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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1452-L.—23rd November, 2015.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XXVI of 2015

THE WEST BENGAL GROUND WATER RESOURCES (MANAGEMENT, CONTROL AND REGULATION) (AMENDMENT) ACT, 2015.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary,* of the 23rd November, 2015.]

An Act to amend the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005.

WHEREAS it is expedient to amend the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005, for the purposes and in the manner hereinafter appearing; West Ben. Act XVIII of 2005.

It is hereby enacted in the Sixty-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and commencement.

1. (1) This Act may be called the West Bengal Ground Water Resources (Management, Control and Regulation) (Amendment) Act, 2015.

The West Bengal Ground Water Resources (Management, Control and Regulation) (Amendment) Act, 2015.

(Sections 2, 3.)

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 2 of West Ben. Act XVIII of 2005.

2. In section 2 of the West Bengal Ground Water Resources (Management, Control and Regulation) Act, 2005 (hereinafter referred to as the principal Act), after clause (c), the following clause shall be inserted:—

'(ca) "High Level Authority" means the West Bengal High Level Ground Water Resources Development Authority established under sub-section (1) of section 2A;'.

Insertion of new section after section 2.

3. After section 2 of the principal Act, the following section shall be inserted:—

"Establishment of High Level Authority.

2A. (1) The State Government shall, by notification, establish, with effect from such date as may be specified in the notification, an Authority to be known as the West Bengal High Level Ground Water Resources Development Authority (hereinafter referred to as the High Level Authority).

(2) The High Level Authority shall consist of the following members:—

(i) the Additional Chief Secretary or the Principal Secretary or the Secretary, Water Resources Investigation and Development Department, — Chairperson,

(ii) the Additional Chief Secretary or the Principal Secretary or the Secretary, or an officer, not below the rank of Joint Secretary, duly authorized by the Additional Chief Secretary or the Principal Secretary or the Secretary, Department of Environment, — Member,

(iii) the Additional Chief Secretary or the Principal Secretary or the Secretary, or an officer, not below the rank of Joint Secretary, duly authorized by the Additional Chief Secretary or the Principal Secretary or the Secretary, Department of Commerce and Industries, — Member,

(iv) the Additional Chief Secretary or Principal Secretary or Secretary, or an officer, not below the rank of Joint Secretary, duly authorized by the Additional Chief Secretary or Principal Secretary or Secretary, Public Health and Engineering Department, — Member,

(v) the Additional Chief Secretary or Principal Secretary or Secretary, or an officer, not below the rank of Joint Secretary, duly authorized by the Additional Chief Secretary or Principal Secretary or Secretary, Department of Urban Development, — Member,

(vi) the Additional Chief Secretary or Principal Secretary or Secretary, or an officer, not below the rank of Joint Secretary, duly authorized by the Additional Chief Secretary or Principal Secretary or Secretary, Department of Municipal Affairs, — Member,

(vii) the Additional Chief Secretary or Principal Secretary or Secretary, or an officer, not below the rank of Joint Secretary, duly authorized by the Additional Chief Secretary or Principal Secretary or Secretary, Department of Agriculture, — Member,

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(Sections 4, 5.)

(viii)	the Additional Chief Secretary or Principal Secretary or Secretary, or an officer, not below the rank of Joint Secretary, duly authorized by the Additional Chief Secretary or Principal Secretary or Secretary, Department of Irrigation and Waterways,	Member,
(ix)	the Additional Chief Secretary or the Principal Secretary or the Secretary, or an officer, not below the rank of Joint Secretary, duly authorized by the Additional Chief Secretary or the Principal Secretary or the Secretary, Department of Micro, Small and Medium Enterprises and Textiles,	Member,
(x)	an officer, not below the rank of Joint Secretary, duly authorized by the Additional Chief Secretary or Principal Secretary or Secretary, Water Resources Investigation and Development Department,	Member,
(xi)	Managing Director, West Bengal Industrial Development Corporation Limited,	Member,
(xii)	an officer, not below the rank of Chief Engineer, Irrigation and Waterways Directorate, duly authorized by the Department of Irrigation and Waterways,	Member,
(xiii)	any other officer of the State Government, as the Government may decide,	Member,
(xiv)	Director, State Water Investigation Directorate,	Member Secretary.

(3) The term of office and other conditions of service of Chairperson, the Member-Secretary and other Members of the High Level Authority, shall be such as may be prescribed.

(4) The High Level Authority shall have power to invite any eminent person and technical expert in its meetings for deliberation, if it feels necessary so to do in the public interest.

(5) The State Water Investigation Directorate under the Department of Water Resources Investigation and Development shall be the Secretariat of the High Level Authority and shall act as the nodal office.".

Amendment of section 3.

4. In sub-section (2) of section 3 of the principal Act, after clause (xvii), the following clauses shall be inserted:—

"(xviia)	an officer not below the rank of Joint Secretary, Department of Micro, Small and Medium Enterprises and Textiles, Government of West Bengal,	Member,
(xviiab)	any other officer of the State Government as the State Government may decide,	Member,".

Amendment of section 4.

5. In sub-section (3) of section 4 of the principal Act, after clause (xi), the following clause shall be inserted:—

"(xia)	General Manager, District Industry Centre of the district,	Member,".

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(Sections 6-8.)

Amendme section 2 o Ben. Act X 2005.

Amendment of section 5.

6. In sub-section (3) of section 5 of the principal Act, after clause (viii), the following clause shall be inserted:—

"(viiia) any other officer of the State Government as the State Member,". Government may decide,

Amendment of section 6.

7. In sub-section (2) of section 6 of the principal Act, after clause (h), the following clause shall be inserted:—

Insertion of section after section 2.

"(i) formulate and circulate the guidelines to the District Level Authority and the Corporation Level Authority relating to issuance of permit for extracting or using ground water for industrial purpose, in consultation with the High Level Authority.".

Amendment of section 7.

8. In section 7 of the principal Act,—

(1) in sub-section (3), after clause (c), the following clause shall be inserted:—

"(d) The District Level Authority shall, in case of an application relating to extraction or use of ground water at the rate not exceeding 50 cubic metre per hour for industrial purpose subject to sub-section (3)(a) above, issue permit within 30(thirty) days from the date of receipt of application and in case of an application relating to extraction or use of ground water at the rate exceeding 50 cubic metre per hour for industrial purpose, the District Level Authority shall, within 30(thirty) days from the date of receipt of application, forward the same to the State Level Authority with specific comment(s) or recommendation.";

(2) in sub-section (4), after clause (c), the following clause shall be inserted:–

"(d) The Corporation Level Authority shall, in cases of an application relating to extraction or use of ground water at the rate not exceeding 100 cubic metre per hour for industrial purpose subject to sub-section (4)(a) above, issue permit within 30(thirty) days from the date of receipt of application and in cases of an application relating to extraction or use of ground water at the rate exceeding 100 cubic metre per hour for industrial purpose, the Corporation Level Authority shall, within 30(thirty) days from the date of receipt of application, forward the same to the State Level Authority with specific comment(s) or recommendation.";

(3) in sub-section (5), in clause (b), the following proviso shall be added:—

"Provided that the State Level Authority shall, in case of an application for extraction or use of ground water for industrial purpose, within 21(twenty-one) days from the date of receipt of such application from the District Level Authority or the Corporation Level Authority, as the case may be, subject to sub-section (5)(a) above, dispose of the same and in cases of extraction and use of ground water at the rate exceeding 100 cubic metre per hour for industrial purpose, the State Level Authority shall, within 21(twenty-one) days from the date of receipt of application from the District Level Authority or the Corporation Level Authority, as the case may be, forward the same with specific comment(s) or recommendation to the High Level Authority.";

(4) after sub-section (5), the following sub-section shall be inserted:–

"(6) (a) Every application for extraction or use of ground water resources for industrial purpose at the rate exceeding 100 cubic metre per hour, shall be forwarded to the High Level Authority by the State Level Authority with specific comment(s) or recommendation along with the observations or

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comments of the District Level Authority or the Corporation Level Authority, as the case may be.

(b) On receipt of an application forwarded by the State Level Authority for issuing a permit of sinking a well for the purpose of extracting or using ground water exceeding 100 cubic metre per hour, the High Level Authority shall, if it is satisfied that it is necessary so to do in the public interest, approve such application, subject to such condition(s) or restriction(s) as may be specified therein:

Provided that the High Level Authority may, for reasons to be recorded in writing, refuse to grant any such approval after giving the applicant an opportunity of being heard by itself, or by authorising the State Level Authority to give the applicant an opportunity of being heard and convey its recommendations to the High Level Authority, for the purpose of disposal of such application.

(c) Application for extraction or use of ground water at the rate exceeding 100 cubic metre per hour, shall be disposed of by the High Level Authority within 15(fifteen) days from the date of receipt of the same from the State Level Authority.".

By order of the Governor,

MADHUMATI MITRA,
Secy. to the Govt. of West Bengal,
Law Department.

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