

CHHATTISGARH BILL

(No. ... of 2019)

CHHATTISGARH WATER SUSTAINABILITY BILL 2019.

A bill to provide an overarching state legal framework with principles for protection, conservation, regulation and management of water as a vital and stressed natural resource, under which legislation and executive action on water at all levels of governance, as also water-use and water-related actions by persons and their associations, public and private institutions and bodies corporate of all kinds, can take place, and for matters connected therewith and incidental thereto.

WHEREAS water is the common heritage of the people of India; it is essential for the sustenance of life in all its forms; an integral part of the ecological system, sustaining and being sustained by it; a basic requirement for livelihoods; a cleaning agent; a necessary input for economic activity such as agriculture, industry, and commerce; a means of transportation; a means of recreation; an inseparable part of a people's landscape, society, history and culture; and in many cultures, a sacred substance, being venerated in some as a divinity;

AND WHEREAS water in all its forms and scales constitutes a hydrological unity, so that human interventions in any one form or scale are likely to have effects on others;

AND WHEREAS water is a finite substance in nature, circulating through the hydrological cycle for millennia;

AND WHEREAS ground water and surface water interact throughout all landscapes from the mountains to the oceans;

AND WHEREAS human interventions such as over-extraction of groundwater in the immediate vicinity of a river, destruction of catchment areas and river flood-plains have very negatively impacted river flows in state;

AND WHEREAS such a decrease in river flows, in turn, negatively impacts groundwater recharge in riparian aquifers in the vicinity of the river;

AND WHEREAS the fall in water tables and water quality, as also the drying up of rivers, has serious negative impacts on drinking water and livelihood security of the people of Chhattisgarh, as also the prospects for economic growth and human development in the country;

AND WHEREAS each river basin, including associated aquifers, needs to be considered as the basic hydrological unit for planning, development and management of water, empowered with adequate authority to do the same;

AND WHEREAS water in its natural state is a common pool resource;

AND WHEREAS water has to be protected and preserved for generations, calling for continuous and cohesive action with proactive planning and taking of all appropriate measures for its effective protection, conservation, regulation and management;

AND WHEREAS water returns as waste or sewage or residue or effluent, often in unusable form, and sometimes contaminating water sources;

AND WHEREAS freshwater is coming under increasing pressure because of the processes of urbanization and economic growth, leading to over-use/depletion, abuse, waste, scarcity, pollution, and overall un-sustainability of the resource itself and of the ecological system of which it is a part;

AND WHEREAS the state is faced with recurrent droughts and floods, year after year, causing a serious crisis of life and livelihoods for millions of people;

AND WHEREAS the impacts of ongoing climate change on the global water cycle must be addressed pro-actively and damages caused by climate change-related events require adaptation measures;

AND WHEREAS existing legal provisions governing water have aggravated its unsustainable and iniquitous extraction creating a serious water crisis and denying access to water for life for large numbers of people;

AND WHEREAS it is the duty of the appropriate government to ensure water security for its people;

AND WHEREAS conflicts over water across uses, users or regions over both surface and ground water are becoming more common by the day;

AND WHEREAS there are many different perceptions of and perspectives on water among different stakeholders and

groups, leading to divergences in approach, policy, doctrine, principle, law and institutional arrangements;

AND WHEREAS having regard to the foregoing it is desirable that there should be a broad state consensus on certain general approaches, concerns, directions, and principles, while leaving room for flexibility on specific detail within this broad consensus from department to department, from locality to locality, so as to bring about the prudent, wise, equitable, socially just, conflict-free, efficient, and sustainable use of water for a number of purposes;

Be it enacted by the Chhattisgarh Legislature in the Seventieth year of the Republic of India, as follows:—

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Chhattisgarh Water Sustainability Act, 2019. **Short title, extent and Commencement.**
- (2) It applies in the first instance to the whole of the States of Chhattisgarh.
- (3) It shall come into force on the day, it is notified in the Official Gazette.

Definitions.

2. (1) In this Act, unless the context otherwise requires -

(a) "**Appropriate Government**" is the authority at the lowest possible administrative level, including in relation to interstate rivers and river valleys, the Central Government, the State Government and local self-government institutions, both rural and urban;

(b) "**Authority**" means the Chhattisgarh Water Regulatory Authority established under section 3;

(c) "**Category of use**" means use of water for different purposes such as for domestic, agricultural, irrigation, agro-based industries, industrial or commercial, environmental, etc., and includes such other purposes as may be prescribed;

(d) "**Chairperson**" means the chairperson of the Authority;

- (e) "**Irrigation Project**" means a project constructed to provide irrigation facilities to the land situated in the command area in accordance with the project reports and order issued in this regard, as revised from time to time;
- (f) "**Member**" means a member of the Authority and includes the Chairperson;
- (g) "**Notification**" means a notification published in the Chhattisgarh Gazette and the word notified shall be construed accordingly;
- (h) "**Prescribed**" means prescribed by rules made under this Act;
- (i) "**Selection Committee**" means a selection committee constituted under Section 5;
- (j) "**State**" means the State of Chhattisgarh;
- (k) "**Farmers Association**" means a group of farmers or co-operative society of farmers or as a company or as registered under

any law prevailing in the state of Chhattisgarh, which is engaged in agriculture, processing, sale or production of agriculture produces.

- (l) "**Aquifer**" means a geological formation, group of formations or part of a formation that is sufficiently porous and permeable to yield a significant quantity of water to a well or spring;
- (m) "**Base flow**" means that portion of a stream flow that is contributed by groundwater from an aquifer. In other words, it is the discharge of groundwater into a stream channel;
- (n) "**Basin States**" are States and/or Union Territories, the territory of which includes any part of the Basin;
- (o) "**Corporatization**" means the conversion of a government body or agency into a company or corporation;

- (p) "**Differential Pricing**" means different pricing of water for different uses and for different classes of users within the same use;
- (q) "**Ecological Integrity**" means the natural condition of water and other resources sufficient to ensure proper integration of biological, chemical and physical aspects of the aquatic and terrestrial environment;
- (r) "**Environmental Flows**" refer to the quality, quantity, and timing of water flows required to maintain the components, functions, processes, and resilience of aquatic ecosystems that provide goods and services to people;
- (s) "**Full cost recovery pricing**" or "**full economic pricing**" means pricing a good or service so as to recover all the costs, direct and indirect, including both operation and maintenance costs and

capital-related costs, involved in the production and/or supply of that good or service, without any concession or subsidization or under- pricing of any kind;

(t) "**Water**" means surface and ground water. The clear liquid precipitation in any form and is in river, seas and lakes and available below the ground as ground water;

(u) "**Surface Water**" means any water that collects on the surface of the earth. This include ocean, seas, lakes, rivers or wetland;

(v) "**Groundwater**" means water occurring under its natural state, where it exists below the surface in the zone of saturation whereby it can be extracted through wells or any other means or emerges as springs and base flows in streams and rivers; and in its natural state, it is a common pool resource;

(w) "**IndiaWRIS**" means web based India Water Resources Information System, developed by MoWR, RD&GR, Government of India for water related data of India on geographical information system platform;

(x) "**Integrated River Basin Development and Management**" means the process of formulating and implementing a course of action involving natural, agricultural, and human resources of a river basin therewith taking into account the social, economic and institutional factors operating in a river basin to achieve specific objectives;

(y) "**Well**" means any structure sunk for the search or extraction of groundwater, including open wells, dug wells, bore wells, dug-cum-bore wells, tube wells, filter points, collector wells, infiltration galleries, recharge wells, disposal

well or any of their combinations or variations;

(z) "**Water Rate**" means the charge for use of water by various stakeholders;

(aa) "**Reservoir**" means a natural or artificial place where water is collected and stored for use, especially water for supplying a community, irrigation land, furnishing power, etc.

(bb) "**Livelihood**" means an activity or occupation or employment including self-employment that provides sustenance at defined minimum levels to an individual or family but does not necessarily generate a surplus;

(cc) "**Non-point source of pollution**" means pollution from diffuse sources, such as polluted runoff from agricultural areas draining into a river, or wind-borne debris;

(dd) "**Over drawal of groundwater**" means drawl or extraction of groundwater in excess of average

annual replenishable recharge of the aquifer;

(ee) "**Participatory Approach**" means and refers to the active association and involvement of the primary stakeholders in policy-formulation, project-planning or implementation, or activity, scheme, programme, project or institutional arrangements of any kind;

(ff) "**Precautionary Principle**" means the principle that advocates the adoption of a cautious approach, including anticipatory preventive or mitigatory action, towards an activity that holds the possibility of causing harm to human beings or the environment, even if that possibility is not fully established scientifically, with the onus of proving that there will be no such harm resting on the proposer of the activity;

(gg) "**Prescribed**" means prescribed by rules made under this Act;

- (hh) "**Privatization**" means the transfer of a Government body or institution or a public enterprise to private ownership, or the transfer of a governmental or public sector activity to a private body or privatization of the resource itself;
- (ii) "**Public Trust**" means the doctrine that the state at all levels holds natural resources in trust for the community;
- (jj) "**Rainwater Harvesting**" means capturing and conserving rainwater or retarding run-off through various structures either for the direct use of the stored waters or for recharging groundwater aquifers; and
- (kk) "**River**" means natural flowing watercourse, usually fresh water, flowing towards an ocean, sea, lake or another river. In some cases a river flows into the ground and becomes dry at the

end of its course without reaching another body of water;

(ll) "**River Basin**" means the area drained by a river and its tributaries including associated aquifers, that is, the total area within which whatever precipitation or runoff occurs will, except for evaporation, eventually find its way to the river or one of its tributaries and associated aquifers;

(mm) "**Sub-Basin**" means a hydrologic unit or hydrologic sub unit of the river basin, divided for technical or administrative convenience and meaning of the term "Basin" shall stand extended to such smaller units;

(nn) "**Sustainable Use**" means the use of water that ensures continued availability for present and future generations, without depletion or deterioration or dysfunctionality, and the

continued healthy function of the related ecological system;

(oo) "**Sustenance Agriculture**" means agriculture as a means of sustaining life, including nourishment;

(pp) "**Water Footprint**" means the total volume of water directly used and the water embodied in goods and services used, by an individual or community or country as a whole, or by an industry or business in its production or other commercial activity;

(qq) "**Water for Life**" means the basic safe water requirements for realising the fundamental right to life of each human being, including drinking, cooking, bathing, sanitation, personal hygiene and related personal or domestic uses, with an additional requirement for women for their special needs;

and includes water required for domestic livestock;

(rr)"**Watershed**" means the ridge or line of high land separating two areas such that rainwater falling on one side of the line drains on that side and cannot pass to the other side; by extension, the area bounded by the ridge; generally used to denote a small local area bounded by low ridges, but sometimes also a large area bounded by high hills.

(2) Words and expressions used in this Act, but not defined, shall have the same meaning as assigned to them in any other law in this regard in force as the case may be.

CHAPTER II

RIGHT TO WATER FOR LIFE

3. (1) Every person has a right to sufficient quantity of safe water for life within easy reach of the household regardless of, among others, caste, creed, religion, community, class, gender, age, disability, economic **Right to water for life.**

status, land ownership and place of residence:

Provided that the precise quantity of safe water for life shall be determined by the appropriate Government from time to time.

- (2)** Every drinking water supply agency shall comply with the Manual of the Central Public Health and Environmental Engineering Organization, Bureau of Indian Standards specifications or standards adopted by the appropriate government as modified or revised from time to time.
- (3)** The State's responsibility for ensuring every person's right to safe water for life shall remain even when water service provision is delegated to a private agency and in case of such delegation, the right of persons to safe water for life and the duty of the state to provide the same shall remain in force:

Provided that such a delegation of water service provision to a private

agency will, in no event, constitute the privatization of water.

- (4)** Where water for life is not provided by any drinking water supply agency, and people depend on groundwater for their water for life requirements, it shall be the duty of the Block Water Information and Monitoring Cell, the District Water Information and Monitoring Cell and the State water Agency to provide information on water quality in accordance with the Bureau of Indian Standards specifications and to suggest appropriate measures to be undertaken at local level for quality improvement to the Local Appropriate Government:

Provided that the Appropriate Government shall take the suggested measures as soon as possible.

CHAPTER III
BASIC PRINCIPLES

4. (1) Water is the common heritage of the people, held in public trust, for the use of all, subject to reasonable restrictions, to protect all water and associated ecosystems. In its natural state, such as river, stream, spring, natural surface water body, aquifer and wetland, water is a common pool resource, not amenable to ownership by the state, communities or persons.
- (2) The State at all levels holds water in public trust for the people and is obliged to protect water as a trustee for the benefit of all:
- Provided that the responsibility of the state as public trustee shall remain even if some of the functions of the state in relation to water are entrusted to any public or private agency.
- (3) Water in its primary aspect as a sustainer of human life shall take precedence over other uses of water,

**Water as a
common heritage
and resource, held
in public trust.**

such as agricultural, industrial, commercial, and other uses.

- (4) It shall be the duty of the state at all levels and all categories of water users, to protect, preserve and conserve all water sources, and pass them on to the next generation.

5. (1) The Appropriate Government shall **River rejuvenation.** strive towards rejuvenating river systems with community participation, ensuring:-

- (a) **‘Aviral Dhara’**- continuous flow in time and space including maintenance of lateral, horizontal and vertical connectivity of flow in each river system;
- (b) **‘Nirmal Dhara’**- unpolluted flow so that the quality of river waters is not adversely affected by human activities; and
- (c) **‘Swachh Kinara’** – clean and aesthetic river banks with ecological integrity, keeping the river banks as close as possible to natural conditions along with riparian vegetation in the

midlands and plains and mangroves in the coastal areas:

Provided that rejuvenation efforts as aforesaid shall focus on conservation and restoration of the river basin, integrating participatory watershed management and recycle-reduce-and-reuse principles, recognizing that healthy river systems are essential for sustainable development.

- (2)** Recognizing the integral link between aquifers and river flows, the Appropriate Government shall strive towards rejuvenation of depleted and stressed aquifers falling within its jurisdiction on a scientific basis, with emphasis on community participation, leading to sustainability of the aquifer:

Provided that wherever the quality of the groundwater has deteriorated, the appropriate government shall undertake aquifer remediation to restore the quality by taking appropriate measures.

6. (1) The Appropriate Government shall take all measures to protect the ecological integrity necessary to sustain ecosystems dependent on water.
- (2) Rivers, water bodies, aquifers and wetlands shall be recognized as ecological systems both in themselves and also as parts of larger ecological systems, and protected against over-use/depletion, abuse, pollution/contamination and degradation.
- (3) There shall be minimum interference in existing natural river flows; in the natural state of water bodies and wetlands and riverbeds, which shall be recognized as integral parts of the rivers themselves.
- (4) Rivers shall be protected from construction on their floodplains and from sand mining.
- (5) Where water sources, catchments, drainage paths, river flows, water bodies, aquifers, wetlands, flood plains or riverbeds have already been

**Sustaining
Ecosystems
Dependent on
Water.**

encroached upon or interfered with, efforts shall be made to stop further encroachment or interference and reverse the adverse impact already made, to the utmost extent possible.

- (6) Environmental flows adequate to preserve and protect a river basin as a hydrological and ecological system shall be maintained and a portion of river flows should be kept aside to meet ecological needs ensuring that the low and high flow releases are proportional to the natural flow regime, including base flow contribution;
- (7) In the case of rivers regulated by dams, reservoir operations should be such as to ensure better downstream flows;
- (8) The protection, conservation, regulation and management of water shall be carried out by the appropriate Government in a manner that is sustainable, equitable, transparent, accountable and participatory.

- 7.** (1) The Industries, Local Bodies and Individuals will be responsible for the sustainability of Water. **Water sustainable development goal.**
- (2) Discharge of untreated waste water and Release of Hazardous chemicals and Dumping materials directly in the rivers and streams will be prohibited and costing would be provided by the appropriate Authority.
- (3) Recycling and safe reuse of Water shall be ensured by industries, local bodies and individuals.
- (4) Water use Efficiency shall be applies in all sectors to ensure sustainable use of water.
- (5) Sustainable water management in rural areas will be done by Gram panchayats and in urban areas will be done by local bodies, Municipalities etc.

- (6) Responsibility of restoring water related eco-systems viz. mountains, forests, rivers, lakes, tanks, ponds, aquifers etc will be of the people living around them and shall be monitored by Gram panchayats in rural areas and in urban areas by local bodies, Municipalities etc.
- (7) Water harvesting and de-salination procedures shall be applied by the Industries, Local Bodies and Individuals using water. Proper liquid waste management and recycling of grey water coming from toilets shall be strictly ensured.
- (8) The Industries using surface water or ground water shall be permitted for production only after the approval of sustainable water management plan by the water resources department.
- (9) Builders in urban areas, shall be allowed for constructions only when they have submitted the sustainable water management plan for their

premises duly approved by competent authority.

- (10) It will be mandatory for the Mining works, Industries, urban local bodies for the installation of facility for collection, conveyance, treatment and re-utilization of industrial/ domestic waste water generated in their area in horticulture, or other purposes not requiring high water quality to ensure water sustainability.
- (11) Water Audit shall be compulsory for all industries, building projects and local bodies to ensure water sustainability.
- (12) The responsibility of erosion control, de-siltation and rejuvenation of wetlands, rivers, lakes, ponds, nallas to maintain its ecological flow shall be of Gram Panchayat in rural areas and local bodies in urban areas.
- (13) Protection of water bodies from encroachment, pollution, degradation shall be done by Gram Panchayats and local bodies in their respective areas.

- (14) Check dams, stop dam, dykes and other water retaining structures shall be constructed and maintained by appropriate authority to lift the ground water level in rural areas.
- (15) Use of ground water for irrigation purposes in rural areas shall be limited in the summer season and farmers shall resort to Sprinkler/Drip irrigation to increase water use efficiency.
- (16) In water scarce areas, new bore drilling shall be strictly prohibited. In case of emergency or ultimate necessity, due permission of appropriate authority shall be taken before drilling, as defined by rules made under this Act.
- (17) Areas having ground water in over-exploited, critical and semi-critical state, shall be declared special areas and strictly monitored by the District administration for wastage and over use of water.
- (18) Suitable fine shall be imposed on industries, mining works, building

projects and local bodies, Gram Panchayats and individuals for damage to the water ecosystem and the ecological flow of river, lakes, nallas etc in their areas as prescribed by the appropriate authority.

8. (1) People-centred decentralized water management, for both surface and ground water, including local rainwater harvesting, watershed development and participatory irrigation management, shall be prioritized, while recognizing, encouraging and empowering local initiatives.
- (2) Customary laws, which form part of traditional wisdom and practices on water management, shall be given due recognition and promoted by the appropriate government, provided they are non-discriminatory.
- (3) Endeavour shall be made, wherever possible to evolve working relationships between the non-

**People-centred
water
management.**

discriminatory informal community institutions for water-related activities and the formal institutions of local governance, including local authorities.

- 9.** (1) Water use decisions shall have due regard to the land use appropriate to the relevant area, and in turn, the proper land use for an area shall be decided with due regard to the availability of water. **Water use and land use.**
- (2) Demand management of water shall be implemented, especially through evolving a sustainable agricultural system which economizes on water use and maximizes social and ecological value from water, while bringing in equity in use of water and avoiding waste.
- 10.** (1) The Appropriate Government shall make all efforts for appropriate treatment of wastewater and its gainful utilization. **Appropriate treatment and use of wastewater.**
- (2) The Appropriate Government shall evolve and implement economic models that promote sustainability

of recycle-reduce-and-reuse of water resources, while ensuring adherence to principles of equity.

- 11.** (1) There shall be binding water quality standards for every kind of water use.
- (2) There shall be binding water footprint standards for every activity or product and it shall be the duty of the appropriate Government at all levels, and all categories of water users, to endeavour to reduce their water footprint at every level:

Provided that the demand of water for various uses shall be assessed in accordance with such standardized water footprints and such assessment shall be appropriately incorporated within the State under Water Security Plans as per Section 15.

- (3) Water quality and quantity are interlinked and need to be managed by the Appropriate Government in an integrated manner, consistent with broader environmental

**Standards for
water quality and
water footprints.**

management approaches including the use of economic incentives and penalties

- 12.** (1) The first priority and charge on water shall be meeting the right to water for life, followed by allocation for achieving food security, supporting sustenance agriculture, sustainable livelihoods and industries.
- (2) Inter se allocations of water among these priorities, other than water for life, shall be as determined by the Appropriate Government, with reference to local circumstances such as local climate, land and soil characteristics, water availability, prevalent activities and livelihoods, and the land-uses indicated by those circumstances.
- (3) Available water, after meeting the above priorities, should be allocated for other uses, in a manner to promote its conservation and efficient use:

**Water use
prioritization.**

Provided that these uses of water are consistent with the objective of sustaining aquifers and ecosystems indispensable to the long-term sustenance of the resource.

CHAPTER IV

INTEGRATED RIVER BASIN DEVELOPMENT AND MANAGEMENT

- 13.** (1) A river basin, including associated aquifers, shall be considered as the basic hydrological unit for planning, development and management of water. **Integrated river basin development and management.**
- (2) State shall make basin wise best efforts to integrate appropriately the management of waters with the management of all natural, agricultural, and human resources of a river basin therewith taking into account the social, economic and institutional factors operating in a river basin. Usage of water for any purposes in the river basin area would be as per the rules made in this regard under this Act.

- (3) Integrated planning is essential to prevent the serious negative impacts of the fall in water tables and water quality, as also the drying up of rivers, on drinking water and livelihood security, as also on the prospects for economic growth and human development in the country.
- (4) Every water-related activity in any part of a river-basin, or a sub-basin of a large basin including any water resources project(s) proposed at the river basin or a sub-basin level by the concerned entity shall be undertaken with due regard to (a) the hydrological, ecological and agro-climatic characteristics and features of the basin or sub-basin as a whole; (b) the land-use appropriate to the relevant area; (c) the inter-linkages between water quality and quantity consistent with broader environmental management approaches, and (d) a holistic view of the relationships of all such activities with one another and with

the basin or sub-basin as a whole:

Provided that every water-related activity in any part of a river-basin shall ensure that river flows do not get negatively impacted by over-extraction of groundwater in the immediate vicinity of a river, destruction of catchment areas and river flood-plains and that a decrease in river flows, in turn, does not negatively impact groundwater recharge in riparian aquifers in the vicinity of the river and shall be done with permission as prescribed in the rules made under this Act.

- (5) Integrated planning is required to ensure that over-extraction of groundwater in the immediate vicinity of a river, destruction of catchment areas and river flood-plains do not negatively impact river flows.
- (6) Integrated planning shall also ensure that a decrease in river flows, in turn, does not negatively impact

groundwater recharge in riparian aquifers in the vicinity of the river.

- (7) River basins or sub-basins shall be managed in a way that ensures scientific planning of land and water resources, taking basin/sub-basin as unit, with unified perspectives of water in all its forms (including precipitation, soil moisture, ground and surface water) and ensuring holistic and balanced development of both the catchment and the command areas, based on the recognition that water is a common pool resource held by the state in public trust.
- (8) Equitable and optimal utilization of water within a river basin shall be ensured, with due regard to the present and future needs for life and livelihoods, social justice and equity, and ecological sustainability.
- (9) State Government shall develop, manage and regulate basins of intra-State rivers through a River Basin Master Plan to be implemented by

an appropriate institutional mechanism.

- (10) State shall prepare a Master Plan for the River Basin, under its jurisdiction, comprising such information as may be prescribed and the Master Plan, so prepared, shall be reviewed and updated after every five years after due consultation with all other planning agencies and stakeholders.
- (11) The Master Plan shall take due account of and be coordinated with plans for State economic and social development, the general plans for land use, rural and urban development, plans for river and aquifer rejuvenation and environmental protection, cumulative environment impact assessment and plans for treatment and use of treated waste water; and shall give due emphasis to regional agro-climatic considerations, while taking into account possible future scenarios (including climate change):

Provided that Water Security Plan within a basin mentioned under Section 15 of this Act shall be incorporated in the Master Plan.

- (12) The Master Plan, at all stages, shall remain in the public domain, and shall be available online.
- (13) All decisions and actions on water resources of the River Basin, including implementation of water resources projects, shall progressively conform to the Master Plan

- 14.** (1) All water resources projects shall confirm to the Master Plan prepared under Section 12, applicable efficiency benchmarks shall be taken into account with all social and environmental aspects in addition to techno- economic considerations of the project.
- (2) Planning and management of water infrastructure, such as, dams, flood embankments, tidal embankments, among others, shall incorporate coping strategies as well for possible

**Project planning
and management.**

future scenarios including climate change.

- (3) Concurrent monitoring at project and State levels will be done pari-passu with execution of all components of water projects, with a view to prevent time and cost over-runs and to ensure timely delivery of enduring outcomes on the ground.
- (4) Local Authorities, like Panchayats, Municipalities, Corporations, wherever applicable, shall be empowered and involved in planning and management of the projects:

Provided that the unique needs and aspirations of the Scheduled Caste, Scheduled Tribe, women and other weaker sections of the society shall be given due consideration.

- 15.** (1) The Appropriate Government shall take all possible measures to synergies and integrate different development schemes including schemes for water conservation, watershed management, irrigation, drinking water, sanitation and improvement of water quality at Panchayat, Block or Municipality level and further at sub basin and basin level.
- (2) The Appropriate Government shall also specify enabling institutional framework including appropriate coordination and policy support mechanism for effective convergence of schemes.

**Convergence in
water sector
schemes.**

CHAPTER V

PLANNING FOR WATER SECURITY

- 16.** (1) The Appropriate Government shall prepare and oversee the implementation of a Water Security Plan for (a) attainment of sufficient quantity of safe water for life and sustainable livelihoods by every

**Preparation of
water security
plans.**

person; and (b) ensuring water security even in times of emergencies like droughts and floods.

(2) The Water Security Plan shall be prepared at the lowest possible administrative level based on a determination of the estimated availability and requirement of water.

(3) The Water Security Plan shall contain, besides a description of water sources, catchments and groundwater aquifers, a statement of rights, duties, management responsibilities, and priorities of use:

Provided that the appropriate Government shall ensure, while preparing the Water Security Plan that is integrated with other water security- related plans.

17. (1) The Water Security Plans shall, inter alia, includes:-

(a) Incentives for switching from water-intensive crops to water de-intensive crops;

Content of water security plans.

- (b) Incentives for the adoption of water-conserving technologies, such as drip irrigation and sprinklers;
- (c) Restrictions on setting up of water-Intensive Industries in water stressed areas;
- (d) Setting up groundwater recharge structures;
- (e) Promoting the use of energy-efficient pumps;
- (f) Accommodate local traditional non-discriminatory water management practices;
- (g) Community based sharing of both surface and groundwater;
- (h) Measures for conjunctive use of surface and groundwater;
- (i) Ensure equitable use of irrigation water;
- (j) Measures to prevent the wastage of water;
- (k) Removal of obstructions of water bodies and water sources, including their

catchment areas and removal of encroachments on surface water bodies; and

(1) Other measures as may be appropriate to the specific aquifer, watershed and/or River Basin.

(2) The Water Security Plan shall provide for effective strategies to mitigate and alleviate drought or flood conditions.

18. (1) The Water Security Plan shall be adopted as per procedures prescribed by the Appropriate Government.

Adoption and validity of the water security plan.

(2) The Water Security Plan shall be valid for a period of five years from the date on which it becomes binding. It shall be revalidated or amended after every five years:

Provided that where compelling reasons, such as significant hydrological changes or drought, warrant it, the Water Security Plan may be revised or

amended before the expiry of five years.

19. (1) Groundwater shall be conserved, **Sustainable ground**
protected, regulated and managed **water**
through appropriate laws with **management.**
following objectives:-

- (a) Ensuring the realisation of the right to life through the provision of water for life;
- (b) Meeting livelihoods and basic human needs, and livestock needs;
- (c) Promoting sustainable groundwater use in the public interest, based on a long-term protection of available resources;
- (d) Ensuring that the protection, conservation, regulation and management of groundwater is integrated with the protection, conservation, regulation and management of surface water to ensure conjunctive use;

- (e) Ensuring the implementation of the principle of subsidiary;
 - (f) Protecting ecosystems and their biological diversity;
 - (g) Reducing and preventing pollution and degradation of groundwater;
 - (h) Ensuring that present and future generations have access to sufficient quantity and quality of groundwater for life; and
 - (i) Ensuring protection against gender discrimination and other socio-economic inequalities in access to groundwater.
- (2) The regulation of groundwater shall be in consonance with the principles of non- discrimination and equity, the principles of subsidiary, the precautionary principle, an integrated approach to groundwater management and shall conform to the constitutional provisions for

decentralization of powers and functions.

- (3) Groundwater is a common heritage of the people held in public trust, for the use of all, subject to reasonable restrictions to protect all water and associated ecosystems and in its natural state is not amenable to ownership by the state, communities or persons; for which the state at all levels is the public trustee.
- (4) Groundwater laws shall provide for the setting up of groundwater protection zones, which shall be accorded the highest priority in terms of groundwater protection and regulation and the preparation of groundwater security plans by the Appropriate Government.
- (5) Groundwater shall be protected, conserved, regulated and managed primarily by Gram Panchayat and Urban Local Bodies in their respective areas.

**Preservation of
water quality.**

- 20.** (1) Subject to the provisions of The Environment (Protection) Act 1986 and The Water (Control and Prevention of Pollution) Act 1974, the approach to the prevention and control of pollution and contamination of water sources shall include:
- (a) enforcing recycle and reuse of water;
 - (b) minimizing the generation of waste in all water uses;
 - (c) reducing non-point source of pollution;
 - (d) recovering, to the extent possible, water for some use from waste; and
 - (e) ensuring that nothing that does not meet certain stringent quality standards, as may be prescribed, is allowed to enter water sources.
- (2) Water quality in all rivers, streams, surface water bodies, aquifers and other water sources throughout the

State, shall be protected and improved to conform to such standards as may be prescribed.

- (3) The pollution of water sources and supplies shall be discouraged through the application of the precautionary principle and the polluter pays principle by the Appropriate Government:

Provided further that in applying the polluter pays principle due regard shall be for ensuring that the payment by the polluter is quantified on the basis of the costs of health impacts, livelihood losses and also ecosystem losses as also costs for remediation of water sources and supplies so as to restore them to pre-polluted condition, while ensuring that the principle is not distorted to mean that payment authorize pollution.

- 21** (1) The State Government shall develop a Decision Support System (DSS) for flood forecasting and flood

Flood mitigation and management.

inundation to address state specific issues.

- (2) The State shall ensure adequate and effective linkage with the central DSS.
- (3) The State Government shall strive towards mitigating water related disasters like floods, through structural and non-structural measures, rehabilitation of natural drainage systems, coping mechanisms and preparation and periodic updating of emergency action plans / disaster management plans.
- (4) The State Government shall expand flood forecasting extensively across the State and modernize flood forecasting using real time data acquisition system and linked to forecasting models.
- (5) The Appropriate Government shall ensure that land use practices are such as to minimize and not aggravate the adverse impacts of floods, including by ensuring that

interference in or encroachment upon natural channels and drainage paths are avoided.

- (6) Operating procedures for reservoirs shall be evolved and implemented in such a manner to have flood cushion with adequate advance warning to downstream regions and to reduce trapping of sediment during flood season on the basis of sound decision support system.

- 22.** (1) The State Government shall prepare a Drought Mitigation and Management Policy and Action Plan as soon as possible. **Drought mitigation and management.**
- (2) The Drought Mitigation and Management Policy and Action Plan shall include a drought risk and vulnerability assessment for the State, identify programmes and measures for drought mitigation on the basis of the various indices of drought and shall include the participatory management of irrigation, crop water budgeting, soil and water conservation, agro-

forestry, measures that are necessary to reduce soil erosion, augment groundwater recharge and soil moisture, reduce the volume and velocity of run-off and improve the efficiency of water use, amongst other things.

(3) This Drought Mitigation and Management Policy and Action Plan shall include laying down the priorities for use of reservoir/tank storage.

(4) As deficient or irregular rainfall may not replenish water storage in reservoirs to the full reservoir level, the Zila Panchayat shall guide the District Collector to determine the priorities in respect of water use available in reservoirs/tanks:

Provided that the first priority shall be given to the provision of water for life for which sufficient quantity of water shall be reserved in each reservoir/tank.

(5) For inter-district reservoirs, the concerned Water Regulatory

Authority shall lay down priorities for use of reservoir/tank storage.

Provided that the first priority shall be given to the provision of water for life for which sufficient quantity of water shall be reserved in each reservoir/tank.

- 23.** (1) The pricing of water shall be determined by the State Government based on a differential pricing system in recognition of the right to water for life and its multiple roles, being a part of history, culture and religion. The following principles shall guide water pricing:
- (a) Water as a part of water for life as defined herein, shall not be denied to anyone on the ground of inability to pay.
 - (b) Water used for commercial agriculture and for industry or commerce may be priced on the basis of full economic pricing, or higher if needed and appropriate in a given case.

Water pricing and water regulators.

- (c) Water used for subsistence or vulnerable livelihoods may be priced at such rates as may be considered appropriate in the relevant socio-economic circumstances and may be left to transparent, participatory and equitable community decisions.
 - (d) For domestic water supply, a graded pricing system may be adopted, with full cost recovery pricing for the high-income groups, affordable pricing for middle- income, and a certain quantum of free supply to the poor to be determined by the appropriate Government, or alternatively, a minimal quantum of water may be supplied free to all.
- (2) State shall establish a statutory multi-disciplinary Water Regulatory Authority to ensure adherence to the provisions of this Act.
 - (3) Water Regulatory Authority shall ensure equitable access to water for

all and its fair pricing depending on the purposes for which water is used.

- (4) The Authority shall function in a transparent and participatory manner, conducting widespread public consultations and hearings before deciding upon tariffs.
- (5) Water charges shall be determined on volumetric basis and shall be reviewed periodically in order to meet considerations of equity and efficiency.
- (6) At present irrigation water rates are charged on the area basis shall be transformed into volumetric basis at appropriate time.
- (7) Pricing of Industrial and Bulk Use of Groundwater-
 - (a) Industrial or bulk groundwater use shall be priced and a water rate, as prescribed by the appropriate authority shall be charged:

Provided that the base rate for industrial and bulk

groundwater use should be determined by the appropriate authority and additional flexible component should be applied to reflect scarcity conditions, proneness to pollution and groundwater use prioritization at municipal / block levels:

Provided further that the water rate should be subject to periodic review and revision as per revalidation of the water Security Plans

- (b) Funds collected under this section shall be used for groundwater conservation and augmentation activities.
- (c) The groundwater rate charged under sub-section (1) is in addition to the water cess that may be paid under the Water (Prevention and Control of Pollution) Cess Act, 1977.
- (d) An annual water audit will be conducted in cases where the

annual bulk water usage exceeds a prescribed limit decided by the Act. This audit will be conducted for filing annual water returns by each such bulk user to the State. The State may decide an appropriate course of action to reduce the water footprint of such bulk water users. All Industries should mandatorily do water audit.

CHAPTER VI

CHHATTISGARH WATER REGULATORY AUTHORITY

- 24.** (1) The Government shall within three months from the date of the commencement of this Act, by notification, establish a Authority to be known as the Chhattisgarh Water Regulatory Authority to perform the functions and duties assigned to it. **Establishment and incorporation of Authority.**
- (2) The Authority established under sub-section(1) shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to

contract, acquire, hold and dispose of property, both movable and immovable, and to do all things necessary for the purpose of this Act, and may sue or be sued by its corporate name.

- (3) The Authority shall consist of a Chairperson and six other members.
- (4) The Head office of the Authority shall be at Atal Nagar District Raipur.
- (5) The Chairperson and the other Members of the Authority shall be appointed by the Government of Chhattisgarh, as prescribed by rules made under this Act.

- 25.** (1) The Chairperson and the Members of the Authority shall be appointed as follows :
- (a) The Chairperson shall be a person who is or who was of the rank of the Principle Secretary of the State or equivalent thereto.
 - (b) One Member not below the rank of Chief Engineer of the State Public Health Engineering Department.

Qualifications for appointment and the manner of selection of member.

- (c) One representative of the Central Groundwater Board;
- (d) One Member not below the rank of Chief Engineer of the State Water Resources Department;

The Chairperson and other Members of the Authority shall not hold any other office of profit.

26. (1) The Authority may as and when needed and decided by them invite special invitees from;-

Special invitees as and when required by the Authority.

- (a) Experts who are having adequate knowledge, experience or proved capacity in dealing with the problems relating to engineering, agriculture, drinking water, industry, law, economics, commerce, finance or management for assisting the Authority in taking policy decisions.
- (b) Members from farmers Organizations within the State.

27. (1) The Government shall, by notification, for the purpose of selection of the Chairperson, and

Constitution and functions of selection

committee.

other Members of the Authority, constitute a Selection Committee consisting of :

- (a) The Chief Secretary of the Ex-officio State Chairperson,
 - (b) Additional Chief Secretary /Principal Secretary/ Secretary to Government of the Following departments
 - (i) Finance Ex-Officio Members,
 - (ii) Forest Ex-Officio Members,
 - (iii) Panchayat and rural development
 - (c) Water Resources and Ayacut convener
- (2) The Government shall, within one month from the date of occurrence of any vacancy by reason of death, resignation or removal of the Chairperson or any Member of the Authority, and six months before the superannuation or end of tenure of Chairperson or any Member, make a

reference to the Selection Committee for selection.

- (3) The Selection Committee shall finalize the selection of the Chairperson and Members within one month from the date on which the reference is made to it.
- (4) The Selection Committee shall recommend a panel of two names for every vacancy referred to it.
- (5) Before recommending any person for appointment as the Chairperson or Member of the Authority, the selection Committee shall satisfy itself that such person does not have any financial or other interest, which is likely to affect prejudicially his functions as a Member.
- (6) No appointment of Chairperson and Member of the Authority shall be invalid merely by reason of any vacancy in the Selection Committee.

28. The Chairperson or other Member shall hold office for a term of three years from the date on which he enters upon his office:

Term of office of members.

Provided further that, no Chairperson or other Member shall hold office after he has attained the age of sixty five years.

29. (1) The Chairperson and Member of the Authority shall be paid such fees or salaries and such allowances as may be prescribed by the Government.

(2) The salary and allowances and other conditions of service of the Chairperson and Member of the Authority shall not be varied to their disadvantage after appointment.

30. (1) The Chairperson and Member of the Authority shall before entering upon his office make and subscribe to an oath of office and of secrecy in such form and in such manner and before such authority as may be prescribed by the Government.

(2) Notwithstanding anything contained in Section 27, the Chairperson and Member of the Authority may :

(a) Relinquish the office by giving in writing to the Government,

Salary and allowances of members.

Conditions of service.

notice of not less than three months; or

(b) Be disqualified from his office in accordance with the provisions of Sections 31 and 32 of the Act.

(3) The Chairperson and Member of the Authority ceasing to hold office as such shall;

Not be eligible for further employment under the Government for a period of two years from the date the person ceases to hold such office;

Not accept any commercial employment for a period of two years from the date the person ceases to hold such office.

31. “Employment under the Government” includes employment under any local or other authority within the territory of Chhattisgarh or under the control of the Government or under any corporation or society owned or controlled by the Government. **Explanation- For the purposes of this sub-section.**

“Commercial Employment” means

employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in the Water Resources Sector and also includes a director of a company or partner of a firm and also includes setting up practice either independently or as partner of a firm or as an adviser or a consultant.

- 32. (1)** A person shall be disqualified for being appointed as, or for being, a Chairperson and Members of the Authority:-
- Disqualifications for being a member of the Authority.**
- (a) If the person is of unsound mind or has become physically incapable of performing his duties;
 - (b) If the person is an undischarged insolvent;
 - (c) If the person has been convicted of an offence involving moral turpitude;
 - (d) If the person has such financial or other interest as is likely to affect prejudicially his functions

as a Member of the Authority;

(e) If it is proved beyond reasonable doubt that the person has so abused his position as to render his continuance in office prejudicial to the public interest;

(f) If he acts prejudicial to the public interest and Government directions.

(2) Subject to the provisions of subsection (1), the Chairperson and members of the Authority shall be removed from office by order of the Government on the ground of proved misbehavior in an enquiry held in accordance with the procedure as may be prescribed.

33. Before appointing a person to the Chairperson and Members of the Authority, the Government shall satisfy itself that the person will have no such financial or other interest as is likely to affect prejudicially his functions as a **Conflict of interest to disqualify members.**

Chairperson and members of the Authority.

- 34.** (1) The Authority may, with the prior approval of the Government, appoint a secretary and such number of officers and employees as it considers necessary either on contract or on deputation for the performance of its duties and functions.

- (2) The Authority may engage consultants with prior approval of the Government as and when required to assist the Authority in the discharge of its functions. The fee for such consultations shall be pre-determined and got approved by the Government.

- (3) Set-up of Authority would be approved as prescribed under rules to be made under this Act.

- 35.** (1) The Authority shall meet at the head office or at any place and at such time as the Chairperson may direct.

- (2) Three out of four members including

Power of Government to depute officers and employees to Authority and their service conditions.

Proceedings of Authority.

the Chairperson shall constitute the quorum for the meetings of the Authority.

- (3) If the Chairperson is unable to attend a meeting of the Authority, any other Members nominated by the Chairperson in this behalf and, in the absence of such nomination of where there is no Chairperson, any Members chosen by the Members present among themselves shall preside at the meeting.
- (4) All decisions of the Authority shall be on the basis of majority of the Members present and voting.
- (5) In case of differences in opinion of any two members on any issue or resolution, the full Authority shall decide the matter on a majority basis:

Provided that for a meeting of the Authority to review any previous decision taken by the Authority, the quorum shall be that all members shall be present.

- (6) Authority for any specific purpose may invite special invite depending

upon the need to give expert opinions to the Authority. However, the special invitees shall not have any voting right. The fee for obtaining such opinion shall be predetermined and shall be approved by the Government.

- (7) All orders and decisions of the Authority shall be authenticated by the Secretary or any other officer of Authority duly authorized by the Chairperson in this behalf.

36. (1) No act or proceedings of the Authority shall be questioned or shall be invalidated merely on the ground of existence of any vacancy in the Authority. **Vacancies, etc. not to invalidate act or proceeding.**

- (2) In case of difference of opinion between the Chairperson and the member, no individual decision, it has to be a majority decision.

37. The powers, functions and duties of the Authority shall be as under : - **Powers, functions and duties of the Authority.**

- (1) (a) To determine the water requirement for various categories of user (such as

irrigation (municipal/rural drinking water/industry etc.) on a yearly/seasonal basis.

(b) To determine the requirement of irrigation water for the various levels of Farmers Organization (namely, Project Committee, Distributory Committee and Water Users Association) based on the cropping pattern approved by the project authorities on a yearly/season basis and implement the same.

(2) (a) To establish a water (surface and ground water) tariff system-an Authority to implement tariff fixed by Government.

(b) The Authority shall review and revise the water (surface and ground water) charges after every three years or as and when required by the Government whichever is earlier.

(2) (a) To determine the adequate operation and maintenance (O and M) cost of irrigation/

multipurpose water project.

(b) The State shall ensure provision for full operation and maintenance requirements of such projects as determined by the Authority, through an appropriate budgetary support, to ensure that the quality of the service delivery is not allowed to suffer for want of systems operation and maintenance needs.

(4) To promote efficient management of irrigation water by :

(a) Providing guidelines/ procedures/modalities for plough back of operation & maintenance amount to the farmer's organization for the operation and maintenance of the irrigation systems as well as standards of services.

(b) Review and recommend the technical standards for operation and maintenance, cyclical repairs and minimum

rehabilitation of irrigation system.

(c) Review and recommend the principles and practices of irrigation laid down in various Acts and Manuals with reference to actual implementation by the project authorities,

(5) To promote efficient use of water resources and minimizing wastage of water by :-

(a) Review and recommend quality standards for management of water resources by various water users/ departments and recommend action against violations.

(b) Review and recommend quality standards for the service to be provided by various water users and recommend action against violation,

(c) Review and recommend quality standards for

- disposal of waste by various water users and recommend actions against violation,
- (d) Review and recommend quality standards for protection of all water resources in the State including pollution,
 - (e) Supporting and aiding enhancement and preservation of water quality within the State in close coordination with the relevant state agencies and in doing so following the principle that “ the person who pollutes shall pay”
- (6) To ensure publication of an annual report containing following information by project authorities:-
- (a) Irrigation status contains all statistical data relating to irrigation including details of the project wise irrigation potential and its actual

utilization, water user efficiency and productivity relating to the projects.

(b) Benchmarking of irrigation/multipurpose water projects to identify projects with best management practices for emulation by other projects.

(7)The Authority shall devise a suitable mechanism for financial incentives/disincentive to the farmer's organization and other water users for ensuring delivery of service to their members as per the determination.

(8)To perform any other powers, function and duties as assigned to the Authority by the State Government by notification.

38. The Authority shall work according to the framework of the state water policy and other existing laws of the State.

General policies of the Authority.

CHAPTER-VII

ACCOUNTS, AUDIT AND REPORT

- 39.** The Government may, after appropriation duly made by the State Legislature by law in this behalf, make such grants and advances to the Authority as it may deem necessary for the performance of its function and discharge of its duties under this Act; and all grants and advances made shall be on such terms and conditions as the State Government may determine. **Grants and Advance to Authority.**
- 40.** The Authority shall prepare in such form and at such time in each financial year as may be prescribed, its budget for the next financial year and forward it to the Government. **Budget of Authority.**
- 41.** (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Government in consultation with the Finance Officer of Water Resources Department. **Accounts of Authority.**
- (2) The Accounts of the Authority shall

be audited by the Accountant General at such intervals as may be specified by him and expenditure incurred in connection with such audit shall be payable by the Authority to the Accountant General.

- (3) The Accountant General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same right and privileges and authority in connection with such audit as the Accountant General generally has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of books, accounts, connected voucher and other documents and papers and to inspect any of the officers of the Authority.
- (4) The accounts of the Authority, a certified by the Accountant General or any other person appointed by him in this behalf, together with the

audit report thereon shall be forwarded annually to the Government by the Authority and the Government shall cause the audit report to be laid, within a period of six months from the date of its receipt, before the State Legislature.

42. (1) The Authority shall prepare once in every year in such form, and at such time as may be prescribed, an annual report, giving a summary of its activities during the previous year copies of the report shall be sent to the Government.

(2) (2) A copy of the report received under sub-section (1) shall be laid, within six months, after it is received, before the State Legislature.

43. The Government shall have the power to issue policy direction to the Authority on matters concerning water in the state including the overall planning and coordination.

**Annual Report of
Authority.**

**General powers of
the State
Government.**

- 44.** The Chairperson, members, officers and other employees of the Authority shall be deemed when acting or purporting to act in pursuance of any of the provisions of this Act or rules or regulations made there under, to be the public servants within the meaning of Section 21 of the Indian Penal Code. 21.
- Members, officers and other staff of Authority to be public servants.**
- 45.** No, suit prosecution or other legal proceedings shall lie against the Government or any Members, officer or order employees of the Authority for anything done or in pursuance of the provisions of this Act or rules or regulations made there under.
- Protection of action taken in good faith.**
- 46.** (1) The State Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act.
- (2) State Government may make regulations for Authority for discharging its duties consistent
- Power to make rules and regulations.**

with this Act and the rules made thereunder.

- 47. (1)** The Authority and the Dispute Resolution Officer shall for the purpose of making any inquiry or initiating any proceeding under this Act, have the powers as are vested in a civil court, under the Code of Civil Procedure, in respect of the following matters, namely :-
- Power to Authority and Dispute Resolution Officer.**
- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
 - (b) the discovery and production of any document or other material object producible as evidence.
 - (c) the reception of evidence on affidavits;
 - (d) the requisition of any public record;
 - (e) the issue of commission for examination of witnesses;
 - (f) review its decisions, directions and orders;
 - (g) any other matter which may be prescribed.

**Grant of permit to
use water.**

48. (1) Any user of water for any purpose either on personal or community basis, industrial, commercial and other uses which is not defined in this Act shall apply to the Appropriate Government for grant of a permit for purpose, and shall not proceed with any activity connected with such uses unless a permit has been granted by the Authority:

Provided that the person or persons may not have to obtain a permit if the uses are for their right to life and for their livestock as well.

- (2) Every application under sub-section (1) of the said section shall be made in such form, shall contain such particulars and in such manner as may be prescribed.
- (3) On receipt of an application under sub-section (1) if the Authority is satisfied that it shall not be against public interest to do so, it may grant, subject to such conditions and restrictions as may be specified, a permit authorizing the use of water:

Provided that no person shall be refused a permit unless he has been given an opportunity of being heard.

- (4) The decision regarding the grant or refusal of the permit shall be intimated by the Authority to the applicant within a period of sixty days from the receipt of the application.
- (5) In granting or refusing a permit under sub-section (3), the Authority shall have regard to :-
 - (a) the purpose or purposes for which water is to be used
 - (b) the availability of water;
 - (c) quantity of water to be drawn.
 - (d) quality of water with reference to use;
 - (e) its likelihood of adversely affecting water availability of any drinking water source in its vicinity;
 - (f) any other factor relevant thereto.
- (6) The permit shall be in such form as may be prescribed.

49. At any time after a Permit as the case may be, has been granted, the Authority may, for technical reasons, alter, amend or vary the terms of the Permit as the case may be, provided the user of water has been given an opportunity of being heard.

Power to alter, amend or vary the terms of the permit.

50. If the Authority is satisfied either on a reference made to it in this behalf or otherwise, that :-

Cancellation of permit.

(a) the Permit granted, under subsection (3) of Section 47, or as the case may be, is not based on facts;

(b) the holder of the Permit has without reasonable cause failed to comply with the conditions subject to which the Permit has been granted or has contravened any of the provisions of this Act or the rules made there under ;

or

(c) a situation has arisen which warrants limiting of the use or

extraction of water;

Then without prejudice to any other penalty to which the holder of the Permit may be liable under this Act, the Authority may after giving the holder of the Permit an opportunity of being heard, cancel the Permit as the case may be.

51. (1) If any user of water.-

- (a) contravenes or fails in complying with any of the provisions of this Act or any rule made there under ;
- (b) obstructs the Authority or any other person authorized by it to exercise any of the powers under this Act,

he shall be punishable :-

- (i) for the first offence of a private user with fine which may extend to double the prevailing rate of water and thereafter for the subsequent offence with fine which may extend to ten

Offences and penalties.

times for each such offence.

- (ii) for the first offence of a commercial user with fine which may extend five times of the prevailing rate of water and thereafter for second offence and subsequent offence with fine which may extend ten times for each such offence, or an Imprisonment of six month, which shall be a non-cognizable and bailable offence.

- (2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) all offences under this Chapter shall be tried by a Judicial Magistrate of the first class and the provisions of Sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trials.

- 52.** (1) Whenever an offence under this Act has been committed by a Company, every person who at the time of the commission of offence was in charge of, or was responsible to the

**Offences by
companies.**

Company for the conduct of the business of the Company, shall be deemed to be guilty of the offence and shall be liable to be prosecuted against and punished accordingly.

- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act 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 of the Company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be prosecuted against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act 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 :

(1) **“Company”** means anybody corporate and includes a firm or other association or individuals, and

(2) **“Director”**, in relation to a firm, means includes partner of the firm.

53. (1) Any person aggrieved by any decision or action of the Authority under this Act may, within a period of 60 (sixty) days from the date on which the action is taken or the decision is communicated to him and on payment of such fees as may be prescribed, prefer an appeal to Government (all orders of Authorities can be represented at Government level):

Appeal.

Provided that, Government may entertain an appeal after the expiry of the period of 60 (sixty) days, if the applicant satisfy the

authority that he/she has sufficient cause for delay in appeal.

- (2) On receipt of an appeal under subsection (1), the Government shall, after giving the applicant reasonable opportunity of being heard, dispose of the appeal as expeditiously as possible.

CHAPTER-VII

SECTORAL USE OF WATER

- 54.** (1) Every municipality/corporation shall prepare a water security plan/water budget that also includes sourcing of water.
- (2) The plan should be based on a definite proportion of local and exogenous sources, where exogenous water is to be used to supplement local sources and not replace them.
 - (3) Prior to demanding water from exogenous sources, the concerned municipality/corporation should demonstrate that all local sources like local water harvesting, recycle and re-use and also efficiency

Urban water management.

measures have been taken into account and the demand for exogenous water should be for filling the gap.

- (4) The Appropriate Government shall ensure conformity with the service level benchmarks for water supply, sanitation, solid waste management and storm water drainage, as may be prescribed.
- (5) Urban water supply shall be metered and priced on a volumetric basis:

Provided that the Appropriate Government shall provide sufficient quantity of water for drinking and sanitation free of cost as part of the realization of the right to water for life:

Provided further that annual water accounts and water audit reports, indicating leakages and pilferages, shall be published to sensitize communities for reduction of non-revenue water giving due consideration to associated social equity issues.

- (6) The Appropriate Government shall

ensure that urban water supply and sewage treatment schemes are integrated and executed simultaneously, with provision of sewerage charges included in the water supply bills.

- (7) The Appropriate Government shall encourage reuse of urban water effluents from kitchens and bathrooms, after primary treatment, in flush toilets ensuring no human contact with human excreta.
- (8) Water resources projects and services shall be managed with community participation:

Provided that for improved service delivery on sustainable basis, the State Governments and urban local bodies may associate private or public sector agencies in public private partnership (PPP) or public-public partnership mode with penalties for failure, regulatory control on prices charged and service standards, with full transparency in conditions of service

contracts, definite provisions for grievance redressal and with full accountability to democratically elected local bodies.

55. (1) The Appropriate Government shall recognize, undertake and encourage a participatory approach to irrigation management at all levels through appropriate laws, regulations and administrative measures including the establishment of Farmers Associations.

(2) Farmers Association shall be accorded statutory powers to collect and retain a portion of Irrigation Service Fees, which will be determined by the WUAs in a transparent and participatory manner:

Provided that the adequate provisions shall be made to ensure financial discipline and sustainability of such Farmer Association.

(3) The decisions for conservation, management and regulation of water

**Participatory
irrigation
management.**

shall be based on the principle of subsidiary and such decisions shall be made with the involvement of users, especially women, in the planning and implementation of water projects.

(4) The Farmer Association shall function as a Committee of the Gram Panchayat but with sufficient autonomy in functioning, through rules to be specified by the Appropriate Government.

(5) The Appropriate government shall establish a regular system for water related data sharing, sensitization and capacity building of Gram Panchayats, and Farmer Associations and for their involvement in planning and implementation of water resources projects so as to ensure sustainable management of water and improvement of water quality.

56. (1) All industrial units shall make every possible attempt to reduce their water footprint over time.

**Industrial Water
Management.**

- (2) All companies using large volumes of water (beyond a limit to be specified by the Appropriate Government) shall be required to transparently state their water footprint in their annual reports, including information, such as, water utilization per unit produce, effluent discharge details, rain water harvested, water reuse details and fresh water consumption. They shall also include the outline of a plan to reduce their water footprint over time and a statement of where they have reached every year in the attainment of these goals.
- (3) Industries with high intensity of water use should not be located in regions prone to water stress or in drought prone regions.
- (4) Industries in water short regions shall be allowed to either withdraw only the makeup water or have an obligation to return treated effluent to a specified standard back to the hydrologic system.

- (5) Pricing of water for industry shall include efficiency costs and capital charges.
- (6) Incentives shall be implemented to encourage recovery of industrial pollutants including recycling and reuse that are otherwise capital intensive.
- (7) There shall be prohibitive penalties to discourage profligate use, with denial of water supply services beyond a threshold, as may be prescribed by the appropriate government.

CHAPTER VIII

ACCESS TO AND TRANSPARENCY OF WATER DATA, PROMOTION OF INNOVATION AND KNOWLEDGE MANAGEMENT

- 57.** (1) The Appropriate Government shall **Data sharing.** put all water and water-related data in public domain which shall include data on rainfall, humidity, temperature, wind velocity, evaporation rates, groundwater levels, groundwater quality, surface water sources and water available for irrigation, soils and all data related to water use by the stake

holders as considered appropriate for all uses of water.

- (2) The data shall be put on an interactive platform in such a manner so as to make the access simple for even a semi-literate user by ensuring, inter alia, that the interactive platform also contains a list of common questions and answers.
- (3) The Appropriate Government shall assign a unique village ID to all the villages in the state to make data easily accessible to the rural population and a similar unique ID system shall be generated for the urban areas as well.
- (4) The Appropriate Government shall put in place a weather risk management system that will alert the farmers when there is a danger of extreme weather.
- (5) The Appropriate Government shall provide value added services, including pest and disease alert

applications, in combination with the weather forecast that would equip the farmers to handle and manage their crops better.

- (6) The Appropriate Government shall also put in place a system that detects the amount of water to be provided to a field based on the field water content, biomass and rainfall probability that would aid in optimization of water provision to the crop and ensure efficient crop management.
- (7) The use of mobile phone and IVR technology shall be put in place through appropriate apps for the farmer to access the above data.
- (8) Water users shall provide groundwater related data to the appropriate Government, such as new tube-well, deepening of tube-well, dug well, pumps, and any water quality issues (This should be only with permission or regulated).

58. (1) The State Government shall develop

Water Resources

**Information
System.**

and maintain a publicly available web based State Water Resources Information System (StateWRIS) similar to IndiaWRIS on Geographical Information System Platform, integrating water resources and other related data with satellite imageries through use of state-of-the-art Information Technology.

- (2) A State Water Informatics Centre shall be established similar to National Water Informatics Centre to collect, collate and process hydrologic data regularly from all over the State, conduct the preliminary processing, and maintain it in open, transparent, accessible and user-friendly manner in the StateWRIS.
- (3) An appropriate agency shall be set up for each river basin/sub-basin to collect and collate all data on regular basis with regard to rainfall, river flows, area irrigated by crops and by source, utilizations for various uses by both surface and ground water

and to publish water accounts on ten-day basis every year for each river basin with appropriate water budgets and water accounts based on the hydrologic balances:

Provided that the agencies shall maintain, supply and feed water related data at prescribed intervals into StateWRIS.

- (4) The agencies established pursuant to sub-section (3) shall be networked with the Statewide network connecting to the central server hosting StateWRIS.

- 59.** (1) The Appropriate Government shall make all efforts to enable easy access for all stakeholders to knowledge related to all aspects of water management.
- (2) The Appropriate Government shall promote indigenous knowledge relating to water management in all its aspects.
- (3) The Appropriate Government shall promote better land-soil-water management with scientific inputs

**Promotion of
innovation and
knowledge
management.**

from local research and academic institutions.

- (4) The Appropriate Government shall promote continuing research and advancement in technology to address issues in the water sector.
- (5) The Appropriate Government shall encourage, recognize and award innovations in the water sector.

CHAPTER IX

MISCELLANEOUS

- 60** (1) States shall, where appropriate, **Enforcement of the Act.** enact laws, rules and regulations to accomplish the purposes set forth in this Act and shall adopt adequate and efficient administrative measures, including Management and implementation Plans for the enforcement of this Act.

Provided that the existing legislations at State level shall be reviewed and amended, wherever appropriate, so as to conform to the principles and provisions of this Act. Provided further that the State Government shall, within six months

of coming into force of this Act, issue a notification, making rules to operationalize the provisions of this Act.

- (2) The Appropriate Governments shall take all steps to ensure the availability of effective judicial remedies for persons whose legal rights have been violated including legal rights arising out of this Act, and who suffer or are under a serious threat of suffering damage arising from programs, plans, projects, or activities relating to water management

- (3) Remedies under this Section shall, as appropriate, provide for preventive remedies to prevent damage arising from programs, plans, projects, or activities relating to water management; compensation for damage; criminal prosecution of offenders and any other appropriate remedy in accordance with the provisions of any other law for the

time being in force

- 61.** The provisions of this Act or the plans made there under shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law. **Act to have overriding effect.**
- 62.** The State Government shall, issue a notification, making rules to carry out the provisions of this Act, as soon as possible. **Power of the State Government to make rules.**
- 63.** The State Government may, from time to time, issue such guidelines, as it may consider necessary, for the effective implementation of the provisions of this Act. **Power to issue guidelines.**
- 64.** (1) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before State Legislature while it is in longer session, and if, before the expiry of session immediately following the session or the successive sessions aforesaid, State **Laying of rules and plans.**

Legislative assembly decides in making any modification in the rule or State Legislative Assembly decides that the rule should not be made, the rule shall have thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without the prejudice to the validity of anything previously done under that rule.

- (2) Every rule or plan made by the State Government under this Act shall, as soon as, may be after it is made, be laid before State Legislature.

STATEMENT OF OBJECT AND REASONS

Water, is a basic requirement of life, therefore a legislation is necessary for it. Water is the backbone of agricultural sector and drinking water security in urban and rural areas. It is used significantly in industrial sector, in absence of any regulation it is leading to inter user and inter sectoral conflicts, which warrants a change in perspective and approach in its use and management.

Now therefore, it is necessary to recongize as a common pool resources and to adopt participatory approach in its management and to change the existing legal status of use of water, for applying principal of decentralization and participation by regulatory and institutional framework.

To achieve the aforesaid objectives, this bill thus ensure the qualitative and quantities sustablility of water resources, equity in water use efficiently as common pool resource, therefore the Chhattisgarh Water Management Bill, 2019 is hereby enacted.

Hence this Bill.

RAIPUR.

DATED:

MEMBER-IN-CHARGE.

**CHHATTISGARH BILL
(No. of 2019)**

CHHATTISGARH WATER SUSTAINABILITY BILL 2019.

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