

**GOVERNMENT OF INDIA  
WATER RESOURCES  
LOK SABHA**

UNSTARRED QUESTION NO:4509  
ANSWERED ON:03.05.2012  
USAGE OF WATER  
Yadav Shri Dharmendra

**Will the Minister of WATER RESOURCES be pleased to state:**

- (a) whether the existing law in the country bestows upon each land owner the right to pump unlimited water through borewell from his land;
- (b) if so, whether pumping of underground water throughout the country needs to be regulated;
- (c) if so, the reaction of the Union Government in this regard;
- (d) whether a National Legal Framework on water is necessary to formulate effective laws regarding the usage of water in every State; and
- (e) if so, the steps taken by the Union Government in this regard?

**Answer**

THE MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES & MINORITY AFFAIRS ( SHRI VINCENT H. PALA)

(a) As per the report of the Expert Group on Ground Water Management and Ownership (2007), the Indian Easement Act, 1882 links ground water ownership to land ownership. As per the Act, "The right of every owner of the land to collect and dispose within his own limits of all water under the land, which does not pass in a defined channel". The Expert Group report also mentions that "there are limits to an individual's right to exploit ground water".

(b) & (c) Yes, Madam. The Central Ground Water Authority (CGWA) constituted under Section 3(3) of the Environment (Protection) Act of 1986 has notified 82 areas in the country for regulation of ground water development and management. In these notified areas, installation of new ground water abstraction structures is not permitted without prior specific approval of the Authorized officers. For enforcement of the regulatory directions issued under Section 5 of EPA, 1986, concerned Deputy Commissioners/ District Collectors have been authorized to take necessary action in case of violations of directives of CGWA in the notified areas.

(d) & (e) Water being a State subject, it is primarily the responsibility of the concerned State Governments to regulate ground water resources. Ministry of Water Resources has circulated to the States/ Union Territories the Model Bill to Regulate and Control the Development and Management of Ground Water to enable them to enact suitable ground water legislation. So far eleven States/ UTs namely Andhra Pradesh, Bihar, Goa, Himachal Pradesh, Kerala, Tamil Nadu, West Bengal, Chandigarh, Dadra & Nagar Haveli, Lakshadweep and Puducherry have enacted ground water legislation. Government of Delhi is regulating ground water development in all the districts of Delhi. Government of Gujarat through a resolution vide reference No. GWR/1095/6/1.1/ Ja-1 dated 19.9.2001 has constituted Gujarat Ground Water Authority under the administrative control of Narmada and Water Resources Authority for systematic administration of ground water management, its development, control and regulation. Government of Punjab has taken steps to encourage crop diversification, artificial recharge of ground water, controlled and regulated electricity supply in critical area, micro-irrigation and alteration of crop calendar – encouraging late sowing of paddy after 16th June, etc.