

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 11th August 2014 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 22 of 2014

A Bill further to amend the Tamil Nadu Panchayats Act, 1994.

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

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

Short title and commencement.

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

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

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

“143-A. Grant of permit to sink well.— (1) No person shall, either himself or through any person on his behalf engage in sinking any well in the panchayat village for any purpose without obtaining a permit from the executive authority:

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

Provided further that this sub-section shall not apply to the revenue villages specified in the Schedule to the Chennai Metropolitan Area Groundwater (Regulation) Act, 1987.

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

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

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

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

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

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

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

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

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

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

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

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

(5) Any person aggrieved by the decision of the Collector under sub-section (4) may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the Government, by notification, in this behalf.

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

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

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

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

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

Insertion of
new
sections
246-B.

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

“246-B. Penalty for sinking well without permit or registration.— Whoever contravenes any of the provisions of Section 143-A or 143-B or the rules made thereunder shall, on conviction, be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and with fine which may extend to fifty thousand rupees.”.

STATEMENT OF OBJECTS AND REASONS.

Fatal accidents and death of small children have occurred due to the careless attitude of the owners of bore wells, tube wells and open wells and the agencies carrying on the business of sinking such wells. Hence, in order to regulate the sinking of bore wells, tube wells and open wells, the Government have decided to amend the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) suitably.

2. The Bill seeks to give effect to the above decision.

S.P. VELUMANI

*Minister for Municipal Administration,
Rural Development, Law,
Courts and Prisons.*

MEMORANDUM REGARDING DELEGATED LEGISLATION.

New Sections 143-A and 143-B proposed to be inserted in the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) by clause 2 of the Bill empowers the Government to make rules and to issue notifications, for the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

S.P. VELUMANI,
*Minister for Municipal Administration,
Rural Development, Law,
Courts and Prisons.*

A.M.P. JAMALUDEEN,
Secretary.