

State Legislative Brief

RAJASTHAN

The Rajasthan Ground Water (Conservation and Management) Authority Bill, 2024

Key Features

- The Bill establishes a State Ground Water Authority for conserving and managing groundwater.
- All non-agricultural users will be required to obtain permissions and pay volume-based tariff for groundwater use.
- Unauthorised extraction, drilling, or pollution of groundwater will invoke penalties, which will be prescribed by the state government through Rules.

Key Issues and Analysis

- Agricultural users, who account for 85% of groundwater use, are exempted from requiring permissions and paying tariff.
- The Bill prescribes penalties for unauthorised acts through Rules, which may be excessive delegation.
- The Bill does not have a mechanism to appeal against the decisions of the Authority.

The Rajasthan Ground Water (Conservation and Management) Authority Bill, 2024 was introduced in the Rajasthan Legislative Assembly on July 26, 2024. It was referred to a Select Committee on August 1, 2024. A revised version of the Bill, after incorporating Committee's suggestions, was referred back to the Committee on March 19, 2025. This brief is based on the revised version of the Bill, pending with the Committee.

PART A: HIGHLIGHTS OF THE BILL

Context

Despite water being a state subject, groundwater regulation and management is done at both state and central levels.¹ At the central level, the Central Ground Water Authority (CGWA) is tasked with the regulation and management of groundwater.¹ CGWA issues guidelines for ground water extraction, and issues NOCs to industries for ground water extraction.¹ As of 2023, 12 states (including Jammu and Kashmir) have constituted Groundwater Authorities to regulate groundwater extraction and usage in their respective jurisdictions.² These Authorities issue permits for water use, notify over-exploited areas and frame guideline for groundwater use. The Centre has also circulated several Model Bills to states, the latest one being the Model Groundwater (Sustainable Management) Act, 2016.³

In India, groundwater is the source of 85% of rural water supply and 50% of urban water supply.⁴ It also supplies 62% of the water used for irrigation.⁴ Like most states, Rajasthan over-extracts its water. In 2024, Rajasthan extracted 50% more groundwater than the total extractable groundwater.⁴ Agriculture accounted for 85% of total groundwater usage, followed by domestic use (14%) and industrial use (0.8%).⁴

In 2013, Rajasthan passed the Rajasthan Water Resources Regulatory Act, 2012, to manage and regulate water resources and fix rates for water use.⁵ However, as of 2025, the Act has not been implemented. The Rajasthan Ground Water (Conservation and Management) Authority Bill, 2024 was introduced on July 26, 2024.⁶ It was referred to a Select Committee on August 1, 2024. A revised version of the Bill, after incorporating Committee's suggestions, was referred back to the Committee on March 19, 2025.

Key Features

- **Ground Water (Conservation and Management) Authority:** The Bill establishes the Rajasthan Ground Water (Conservation and Management) Authority. It will be chaired by a person who has held the position of Secretary to the government or the Chief Groundwater Engineer. Other members will include: (i) two Members of the Legislative Assembly, (ii) representatives from departments such as ground water, finance, agriculture, pollution control, forest, public health, and industries, and (iii) two subject experts. Each district will also have a District Ground Water and Management Committee, which will prepare District Ground Water Conservation and Management Plans.
- **Permissions and tariff for groundwater extraction:** All users of groundwater, except for agricultural use, will be required to obtain permissions for existing and proposed extraction structures. The Groundwater Authority will impose tariffs for water usage, based on the principles of economy, efficiency, equity and sustainability.

- **Functions of the Authority:** The Groundwater Authority will review the State Ground Water Conservation and Management Plan, prepared by the State Ground Water Department. It will also recommend to the state government the categorisation of the state into zones based on quality and quantity of water level. Further, the Authority will recommend Bulk Water entitlements for rural water supply, municipal water supply and industrial water supply. The Groundwater Authority may also issue direction on: (i) conditions for operating existing groundwater extracting structures, (ii) restrictions on groundwater utilisation, (iii) registration of drilling rigs and groundwater extraction through any kind of energy, (iv) promote recycling, reuse and recharge of groundwater, and minimise groundwater waste, and (v) installation of instruments to measure quality and quantity of ground water and its extraction.
- **Rajasthan Ground Water (Conservation and Management) Authority Fund:** The Groundwater Authority will maintain a Fund in a Personal Deposit Account or any other account as directed by the government. The Fund may receive grants from the state or central governments, fees, charges, and penalties received by the Authority, and any other sources specified by the government.
- **Powers of entry and inspection:** The Bill empowers the state government to appoint officers for making enquiries. These enquiry officers will have powers to enter a premise to determine compliance with the orders or directions given by the State Authority.
- **Offences and penalties:** Unauthorised actions under the Bill include: (i) constructing or altering groundwater extraction structure, or digging for groundwater without permission, (ii) polluting or degrading the quality of groundwater, and (iii) hindering or damaging any water infrastructure. Penalty for unauthorised acts will be as prescribed by the state government through Rules. Repeat commission of the offence would carry five times the prescribed penalty. Failure to comply with directions issued under the Bill is punishable with a fine up to Rs 50,000. Subsequent offences are punishable with imprisonment of up to six months or a fine up to one lakh rupees, or both.

PART B: KEY ISSUES AND ANALYSIS

Challenges with regulating groundwater usage

In India, groundwater ownership is legally tied to land ownership.⁷ Under the Easement Act, 1882, every land owner has the right to collect and dispose the water over and under his land, effectively making it a private resource.⁷ The Bill requires users extracting groundwater to obtain permissions and pay tariff, implying that groundwater is no longer a private resource. There are a few challenges with regulating the usage of groundwater. We discuss them below.

The private ownership model presents two challenges. First, it may exclude non-landowning users from accessing groundwater. The Supreme Court has interpreted the right to water as part of the Right to Life under Article 21.⁸ Second, this model may not align with the ecological nature of water. Groundwater flows across aquifers based on geological and hydrological conditions. Thus, excessive extraction by one landowner can reduce the water table in nearby areas, and pollution in one part can contaminate water for others. Therefore, a property-based approach to regulate groundwater may not address the shared nature of groundwater.

Courts have applied the public trust doctrine to groundwater, under which the government protects and maintains public resources for the public's use. The Supreme Court (2004) has held that the state holds natural resources in trust for the people.⁹ The Draft National Water Framework Bill, 2016 and the Model Groundwater (Sustainable Management) Act, 2016 also have a similar approach for regulating groundwater.^{3,10} Countries such as Argentina, Australia, Germany, Italy, Morocco, South Africa, Tanzania, Uganda, and Zimbabwe have defined groundwater as a public resource.¹¹

Further, groundwater and surface water are part of a connected hydrological system.⁴ Extraction from surface water affects the availability and recharge of groundwater. For example, in semi-arid regions, groundwater recharge may depend heavily on surface water such as rivers, tanks, or seasonal streams.⁴ Regulating these two separately may not be efficient. While the Bill mandates the preparation of groundwater management plans, it does not explicitly address the interdependence of surface water and groundwater. This is in contrast to the Model Groundwater Act, 2016, drafted by the Ministry of Water Resources, River Development & Ganga Rejuvenation.³ The Model Act requires that groundwater planning consider surface water availability, and promote conservation for groundwater recharge.³

85% of groundwater use is exempted from permissions and tariffs

The Bill explicitly exempts agricultural users from requiring permission to build groundwater extraction structures. The rationale behind this is unclear. Agriculture is a major consumer of groundwater in Rajasthan, with irrigation accounting for 85% of all groundwater usage in 2024.⁴ The Model Act, 2016 only requires industrial and bulk users to pay a water rate.³ The Punjab Act exempts drinking and domestic water use from tariffs.¹²

Implementing tariffs effectively may need infrastructure augmentation

Bill:
Clause
16

The Bill empowers the Groundwater Authority to recommend volume-based tariffs for different categories of groundwater use. The tariff design must be approved by the state government and may be revised. Implementing a volume-based tariff might require significant infrastructure expansion, including installation of metering systems to measure groundwater extraction, devices to monitor quality and quantity, and data management systems to track usage and billing. The Bill also does not clarify who will bear the costs of installing measuring and monitoring structures.

Bill lacks safeguards against power of entry and inspection

Bill:
Clause
18

The Bill provides inspectors powers to enter a premise to ensure compliance with the law. Laws with similar provisions have certain safeguards against such actions. Such safeguards are absent from the Bill.

For instance, the Food Safety and Standards Act, 2006 provides that the Bharatiya Nagarik Suraksha Sanhita, 2023 will apply to the powers of Food Safety Officers to enter and inspect.¹³ Safeguards include: (i) recording in writing the grounds of belief for undertaking action, (ii) recording search through electronic means, and (iii) calling two or more persons from neighbourhood as witnesses.¹³ The 2006 Act also penalises officers who vexatiously and without any reasonable grounds seize any article. The Supreme Court (1959) had observed that as search is an exceedingly arbitrary process in character, stringent conditions have been imposed on them under laws.¹⁴ BNSS also requires audio-video recording of search.¹⁵

No appeal mechanism against decisions of the State Authority

Bill:
Clauses
14, 19,
22

The Groundwater Authority is empowered to grant or deny extraction permissions and impose penalties. It may also restrict groundwater use in certain areas, mandate registration, and penalise unauthorised extraction or structural changes. It is also empowered to recommend tariffs on water use. However, the Bill does not specify any mechanism to appeal against decisions made by the Authority. Similar Acts in Karnataka and West Bengal explicitly provide for the appeal process.^{16,17} In these states, appeals lie before an authority specified by the state government.^{16,17}

Prescribing penalties through Rules may be excessive delegation

Bill:
Clause
19

The Bill specifies various acts that are considered unauthorised. Engaging in an unauthorised act will be subject to a penalty, which will be as prescribed by the state government through Rules. The Bill does not provide any further guidance on determining these penalties. The Supreme Court has held that in the absence of standards, criteria or principles on the contents of subordinate legislation, the powers given to the Executive may go beyond the permissible limits of valid delegation.¹⁸

Maintenance of funds outside public accounts

Bill:
Clause
24

The Bill provides for the establishment of a Fund, to be maintained and operated by the Groundwater Authority. This Fund may receive grants from the state or central governments, fees, charges, and penalties received by the Authority, and any other sources specified by the government. The Fund will be used to meet salary, allowances and other expenses of the Authority. This may create a conflict of interest as the Authority is responsible for imposing penalties. Under the Competition Act, penalties are deposited into the Consolidated Fund of India.¹⁹

The Bill also provides that the Fund will be maintained in a Personal Deposit Account or any other account as directed by the government, and requires the Fund to be audited annually. The 2005 guidelines by the central government provide that funds of regulatory bodies are to be maintained in the public account.²⁰ A CAG audit had highlighted concerns with the accounts of SEBI being maintained outside the government account. It highlighted that this contradicts the central government guidelines and is also inconsistent with the practice seen with other constitutional and independent authorities such as Judiciary, UPSC, CAG, TRAI, and the Election Commission.²¹

Comparison with Model Law and Other State Laws

Table 1 on the next page compares the Bill with the Model Bill, 2016 and other state laws.

Annexure

Table 1: Comparison of groundwater regulations in select states

Provision	Rajasthan	Model Bill ³	Karnataka ¹⁶	Maharashtra ¹⁷	Punjab ¹²	Uttar Pradesh ²²
Level of Government Involved	State-level Authority with district committees	Gram Panchayat and Municipal sub-committees, District Councils, State Council	State-level Authority only	State and District Authorities, Panchayats to assist planning	State-level Authority, Advisory Committee and Council	State Authority, District Councils, Gram Panchayat Sub-Committees, Block, Panchayat, Municipal Committees
District Authority Composition Specified?	No	Yes	Not applicable	Yes	Not applicable	Yes
Environment Impact Assessments	Not specified	Mandatory for industries/ infrastructure	Not specified	Not specified	Not specified	Mandated
Users Exempted from Registration/ Tariffs	Agriculture exempted from permissions and tariffs	Water rate only for industrial or bulk users	No tariff, all users required to register	Cess only for existing deep wells in non-notified areas	Domestic use exempted from tariff	Tariff only applied on commercial, industrial, infrastructural or bulk users
Aquifer-Based Planning provided?	District-level, not strictly aquifer-based	Plans at all levels based on aquifers	Not specified	Watershed, aquifer-based plans	Administrative block-level planning	Watershed-based block and municipal level plans
Harvesting/ Recharge Mandate	Recommended not specified	Harvesting and catchment as per local governments	Mandatory in urban/identified areas	Mandatory in some premises	Recommended, not specified	Harvesting and catchment mandated through rules

Sources: Respective state Acts; Model Groundwater (Sustainable Management) Act, 2016; PRS.

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