

No.IPH-SE-P&-II-EE-GWA/2018-19:- 3349-59

Government of Himachal Pradesh

I&PH Department

Dated the Shimla-9. 4th Feb., 2019.

To

1. The Principal Chief Conservator of,
Forests Department,
Tolland Shimla-171001 (HP). Member
2. The Director of Industries,
Udyog Bhawan, Bemloe, Shimla-171001 (HP). Member
3. The Director,
Rural Development and Panchayati Raj,
Department, Block No. 27, SDA Complex,
Kasumpti Shimla-171009 (HP). Member
4. The Director,
Agriculture Department, Krishi Bhawan,
Boileauganj Shimla-171005 (HP). Member
5. Dr. Rajender Thapa, Principal Scientific Officer,
HP Council for Science,
Technology & Environment,
(AGISAC) 34 SDA Complex,
Shimla-171009 (HP). Member
6. The Member Secretary,
Pollution Control Board, Him Parivesh,
New Shimla 171009 (HP). Member
7. The Chairman H.P. State,
Electricity Board Ltd., Vidyut Bhawan,
Shimla-171004 (HP). Member
8. The Regional Director,
Central Ground Water Board,
North Himalayan Region Dove Cottage,
Near Ramnagar, PO Dharamshala,
Distt. Kangar 176215 (HP). Member


Subject:- Minutes of the 3rd meeting of HP Ground Water Authority.

Enclosed please find herewith the proceeding/minutes of the 3rd meeting of HP Ground Water Authority held on 30.01.2019 in the Conference Hall of Jal Bhawan Kasumpti,

Shimla-9 under the chairmanship of Chairman (HPGWA)-cum-Engineer-In-Chief, (IPH) for your kind perusal and further action please.

Encl:-As above.


Member-Secretary, HPGWA-cum-
Superintending Engineer,
P&I-II Unit, I&PH Department,
Jal Bhawan, Kasumpti, Shimla-9.
(sepjal_2003@yahoo.com)
(Tel. No. 0177-2625478)

Copy to the Chairman HP Ground Water Authority-Cum-Engineer-In-Chief, I&PH Department, U.S. Club, Shimla-1 along with minutes for information please.

Copy to the Superintending Engineer (Works), I&PH Department, U.S. Club, Shimla-1 for information please.

Copy to Sr. Hydrogeologist, G.W.O, I&PH Department, Una along with minutes for information and necessary action please.


Member-Secretary, HPGWA-cum-
Superintending Engineer,
P&I-II Unit, I&PH Department,
Jal Bhawan, Kasumpti, Shimla-9.
(sepjal_2003@yahoo.com)
(Tel. No. 0177-2625478).

Minutes of the 3rd meeting of HP Ground Water Authority held on 30th January, 2019 under Chairmanship of Er. Suman Vikrant, Chairman (HPGWA) & Engineer-in-Chief, (I&PH) Himachal Pradesh Ground Water Authority.

The 3rd meeting of the HP Ground Water Authority was held on 30th January, 2019 at Jal Bhawan, Kasumpti, Shimla-9. The list of participants is attached as Annexure- 'A'.

At the outset, the Chairman & Engineer-in-Chief welcomed all the members and then briefed, about Act & Rules, duties and responsibilities of the Authority, action taken by the authority up to date as well as about the responsibility of the members in the authority.

After that the Member Secretary HPGWA-cum-Superintending Engineer, P&I-II with the permission of chair started the deliberations on the various items of agenda notes: -

Item No. 1. Confirmation of minutes of 2nd meeting held on 20.03.2010.

The 2nd meeting of the HP ground Water Authority was held on 20.03.2010 under the Chairmanship of the then Chairman (HPGWA) & Engineer-in-Chief (IPH) & accordingly proceedings of the meeting was circulated to all concerned vide Member Secretary-cum-Superintending Engineer P&I-II letter No. IPH-P&I-II-EE(M)-GWA/2009-10:14-32 dated 3rd April, 2010. Since, no comments were received from any member as such the minutes of the meeting were considered as confirmed.

Item No. 2. Action taken report on the decisions taken in the 2nd Meeting.

As per the decisions taken during 2nd meeting held on 20.03.2010 regarding processing of applications for registration/grant of permit under the act, a Sub-Committee comprising of the following members was constituted: -

1. Member Secretary-cum-Superintending Engineer, P&I-II Jal Bhawan, Kasumpti Shimla-9.
2. Regional Director CGWB Dharmshal, Distt. Kangar (HP).
3. Geologist, Industries Department, Shimla-1 (HP).
4. Sr. Hydrogeologist, GWO, IPH Department, Una (HP).

The sub-committee has, held thirty meetings till date wherein 829 No. Permits & 383 No. certificates of registration have been issued and 123 No. Drilling Agencies have also been registered. However, Member Secretary was asked to put up the details of permission granted for abstraction of ground water from the permit issued and total quantity being abstracted monthly/quarterly and ground water level seasonal trends as well as steps taken to keep the level with safe limits.

New Items

Item No-1. Ex-post facto approval of Main Committee (HPGWA) for the certificates of registration/permits for existing Ground Water abstraction structures/sinking of new borewells/tubewells/shallow wells & energized handpumps and certificates of registration to the drilling agencies issued by the Sub-Committee between the year 2011 to 2019.

829 No. Permits & 383 No. Certificates of Registration issued to various Domestic/Irrigation/Commercial & Industrial Ground Water users as well as 123 No. Certificate of Registration issued to different Drilling Agencies by the Member Secretary (HPGWA)-cum- Superintending Engineer (P&I-II) on the approval of Sub-Committee (HPGWA) were put up before the Main Committee (HPGWA) for ex-post facto sanction. The Main Committee after going through the records & deliberations/ unanimously accorded ex-post facto approval for all the above cases with the condition that in case ground water abstraction is within safe limit failing which action to withdraw permits be resorted to as per provision of Act and necessary formalities.

Item No-2, 3 & 6.

Item No-2 Amendments proposed in H.P. Ground Water (Regulation and Control of Development) Act 2005, and H.P. Ground Water (Regulation & Control of Development) Rules, 2007.

- i) To re-visit the existing Rules and Regulations of HP Ground Water Act, 2005 and to take appropriate policy decision, preferably within a period of eight weeks i.e. on or before 17.12.2018 before granting further permits under the Act as per the judgement dated 22.10.2018 given by the Hon'ble High Court of HP in CWP No. 1809 of 2018 (Sh. Chetan Kumar and others **Versus** The Chief Secretary to the Government of Himachal Pradesh and others).
- ii) To notify the entire state under the HP Ground Water Act, 2005 as per the affidavit filed by the Secretary (IPH) to the Govt. HP Shimla-2 in the Hon'ble High Court of HP in compliance to the order dated 20.07.2018 passed by the Hon'ble court in CWP No. 1537/2018 to notify the entire state within three months i.e. on or before 19.10.2018 (Sh. Rajiv Kumar S/O Late Sh. Kewal Ram, R/O Village Tikker, PO. Sarahan, Tehsil Pachhad, Distt. Simour (HP) **Versus** State of HP through Additional Chief Secretary IPH to the Govt. of HP and others).

Item No-3 The minimum distance criteria between two extracting structures in notified areas of hilly terrain needs to be reviewed.

Item No-6 To finalize and approve the proposed modality of collecting the royalty charges

The agenda items 2, 3 & 6 described above were simultaneously deliberated by the committee, as these issues need amendment in existing Act/Rules, therefore, the Committee decided to form a Sub-Committee comprising of following Members: -


1. Sr. Hydrogeologist GWO IPH Deptt. Una (HP).

2. State Geologist, Industry Department Shimla (HP).
3. Regional Director CGWB Dharamshala Distt. Kangra (HP).
4. Dr. Rajender Thapa, Principal Scientific Officer, HP Council for Science, Technology & Environment (AGISAC) 34 SDA Complex, Kasumpti Shimla-9 (HP).
5. Director CWC, SDA Complex, Kasumpti, Shimla (HP).

Member Secretary will evoke TOR of the said committee and the committee will submit its report by 28.02.2019 and further action is to be taken accordingly.

Item No-4. (A) Cases of registration of existing tubewells/borewells/energized hand pumps installed before 09-08-2011, the date of notification of eight civil sub division under section 5 of HP Ground Water Act 2005 and not fulfilling the registration criteria as per Ground Water Act, 2005 need to be discussed. The said cases have already been considered in earlier Sub-Committee meetings and pending for decision.

The Committee consented to approve these cases and directed Member Secretary (HPGWA)-cum- Superintending Engineer (P&I-II) to issue the Certificate of Registration to existing Ground Water abstraction structures constructed before the date of Notification i.e. 09.08.2011 of areas under section 5 of HP Ground Water Act, 2005. The Certificate of Registration will be issued on a different format duly vetted by the Deputy Director Legal (IPH) subject to the condition that the permission/sanction can be withdrawn or the quantity of water to be extracted in LPD can be restricted in case of the area declared as Over-exploited after the studies. The amended specimen format for approval of existing ground water obstruction structure i.e. Registration of Existing Ground Water users is attached.


(B) Cases of registration of existing tubewells/borewells/energized hand pumps installed in the notified areas after 09-08-2011 till date and not fulfilling the registration criteria as per Ground Water Act, 2005 need to be discussed. The said cases have already been considered in earlier Sub-Committee meetings and pending for decision.

The Committee decided that the Ground Water users who have constructed water abstraction structures after the date of Notification i.e. 09.08.2011 of areas under section 5 of HP Ground Water Act, 2005, will be called for hearing by the Member Secretary (HPGWA)-cum- Superintending Engineer (P&I-II) & the final decision will be taken by him after affording them opportunity of hearing to represent their case.

Item No-5. Deployment of staff for proper functioning of HP Ground Water Authority at Shimla and Ground Water Organisation at Una in accordance with section-4 of the Act.

After detailed discussion, keeping in view the staff problems in the Authority office as well as in the office of HP GWO Una, the Committee decided to send a fresh case for creation of following 5 Posts in the Authority:

- 1) Assistant Engineer. 1 No
- 2) Junior Engineer. 1 No
- 3) Multitask Workers with computer skills. 2 No
- 4) Peon. 1 No.

instead of earlier case sent on 05-11-2008 for creation of following 5 Post as under:

- 1) Assistant Engineer. 1 No
- 2) Junior Engineer. 1 No
- 3) Sr. Assistant. 1 No
- 4) Computer Data Operator. 1 No
- 5) Peon. 1 No.

Item No-7. The use of money collected as royalty of ground water and fees received a/w applications in the office of HP Ground Water Authority on account of registration/permit fee.

The Committee has given its opinion that the audit of Authority may be got conducted first from the Examiner, Local Accounts Department Himachal Pradesh before taking any decision on the matter as provided in the Ground Water Act.

Item No - 8. Authorizing the Member Secy. HPGWA -cum- S.E. P&I-II, Jal Bhawan to meet out the expenditure on account of refreshment/working lunch for meetings, papers, postage, stamp etc. from the HP Ground Water Authority funds.

The Committee agreed that the Authority should proceed in the matter as per the Govt. norms.

Item No - 9. To designate Member Secretary-cum-SE P&I-II as Chairman of the Sub-Committee (HPGWA).

In the opinion of the Committee, there is no need to designate the Member Secretary (HPGWA) as Chairman of the Sub-Committee. However, the meetings of the Sub-Committee will be chaired by the Member Secretary.

Item No-10. Providing one number vehicle in the office of HP Ground Water Authority.

As per the decision of Committee, the Member Secretary (HPGWA) will move a case to the Govt. for purchase of a new vehicle.

Item No-11. NOC for tube wells/borewells/shallow wells/energized handpumps of Govt. departments.

The Committee decided that all the government / semi government water abstraction structures be registered with HP Ground Water Authority and fee for sinking of new borewells /existing water abstraction structures has to be received from the Govt. Departments as per HP Ground Water Act 2005 & Rules-2007.

Item No-12. Annual audit of the accounts of HP Ground Water Authority.

As per the decision of the Committee, Member Secretary (HPGWA) will request the Examiner, Local Accounts Department, Himachal Pradesh to conduct the audit of this Authority.

Item No-13. Any other item with the permission of Authority.



A handwritten signature in black ink, consisting of a stylized 'h' followed by a horizontal line and the letters 'SE' below it.


Member Secretary,
HP Ground Water Authority
Kasumpti, Shimla-6

Annexure-A

List of participants:-

1. Dr. Hemant Gupta
CCF (M&E), O/O Principal
Chief Conservator, (HOFF),
Tailand, Shimla (HP).
2. Sh. Suresh Sharma,
SMS (Project Cell), Deptt., of
Agriculture, HP Shimla-5.
3. Sh. Ashwani Bhardwaj,
Divisional Engineer (Soil Cons.),
Deptt., of Agriculture, HP Shimla-5.
4. Er. Ashok Verma,
Addl. Superintending Engineer, HPSEBL,
O/O C.E. (P&M), Kumar House Shimla-4.
5. Dr. Manoj Chauhan,
PSO (HQ), HP Pollution Control Board,
HP Shimla-9.
6. Sh. Dinesh Kumar,
Geologist, Industries, Deptt. Shimla-1 (HP).
7. Sh. Sanjay Bhagwati,
Dy. Dir. RD Deptt., SDA Complex Kasumpti,
Shimla-9.
8. Sh. K. S. Mandhotra,
Sr. Hydrogeologist, GWO, IPH Deptt., Una
(HP).
9. Er. D. K. Negi,
Member Secy. (HPGWA)-cum-SE P&I-II,
IPH Deptt. Jal Bhawan Kasumpti Shimla-9.
10. Er. H. R. Saini,
Executive Engineer, (HPGWA) IPH Deptt.
Jal Bhawan, Kasumpti Shimla (HP).
11. Er. Anil Kumar,
Assistant Engineer, P&I-II, (IPH) Deptt.,
Jal Bhawan, Kasumpti Shimla-9.
12. Sh. Lekh Raj Sharma,
Sr. Assistant, (HPGWA) P&I-II, I&PH Deptt.,
Jal Bhawan, Kasumpti Shimla-9.
13. Smt. Monika Chauhan,
Junior Engineer (Cont.), (HPGWA)
P&I-II, I&PH Deptt., Jal Bhawan,
Kasumpti Shimla-9.



EE

Government of Himachal Pradesh
Himachal Pradesh Ground Water Authority


"NOTIFICATION"

In pursuance to the decisions taken in the 3rd meeting of the Himachal Pradesh Ground Water Authority held on 30th January, 2019, a Sub-committee comprising the following members is hereby constituted:

1. Regional Director, CGWB, Dharmashala Distt. Kangra (HP).
2. Dr Rajender Thapa, Principal Scientific Officer, HP Council for Science, Technology & Environment (AGISAC), Block No-34, SDA Complex, Kasumpti, Shimla - 9.
3. Director CWC, Block No – 10, SDA Complex, Kasumpti, Shimla-9 (HP).
4. State Geologist, Industries Deptt., Shimla HP.
5. Sr. Hydrogeologist, GWO, IPH Deptt. Una (HP).

It is notified that Sr. Hydrogeologist, GWO IPH Deptt. Una shall be Member-Secretary of the committee and the terms of reference of the Sub-committee shall be as under and the committee will submit its report by 28.02.2019:

- To re-visit the existing Rules and Regulations of HP Ground Water Act, 2005 as per the judgement dated 22.10.2018 of the Hon'ble High Court of HP in CWP No. 1809 of 2018 (Sh. Chetan Kumar & other Vs. State of HP & others).
- To explore possibilities of notifying the entire state under the HP Ground Water Act, 2005 as per affidavit filed by the Secretary (IPH) to the Govt. HP in the Hon'ble High Court of HP on 26.07.2018 in CWP No. 1537/2018 (Sh. Rajiv Kumar Vs. State of HP & others).
- To study the minimum distance criteria between two ground water extraction structures under section 7 sub-section 5 (f) of Himachal Pradesh Ground Water (Regulation and Control of Development and Management) Act, 2005.
- To devise the modalities for collection of royalty charges and monitoring of the ground water act/rules provisions.
- Any other issue which is relevant in the opinion of the committee.



Chairman HPGWA-cum-
Engineer-in-Chief (IPH),
HP Ground Water Authority,
US Club Shimla – 171001

No. IPH-SE-P&H-EE (GWA)/2018-19:- 3595-3677

Date: 12th February, 2019

Copy to the following: -

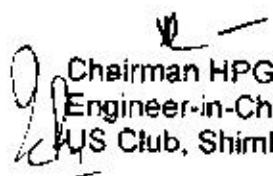
1. All the members of the committee (HPGWA).
2. Director, CWC, Block No-10, SDA Complex, Kasumpti, Shimla-9 (HP)
3. All the Chief Engineers under HP I&PH Department.
4. Superintending Engineer, (Works), IPH Deptt., U.S.Club, Shimla (HP)
5. All the Superintending Engineers under HP I&PH Department.
6. All the Executive Engineers under HP I&PH Department.


Chairman HPGWA-cum-
Engineer-in-Chief (IPH),
HP Ground Water Authority,
US Club Shimla – 171001

**Government of Himachal Pradesh
Himachal Pradesh Ground Water Authority**

"NOTIFICATION"

In continuation of this office notification for constitution of Sub-Committee indicating Term of Reference (TOR) as circulated vide this office No. IPH-SE-P&I-II-EE(GWA)/2018-19:- 3595-3677 dated 12th February, 2019, the Regional Director, CGWB Dharamsala Distt. Kangra (HP) is hereby designated as Chairman of the Sub-Committee. He is, therefore, requested to co-ordinate with the Member Secy. & other members of the Sub-Committee and take further action as per TOR please.



Chairman HPGWA-cum-
Engineer-in-Chief (IPH),
US Club, Shimla - 171001

No. IPH-SE-P&I-II-EE(GWA)/2018-19: 08 - 104

Date: 16th April, 2019

Copy to: -

1. The Chairman (Sub-Committee) -cum- Regional Director, CGWB Dharamsala Distt. Kangra (HP) for information and necessary action please.
2. The Member Secy. (Sub-Committee)-cum-Sr Hydrogeologist, GWO IPH Deptt. Una & all other members of the committee (HPGWA)
3. The Director, CWC, Block No- 10, SDA Complex, Kasumpti, Shimla-9 (HP).
4. All the Chief Engineers under HP I&PH Department.
5. The Superintending Engineer, (Works), IPH Deptt., U.S Club, Shimla (HP).
6. All the Superintending Engineers under HP I&PH Department.
7. All the Executive Engineers under HP I&PH Department.


Chairman HPGWA-cum-
Engineer-in-Chief (IPH),
US Club, Shimla - 171001