

PUBLIC NOTICE

(Draft Regulations for digging and use of bore wells in Jammu Cantonment)

No.

Dated: 29 December, 2023

1. The draft regulations for digging and use of bore wells in Jammu Cantonment which the Jammu Cantonment Board proposes to make in exercise of the powers conferred by sub-section (4) of Section 204 of the Cantonment Act, 2006 (41 of 2006) is hereby published, as required by sub-section (1) of section 350 of the Cantonments Act, 2006, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft regulations will be taken into consideration by Cantonment Board, Jammu after the expiry of thirty days from the date of publication of this notice.
2. Any objections or suggestions which may be received from any person with respect to the said draft before the expiry of the period of thirty days stated above will be considered by the Jammu Cantonment Board.
3. Detailed draft regulations for digging and use of bore wells in Jammu Cantonment has been uploaded on 29th Dec, 2023 Cantonment Board website <https://jammu.cantt.gov.in> and also placed on the Office Notice Board for perusal of the general public.
4. Any person who intends to file objections/ suggestions in respect of the draft regulations for digging and use of the bore wells may submit the same in the office of the Cantonment Board Jammu in person or through dak or by email on ceojamm-stats@nic.in on or before the expiry of a period of thirty days from the date of publication of this notice.

Sd/-
Chief Executive Officer
Cantonment Board Office
Jammu Cantt

DRAFT REGULATIONS FOR DIGGING AND USE OF BOREWELLS IN
JAMMU CANTONMENT

1. **Short Title:** Regulations for digging and use of bore well in Jammu Cantonment.
2. These regulations are applicable to the entire cantonment as notified under section 3 of the Cantonments Act, 2006.
3. **Definitions:**
 - 3.1. In these regulations, unless the context otherwise requires,
 - (a) Act, means the cantonments Act, 2006 as amended from time to time.
 - (b) Availability and Use of water - As defined in the Notification issued by Ministry of Jal Shakti on per capita Availability of water and Notification issued by Central Ground Water Authority (CGWA) from time to time.
 - (c) Form means one of the forms annexed to these regulations.
 - (d) Ground water extraction structure means structure used for withdrawing ground water like bore well / tube well / dug well / tunnel well, etc.
 - (e) Use means usage of water by Residential unit / House, Bungalow, Society, Trust, Education Institution, Industry, Hotel, Commercial Restaurant, Tea Stall, Coffee Shop, Spa, Car Spa, Beauty Parlour, Barber Shop, marriage grounds / halls etc. or for any other purpose mentioned in Annex- VI "Guidelines to regulate and control ground water extraction in India" issued vide notification dated 24-09-2020 Ministry of Jal Shakti (MoJS).
 - (f) Flow Meter means – ISI/ISO standard Flow Meter to be installed at the main extraction point.
 - (g) Authority means Board or CEO if authorised under regulation 7 of these regulations by the Board.
 - 3.2. The words and expressions used in these regulations but not defined herein shall have the same meaning as respectively assigned to them in the Act, rules made thereunder, and in the "Guidelines to regulate and control ground water extraction in India" issued vide notification dated 24/09/2020 of Ministry of Jal Shakti (MoJS) as may be amended from time to time.

4. Cantonment Board will conduct a survey of existing bore wells/ tube wells/ dug wells / tunnel wells, etc. The survey will include the date from which the respective bore well is in existence and average extraction of water every day.
5. Density of the population will be considered along with the availability of the present water supply source for considering the application for extraction of Ground Water within the Cantonment Area.
6. **Survey of Ground water Available:** Board will conduct survey of the area within its jurisdiction to ascertain the level of Ground water available for use with the help of agencies of Ministry of Jal Shakti, or any other organisation of State Government in which the Cantonment is situated.
7. **Appointment of the authority:** The authority means the Board. The Board may appoint Chief Executive Officer to exercise the power and discharge the functions and duties in the manner prescribed by the regulations.
8. **Preservation of Natural Water Course:**
 - 8.1. Survey of existing bore wells be conducted to ascertain the number of bore wells along with the availability of water current.
 - 8.2. Survey to be conducted through Government Department to ascertain the quality of water as also whether the drinking water is free from contamination as per the Government Standard to ascertain whether the water is potable or not.
 - 8.3. Survey be conducted to also ascertain whether there is any source of effluent and whether hazardous water has percolated and water of the bore well is affected.
 - 8.4. Considering the existing supply of water, quality, use and availability of ground water the application for Ground Water extraction will be considered.
9. **Exemptions from permission of ground water extraction structure:** Exemptions will be given as per the "Guidelines to regulate and control ground water extraction in India" issued vide notification dated 24/09/2020 of Ministry of Jal Shakti as may be amended from time to time.
10. **Registration of Bore Well:**
 - 10.1. **Registration of Existing Bore Well -** The authority will publish the notice of compulsory registration of the bore well / tube well / dug well / tunnel well, etc. by giving wide publicity. One Month time will be given for registration. The forms will be issued to the residents for registration. The registration fee and renewal charges, if any, will be decided by the Board. The authority may issue direction to stop extraction of ground water any time without assigning any reason therefore.

- 10.2. **New Bore well** - The applicant - Owner, Head of Residence, Lessee, Legal heir, Head of Trust, Head of Educational Institution, authorised occupant etc. can file the application with the authority of the intention to dig the bore well / tube well / dug well / tunnel well, etc. in the prescribed form. The said application will be scrutinized by the authority preferably within 30 days and the decision communicated. In case, the decision is not communicated within 30 days, it will not be treated as deemed approval. For every new bore well, applicant will be required to renew the license at regular intervals as decided by the Board.
- 10.3. Military Establishments within the local limits of the Board will be required to inform about the existence of bore well.
11. **Following Documents will be submitted by the applicant for registration/ permission to erect the structure for extracting ground water:**
- 11.1. Application and declaration as per Forms attached to these regulations.
- 11.2. Proposal for rain water harvesting as per the existing model building bye laws issued by Ministry of Housing and Urban Affairs.
- 11.3. Impact Assessment Report for a specified purpose issued by the concerned authority i.e. report mentioned in Annexure IV of Notification dated 24/09/2020 issued by Ministry of Jal Shakti.
- 11.4. Aadhaar card / PAN card / GST No. (as applicable) of the applicant. In case of any registered society, trust, firm, company etc. the resolution passed in General Body Meeting for extracting the water from the ground and authorisation to the concerned office bearer of the society.
12. The Board may issue directions to stop extraction of Ground water any time by recording reasons thereof.
13. **Levy of Charges:**
- 13.1. For determining the levy of charge, every applicant is required to fix the flow meter. In case flow meter is not working, the permission can be suspended forthwith. The suspension can be revoked with an application to the authority. Board will levy fine / damage of Rs 10,000/- for the same.
- 13.2. Charges for existing residential bore well - average extraction above 100 litres per day will be charged at Rs 10/- per thousand litres.
- 13.3. Charges for Commercial / Industrial bore well - average extraction above 50 litres per day will be charged at Rs 15/- per thousand litres.

14. **Restriction on Use of Water:** Ground water so extracted will not be sold in any form by the Applicant without permission of the Authority. If it is noticed that the Applicant is selling the extracted ground water without permission, the permission granted will be suspended forthwith and bore well and the flow meter will be sealed and fine up to Rs. 50,000/- will be imposed.
15. **Protection of Quality of Ground Water:** The Applicant and User of the Ground Well Water is required to test the quality of the water in order to ascertain if the water is potable every three years from the Government Agency and submit the report to the authority. In case, water is found contaminated the water will not be used for drinking purpose.
16. **Rain Water Harvesting:** Every Applicant who has dug the bore well has to ensure that rain water harvesting structures are erected and rain water harvesting is to be observed. The Board will ensure that rain water harvesting is functional and survey will be conducted by the Board from time to time.
17. **Prohibitory orders:** The Authority may issue prohibitory order, in case it reveals that the water is contaminated and injurious to human consumption by issuing notice to the use / users.
18. **Water Audit** will be carried out by the Authority from time to time and availability of the Ground water will be ascertained. In case of reduction in the Ground water, restriction on the extraction of Ground water will be imposed as decided by the Board/Chief Executive Officer.
19. **Appeal:** Every appeal against the decision of Chief Executive Officer shall lie with the Board and that against the decision of the Board shall lie with the Principal Director, Defence Estates, the Command. Every appeal shall be made within 30 days from date of communication of order of the Chief Executive Officer or the Board as the case may be.
20. **Protection for Action taken by the Authority:** No suit or prosecution shall be entertained in any court against the Authority or its employees for anything which is in good faith done or intended to be done under the Act and Rules framed.
21. **Finality of the order:** Every order / direction issued by the Authority under this Rules shall be final and shall not be questioned in any suit or other legal proceedings.
22. **Power of Inspection:** As provided in section 305 to 310 of the cantonments Act, 2006 as amended from time to time.
23. **Penalties for violations:** As provided in section 333 of the cantonments Act, 2006 as amended from time to time.
24. Where ever any of the above are inconsistent with the prevailing CGWA guidelines the provisions of CGWA guidelines will prevail.

FORM – I

Registration of existing bore well/ tube well/ dug well/ tunnel well, etc. or permission for digging of new bore well / tube well / dug well/ tunnel well, etc.

Issued to Shri/ Smt. _____

BOOK NO. _____

Application Form Sl. No. _____

FORM OF APPLICATION FOR REGISTRATION, MODIFICATION OR ALTERATION OR DIGGING OF NEW BORE WELL/ TUBE WELL/ DUG WELL/ TUNNEL WELL, ETC.

1. Particulars about the applicant

- (a) Name of the owner applicant (IN BLOCK LETTERS) (please attach ID Proof):
- (b) Son / Daughter / Wife/Husband of:
- (c) Sex (please tick): Male/Female
- (d) Nationality:
- (e) Address of the applicant:

2. Details of Registration of existing well

- (a) Registration number:
- (b) Date of Registration:

3. Location particulars of the existing/ proposed new bore well/ tube well/ dug well/ tunnel well, etc.:

- (a) Ward No :
- (b) Mohalla / Road / House No.:
- (c) GLR No./ Revenue Survey No.:
- (d) Name of the recorded person in (b) above:
- (e) Relationship of applicant with recorded person in (c) above:
- (f) Please attach following documents: Aadhaar card/ Electricity Bill/ Any document as address proof for ownership of land/ extract of GLR/ Revenue Record.

4. Particulars of the existing / to be registered / proposed new well:
 - (a) Date of construction/ sinking of the well (in case of existing);
 - (b) Type of the well viz. Dug Well/Tube Well/Boring: Others (please specify)
 - (c) Approx. depth of the well (m):
 - (d) In case of Tube Well:
 - (i) Approx. length (m) & diameter (mm) of the hosing pipe (if any)
 - (ii) Approx. length (m) & diameter (mm) of the strainer
 - (iii) Material of the hosing pipe & blank pipe: (PVC/Iron/Galvanized Iron) iv. Material of the strainer: (PVC/Iron/Galvanized Iron)
 - (e) In case of Dug Well:
 - (i) Diameter of the Dug Well (m):
 - (ii) Any type of structure of the Dug Well (please tick) Kuchcha/pucca
 - (f) Whether there has been any adverse report regarding water quality of the well (in case of existing) - YES / NO
 - a. If yes give particulars
5. Particulars of pumping device
 - (a) Type of pump to be used (please tick): (Centrifugal/ submersible/ turbine/ eject of pump, etc.)
 - (b) Length of the column pipe (in case of submersible/turbine pump)
 - (c) Pump capacity
 - (d) H.P
 - (e) Operational device (please tick): (electric motors / diesel engine)
 - (f) Date of energization (in case of electricity drive pump):
6. Particulars of usefulness of well:
 - (a) Purpose of the proposed well (Residential/Industrial/Commercial/ Infrastructural / Bulk use / others (please tick)
 - (b) Daily running hours
 - (c) Whether the area receives supply through piped water supply: YES/NO (please tick)
7. Details of modification or alteration in registered well:
8. Reason for modification or alteration in registered well:
9. Whether rain water harvesting structure has been constructed within the premises: YES/NO (please tick)

If No, measures proposed to be taken for rain water harvesting

10. (a) Please submit mode of treatment or waste water/effluent (for industries/hospital/butcheries/etc.):

If (a) applies, please mention whether obtained NOC from cantonment Board/ concerned Authority for discharge of effluent or waste water: [YES/NO] If YES, attach copy of same.

Note: If applicant has not obtained NOC from cantonment Board or concerned Authority for discharge of effluent or waste water, application shall be liable for rejection.

11. Details of payment of application fee:

(a) Amount of Application Fee paid -

- (i) Rs.
- (ii) Receipt No/Reference No. (for outline project):
- (iii) Date:

12. Any other information which Applicant would like to furnish: use the space:

FORM II

DECLARATION FORM

DECLARATION BY THE APPLICANT

I do hereby declare that the particulars furnished hereinabove are correct and true.

I understand that in case any of the particulars/information is found to be incorrect at any stage of verification/ scrutiny, the application is liable for rejection. In case any of the particulars/information furnished is found to be incorrect at any stage even after issue of the registration, the registration is liable for cancellation.

I Agree_____

Note:

1. Separate application form should be used for registration of each individual well or for modification or alteration or digging of new well.
2. The application form should be completed in all respects before submission. Incomplete applications are liable for rejection. Any correction/alteration shall be duly authenticated.
3. Please write 'N.A' against those items which are not applicable.
4. Please attach the following documents along with the application:
 - (a) Document showing proof of ownership of land / occupancy rights/ etc.
 - (b) Photocopy of Aadhaar Card/ Voter ID/ Ration Card/ any other proof of identification.
5. The concerned Authority reserves the right to ask for any other document(s) from the applicant for examination of the merit of the case.

I Agree_____