



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

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Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Ordinance which was promulgated by the Governor on the 14th September 2013 is hereby published for general information:-

TAMIL NADU ORDINANCE No. 4 OF 2013.

An Ordinance to repeal the Tamil Nadu Groundwater (Development and Management) Act, 2003.

WHEREAS the Legislative Assembly of the State is not in session and the Governor of Tamil Nadu is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor hereby promulgates the following Ordinance:-

1. (1) This Ordinance may be called the Tamil Nadu Groundwater (Development and Management) Repeal Ordinance, 2013.

Short title and commencement.

(2) It shall come into force at once.

Tamil Nadu Act
3 of 2003.

2. The Tamil Nadu Groundwater (Development and Management) Act, 2003 is hereby repealed.

Repeal.

14th September 2013.

K. ROSAIAH,
Governor of Tamil Nadu.

EXPLANATORY STATEMENT.

The Tamil Nadu Groundwater (Development and Management) Act, 2003 was enacted taking into consideration the circumstances prevailed in the year 2003. However, in the past 10 years, the following factors have drastically changed the scenario:-

(i) Certain definitions like marginal and small farmers, etc., have not been clearly defined to carry out the purport of the Act preventing groundwater drawal for Agricultural purposes and thereby causing hardship to farmers.

(ii) The people at large are to be ensured minimum potable water from groundwater sources when other sources are not sufficient especially in a drought affected year.

(iii) The provisions in the Act require that all individuals should be registered with the Groundwater Authority and licence should be obtained by all persons having over 1 Horse Power motor. If the Act in the present form was implemented and groundwater was not allowed to be tapped, it would have led to a public outcry.

(iv) Since 2003, the Municipal Corporations like Chennai, Coimbatore, Madurai, etc., have expanded. Piped water supply is not adequately available in the extended portions. Therefore, for supply to households by the Corporations and Private lorries, tapping of groundwater is being resorted to. As per the Act, a permit has to be obtained for transport of groundwater by means of lorry, trailer, etc., from the notified areas for any purpose. This would result in unnecessary difficulties to the general public as each and every lorry or trailer in the State has to obtain a permit from the State Groundwater Authority even for supply of drinking water causing difficulties to the general public.

(v) The manner in which the drawal of groundwater has to be regulated for construction of multistoried buildings and for commercial exploitation of water, where water is used as raw material has not been addressed in the Act.

2. In view of the above facts, the Tamil Nadu Groundwater (Development and Management) Act, 2003, need to be comprehensively changed taking into account the present demand, need and supply.

3. The Government have, therefore, decided to repeal the Tamil Nadu Groundwater (Development and Management) Act, 2003, to enact a comprehensive law to develop and manage the groundwater in the changed scenario.

4. The Ordinance seeks to give effect to the above decision.

(By order of the Governor)

G. JAYACHANDRAN,
*Secretary to Government,
Law Department.*