehicles shall be made with the concurrence of the Government.
  - (h) the Authority may impose appropriate charges on the quantum of groundwater extracted for industrial, commercial and entertainment purposes with the approval of the Government in such manner as may be prescribed.
- (2) The fund shall be applied for the purpose of this Bill in such manner as may be prescribed.
- (3) The fund shall be kept in such deposit and drawn in such manner as may be prescribed.

## **18. Accounts and Audit**

- (1) The Authority shall maintain a true and proper account and other relevant records and prepare annual statements of accounts 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 audit shall be forwarded annually to the Government.

## **19. Annual Report**

The authority shall prepare every year a report of its activities during the year and submit the report to the Government in such form and on or before such date as may be prescribed and the government shall cause the same to be laid before each house of the State Legislature.

**GROUNDWATER RECHARGE AND RAIN WATER HARVESTING**

**20. Groundwater recharge and conservation through Rain water harvesting**

- (1) The Authority may, in order to improve the groundwater situation, identify the areas to recharge groundwater and issue guidelines for adoption of Rain water harvesting for groundwater recharge in such areas.
- (2) The Authority may, issue directions to the concerned departments of the State Government, to include Rain water harvesting in all developmental schemes within *notified areas* and non-notified areas.
- (3) The Authority may, in urban areas, issue directions, in such manner as may be prescribed, for construction of Rain water harvesting structures in residential, commercial and other premises having plinth area of 100 square meters or above and in the event of failure to comply with the directions so issued, such rain water harvesting structures shall be constructed by the Authority and the cost there on shall be recovered along with such penalty in such manner as may be prescribed.
- (4) The Authority may, issue directions to the Municipal Council or any other Local Authority, as the case may be, to impose stipulated conditions for providing roof top rain water harvesting structures in building plans with plinth area of 100 square meters or above.
- (5) The Authority shall take steps for promotion of Mass Awareness and Training Programmes, on Rain Water Harvesting and Artificial Recharge of Groundwater through Government Agencies/Non-Government Organizations, Educational Institutions/Industries/Individuals.

## MISCELLANEOUS

### **21. Installation of measuring devices & Monitoring**

- (1) Every user of groundwater in a *notified area and non-notified areas* shall install water measuring device on groundwater abstraction structure within a period of 30 (thirty) days from the date of registration under section 9 or 10, as the case may be.

Provided that where the user of groundwater does not comply with the provisions of this section within a period of 30 (thirty) days. the Authority or any person authorized in this behalf may install such water-measuring device and recover the cost from the defaulting user of groundwater.

- (2) The Authority shall monitor wells in notified and non-notified areas to keep track of the usage of groundwater and initiate necessary remedial measures.
- (3) The Authority shall monitor water levels periodically from NHNS (National Hydrographic Network Stations) for long term planning and management.

### **22. Service of orders etc.**

- (1) Every order or notice made under this Bill shall be served in the following manner, namely: -
  - (a) By giving or tendering copy of the order or the notice by sending it by post to the user of groundwater, if such user of groundwater cannot be found, by giving or tendering the copy of such order or notice to any adult member of his family or his servant.
  - (b) If the service of such order or notice cannot be effected under clause (a), by affixing the copy of such order or notice on some conspicuous place of his last known residence or place of business or on any part of the land or building in which the well is being sunk.
- (2) Where the person on whom an order or a notice is to be served is a minor, service of such order or notice upon his guardian in the manner provided in sub-section (1), shall be deemed to be served upon the minor.

### **23. Delegation of powers and duties**

The State Government may, by general or special order in writing, direct that all or any of the powers and duties which may be exercised or discharged by the Authority shall, in such circumstances and under such conditions, if any, as may be specified in its order, be exercised by any person specified in such order.

### **24. Members and employees of the Authority to be public servants**

All members and employees of the Authority shall when acting or purporting to Bill in pursuance of the provisions of this Bill or the rules made thereunder be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

## **25. Protection of action taken in good faith**

No prosecution, suit or other legal proceedings shall be instituted against any officer/official of the Government or any member or other employee of the Authority for anything done or intended to be done in good faith, under this Bill, or the rules made thereunder.

## **26. Cognizance and trial of offences**

- (1) No prosecution for an offence under this Bill shall be instituted except on a written complaint of the Authority or a person authorized in this behalf by the State Government.
- (2) No court inferior to that of a Magistrate of the I (first) class shall try any offence under this Bill.

## **27. Offences and penalties**

- (1) If any user of groundwater fails to supply information required under the provisions of this Bill or the rules made thereunder or obstructs the Authority or any other person authorized by the State Government to exercise any of the powers under this Bill. He shall be punished for the first offence with fine of ₹1000 (rupees one thousand) and for the second and subsequent offence with fine which may extend to ₹2000 (rupees two thousand) or more.
- (2) If any user of groundwater sink, constructs or uses well in contravention of the provisions of this Bill or the rules made thereunder, he shall be punished for the first offence with imprisonment for a term which may extend to 3 (three) months or with fine which may extend to ₹5000 (five thousand rupees), or with both and for the second and subsequent offence, with imprisonment for a term, which may extend to 6 (six) months, or with fine which may extend to ₹10,000 (ten thousand rupees) or with both.

## **28. Compounding of offences**

Whenever an offence under this Bill has been committed, such an offence may, at any time before or after the institution of proceedings, be compounded by the Authority, or any other officer authorized by the State Government after accepting by way of compensation thereof, a sum of money that exceeding such amount as may be prescribed, and such composition shall have the effect of discharging such person of the offence and no further proceedings shall be taken or continued against him in respect of the offence so compounded.

## **29. Offences by companies**

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

- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Bill has been committed with the consent or connivance of, or is attributable to any neglect on the part of any Director, Manager, Secretary or other officer of the Company, such Director, Manager, Secretary or other officer shall be deemed to be guilty of that offences 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 Bill, if he proves that 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-

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

### 30. Appeals

- (1) Any person aggrieved by an order of the officer exercising powers delegated under this Bill may, within a period of 30 (thirty) days from the date of such order, on payment of such fees as may be prescribed, prefer an appeal to the State Government:

Provided that the State Government may entertain an appeal after the expiry of the said period of 30 (thirty) days, if satisfied that the applicant was prevented by sufficient cause from filing the appeals within time.

- (2) On receipt of an appeal under sub-section (1) the State Government shall after giving the appellant an opportunity of being heard, dispose off the appeal as expeditiously as possible but not later than 6 (six) months and the decision of the State Government shall be final.

### 31. Powers to make rules

- (1) The State Government may, by notification in the official Gazette, after previous publication, make rules for carrying out the purposes of this Bill.
- (2) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session, and if before the expiry of the session in which is so laid or the session immediately following, Assembly agrees in making any notifications in the rules or Assembly agrees that the rules should not be made, the rule thereafter, shall have effect only in such modified form or be of no effect, as the case may be. However, that any such modification or annulment shall be without prejudice to the validity of anything done earlier under that rule.

# THE NAGALAND GROUNDWATER RULES, 2020

## GOVERNMENT OF NAGALAND GEOLOGY AND MINING DEPARTMENT NAGALAND: KOHIMA

### NOTIFICATION

*No.GM.*

*Dated Kohima,.....2020*

In exercise of the powers conferred by section 31 of the Nagaland Ground Water Policy 2020 the Governor, Nagaland proposes to make the following rules for carrying out the purposes of the Policy *ibid* and hereby publishes the same in the Nagaland Gazette for the information of the general public.

If any interested person likely to be affected by these rules has any objections or suggestions with regard to those rules, he may send the same to the Secretary (Geology and Mining) to the Government of Nagaland within a period of thirty days from the date of publication of the said draft in the Nagaland Gazette.

The objections or suggestions, if any received within the above stipulated period shall be taken into consideration by the Government before finalizing the said draft rules, namely:

## PRELIMINARY

**1. Short title and commencement**

- (1) These rules may be called the Nagaland Ground Water Rules 2020
- (2) They shall come into force from the date of their publication in the Nagaland Gazette.

**2. Definition**

In these rules, unless the context otherwise requires:-

- (a) "Rules" means the Nagaland Ground Water Rules 2020.
- (b) "Authority" means the Chairman of the Authority.
- (c) "Form" means the form appended to these rules.
- (d) "Fund" means the Nagaland Ground Water Authority Fund constituted under rule 9 of these rules.
- (e) "Member Secretary" means the Member Secretary of the Authority.
- (f) "Permit" means the permit for extraction and use of ground water granted under section 9 of the Policy.
- (g) "Schedule" means the Schedule appended to these rules and
- (h) "Section" means action of the Policy.
- (i) The words and expressions used in these rules but not defined shall have the same meanings respectively as assigned to them in the Policy.



**CONDUCT OF BUSINESS, CONSTITUTION OF FUND, MAINTENANCE  
AND AUDIT OF ACCOUNTS OF THE AUTHORITY**

**3. Office hours, Business and sitting of the Authority**

- (1) The office of the Authority shall remain open on such working days and hours as are applicable to the offices of the State Government.
- (2) Where the last day for any activity falls on the day on which the office of the Authority is closed, such activity may be done on the next working day on which the office is open.
- (3) The Authority may hold meetings for considering the matters including disposal of applications/petitions at its office or any other place on any day as may be declared by it from time to time.

**4. Language of the Authority**

The proceedings of the Authority shall be conducted in English language only.

**5. Functions of the Authority**

The Authority shall be responsible for the implementation of the provisions of the Policy and shall, under the supervision and control of the State Government perform such functions and discharge such duties as assigned to it under the provisions of the Policy and these rules.

**6. Functions and duties of the Chairman of the Authority**

The Chairman shall:

- (a) Chair the meetings of the Authority.
- (b) He shall supervise, direct and control the working of the Authority.
- (c) He shall be assisted by the member Secretary of the Authority, for exercise of powers, performance of the functions and discharge of the duties of the Authority.

**7. Powers, Functions and duties of the Member Secretary of the Authority**

The Member Secretary under the supervision and control of the Chairman shall exercise the following powers and perform the following duties, namely:

- (a) He shall have custody of the records of the Authority.
- (b) He shall receive or cause to be received all applications, petitions, complaints or reference pertaining to the Authority.
- (c) He shall scrutinize all documents, inter-alia applications, petitions, complaints or references and shall seek clarifications or rectifications upon the same.
- (d) He shall carry out such functions under these rules, as may be assigned to him by the Authority.
- (e) He shall place before the Authority, the details of the applications received, for further disposal by the Authority.

- (f) He shall issue notice for meetings, prepare the agenda of meetings and shall prepare the minutes of the meeting of the Authority.
- (g) He shall be assisted by Joint Director (G) Groundwater, Geology & Mining Department.

#### **8. Travelling and other allowances for Chairman and members of the Authority**

For attending meetings or any activity of the Authority, the ex-officio members including Chairman shall be paid travelling Allowances in accordance with the provisions of the Travelling Allowances Rules as applicable to them in the case of Nagaland Government servants and shall draw such allowances from their parent Department or Organization.

#### **9. Constitution of the Funds**

- (1) The Authority shall in consultation with the State Government constitute a Fund to be called Nagaland Ground Water Authority Fund.
- (2) The Fund shall comprise of:-
  - (a) All fees, charges and penalties received by the Authority under the Policy.
  - (b) Sums received on account of grants-in-aid from the State or Central Governments and
  - (c) All sums received by the Authority from other sources.

#### **10. Application of the Fund**

The Fund shall be applied for meeting:

- (1) The expenses of the Authority in discharge of its functions and duties under the Policy and these rules.
- (2) The expenses on activities and purpose specified under the Policy and these rules.

#### **11. Maintenance of accounts**

- (1) The Authority shall maintain proper accounts and other records as may be specified by the State Government.
- (2) The Authority shall in the month of July each year, ending 31<sup>st</sup> March, furnish a copy thereof to the State Government.

#### **12. Opening of bank account and its operation**

- (1) The Authority shall open an account in one or more Schedule banks or in the State Co-operative and all money received shall be deposited in the account of the Authority and the account shall be operated through cheque by the member Secretary.
- (2) The Authority shall make available the specimen signature of the member Secretary to the bank for its information and records.

#### **13. Audit of Accounts**

The accounts of the Authority shall be audited annually by the Auditor, Accountant General's office, Nagaland.

**GENERAL RULES CONCERNING THE PROCEEDINGS OF THE  
AUTHORITY**

**14. Proceedings of the Authority**

- (1) The Authority from time to time shall hold meetings for discussions, deliberations, investigations and consultations as it may consider appropriate in discharge of its functions under Policy and these rules.
- (2) The Authority shall meet at least once in three months to dispose off its business.

**15. The processing of applications: -**

- (1) The applications received by the Authority during the normal working hours on a particular day shall be treated to have been received on that day.
- (2) An incomplete/vague application or an application not found in to be in conformity with the provisions of the Policy and these rules shall be rejected.
- (3) While processing the applications, the member Secretary of the Authority, shall place before the Authority the application that are complete in all respects for further disposal.
- (4) The Members Secretary may upon scrutiny of the application, require the applicant to submit such additional information or particulars or documents as he may consider necessary for the purpose of further processing of the application.
- (5) As far as practicable, the following time schedule shall be adhered to by the Authority for processing the applications received under these rules:

**Sl.No. Description/nature of application/Maximum processing time**

- (a) Grant of permit for the extraction and use of the ground water under section 9 of the Policy; Sixty days from the date of application.
- (b) Grant of certificate of registration of registration under section 10 of the Policy; Sixty days from the date of receipt for existing user of the application.
- (c) Registration of machinery of the rig owner/drilling agency under section 12 of the Policy; Thirty days from the date of receipt of the application.
- (d) Alteration, amendment or variation of the terms and conditions of the permit or certificate of registration under section 13 of the Policy; Thirty days from the date of receipt of the application.

**APPLICATION FOR GRANT OF PERMIT FOR EXTRACTION OF  
GROUND WATER**

**16. Application for permit for extraction and use of ground water**

- (1) Any user of ground water desirous of sinking new well in a notified area shall apply to the Authority for grant of permit to extract and use ground water, in **Form-I** for domestic/irrigation purposes and **Form-I-A** for commercial/industrial purpose, in triplicate and application shall be accompanied by documentary proof of having paid non-refundable fees as specified in rule 31, and other documents as specified in the note below the said forms.
- (2) The applicant shall maintain at his residence or office, as the case may be designated by the Authority, the copies and documents referred to in sub-rule (1) for public inspection and furnish to the persons applying for them the copies of such documents at a price not exceeding ₹ 5/- per page.

**17. Publication of notice of application for permit**

- (1) If the Authority finds the application for grant of permit in the notified area is complete in all respects and is accompanied by the requisite information and documents, it shall publish notice of the application in Form-2 appended for inviting objections from the interested persons:-
  - (a) In case of commercial/industrial use, in one leading daily newspaper and also display a copy thereof on the notice board of the Village Council or Urban local authority having jurisdiction, as the case may be, and
  - (b) In case of irrigation, display a copy of the notice board of the local authority having jurisdiction.
- (2) If no objections are received from any quarter by the due date given in the notice, the Authority shall proceed further for the grant or refusal of the permit in accordance with the provisions of the Policy and under these rules.

**18. Hearing of objections for granting the permit**

- (1) The applicant shall furnish to the Authority no objection certificate, if any, required from any statutory body or the Central or the State Government.
- (2) The Authority shall give a notice of enquiry or hearing of application to the applicant and/ or to the local authority concerned, or the persons who had filed objections or such other body or persons, as the case may be, as the Authority may consider appropriate.

## **19. Issuance of permit**

- (1) After enquiry and hearing of the application and keeping in view of the provisions of sub-section (5) of section 7, the Authority shall decide the application and the Authority or the Officer authorized by it shall decide the date of the decision, intimate its decision to the applicant.
- (2) If the Authority decides to grant the permit, it may do so on such terms and conditions as may be specified by it keeping in view the provisions of section 9.
- (3) After fulfilling the condition by the applicant subject to which the permit is offered under sub-rule (2) above, the Authority shall issue permit in Form-3 appended to these rules to extract the water or augment the existing water source.
- (4) The Authority shall immediately after issuance of the permit, forward a copy of the permit to the local body concerned and to such other person as the Authority may consider necessary.

## **20. Date of commencement of permit**

The permit shall commence from the date of the issuance of the permit.

## **21. Duties and responsibility of the permit holder**

It shall be the duty of the permit holder to develop and maintain an efficient, coordinated and economical system of extraction of ground water and to use for the purpose of which the permit has been given. He shall ensure that all other provisions contained in the Policy, and these rules and the conditions imposed, if any, in the permit issued are not violated.

**REGISTRATION OF EXISTING USERS OF GROUND WATER SOURCES****22. Application for registration of existing ground water use**

- (1) Application for registration and issuance of certificate of registration under section 10 to an existing user of the ground water source, shall be made to the authority in Form-4 for domestic/irrigation purpose and Form 4-A for commercial/industrial purpose, in triplicate, and it shall be accompanied by documentary proof of having paid non-refundable fees as specified in rule 31 and other documents as specified in the note below the said Forms.
- (2) The application shall maintain at his residence or office, as the case may be, and at other place as the case may be designated by the Authority, the copies of the documents referred to in the sub-rule (1) for public inspection and furnish to the persons applying for them the copies of such documents at a price not exceeding ₹5/- per page.

**23. Publication of notice of application for registration of existing ground water user**

- (1) If the Authority finds the application for registration in the notified area complete in all respect and accompanied by requisite information and documents, it shall publish notice of the application in Form-5 for inviting objections from the interested persons:-
  - (a) In case of commercial/industrial use, in one leading daily newspaper and also display a copy thereof on the notice board of the Village Council or Urban local authority having jurisdiction, as the case may be, and
  - (b) In case of irrigation, display a copy thereof on the notice board of the local authority having jurisdiction.
- (2) If no objections are received from any quarter by due date given in the notice, the Authority shall proceed further for issuance of certificate of registration in accordance with the provisions of the Policy and these rules.

**24. Hearing of objections for granting the certificate of registration**

- (1) If the Authority has duly published the notice of the application in the newspaper or otherwise and the time for filing of objection is over and after the applicant has furnished to the Authority no objection certificate, if any, required from any statutory body or the Central or State Government it shall proceed further with the hearing of the application.

- (2) The Authority shall give the notice of enquiry or hearing to the applicant and/or to the local body as concerned, the persons who had filed objections and such other body or persons as the Authority may consider appropriate.

## **25. Issuance of certificate of registration**

- (1) After enquiring and hearing and having taken stock of the provisions contained in sub-section (4) of section 10 of the Policy, the Authority shall decide, within sixty days from the date of receipt of the application for granting or refusing the issuance of certificate of registration and the Authority or the Officer authorized by it shall within thirty days from the date of the decision, intimate its decision to the applicant.
- (2) If the Authority decides to grant the certificate of registration, it may do so on such terms and conditions as may be specified by it and the Authority shall issue certificate of registration in Form-6.
- (3) The Authority shall immediately after issuance of certificate of registration, forward a copy of the certificate to the local authority concerned and to such other person as the Authority may consider necessary.

## REGISTRATION OF DRILLING MACHINERY

**26. Application for registration of drilling machinery**

- (1) Every rig owner or the drilling agency operating in the state shall apply to the Authority for registration of the machinery, in the Form-7 appended to these rules and accompanied by documentary proof of having paid non-refundable fees as specified in the rule 31.
- (2) Every application under sub-rule (1), for registration under section 12 along with the supporting documents shall be signed by the applicant (in case of individual) or by an authorized signatory (in case of body corporate) and addressed to Member Secretary of the Authority and shall be accompanied by three copies or such number of copies of proforma as the Authority may direct.
- (3) On receipt of the application, the member Secretary shall note the date of its receipt and shall send to the applicant an acknowledgement of its receipt.
- (4) If the Authority finds the application complete along with requisite information, particulars and documents and after having satisfying itself that the applicant has complied with all the requirements for making the application, the Authority or the Member Secretary shall register the machinery/equipment and issue the certificate of registration in Form-8.
- (5) The certificate of registration so issued shall be valid for a period of 1 (one) year and is subjected to renewal on payment of fee specified in Schedule 3(a) & 4(a).



## INVESTIGATIONS, INQUIRY, SURVEY, COLLECTION OF INFORMATION

### 27. Collection of data on ground water resources

- (1) Where it is necessary or expedient in the public interest to assess the availability of ground water in any area and to obtain any data on ground water related infrastructure, including diameter or depth of well, which is being or has been sunk; the level at which water is or was struck and subsequently restored/rested, the types of strata encountered in the sinking of well and quality and quantity of water struck and optimum use of extracted water, the Authority may, at any time, take assistance of any institution, consultants, experts, engineers, surveyors and such other technical and professional persons, as it may consider necessary, and ask them to study investigate or enquire into any matter or issue and submit report or reports or furnish any information and the Authority may determine the terms and conditions for engagement of such professionals.
- (2) Without prejudice to the generality of powers, the Authority may, regarding the collection of information relating to ground water and for the purpose of conducting an inquiry and investigation in this regard:-
  - (a) At any time direct any one or more officers or consultants or any other person, as the Authority may consider appropriate, to study, investigate or furnish information with respect to any matter within the purview of the Authority.
  - (b) For any purpose give such other directions as it may deem fit and further direct the time within which the report is to be submitted for information is to be furnished.
  - (c) For the purposes of collecting information, particulars (including diameter or depth of the well, type of strata encountered in drilling operations of the well and the quality and quantity of water extracted therefrom) or documents which the Authority considers necessary in connection with the discharge of its functions, issue and directions and

follow any one or more of the methods provided for in the Policy as the Authority may consider it to be appropriate.

- (d) If any such report or information obtained as specified in the Policy or in this rule appears to be insufficient or inadequate, the Authority or the Member Secretary so authorized by it may give directions for further inquiry, report and furnishing of information.
  - (e) Direct that such incidental, consequential and supplemental matters which may be considered relevant in connection with the above, be attended to, and if required, in writing, the person sinking a well for a period not exceeding three months from the date of completion or abandonment of the sinking/drilling of a well and to produce it for examination to the Authority or Member Secretary authorized by it.
- (3) If the report or information sought under those rules or any part thereof is proposed to be relied upon by the Authority in forming its opinion or view in any proceeding, the parties in the proceedings shall be given a reasonable opportunity for filing objections and making submission on the report or information.

**RAIN WATER HARVESTING, CONSERVATION, GROUND WATER RECHARGE AND WASTE WATER MANAGEMENT****28. Rain water harvesting publicity programme**

The Authority, with a view to implementing the provisions of the Policy, may:

- (a) Issue guidelines for adoption of rain water harvesting for ground water recharge.
- (b) Suggest suitable measures to be followed, both in rural and urban areas, by the inhabitants at hill tops, spurs and on river/stream banks.
- (c) Prepare schemes for ground water management in rural and urban areas.
- (d) Undertake Information, Education and Communication activities including workshops, seminars, public discourses, debates, radio and television programs to promote rain water harvesting and
- (e) Encourage construction of community rain water storage or percolation tanks, ponds, check dams or recharge shafts in catchment areas.

**29. Power to issue directions**

- (1) The Authority, may issue directions to the local authorities and the Government Departments to include in their developmental schemes/plans, the provision of rain water harvesting for ground water recharge in the notified areas.

Provided that in urban areas within the notified area no directions issued under these rules shall be applicable for construction of rain water harvesting structure:-

- (a) In residential or commercial premises having plinth area of less than 100 square meters or
- (b) In sinking zones, where construction of rain water harvesting structures would be detrimental to the safety of the building structures in the area.

**ROYALTY FOR EXTRACTION OF GROUND WATER****30. Levy and collection of royalty**

- (1) Unless otherwise directed by the State Government, every person whosoever extracts the ground water within the notified area for commercial, industrial or irrigation purposes shall pay annually the royalty at the rate of ₹ 2/- per ten thousand liters to the Authority.

Provided that a user of ground water who irrigates less than one hectare of land, whether owned or leased or both shall be exempted from the payment of royalty.

- (2) 50% of the amount of royalty so collected shall be remitted to the State Government by the Authority and the remainder 50% shall be retained by the Authority for the development of groundwater resources in whose jurisdiction where the royalty has been collected.

## FEES AND FINES

**31. Fees and application**

- (1) Every application for grant of permit under section 9 or for grant of registration certificate under section 10 or for registration of the rig operator and drilling agency and the machinery or equipment deployed by them under section 12 or for making alteration, amendment and variation in the permit or certificate of registration under section 13 in accordance with the terms and conditions of such permit or certificate, as the case may be, shall be made on payment of appropriate fee as specified in the Schedule.
- (2) The fees payable under these rules shall be paid by means of a demand draft or pay order or bank transfer, drawn in favour of the Authority payable at Dimapur.
- (3) The fees received by the Authority under these rules shall be deposited in a scheduled bank or State Co-operative bank under Rule 12 of these rules.

**32. Compound of Offences**

Where any offence under the Policy has been committed such an offence may at any time before or after the institution of proceedings be compounded by the Authority, or any other officer authorized by the State Government, after accepting by way of compensation thereof a sum of money which shall not exceed one half of the maximum limit of the fine which could be imposed thereof.

Provided that while determining the compensation or extent of the fines and or composition fee, the Authority shall consider, amongst other relevant things, the following:-

- (a) The nature and extent of non-compliance or contravention.
- (b) The amount of wrongful gain or unfair advantage derived as a result of the non-compliance or contravention.
- (c) The amount of loss or degree of harassment caused to any person(s) as a result of non-compliance or contravention and
- (d) The repetitive nature of the non-compliance or contravention.

**33. Fines and compounding fees**

The fines charged and compounding fees levied by the Authority shall be payable and the amount shall be deposited in the same manner as specified in rule 31.

**34. Recovery of fines and costs**

The costs, penalty, charges recoverable under provision to clause (f) of sub-section (1) of section 15 or provision to section 14 or sub-section (3) of section 15 and compounding fee under section 27, if not paid, shall be recoverable as arrears of land revenue.

APPEALS

**35. Appeals to State Government**

- (1) Any person aggrieved by an order made by the Authority, may prefer an appeal to the Secretary (Geology and Mining Department) to the Government of Nagaland under section 30 of the Policy.
- (2) The appeal shall be filed on payment of rupees two hundred in the manner as specified in sub-rule (2) of rule 31 of these rules.
- (3) The appeal to the State Government filed under section 30 of the Policy shall be duly verified and supported by an affidavit in Form-9 and shall be accompanied by:-
  - (a) A copy of the order appeal against and
  - (b) A photocopy of receipt of payment of fee.

## SCHEDULE

### FEE STRUCTURE

(See rules 16, 22, 26 and 31)

Sl.No	Nature of application	Statutory provisions	Non-Refundable Fees
1	Application for grant of permit	Section 9 & Rule 16	
	(a) In case of tube well		₹2000/-
	(b) In case of hand bored well		₹1000/-
	(c) In case of Commercial/ Industrial users		₹10,000/-
2	Application for issuance of registration certificate to the existing ground water user	Section 11 & Rule 22	
	(a) In case of tube well		₹2000/-
	(b) In case of hand bored well		₹1000/-
	(c) In case of Commercial/ Industrial users		₹10,000/-
3	Application for registration of the machinery and equipment of the rig owners and drilling agencies	Section 12 & Rule 26	₹10,000/-
	(a) Renewal of certificate of registration		₹2000/-
4	Application for registration of the manual drilling agencies and their equipment	Section 12 & Rule 26	₹2,000/-
	(a) Renewal of certificate of registration		₹500/-
5	Application for alteration, amendment or variation of the terms of permit or certificate of registration	Section 13	₹500/-
6	Any other application not covered under item (1),(2),(3),(4) & (5) above		₹100/-

**FORM-1**  
**(See rule 16)**

**FORM OF APPLICANT FOR GRANT OF PERMIT FOR SINKING OF  
WELL AND USE OF GROUND WATER (DOMESTIC/IRRIGATION)**

To,

The Member Secretary,  
Nagaland Ground Water Authority  
Directorate of Geology and Mining,  
Dimapur-797112

Sir,

I/We request you to grant me/us permit for sinking of well/augmentation of existing well and the use of ground water. The requisite information is furnished below:-

**1. Details of applicant**

- i. Name of the applicant:
- ii. Name of father/husband:
- iii. Address for correspondence:
- iv. Mobile No. :
- v. E-mail address:

**2. Details of ground water source**

- i. Location:
- ii. Patta No:
- iii. Colony/Khel/Lane :
- iv. Village/Town:
- v. Sub-division:
- vi. District :
- vii. Whether the source is located in an area declared as notified under section 7, if so, give details:
- viii. Ownership:
- ix. Whether the proposal involves sinking of shallow/deep/tube well.
- x. Purpose for which water is proposed to be used.

I/We declare that:

- a) The information provided above is true to the best of my/our knowledge.
- b) I/We have read the provisions of Nagaland Ground Water Policy 2020 and the rules framed thereunder and do undertake to comply with them.



- c) I/We have deposited the application fee of ₹.....through bank draft/Cheque No..... dated..... issued by..... in the name of ..... bank, payable at.....or in cash vide receipt. No.....dated..... or e-banking vide transaction id ..... dated .....
- d) I/We shall own responsibility to execute/augment/maintain/use the ground water source strictly in accordance with the terms/conditions of the permit granted by the Authority under Section 9 of the Nagaland Water Policy 2020.
- e) I/We shall provide access to the Authority and its officers and servants to my/our water source and its allied works.
- f) I/We shall comply with every lawful directions/instructions issued by the Authority and its officers from time to time.

Signature of the applicant/authorized signatory  
with complete Address

Date.....

Place.....

**Note:**

The following documents shall be attached with the application form:

1. The applicant must submit complete application in duplicate to the Member Secretary, Nagaland Ground water Authority, Directorate of Geology and Mining, Dimapur-797112 along with application fee of ₹ 2000/- for Tube well and ₹1000/- in case of hand bore well in the form of a demand Draft/Cheque/e-banking drawn in favour of Member Secretary, Nagaland Ground Water Authority payable at Dimapur.
2. Copy of Jamabandi of the land in which the source is located.
3. Survey sketch map indicating therein the exact location of the water source.
4. Site plan indicating therein the exact location and adjoining identifiable specific points.
5. List of equipment proposed to be installed with expected power load.

**FORM -1-A**

(See rule 16)

**FORM OF APPLICATION FOR GRANT OF PERMIT FOR SINKING OF WELL  
AND USE ON GROUND WATER (COMMERCIAL/INDUSTRIAL USERS)**

To,

The Member Secretary,  
Nagaland Ground Water Authority  
Directorate of Geology and Mining,  
Dimapur-797112

Sir,

I/We request you to grant me/us permit for sinking of well/augmentation of existing well and the use of ground water. The requisite information is furnished below:-

**1. Details of applicant**

- (i) Name of the applicant:
- (ii) Name of father/husband:
- (iii) Address for correspondence:
- (iv) Mobile No. :
- (v) E-mail address:
- (vi) Where applicant is a corporate body, give details
  - (a) Company/firm/co-operative society/ other:
  - (b) When and where company incorporated/registered  
Place of incorporation/registration  
Year of incorporation:  
Registration No:  
Place of registration of the firm, co-operative society
  - (c) Name and address of the Director/Partners/Governing body members/trustees.

**2. Details of ground water source**

- (a) Location:
  - (i) Patta No:
  - (ii) Colony/Khel/Lane :
  - (iii) Village/Town:
  - (iv) Sub-division:
  - (v) District :
  - (vi) Whether the source is located in an area declared as notified under sec. 7, if so, give details:
- (b) Source details:
  - (i) Whether source is perennial or seasonal.
  - (ii) Quality of ground water
- (c) If located in a rural area, the name of the Village Council of the area.

- (d) If located in an urban area the name of the ward/municipality of the area.
- (e) Nature of existing use of source:-
  - (i) Domestic (ii) Industrial (iii) Whether industry is small/large
  - (iv) Commercial (v) Irrigation

**3. Details of ownership**

Whether the source is under the private ownership, if so, details of the ownership.

**4. Purpose of sinking well or /augmentation of ground water source**

- (i) Purpose for which water is proposed to be extracted or used.
- (ii) Details of prospective users.
- (iii) Quantum of water proposed to be extracted.
- (iv) In case of mismatch between quantum of availability of water and its use, the details of availability of balance water to the beneficiaries.
- (v) Whether certificate of registration has been obtained from the Director of Industries, (if yes, a copy should be furnished)

**5. Details of works are to be executed/ maintained**

- (i) Details of works.
  - (ii) Approximate cost/expenditure to be incurred.
  - (iii) Whether the works are to be executed/ maintained individually or collectively on cooperative or/on community basis:
    - (a) Where works are to be executed/ maintained collectively, supply the details of the participants and their shares.
    - (b) Where the source or the land over which source is located is not under the ownership of the applicants, the mode of acquisition of such source/ land.
  - (iv) Whether the consent of other existing competitive users of the source has been obtained, if so, give details.
  - (v) Date of commencement of the work.
  - (vi) Date by which the work is to be completed.
- 6. Waste water management arrangements.**
- 7. Any other information which may be considered relevant or the applicant wishes to be included in the permit to be granted.**

I/We declare that:

- (a) The information provided above is true to the best of my/our knowledge.
- (b) I/We have read the provisions of Nagaland Ground Water Policy 2020 and the rules framed thereunder and do undertake to comply with them.
- (c) I/We have deposited the application fee of ₹.....through bank draft/Cheque No.....dated.....drawn in favour of Member Secretary, Nagaland Ground Water Authority, payable at..... or in cash vide Receipt No.....dated..... or e-banking vide transaction id ..... dated .....
- (d) I/We shall own responsibility to execute/augment/maintain/use the ground water source, strictly in accordance with the terms and conditions of the

permit granted by the Authority under Section 9 of the Nagaland Groundwater Policy 2020.

- (e) I/We shall provide access to the Authority and its officers and servants to my/our water source and its allied works.
- (f) I/We shall comply with every lawful directions/instructions issued by the Authority and its officers from time to time.

Signature of the applicant/authorized signatory  
with complete Address

Date.....

Place.....

**Note:** The following documents shall be attached with the application form:

1. The applicant must submit complete application in duplicate to the member Secretary, Nagaland Groundwater Authority-cum-Joint Director, Directorate of Geology & Mining, Dimapur-797112 along with application fees of ₹ 10,000 - in the form of a demand Draft/Cheque/e-banking drawn in favour of the Member Secretary, Nagaland Ground Water Authority payable at Dimapur.
2. Copy of Jamabandi of the land in which the source is located.
3. Survey sketch map indicating therein the exact location of the water source.
4. Site plan indicating there in the exact location and adjoining identifiable specific points.
5. License/No Objection Certificate from statutory Authority, if required, or declaration by the applicant that the proposed sinking of the well or augmentation of the water source does not fall under the requirements of No Objection Certificate under any other statute.
6. In case of partnership firm, partnership deed.
7. In case of limited company Memorandum and Articles of Association and certificate of incorporation.
8. List of equipment proposed to be installed with expected load.
9. Resolution for authorized signatory.
10. Registration from Industries Department/Nagaland Pollution Control Board.
11. Extract of the project report relevant to ground water requirements (in case of industries)
12. Where water Survey/Study have been conducted, the report of such Survey/Study.
13. Statement describing lands or assets which the applicant proposes to acquire for the purpose of extraction of water and means of such acquisition.

**FORM-2**  
**(See rule 17(1))**

**PROFORMA OF THE PUBLICATION**  
**THE NAGALAND GROUND WATER AUTHORITY DIMAPUR**

**PUBLIC NOTICE**

Notice is hereby given to all interested person that M/S

---

(Name and Address of the Applicant) has/have applied to the Nagaland Ground Water Authority for the grant of permit to extract and use of ground water available in \_\_\_\_\_ (specify the name & location of the water source) in the area \_\_\_\_\_ (specify the notified area). The application and other document filed by the applicant can be inspected at the office/residence of the applicant or in the office \_\_\_\_\_ and copies of the same will be available from the applicant for a price not exceeding ₹ 5/-per page.

Any person having any objection or otherwise making representation with regard to the grant of the permit may forward the objection/representation to this Authority on or before \_\_\_\_\_ by hand or through a registered post and shall send a copy of the objection/representation to the applicant at the address mentioned above.

The person filling the objection/representation should give the following particulars.

- (1) Name and full address
- (2) Grounds/reasons in support of the objection/representation together with document or evidence, if available.
- (3) Whether he wishes to be heard in person or through authorized representative at the time of hearing.

**FORM -3**  
**[See rule 19 (3)]**

**PROFORMA OF PERMIT OF EXTRACTION AND AUGMENTATION OF  
THE GROUND WATER SOURCE**

**THE NAGALAND GROUND WATER AUTHORITY DIMAPUR**

**Permit No. Dated** \_\_\_\_\_

The Nagaland Ground Water Authority Dimapur exercising the powers vested in it under sub-section (3) of section 9 of the Nagaland Ground Water Policy 2020, hereby grants a permit to M/S \_\_\_\_\_ to sink new well/augment the existing water source at \_\_\_\_\_ ( specify the details of the source) located in the area \_\_\_\_\_ ( specify the details of notified area) for the purpose \_\_\_\_\_ (specify the purpose of use of water) subject to terms and conditions given hereunder;

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

The permit holder shall be duty bound to develop and maintain the aforementioned source in an efficient, coordinated and economical manner and to use the water for the purpose for which permit has been given as well as all other provisions contained in the Nagaland Ground Water Policy 2020 and the rules framed thereunder; and the conditions of the permit issued or specified by this Authority.

Given under the seal of the Nagaland Ground Water Authority  
**MEMBER SECRETARY**

Place \_\_\_\_\_

Date \_\_\_\_\_

**FORM-4**  
**(See rule 22)**

**PROFORMA OF APPLICATION FOR GRANT OF CERTIFICATE OF  
REGISTRATION OF GROUND WATER USERS  
(DOMESTIC/IRRIGATION)**

To,

The Member Secretary  
Nagaland Ground Water Authority,  
Directorate of Geology and Mining,  
Dimapur-797112

Sir,

I/We request you to register my/our ground water source and issue the certificate of registration. The requisite information is furnished below:-

1. Details of the applicant

- (i) Name of the applicant
- (ii) Name of father/husband
- (iii) Address for correspondence
- (iv) Mobile No. :
- (v) email Address :

2. Details of Ground Water Source - Location

- (i) Patta No:
- (ii) Colony/Khel/Lane :
- (iii) Village/Town:
- (iv) Sub-division:
- (v) District :
- (vi) Whether the source is located in an area declared as notified under section 7, if so, give details:
- (vii) Ownership
- (viii) Whether the proposal involves sinking of shallow deep tube well
- (ix) Purpose for which water is proposed to be used.

I/We hereby declare that:-

- (a) The information provided in the form is true to my knowledge.
- (b) I/We read the Nagaland Ground Water Policy, 2020 and rules framed thereunder and do under take to comply with them.

- (c) I/We have deposited the registration fee of ₹ \_\_\_\_\_ through bank draft/cheque No. \_\_\_\_\_ dated \_\_\_\_\_ issued by \_\_\_\_\_ in the name of \_\_\_\_\_ bank payable at \_\_\_\_\_ or cash vide receipt No \_\_\_\_\_ dated \_\_\_\_\_ or e-banking vide transaction id \_\_\_\_\_ dated \_\_\_\_\_
- (d) I/We will own responsibility to execute/augment/maintained/use the ground water source strictly in accordance with terms/conditions of the permit to be granted by the Authority under section 9 of the Nagaland Groundwater Policy 2020.
- (e) I/We will provide access to the Authority and its officers and servants to my/our water source and its associate works.
- (f) I/We will comply with every lawful direction/instruction issued by the Authority and its officers.

Signature of the applicant/authorized Signatory  
With Complete Address

Date \_\_\_\_\_

Place \_\_\_\_\_

**Note:-** The following documents shall be attached with the application form:-

1. The applicant must submit complete application in duplicate to the Member Secretary, Nagaland Ground Water Authority, Directorate of Geology & Mining, Dimapur-797112 along with application fee of ₹ 2000/- for tube well and ₹1000/- in case of hand bore well in the form of a Demand Draft/Cheque/e-banking drawn in favour of Member Secretary, Nagaland Ground Water Authority payable at Dimapur.
2. Copy of Jamabandi of the land in which the water source is drawn.
3. Survey sketch map indicating therein the exact location of the water source.
4. Site plan indicating the exact location and adjoining identifiable specific points.
5. List of equipment installed with power load.



**FORM-4-A**  
**(See rule 22)**

**FORM OF APPLICATION FOR GRANT OF CERTIFICATE OF  
REGISTRATION FOR USE OF GROUND WATER  
(COMMERCIAL/INDUSTRIAL USERS)**

To,

The Member Secretary  
Nagaland Ground Water Authority  
Directorate of Geology and Mining,  
Dimapur-797112

Sir,

I/We request you to register my/our ground water source and issue certificate of registration. The Requisite information is furnished below:-

(1) Details of the applicant

- (i) Name of the applicant
- (ii) Name of father/husband
- (iii) Address for correspondence
- (iv) Mobile No. :
- (v) E-mail address:
- (vi) Where applicant is a corporate body, give details:
  - a) Whether the user is a company/firm/co-operative society/ other:
  - b) Whether the same is incorporated/registered.
  - c) Place of incorporation/registration.
  - d) Year of incorporation
  - e) Registration No.
  - f) Names and address of the Director/Partners/Governing body members/trustees.

(2) Details of ground water source:

(a) Location

- (i) Patta No:
- (ii) Colony/Khel/Lane :
- (iii) Village/Town:
- (iv) Sub-division:
- (v) District :
- (vi) Whether the source is located in an area declared as notified under section 7, if so, give details.

(b) Source details:

- (i) Whether source is perennial or seasonal:
- (ii) Quality of ground water
- (iii) Quantum of water availability.
- (c) If located in a rural area the name of the Village Council of the area.
- (d) If located in an urban area the name of the ward/municipality of the area.
- (e) Nature of existing use of source:- (i) Domestic (ii) Industrial (iii) Whether industry is small/large (iv) Commercial (v) Irrigation.
- (3) Details of ownership: - Whether the source is under the private ownership if so, details of the ownership.
- (4) Spacing of ground water sources/structure in the area.
  - (a) Details and location of the existing ground water sources in the vicinity (with aerial distance)
    - i. -----
    - ii. -----
    - iii. -----
    - iv. -----
  - (b) Whether any lift water supply or gravity water supply scheme is in operation in the area, if so, give details thereof.
- (5) Other details of water works
  - (a) Whether the ground water source is being used individually, collectively or on community basis.
  - (b) Whether ground water source or the land over which source is located is under the ownership of the applicant.
  - (c) Whether the source is owned by the co-owners/partners give the proportions of the shares of the co-owners/partners.
  - (d) Date of commissioning of the water source.
- (6) Details of waste management.
- (7) Any other information which may be considered relevant.

I/We hereby declare that:

- (a) The information provided in the form above is true to my knowledge.
- (b) I/We have read the Nagaland Ground Water Policy 2020 and the rules framed thereunder and do undertake to comply with them.
- (c) I/We have deposited the registration fee of ₹ \_\_\_\_\_ through bank draft/cheque No. \_\_\_\_\_ dated \_\_\_\_\_ issued by \_\_\_\_\_ in the name of \_\_\_\_\_ bank payable at \_\_\_\_\_ or cash vide receipt No \_\_\_\_\_ dated \_\_\_\_\_ or e-banking vide transaction id \_\_\_\_\_ dated \_\_\_\_\_

- (d) I/We shall own responsibility to execute/augment/maintain/use the ground water source strictly in accordance with the terms/conditions of the permit to be granted by the Authority under section 9 of the Nagaland Groundwater Policy 2020.
- (e) I/We shall provide access to the Authority and its officers and servants to my/our water source and its associate works.
- (f) I/We shall comply with every lawful direction/instruction by the Authority and its officers from time to time.

Signature of the applicant/authorized signatory  
With complete Address

Date \_\_\_\_\_

Place \_\_\_\_\_

**Note:** The following documents shall be attached with the application form:

1. The applicant must submit complete application in duplicate to the Member Secretary, Nagaland Groundwater Authority, Directorate of Geology and Mining, Dimapur-797112 along with application fees of ₹10,000/- in the form of a Demand Draft/Cheque/e-banking drawn in favour of the Member Secretary Nagaland Ground Water Authority payable at Dimapur.
2. Copy of Jamabandi of the land in which the source is located.
3. Survey sketch map indicating therein the exact location of the water source.
4. Site plan indicating therein the exact location and adjoining identifiable specific points.
5. In case of partnership firm, partnership deed.
6. In case of limited company Memorandum and Articles of Association and Certificate of incorporation.
7. List of equipment purposed to be installed with expected power load.
8. Resolution for authorized signatory.
9. Registration from Industries Department/Nagaland Pollution Control Board.
10. Extract of the project report relevant to ground water requirement (in case of industries)
11. Statement describing lands or assets which the applicant proposes to acquire for the purpose of extraction of water and means of such acquisition.

**FORM-5**  
**[See rule 23(1)]**

**PROFORMA OF PUBLICATION**  
**THE NAGALAND GROUND WATER AUTHORITY DIMAPUR**

**PUBLIC NOTICE**

Notice is hereby given to all the interested persons that M/S \_\_\_\_\_ (Name and address of the applicant) has/have user of ground water available in \_\_\_\_\_ (specify the name and location of the water source) \_\_\_\_\_ in the area \_\_\_\_\_ (specify the notified area). The application and other documents filed by the applicant can be inspected at the office of the applicant on/are at \_\_\_\_\_ (Name place or office, if any designated by the Authority) and copies of same will be available from the applicant for a price not exceeding ₹ 5/- per page.

Any person having objections or otherwise making representation with regard to the grant of the certificate of registration of user of the aforesaid water source, may forward the objections/representation with this Authority on or before \_\_\_\_\_ by hand delivery or registered post and should serve a copy of the object/representation on the M/S applicant \_\_\_\_\_ at the address mentioned above.

The person filing the objection/representation should give the following particulars:-

- (1) Name and full address.
- (2) Ground/reasons in support of the objection/representation together with document or evidence, if available.

**FORM-6**  
[See rule-25(2)]

**PROFORMA OF CERTIFICATE OF REGISTRATION OF THE GROUND  
WATER SOURCE  
THE NAGALAND GROUND WATER AUTHORITY, DIMAPUR**

Certified that the GROUND WATER SOURCE known as  
\_\_\_\_\_ Located in \_\_\_\_\_ district \_\_\_\_\_  
Nagaland, owned by \_\_\_\_\_ s/o \_\_\_\_\_  
and the water extracted therefrom is being used for the purpose  
of \_\_\_\_\_ is registered with this Authority vide registration  
No. \_\_\_\_\_ of \_\_\_\_\_ year.

Given under seal of the Nagaland Ground Water Authority

MEMBER SECRETARY

Date \_\_\_\_\_

Place \_\_\_\_\_

**FORM-7**

**[See rule-26(1)]**

**PROFORMA OF APPLICATION UNDER SECTION 12 FOR  
REGISTRATION OF THE DRILLING MACHINERY & AGENCIES**

To,

The Member Secretary  
Nagaland Ground Water Authority  
Directorate of Geology and Mining,  
Dimapur-797112

Sir,

I/We request you to register the machinery employed by me/us, for drilling operations in the State of Nagaland under section 12 of the Nagaland Ground Water Policy 2020. The requisite information is furnished below:-

**1. Details of the applicant**

- (i) Name of the applicant/Organization.
- (ii) Name of the father/husband/Direct/Partner/Trustee.
- (iii) Address for correspondence.
- (iv) Mobile No. :
- (v) E-mail address:
- (vi) Where applicant is a corporate body, give details.
  - (a) Whether the user is a Company/Firm/Co-operative Society/others:
  - (b) Whether the same is incorporated/registered:
    - i. Place of incorporation/registration:
    - ii. Year of incorporation:
    - iii. Registration No.:
    - iv. Place of registration of the firm, co-operative society:
  - (c) Names and address of the Directors/Governing Body Member/Trustees:
- (vii) Details of area of operation:
- (viii) Nature of drilling operations:
- (ix) Details of heavy machinery in use:
- (x) Details of heavy drilling machinery and equipment in use:
- (xi) Details of drilling operations undertaken during the last three years with results/targets achieved:
- (xii) Any other information which may be considered relevant:

**I/We hereby declare that:**

- (a) The information provided in the form above is true to my knowledge
- (b) I/We have read the Nagaland Ground Water Policy 2020 and the rules framed thereunder and do undertake to comply with them.
- (c) I/We have deposited the registration fee of ₹ \_\_\_\_\_ through bank draft/cheque No. \_\_\_\_\_ dated \_\_\_\_\_ issued by \_\_\_\_\_ in the name of \_\_\_\_\_ bank payable at \_\_\_\_\_ or cash vide receipt No \_\_\_\_\_ dated \_\_\_\_\_ or e-banking vide transaction id \_\_\_\_\_ dated \_\_\_\_\_
- (d) I/We shall undertake the ground water drilling operations in efficient coordinated and economical manner.
- (e) I/We shall comply with every lawful direction/instruction issued by the Authority and its Officers.

Signature of the applicant/authorized signatory

Date \_\_\_\_\_

Place \_\_\_\_\_

Note: The following documents shall be attached with the application form.

- (1) The applicant must submit complete application in duplicate to the member Secretary Nagaland Ground Water Authority, Directorate of Geology and Mining, Dimapur-797112 along with application fees of ₹ 10,000/- for drilling machineries and ₹ 1000/- for manual boring in the form of a Demand Draft/Cheque/e-banking drawn in favour of the Member Secretary Nagaland Ground Water Authority payable at Dimapur.
- (2) In case of partnership firm, partnership deed.
- (3) In case of limited company Memorandum and Articles of Association and certificate of incorporation.
- (4) List of machinery and equipment in use.
- (5) Statement describing assets which the applicant has acquired or purposes of drilling operation in the State.

**FORM-8**  
[See rule 26(4)]

**PROFORMA OF CERTIFICATE OF REGISTRATION OF DRILLING  
MACHINERY  
THE NAGALAND GROUND WATER AUTHORITY, DIMAPUR**

*Registration No* \_\_\_\_\_

*Dated* \_\_\_\_\_

The Nagaland Ground Water Authority, Dimapur, in exercise of the power vested in it under section 12 of the Nagaland Ground Water Policy 2020 hereby registers M/S \_\_\_\_\_

(Name and full address) as Rig operator/Drilling Agency operation in the State of Nagaland and the list of the machinery/equipment employed by him/her and it is registered with the Authority vide registration No. \_\_\_\_\_ of the year \_\_\_\_\_

Given under seal of the Nagaland Groundwater Authority

**MEMBER SECRETARY**

Date \_\_\_\_\_

Place \_\_\_\_\_



**FORM-9**  
**[See rule 35(3)]**

**BEFORE**

**THE** \_\_\_\_\_  
(Name of the Appellate Authority)

**APPEAL NO**

(To be filled by the office)

In the matter of –

(Name and full address of the appellant/Applicant and full address of the respondents)

Affidavit Verifying the petition/reply/application

I \_\_\_\_\_, son of \_\_\_\_\_, age \_\_\_\_\_, do hereby solemnly affirm and declare as under:-

(1) I am a Director/Secretary/\_\_\_\_\_ of \_\_\_\_\_ limited, the petition/appellant/respondent/in the above matter and duly authorized by the said petitioner/appellant to make this affidavit on his/its behalf.

**Note:** This paragraph is to be included in cases where the petition/application/reply \_\_\_\_\_

(2) The statements made in paragraphs \_\_\_\_\_ of the petition/application/reply \_\_\_\_\_

Herein now shown to me are true to the best of my knowledge and statements made in paragraphs \_\_\_\_\_ are based on information that I believe to be true.

Deponent

**Verification**

I, the above named deponent do hereby verify that the contents of my above affidavit are true to the best of my knowledge and no part of it false and nothing material has been concealed there from.

Verified at \_\_\_\_\_ on this day of \_\_\_\_\_

Deponent

By Order

Commr. Secretary (G & M) to the Government of Nagaland

Dated: Kohima

Copy is forwarded for information and necessary action to:-

1. All Deputy Commissioners in Nagaland.
2. The Director, Geology & Mining, Nagaland, Kohima.
3. The Secretary, Law Department, Nagaland, Kohima.
4. All Chief Engineers/ Directors
5. The Director, Printing & Stationery, Nagaland, Kohima for publication in extra ordinary Gazette. He is requested to send 100 copies of the Nagaland Gazette to this Department for record.
6. Twenty (20) spare copies/Guard file.

Sd/-

Commr. Secretary (G&M) to the Government of Nagaland

**NAGALAND GROUNDWATER (REGULATION AND CONTROL OF  
DEVELOPMENT AND MANAGEMENT) BILL, 2020**

**MEMORANDUM OF DELEGATED LEGISLATION**

The "Nagaland Groundwater (Regulation and Control of Development and Management) Bill, 2020" delegated the Power to the State Government to make Rules.

The Rules made therein shall be laid before the Assembly and shall be subject to the scrutiny of the House. Delegation of power is of normal nature.



**(V. KASHIHO SANGTAM)**

**Minister**

**Geology & Mining and Soil & Water Conservation**

**Nagaland: Kohima**

# **NAGALAND GROUNDWATER (REGULATION AND CONTROL OF DEVELOPMENT AND MANAGEMENT) BILL, 2020**

## **STATEMENT OF OBJECTIVE AND REASONS**

The main objective of the proposed "Nagaland Groundwater (Regulation and Control of Development and Management) Bill, 2020" is to Regulate, Control of Development and Management of groundwater resource in the State. It aims to enforce and implement with proper regulatory mechanism by systematically and scientifically exploiting groundwater resource of the State for long term planning and sustainable management.

In the recent years, it has been observed that several private groundwater drilling parties have carried out groundwater abstraction without proper knowledge and understanding of the groundwater regime in the State which may impede balancing between natural recharge and withdrawal of groundwater.

Considering the objective and reasons stated, it is felt expedient to introduce this Bill empowering to recognize and register drilling agencies and users, generate data base, Artificial Recharge and augmentation, dynamic groundwater resource estimation, water quality assessment, conservation and monitoring.



**(V. KASHIHO SANGTAM)**

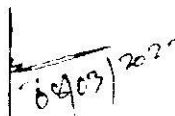
**Minister**

**Geology & Mining and Soil & Water Conservation  
Nagaland: Kohima**

**NAGALAND GROUNDWATER (REGULATION AND CONTROL OF  
DEVELOPMENT AND MANAGEMENT) BILL, 2020**

**FINANCIAL MEMORANDUM**

The proposed introduction of the "Nagaland Groundwater (Regulation and Control of Development and Management) Bill, 2020" shall be administered by the existing administrative set up of the Geology and Mining Department and will not entail any extra expenditure from the consolidated Fund of the State.



**(V. KASHIHO SANGTAM)**

**Minister**

**Geology & Mining and Soil & Water Conservation  
Nagaland: Kohima**

