

Government of National Capital Territory of Delhi
Department of Environment
Level-6, Wing-C, Delhi Secretariat, IP Estate, New Delhi

F8(348)/EA/Env/09/ 1041 - 1061

Dated 18.05.2010

Order

Sub: Direction under section 5 of the Environment (Protection) Act, 1986

Whereas, the Central Government has authorized the Lieutenant Governor of the National Capital Territory of Delhi vide notification S.O. 667 (E) dated the 10th September, 1992 to exercise powers under section 5 of the Environment (Protection) Act, 1986 for the National Capital Territory of Delhi and to issue directions thereunder, to any person, officer or any authority for the closure, prohibition or regulation of any operation or process or stoppage or regulation of the supply of electricity or water or any other services.

And whereas Delhi Jal Board constituted under the Delhi Water Board Act, 1998 (Delhi Act 4 of 1998) is dealing with water supply network of drinking, domestic, industrial and commercial water in the National Capital Territory of Delhi;

And whereas continued abstraction of ground water has led to severe depletion of ground water resources;

And whereas non - restricted and non - regulated abstraction of ground water has serious long term environmental implications;

And whereas over abstraction of ground water can result in drying up of ground water resources and may also affect water quality;

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And whereas Central Ground Water Authority had, in the year of 2000, notified the South and South-West districts of Delhi as "Notified Areas" and imposed prohibition and restriction in those districts on the construction and installation of any structure for abstraction of ground water resources to avoid further depletion and deterioration in water quality in the said districts;

And whereas through, another notification in March 2006, Central Ground Water Authority has notified East, New Delhi, North-East, North-West and West districts of Delhi as over exploited areas needing regulation, and registration of ground water abstraction structures in those districts was made compulsory.

Now, therefore, in exercise of power conferred by section 5 of the Environment (Protection) Act, 1986 (29 of 1986) read with the Ministry of Home Affairs, Government of India Notification S.O.667 (E) bearing F.No, U-11030/J/91- UTL dated the 10th September, 1992 and in supersession of directions issued vide Order Nos F8(348)/EA/Env/09/14433-14451 and F8(348)/EA/Env/09/14452-14470 dated the 30th March 2009 as well as Order Nos. F8(348)/EA/Env/09/555-582 and F8(348)/EA/Env/09/583-610 dated the 30th April 2009, the Lt. Governor of the National Capital Territory of Delhi , hereby issues the following directions, namely:

- (1) In the whole of the National Capital Territory of Delhi, no person, group, authority, association or institution shall draw ground water through bore-well or tube-well (both new as well as existing and drawing ground water without permission of Central Ground Water Authority) for domestic, commercial, agricultural and or industrial uses without the prior permission of the "**Competent Authority**" that is to say, the Delhi Jal Board or the New Delhi Municipal Council as the case may be.

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- (2) The issue of grant of permission for borewell/tubewell shall be dealt by Competent Authority through the Deputy Commissioner (Revenue) of each revenue area, GNCTD, who is hereby appointed as “**Authorized Officer**” for the purpose of regulation of ground water development and management in the respective revenue areas under the jurisdiction.
- (3) The Deputy Commissioner (Revenue) of each revenue area, GNCTD, who is the Authorized Officer, are further delegated with the power of dealing with other issues such as checking violation, and sealing illegal wells, launching of prosecution against offenders etc. including grievance redressal related to ground water, based on the recommendations of the Advisory Committee.
- (4) An Advisory Committee in each nine revenue areas of the National Capital Territory of Delhi is hereby constituted under the Chairmanship of the Deputy Commissioner of each revenue area comprising of the following members:
1. Deputy Commissioner (Revenue), of concerned revenue area : Chairman;
 2. Director (Panchayat) : Member;
 3. Chief Engineer nominated by Delhi Jal Board : Member;
 4. Representative of Central Ground Water Board, New Delhi : Member;
 5. Representatives of local bodies having jurisdiction over the area: Member;
 6. Representative of Department of Environment, GNCTD/DPCC : Member
 7. Representative of reputed NGO in the field of Groundwater Management nominated by the Deputy Commissioner concerned : Member;
- (5) The Advisory Committee shall meet atleast once in every month to take up various issues related to ground water regulation and management in the concerned revenue area and give recommendations to the Deputy Commissioner for further consideration and enforcement. Only the recommended groundwater boring cases shall be forwarded to Competent Authority for grant of permission.

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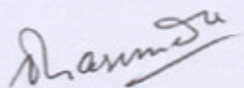
- (6) In emergent violation cases such as illegal groundwater drawl, the Authorized Officer, subject to his satisfaction, shall ensure the discontinuation of the same by the seizure of drilling rig, sealing of tubewell/borewell if so constructed and also disconnection of electricity supply to the energized tubewell even if it is through DG sets, without waiting for recommendation of Advisory Committee. However the details of such action shall be placed by the Authorized Officer in the next Advisory Committee meeting.
- (7) If any person, group, authority, association or institution, intends to draw ground water through bore-well or tube-well(both new as well as existing and drawing ground water without permission of Central Ground Water Authority), he shall take prior permission from Competent Authority. Such permission shall be obtained through submission of an application to Zonal Offices of the Competent Authority, in the form specified by the Competent Authority.
- (8) The Executive Engineer of the Competent Authority, incharge of the concerned area shall recommend the case, based on the facts on the ground, to the concerned Deputy Commissioner (Revenue) of the revenue area who shall issue orders in the light of the recommendations of Executive Engineer of the Competent Authority and the Advisory Committee.
- (9) If the plot size of the building is more than 200 sq. meters, the permission to draw ground water through borewell or tubewell (both new as well as existing and drawing groundwater without permission of Central Ground Water Authority) shall be subject to the condition that the occupier or owner of the said plot or building shall install rain water harvesting system in such building.
- (10) The permission to draw ground water through borewell or tubewell (both new as well as existing and drawing ground water without permission of Central Ground Water Authority) for commercial and or industrial use shall be subject

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to the condition that the concerned person or authority shall install the rain water harvesting structure, and shall ensure reuse of the water in horticulture or cooling or toilet flushing, etc after proper treatment of waste water or any other suggestions given by the concerned Advisory Committee.

- (11) Each of the Advisory Committee in addition to their above mentioned statutory duties, will inform Delhi Pollution Control Committee about any water pollution occurring, due to extraction of water from tube-well or bore-well so that necessary action may be initiated under the provision of the Water (Prevention and Control of Pollution) Act, 1974.
- (12) The permission of borewell installation for agricultural purpose may be granted to genuine agriculturists by the **Advisory Committee under concerned Deputy Commissioner (Revenue) based on the recommendation of Block Development Officer and Agriculture Department / Irrigation & Flood Control Department, Govt of NCT of Delhi.** Agriculture activity may be verified from Khasra Girdawari documents and also based on actual evaluation.
- (13) Any violation of the above directions shall be punishable under section 15 of the Environment (Protection) Act, 1986 (29 of 1986).

By order and in the name of Lieutenant Governor,
Of the National Capital Territory of Delhi,



(Dharmendra)

Secretary (Environment)

F8 (348)/EA/Env/09 (1041-1061)

Date: 18.05.2010

Copy for necessary action to:

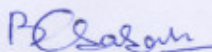
1. Divisional Commissioner, Govt. of NCT of Delhi, 5, Sham Nath Marg, Delhi.

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2. CEO, Delhi Jal Board, Varunalaya, Karol Bagh, New Delhi.
3. Chairman, New Delhi Municipal Council, Palika Kendra, New Delhi.
4. Dy. Commissioner (Revenue) of all 9 districts of Delhi.

Copy for information to:

1. Secretary, Ministry of Environment and Forest, Govt. of India, CGO Complex, Lodhi Road, New Delhi.
2. Secretary, Ministry of Water Resources, Govt. of India, Sharam Shakti Bhawan, Rafi Marg, New Delhi.
3. Chairman, Central Ground Water Board, ND-IV, Bhujal Bhawan, Faridabad.
4. Pr. Secretary to LG, Govt. of NCT of Delhi.
5. Pr. Secretary to CM, Govt. of NCT of Delhi.
6. VC, DDA, Vikas Sadan, New Delhi.
7. Pr. Secretary, Urban Development, Govt. of NCT of Delhi.
8. Commissioner (MCD), Town Hall, Delhi.
9. Chairman, NDMC, Palika Kendra, New Delhi.
10. Chief Executive Officer, Delhi Cantonment Board.
11. Secretary, PWD, Govt. of NCT of Delhi, Delhi Secretariat.
12. DG, CPWD, Nirman Bhawan, New Delhi.
13. Chairman, Central Pollution Control Board, East Arjun Nagar, Delhi.
14. Director (Panchayat), Old Civil Supply Building, Tis Hazari Courts, Delhi.
15. Conservator of Forest, Forest Department, Govt. of NCT of Delhi.
16. Member Secretary, DPCC, Kashmere Gate, Delhi.
17. OSD to Chief Secretary, Govt. of NCT of Delhi


(Dr. B.C. Sabata)
Dy. Secretary (Env.)