

File No. CGWA-28/2/2021-CGWA -1256
GOVERNMENT OF INDIA
MINISTRY OF JAL SHAKTI
DEPARTMENT OF WATER RESOURCES, RD & GR
CENTRAL GROUND WATER AUTHORITY
18/11, Jamnagar House, Man Singh Road, New Delhi

Date: 23.11.2021

ORDER

Subject: Directions under Section 5 of Environment (Protection) Act, 1986 regarding mandatory requirement of Impact Assessment Report / Comprehensive Hydrogeological Report for issuance of No Objection Certificate for ground water withdrawal by State / UT Ground Water Authority

Whereas the Central Government constituted the Central Ground Water Authority (hereinafter referred to as the Authority) vide notification Number S.O. 38(E), dated 14th January, 1997, followed by notification number S.O. 1124(E) dated 6th November, 2000 and S.O. 1121 (E) dated 13th May, 2010 of the Government of India in the Ministry of Environment & Forests, for the purposes of regulation and control of ground water development and management in the whole of India and to issue necessary regulatory directions.

And whereas, the Hon'ble National Green Tribunal, New Delhi vide Order dated 20.07.2020 in O.A. No. 176/2015 under para 29 has held that as per mandate of sustainable development under Section 20 of NGT Act, 2010, which has been held to be part of right to life under Article 21 of the Constitution, the regulatory authority must direct its policy towards preventing further depletion of and upgrading the groundwater levels based on impact assessment, and has further directed under para 39 (d) that "There must be **no general permission for withdrawal of ground water, particularly to any commercial entity, without environment impact assessment of such activity on individual Assessment units in cumulative terms covering carrying capacity aspects by an expert committee.**"

And whereas, the Authority has issued 'Guidelines to control and regulate groundwater extraction in India' vide notification number S.O. 3289(E) dated 24th September, 2020, notified by Department of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti, which have pan India applicability.

And whereas Sections 4.1(f) of the said MoJS Guidelines provide that "All projects extracting/proposing to extract ground water in excess of 100 m³/day in Over-exploited, Critical and Semi-critical areas shall have to mandatorily submit impact assessment report of existing/proposed ground water withdrawal on the ground water regime prepared by accredited consultants.

And whereas 4.2(c) of the said MoJS Guidelines provide that "Comprehensive report prepared by accredited consultant on ground water conditions in both core and buffer zones of the mine, depth wise and year wise mine seepage calculations, impact assessment of mining and dewatering on ground water regime and its socio-economic impact, details of recycling, reuse

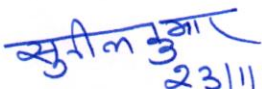
and recharge, reduction of pumping with use of technology for mining and water management to minimize and mitigate the adverse impact on ground water, based on local conditions.

And whereas 4.3(a) of the said MoJS Guidelines provide that "In cases where dewatering is involved, submission of impact assessment report prepared by an accredited consultant on the ground water situation in the area giving detailed plan of pumping, proposed usage of pumped water and comprehensive impact assessment of the same on the ground water regime shall be mandatory. The report should highlight environmental risks and proposed management strategies to overcome any significant environmental issues such as ground water level decline, land subsidence etc."

And whereas the Authority has authorized Rajiv Gandhi National Ground Water Training and Research Institute (RGNGWTRI) and National Accreditation Board for Education and Training (NABET) for accreditation of Ground Water Professional Agencies/ Individuals for preparation of Impact Assessment Report and Comprehensive Hydrogeological Report.

Now therefore, in view of the above and in exercise of the powers vested under Section 5 of the Environmental (Protection) Act, 1986, the Authority hereby gives the following directions:

1. The No Objection Certificate for ground water withdrawal shall not be issued to the Project Proponents without the mandatory submission of Impact Assessment Report / Comprehensive Hydrogeological Report, as the case may be, of the proposed project. The format of Impact Assessment Report and Comprehensive Hydrogeological Report are available on the official web-portal of CGWA.
2. The Impact Assessment Report / Comprehensive Hydrogeological Report shall be prepared by such consultant / hydrogeologist accredited by Rajiv Gandhi National Ground Water Training Institute and Research institute (RGNGWTRI) and such Ground Water consultant organizations accredited by National Accreditation Board for Education and Training (NABET). The list of accredited Individuals / Institutions is available on the official web-portal of CGWA.
3. The State / UT Ground Water Authorities shall constitute an Expert Committee of Members with suitable qualifications and experience, for the evaluation of Impact Assessment Report / Comprehensive Hydrogeological Report (prepared by accredited individual / organization) submitted by the project proponent, and only after needful appraisal / examination of such reports by the Committee, the No Objection Certificate for ground water withdrawal shall be issued to the Project proponent.
4. Necessary action in this regard may be taken by the State / UT Ground Water Authority and Action Taken Report may be submitted to this office within 3 months.


(Sunil Kumar)
Member Secretary

To
All State/ UT Ground Water Authorities

Copy to: The Chief Secretaries (as per the list attached)