

**Andhra Pradesh – An Act to Promote Water Conservation, and Tree Cover and Regulate the Exploitation and Use of Ground and Surface Water for Protection and Conservation of Water Sources, Land and Environment and Matters, Connected Therewith or Incidental Thereto**

**Act No. 10 of 2002**

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Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty third year of the Republic of India, as follows: -

**CHAPTER – 1  
PRELIMINARY**

Short title,  
extent and  
commence-  
ment

1. (1) This Act may be called the Andhra Pradesh Water, Land and Trees Act, 2002.
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It shall come into force on such date as the State Government may, by notification appoint.
  
2. In this Act, unless the context other wise requires: -
  - (1) 'Authority' means the Andhra Pradesh State Water, Land and Trees Authority constituted under section 3;
  - (2) 'Designated Officer' means an officer or any person so designated by the Authority to perform the functions, under the Act;
  - (3) 'Government' means the State Government of Andhra Pradesh;
  - (4) 'Ground water' means water existing in an aquifer below the surface of the ground at any particular location of the local area regardless of the geological structure in which it is stationery or moving and includes all ground water reservoirs;
  - (5) 'Ground water basin' means an area confined within such geological boundaries which will act as water divides and identified and notified by the Authority;
  - (6) 'Industry' means an activity wherein goods are produced by physical or chemical processes;
  - (7) 'Landscape' includes all forms of trees, shrubs, grasses planted and water bodies to enhance aesthetic value;
  - (8) 'Notification' means a notification published in the Andhra Pradesh Gazette and the word 'notified' shall be construed accordingly;
  - (9) 'Over exploited basin' means a ground water basin so declared by the Authority on the advise of the technical expert who duly consider the quantum and pattern of rainfall, degree of extraction of ground water and any other relevant factor while advising the Authority;
  - (10) 'Prescribed' means prescribed by rules made under this Act;
  - (11) 'Preservation of trees' includes planting of new trees and transplanting trees to other sites, including protection measures such as fence, tree guards etc;
  - (12) 'Public drinking water source' means a well, from which the Government or any local authority or such other authority as the Government may by notification specify, provides water to the public and includes such well or any other drinking water source as may be notified by the Authority;
  - (13) 'Public water supply system' means the structures relating to a public drinking water source, including conveying pipeline, storage reservoir, stand post,

cistern, hand pump, power pump and all other materials connected thereto through which water is supplied for drinking purpose;

(14) 'Sink' with all its grammatical variations and cognate expressions in relation to a well includes any drilling, boring or digging of a new well or deepening carried out to an existing well;

(15) 'State' means the State of Andhra Pradesh;

(16) 'Surface water' means water occurring on the land surface in ponds, lakes, streams and rivers;

(17) 'Technical Officer' means a subject specialist so designated by the Authority to give advice on technical matters;

(18) 'To fell a tree' includes burning, cutting, debarking, girdling and release of harmful chemicals and such other operations which cause damage to any part of the tree;

(19) 'Tree' means any woody plant, whose branches spring from and are supported upon a trunk or body and whose trunk or body is not less than 5.5 cm. in diameter and is not less than one metre in height from the ground level; and includes young saplings and seedlings etc., which are planted at sites;

(20) 'Urban Area' means a development area declared as such under the Andhra Pradesh Urban Areas (Development) Act, 1975 or a Municipal Corporation constituted under the Andhra Pradesh Municipal Corporations Act, 1994 or the Hyderabad Municipal Corporations Act, 1955 or a Municipality or a notified area committee constituted under the Andhra Pradesh Municipalities Act, 1965 and includes such town or village or area declared to be an Urban area for the purpose of this Act, by a notification, by the Government;

(21) 'Water shed' means an area confined within the topographic water divide line as identified and notified by the authority **\*\* \*\*** from time to time for the purposes of this Act.

(22) 'Well' means a well sunk for the search and extraction of ground water and includes a dug well, bore well, dug-cum-bore well, tube well, and filter point;

(23) Words and expressions used in this Act, but not defined herein shall have the meanings assigned to them in the relevant Acts.

## **CHAPTER – 2 CONSTITUTION OF ANDHRA PRADESH WATER, LAND AND TREES AUTHORITY**

3. (1) As soon as may be after this Act is brought into force the Government shall, by notification with effect from such date as may be specified therein constitute an authority called the Andhra Pradesh State Water, Land and Trees Authority.

Constitution of  
Water, Land  
And Trees  
Authority

(2) The Authority shall consist of, -

- |   |                           |
|---|---------------------------|
| (a) <u>Minister, Panchayat Raj , Rural Development</u><br>and Rural Water Supply or any other Minister,<br>nominated by the Chief Minister.                           | Ex-Officio<br>Chairperson |
| (b) Three Members of the State Legislative<br>Assembly, nominated by the Government<br><u>out of which one shall be from the main<br/>opposition political party.</u> | Ex-Officio<br>Members     |
| (c) Chief Secretary to the Government.  | <u>Vice Chairperson</u>   |

- |     |   |                             |
|-----|---|-----------------------------|
| (d) | Secretary to the Government in charge of Agriculture.   | Ex-Officio Member           |
| (e) | Secretary to the Government in charge of Irrigation and Command area Development.   | Ex-Officio Member           |
| (f) | Secretary to the Government in charge of Municipal Administration.  | Ex-Officio Member           |
| (g) | Secretary to the Government in charge of Rural Water Supply.  | Ex-Officio Member           |
| (h) | Secretary to the Government in charge of <u>Panchayat Raj</u>   | Ex-Officio Member           |
| (i) | Secretary to Government incharge of Environment, Forests, Science and Technology Department.  | Ex-Officio Member           |
| (i) | Vice Chancellor, Acharya N.G.Ranga Agricultural University.   | Ex-Officio Member           |
| (j) | Three Professors of whom one each from the faculties of Life Sciences, <u>Earth sciences</u> and Engineering and Technology from the Universities in the State nominated by the Government for a two year term by rotation.                                     | Members                     |
| (k) | Three experts in the field of water and soil conservation and economics nominated by the Government.  | Members                     |
| (l) | Such other non-official persons not exceeding five in number who, in the opinion of the Government are interested in the conservation of natural resources of whom one each shall be from the Scheduled Tribes, <u>Scheduled Castes</u> and Woman respectively. | Members                     |
| (m) | Secretary to Government incharge of Rural Development   | Ex-Officio Member-Secretary |

(3) The term of office of the nominated members except those nominated under clause (k) of sub-section (2) shall be such as may be prescribed.

(4) The members shall be entitled to such allowances as may be prescribed for attending the meetings of the authority or performing duties entrusted by the authority.

(5) The Government, may in consultation with the State Authority, constitute by notification, authorities at District and Mandal levels with such composition and to perform such functions in such manner as may be prescribed.

(6) The Authority constituted under sub- section (1) shall be a body corporate having perpetual succession and a common seal, with power to contract, acquire, hold and dispose of property, both movable and immovable and to do all things necessary for the purposes of this Act and may sue and be sued by the said name.

Meetings  
of the  
Authority

4. (1) The Authority shall meet at least once in three months at such place and time as the Chairman may decide.

(2) The quorum to constitute a meeting of the authority shall be one third of the total number of members.

(3) Save as otherwise expressly provided by or under this Act, the procedure for the conduct of business at the meetings of the authority shall be such as may be prescribed.

Officers and servants

5. (1) The authority may designate such persons as designated officers for the purposes of this Act in such manner and for such areas as may be prescribed.

(2) The authority may, from time to time, appoint such other officers and servants subordinate to the designated officer, as may be required by way of deputation from Government departments, or from Universities or on contract basis.

(3) The authority may also appoint such other officers to assist the State Authority in such manner and for such purposes as may be prescribed.

(4) The conditions of appointment, service, and the powers and duties of such officers shall be such as may be determined by the Authority.

Functions of the Authority

6. Subject to any special or general directions by the Government in this behalf, the authority shall perform the following functions, namely:-

(a) promote water conservation and enhancement of tree cover in the State;

(b) regulate the exploitation of ground and surface water in the State;

(c) make regulations for the functioning of the authorities at District and Mandal level constituted under the Act;

(d) advise the Government on the legislative and administrative measures to be taken from time to time for the conservation of \*\* \*\* natural resources;

(e) advise on economic measures to be taken by the Government as incentives or disincentives relating to taxes, levies, fees or other charges to promote conservation of \*\* \*\* natural resources;

(f) advise on strengthening public participation in conservation of natural resources from time to time in such a way that equity in access to water in different basins, sub-basins and regions in the State is maintained;

(g) advise on any other matter that may be referred to it by the Government; and

(h) advise the Government on the constitution and functions of the District level and Mandal level Authorities.

Delegation of powers

7. The Authority may delegate any of their powers to the District level and Mandal level authorities or any Department or Officer of the Government or Local Bodies for the purpose of carrying out the provisions of this Act.

### **CHAPTER – 3**

### **GROUND WATER PROTECTION MEASURES**

Registration of wells

8. (1) All ground water resources in the State shall be regulated by the Authority, subject to any general or special directions issued in this behalf by the Government.

(2) On and from the date of commencement of this Act, the owners of all the wells including those which are not fitted with power driven pumps and water bodies in the State, shall register their wells/water bodies with the Authority in such manner as may be prescribed.

Prohibition of water pumping in certain areas

9. (1) The Designated Officer, with the approval of the Authority, may prohibit water pumping by individuals, groups of individuals or private organizations in any particular area, if in his view such water pumping in such area is likely to cause damage to the level of ground water or cause deterioration or damage to natural resources or environment for a period of not more than six months which after review may be extended for a further period of not more than six months at a time.

Provided that no well shall be sunk in such areas as may be prescribed.

(2) The Authority may issue directions to APTRANSCO not to raise and collect electricity bills during stoppage of pumping of water in pursuance of order issued under sub-section(1) thereof.

10. (1) Notwithstanding anything contained in any law for the time being in force and having regard to the interests of the general public to have the supply of requisite quantity of water for drinking purposes from the public drinking water source, no person subject to sub- section (2) shall sink any well in the vicinity of a public drinking water source within a distance \*\* \*\* of two hundred and fifty meters in areas other than the areas covered under section 9 and sub-section (1) of section 11 thereof.

Permission for well sinking near drinking water source

Provided that sinking of any well for public drinking purpose and hand pump for public or private drinking water purpose shall be exempted under this section.

(2) Any person, who intends to sink a well for purpose of irrigation or drinking or for any other purpose within a distance \*\* \*\* as specified under sub-section (1) of a public drinking water source, shall apply for permission to the Authority in such manner and on payment of such fee as may be prescribed:

Provided that in respect of sinking a well for the purpose of irrigation or drinking or for any other purpose and if such source is intended to be used with a power driven pump the person shall also obtain prior permission of the A.P.TRANSCO constituted under section 13 of the Andhra Pradesh Electricity Reform Act, 1998 in such manner as may be prescribed.

A.P. Act 30 of 1998

(3) The Authority within forty five days of receipt of an application under sub-section (2), may, on the advice of the Technical Officer, for reasons to be recorded in writing, grant permission for the sinking of a well for irrigation or drinking water purpose, if it is satisfied that such sinking shall not adversely affect the public drinking water source or refuse to grant permission if such sinking affects such source adversely.

(4) Every permission granted under sub- section (3) shall be subject to the condition that the authority may for the reasons to be recorded in writing, by order, prohibit, restrict or regulate from time to time the extraction of water from such well if in its opinion it is necessary so to do in the public interest and also such other conditions and restrictions as may be prescribed.

Over Exploited areas

11.(1) The Authority may on the advise of the technical expert, declare a particular ground water basin as over exploited for a period of not more than six months which, after review, may be extended for a further period of not more than six months at a time .

(2) For the purpose of sub-section (1), the technical officer shall take into consideration the quantum and pattern of rainfall, degree of extraction of ground water and any other relevant factor while advising the Authority.

(3) On and from the date of such declaration under sub-section.(1), no well shall be sunk in such areas except wells sunk for public drinking purposes or hand pump for public or private drinking water purpose.

(4) The authority may issue guidelines for improving the ground water by suitable measures in such over exploited ground water basins as declared under sub-section (1) and such guidelines shall be followed by each individual or group of individuals or institution or organization or Government department or local body concerned as the case may be.

(5) The Authority may review from time to time the ground water and results achieved after taking the measures under sub-section(4) and it may revoke the declaration of over exploited basins as made under sub section. (1) and permit sinking of wells duly specifying the number of wells to be sunk, depth of the well, distance between two adjoining wells and other conditions as deemed fit after satisfying itself that such sinking shall not adversely affect the public drinking water source..

12. (1) Notwithstanding anything contained in any law for the time being in force the Authority may, on the advice of the Technical Officer, that any existing well is found to be adversely affecting any public drinking water source, after giving the owner a reasonable opportunity of being heard by an order, prohibit the extraction of water for commercial, industrial, irrigation or any other purposes from such well for a period of not more than six months which after review may be extended for a further period of not more than six months at a time.

Provided that irrigation well with standing crop shall be taken as last priority for such purpose.

(2) Notwithstanding anything contained in any law for the time being in force and in any other provisions of this Act, the Authority, on the advice of the Technical Officer that any existing well is found to be adversely affecting any public drinking water source and if such source cannot be adequately protected by action under sub- section (1) may after giving the owner of such well a reasonable opportunity of being heard, by an order require him to stop the extraction of water and close or seal off such well forthwith either temporarily or permanently.

(3) Whenever it is necessary to make an inquiry or examination in connection with the protection of a public drinking water source or with the maintenance of a public water supply system, the Authority or any officer duly authorised by it in this behalf may after giving prior notice to the owner or occupier of any land:-

- a) enter upon such land as he may think necessary for the said purpose;
- b) undertake surveys or take water levels;
- c) conduct pumping tests and geophysical surveys;
- d) conduct well logging on the bore;
- e) install and maintain water levels recorded and water gauges on the well; and
- f) do all such other things as may be necessary for pursuing such inquiry and examination;

(4) Notwithstanding anything contained in sub- sections (1), (2) and (3), the Authority may on the advice of the Technical Officer in any urban area, issue an order:-

- a) Prohibiting extraction of water for sale from an over exploited water source or aquifer or residential areas or in the recharge zones of residential areas depleting the public or private water sources and affecting the supply of water for domestic usage;

Protection of  
public  
drinking  
water sources

b) Prohibiting the drawl of the ground water within the premises of multi-storied buildings for sale of water outside the premises of such multi-storied building.

(5) The Authority may, on the consideration of the availability of drinking water, command any existing well in order to ensure supply of drinking water to the local population. For this purpose the Authority may take over the well for such period as deemed necessary subject to such conditions as the Authority may prescribe.

(6) The Authority may issue directions to the concerned including local bodies for preventing wastage of water from the public water supply system or public drinking water source.

(7) The Authority may issue directions by general or specific order to APTRANSCO not to raise and collect electricity bills during stoppage of pumping of water in pursuance of order issued under this section.

13. In order to curb unhealthy competition to tap water from deeper layers of ground water and to maintain ground water, the Authority may issue directions specifying the distance for sinking of wells from the existing well and depth for such sinking and such other conditions in areas other than overexploited ground water basins as declared under sub-section (1) of section 11, areas declared under section 9 and near drinking water sources as specified under sub-section (1) of section 10.

Distance and depth for sinking of wells

14. (1) Every rig owner shall register his machinery with the Authority in such manner and on payment of such fee as may be prescribed.

Registration of drilling rigs.

(2) Every rig owner or operator shall follow the instructions issued by the Authority from time to time.

15. (1) Wherever it appears to the Authority that any well has been sunk or is being sunk or water has been extracted or is being extracted in contravention of any of the provisions of this Act, the Authority or any officer duly authorised by it in this behalf, may enter upon that land, remove obstruction, if any, close the pumping of the water, disconnect the power supply, seize any material or equipment used in connection with such extraction of water and take any such action, as may be required to stop such extraction and may by order require the owner or the person in possession of the well to close or seal off the well at his expense and in such manner as the Authority may specify in such order and such owner or person shall comply with such order.

Closure of wells

(2) Where such owner or person fails to comply with any order made under sub-section (1), the Authority may after giving such owner or person due notice in that behalf enter upon the land and close or seal off the well and the cost incurred thereof shall be recoverable from such owner or person as arrears of land revenue.

16. Where an order of permanently closing down or sealing off the well, which is giving substantial yield and which is really useful for irrigating any land or for an industrial use, is made under sub-section (1) or sub-section (2) or sub-section(5) of section 12, the Authority may on making such enquiry and requiring the owner to produce such evidence as he may deem necessary, make an order for payment of compensation which shall not be less than the market value of the well including the other expenditure incurred like energisation thereon and structure thereon and standing crop at the time of making such an order and with regard to

Compensation for closed wells

the determination of compensation for the well situated in a land acquired shall apply the provisions of the Land Acquisition Act, 1894 in determining the market value of the well under this section:

Provided that, where an order under sub-section (1) or sub-section(2) or sub-section (5) of section 12., relates to temporarily closing down or sealing off a well, water from which is used for the irrigated crops, standing at the time of making such an order, compensation for such crops shall be payable under this section:

Provided further that where by virtue of an order made under sub-section (1) or sub-section (2) or sub-section (5) of section 12. any well which is permanently closed or sealed off for any reason whatsoever, allowed to be opened for extracting water therefrom and any subsequent order made for permanently closing down or sealing off such well again shall not entitle the owner thereof, to claim compensation to such well.

Provided also that compensation shall not be paid in such cases of temporary or permanent closure of wells in pursuance of order passed under section 15.

17. (1) To improve the ground water resources, by harvesting and recharge , \*\* \*\* the Authority may issue guidelines for constructing appropriate rainwater-harvesting structures in all residential, commercial and other premises and open spaces having an area of not less than 200 square meters in the manner prescribed within stipulated period failing which the authority may get such rain water harvesting structure constructed and recover the cost incurred along with a penalty as may be prescribed.

Rain water  
harvesting  
structures

(2) Notwithstanding anything contained in the relevant laws the Municipal Corporation or Municipality or any other local Authority as the case may be, shall impose a condition for providing appropriate rain water harvesting structure and or roof top harvesting structures in the building plans in an area of not less than two hundred square meters, while according approval for construction and permanent water and electricity connection shall be extended only after compliance of the directions given in this regard.

(3) The Authority may issue guidelines to Municipal Corporations or Municipalities or any other local authorities in the state for providing incentives for constructing roof top harvesting structure

Re-use of  
water

18. The Authority may formulate guidelines including suitable incentives for recycling and reuse of waste water by industrial, commercial users and local bodies and in the event of non-feasibility in the opinion of the Authority to install suitable recycling and reuse system , the Authority may levy appropriate charges. Provided that the Technical Officer may suggest appropriate measures for this purpose, which shall be adopted by the industry, commercial unit and local bodies concerned

Prohibition of  
water  
contamination

19. (1) No ground water resources shall be contaminated in any manner by anybody including industrial, local bodies and aquaculture waste disposal.  
(2) Direct disposal of waste waters into the aquifers, is prohibited.



## CHAPTER – 4 SURFACE WATER PROTECTION MEASURES

Land use  
and water  
quality

20. The Authority or any designated officer may direct the occupier of any land that land use shall be modified if the quality of the water coming from the land is not of acceptable quality compared to the prescribed standards

21. (1) To ensure that land and water use in the watersheds shall be conducive for efficient utilization of these resources as well as ground water recharge, the watershed committees shall adopt the measures as suggested by the officer concerned and \*\* the members of watershed committees shall be trained by the officer concerned and the members so trained shall in turn train the other farmers prior to signing of the Memorandum of Understanding.

Water use in  
water- sheds

(2) The officer concerned shall have the power to determine and recover investments made hereafter by way of fresh sanctions by the Government in the watersheds and in case of non-compliance with the provisions of the Memorandum of Understanding the amount due shall be recovered as if it were arrears of land revenue from the party found responsible

22. In Irrigation command areas, Water Users Associations shall ensure optimum use of surface and ground water and for this purpose the water users Associations shall adopt the measures suggested by the designated officer.

Optimum use  
of surface and  
ground water

23. (1) The authority may notify water bodies like lakes, village ponds and minor irrigation tanks along with nalas (water course or drainage course) as heritage bodies and conservation areas to prevent conversion of their intended use and the authority shall take all measures to permanently demarcate the boundaries through the department of the Government or the organization concerned as per the memoirs of lakes / tanks / ponds / nalas (water course or drainage course) and shall take measures to evict and prevent encroachment. For this purpose, the Authority may give directions to the concerned department, agency, statutory body or official and upon such direction, the concerned department, agency, statutory body or official shall comply with such directions. The authority may also issue guidelines in this regard and the guidelines shall be complied with by all the concerned

Protection  
of lakes,  
ponds and  
tanks

(2) The designated officer shall have the power to prevent and remove encroachments into the demarcated area of the water body.

(3) No undesirable wastes including liquid wastes shall be allowed to be dumped in the water bodies by any person or organisation.

(4) The Authority shall in consultation with technical experts decide the permissible levels of pollutants which can be allowed into the water bodies.

(5) The designated officer shall have the authority to take required steps to prevent and control polluted water entering the water bodies.

Ceiling  
on water  
usage

24. (1) The designated officer may prescribe ceiling on water usage per unit of production by any industry or commercial unit.

(2) The Authority may levy cess or surcharge on the water used for production activities.

Power to designate 25. The Authority shall have power to designate an officer to be incharge of the water bodies in the State, Municipal Corporations, Municipalities, urban areas or Gram Panchayats to ensure proper protection and conservation of the water bodies.

Protection from breaches 26. The Authority may direct the water users associations to prevent and restore breaches to irrigation sources within a specified time and take up such measures through the officer concerned \*\* \*\*.

Sand mining 27. The Authority may frame guidelines for sand mining from water bodies wherever such sand mining is environmentally harmful both in private and Government lands.  
Provided that sand mining shall not be permitted in over exploited basins as declared by the Authority under sub-section (1) of section.11 of the Act.

## **CHAPTER-5 TREES**

Tree plantation in urban areas 28. (1) The Authority may direct that every Municipal Corporation or Municipality or any other Local Authority, as the case may be to insist for compulsory plantation with such number of trees and their maintenance as may be prescribed while according approval of building plans.

(2) The Authority may also direct the Municipal corporation or Municipality or the other Local Authorities, as the case may be, to designate an officer to be incharge of tree plantations in their respective areas.

(3) Tree plantation and landscaping shall be adopted in all public and private premises for which purpose Municipal Corporations or Municipalities or other local Authorities, as the case may be may issue directions to individuals, organisations or other persons for tree planting and landscaping in their premises. The directions issued shall be implemented by the individual, organisations or other persons within a period as may be prescribed failing which Municipal Corporations or Municipalities or other local Authorities, as the case may be, shall implement the directions and cost there of shall be recovered from the individual, organization or other persons along with a penalty as may be prescribed.

(4) Tree plantations in urban public areas and road margins shall be owned by the Municipal Corporation or Municipality or other Local Authority, as the case may be .

(5) No felling of the trees or branches is permitted without the prior permission of the designated officer. In case when a tree is to be felled, not less than two seedlings should be planted and when such planting is not possible, cost of raising seedlings and their maintenance shall be recovered from the concerned individual, organisation or other persons for raising plantations in public places.

(6) The Authority may issue suitable guidelines for planting, protection and maintenance of existing trees or landscape in public premises including public and private schools, colleges, Medical colleges, Engineering colleges and other institutions and the Head of the institution shall be made responsible for the same.

(7) The Authority may direct the Municipal Corporations or Municipalities or other local authorities, as the case may be, to take up plantation and maintenance of existing trees in all public places under control of such Municipal Corporations or Municipalities or local authorities concerned as the case may be.

29. (1) Any person, institution, organization or department, public or private, providing a public or private utility service including Roads and Buildings department, Energy department of the Government and Telecommunications Department shall ensure protection of trees and their branches while developing their infrastructure or carrying on their activities.

Protection of trees

(2) Wherever laying of new roads or widening of roads involves cutting of existing tree, the Authority may issue suitable guidelines for protection of such tree growth as it deems fit.

30. (1) The authority may formulate guidelines for tree plantations along with the road margins, canal banks, tank-fore shores and water bodies.

Tree plantations by Government departments etc.

Provided that the cost of plantation and further maintenance shall be included in the cost of formation of the roads, canals and tanks and suitable amount may be earmarked for plantation and protection of trees within any of the existing provisions for supervision or miscellaneous or unforeseen expenditure under all works estimates as prescribed.

(2) The Authority may direct the Local Authorities to ensure tree plantation in the fore shore areas of the open water bodies.

(3) All agricultural land owners except small and marginal farmers and wetland owners as determined by the Government shall plant trees in their land holding as prescribed by the Authority upto 5% of their total land holding and felling permission for trees shall be given only when the land owner plants trees in equal extent of land:

Provided that the area covered by the existing tree growth including fruit bearing horticultural crops shall be included while calculating the area under tree growth.

Provided further that suitable incentives, as may be prescribed, shall be given to the landowner who plants tree species in his total land holding.

(4) The government may constitute a committee for protection and maintenance of the plantations raised in the lands raised outside the forest and the said committee shall function as may be prescribed.

Sheep and goat farming

31. It shall be competent for the Authority to protect tree plantation by encouraging stall fed goat rearing and by rehabilitating the goat rearers in a phased manner.

Tree protection in fringe areas

32. It shall be competent for the Authority to encourage all families especially living in the fringes of forest areas to acquire non-conventional energy devices in order to protect the trees.

## CHAPTER-6 MISCELLANEOUS

Appeals

33. (1) Any person, aggrieved by any order made under any of the provisions of this Act may, within a period of 30 days from the date of receipt of the order by him, appeal to the Authority, if the order is made by any other officer.

(2) On receipt of such appeal, the Authority shall after giving a reasonable opportunity to the appellant of being heard, pass such order as it may think fit.

*Explanation:* For the purpose of this section, the expression 'person aggrieved' includes a Local Authority, the Panchayat Raj or Municipal Administrative Engineering Department, State Ground Water Department and any other agency

or authority entrusted with the responsibility of supplying drinking water or protection of trees.

(3) Before passing an order in such appeal, the Authority shall obtain the opinion of the technical experts appointed by the Authority and shall take the same also into consideration.

(4) The technical expert shall forward his opinion within ten days from the date of receipt of a reference in that behalf by him and in the event of failure to furnish such opinion by the technical officer within ten days, the Authority or Designated officer may call the technical expert with the relevant records and pass appropriate orders as it deems fit.

(5) Save as otherwise provided in sub-section (1), every order made by the Authority in appeal or otherwise may be reviewed by the Government and the Government may advise the Authority to reconsider the order and upon such advise, the Authority may pass orders after reconsideration and such orders passed shall be final and binding and shall not be reviewed.

34. (1) No suit, prosecution or other legal proceedings shall lie against any public servant or person appointed or authorised under this Act, in respect of anything which is in good faith done or intended to be done under this Act or in pursuance of any order made or directions issued under this Act.

Protection of  
action taken in  
good faith

(2) No suit, prosecution or other legal proceedings shall lie against the Government or any officer of the Government for any damage caused or likely to be caused by any thing which is in good faith done or intended to be done under this Act or in pursuance of any order made or directions issued under this Act.

(3) Any action or act done by any public servant in the absence of good faith as determined by the Authority shall not be covered under the protection given under sub-sections (1) and section(2) and such public servant shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

35. (1) Whoever contravenes any of the provisions of this Act or obstructs any person in the discharge of his duties under this Act or contravenes any order or violates any rule made under this Act shall be punished with fine which shall not be less than one thousand rupees but which may extend to five thousand rupees Provided that the person responsible for abetment of such offence or connivance shall also be liable and punished accordingly.

Penalties

(2) Whoever without any lawful authority damages, alters, pollutes or obstructs any part of a public water supply system or a water body, encroaches water bodies including tanks, lakes, ponds, nalas, (water course or drainage course), contaminates ground water in any manner by industrial and aquaculture waste disposal or directly disposes waste water into the aquifers shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to six months or with fine which shall not be less than two thousand rupees but which may extend to fifty thousand rupees or with both in addition to that the cost of its repairs or remedying the same shall be recovered as an arrears of Land Revenue.

Provided that the Person responsible for abetment of such offence or connivance shall also be liable and punished accordingly.

(3) Whoever without any lawful Authority fells a tree shall be punishable with a fine which shall not be less than two times of the value of such tree but which may extend to five times of value of such tree.

Provided that the person responsible for the abetment of such offence or connivance shall also be liable and punished accordingly.

(4) In the case of a second or subsequent offence, the offender shall be punished with twice the amount of fine prescribed for such offence under sub-section (1) or sub-section (2) or sub-section (3), as the case may be.

Provided that the Person responsible for the abetment of such offence or connivance shall also be liable and punished accordingly.

Service of notices

36. (1) Subject to the rules, if any, made in this behalf, every notice or order issued under this Act, may be served either by tendering or delivering a copy thereof in person or by post to the person on whom it is to be served, or his authorised agent or if the service in the manner aforesaid cannot be made, by affixing a copy thereof at his last known place of residence or at such place of public resort in the habitation in which the structure, public drinking water source or well or water body or the tree to which the notice or order relates is situated.

(2) No such notice shall be deemed void on account of any error in the name or designation of any person or in the description of any structure, public drinking water source or well or water body or the tree referred to therein unless such error has resulted in substantial injustice.

Compounding of offences

37. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Authority or the designated Officer or any officer authorized by the Government in this regard, as the case may be, may accept from any person who committed or who is reasonably suspected of having committed an offence punishable under this Act other than the offences punishable under sub-section (2) of section-35 of this Act,

- (i) A sum of money as may be prescribed, by way of compounding of the offence.
- (ii) The Authority or designated officer or any other officer authorized by the Government in this regard, as the case may be, may reject to compound the offence for the reasons recorded in writing.
- (iii) The Authority or Designated Officer or any officer authorized by the Government in this regard, as the case may be, shall pass order to compound the offence or otherwise within a period as may be prescribed.

(2) On payment of the sum of money in accordance with sub-section (1), any person in custody in connection with the offence shall be set at liberty and no proceedings shall be instituted or continued against such person in any criminal court.

(3) The acceptance of the sum of money for compounding an offence in accordance with sub-section (1) by the authority or the designated officer shall be deemed to amount to an acquittal within the meaning of section 300 of the Code of Criminal Procedure, 1973.

Central Act 2 of 1974

38. (1) Where there is reason to believe that an offence has been committed in contravention of the provisions of this Act, any instrument, machinery or any other device, vehicles or other conveyance or any other moveable property used or

Seizure of property liable of confiscation

involved in committing any such offence may be seized by an officer as authorised by the Government in this behalf and without any unreasonable delay either produce the property seized before the designated officer or any other officer authorised by the Government in this behalf by notification (hereinafter referred to as the authorised officer) or make a report of such seizure and produce the seizures before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made except where the offender agrees in writing forthwith to get the offence compounded under section.37 of the Act . Where the property seized is such that it can not be conveniently transported to the court or authorised officer as the case may be, give custody thereof to any person on his executing a bond undertaking to produce the property before the Court or authorised officer as and when required and to give effect to the further orders of the Court or authorised officer, as the case may be, as to the disposal of the same. Provided that where the property with respect to which such offence is believed to have been committed is the property of the central or state Government or local bodies and the offender is not known, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to the designated officer or any other officer as notified by the Government.

(2) Where an authorised officer seizes under sub-section(1) any instrument, machinery or any other devices, vehicles or other conveyance or any other moveable property or where any instrument, machinery or any other devices, vehicles or other conveyance or any other moveable property is produced before him under sub-section (1) and he is satisfied that an offence has been committed under this Act, in respect thereof, he may order confiscation of any instrument, machinery or any other devices, vehicles or other conveyance or any other moveable property so seized or produced

(3) No order of confiscating any property shall be made under sub-section.(2), unless the person from whom the property is seized is given:-

(a) a notice in writing informing him of the grounds on which it is proposed to confiscate such property;

(b) an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds for confiscation; and

(c) a reasonable opportunity of being heard in the matter.

(4) Without prejudice to the provisions of sub-section (3), no order of confiscation under sub-section(2) of any instrument, machinery or any other devices, vehicles or other conveyance or any other moveable property shall be made if the owner thereof proves to the satisfaction of the authorised officer that it was used without his knowledge or connivance or the knowledge or connivance of his agent, if any, or the person incharge of such instrument, machinery or any other devices, vehicles or other conveyance or any other moveable property in committing the offence and that each of them had taken all reasonable and necessary precautions against such use.

(5) Any person aggrieved by an order passed under sub-section (2) may within thirty days from the date of communication to him of such order, appeal to the District Court having jurisdiction over the area in which the property has been seized, and the District Court shall after giving an opportunity to the parties to be heard, pass such order as it may think fit and the order of the District Court so passed shall be final.

(6) Where the offence is compounded under section 37, the property seized shall be released to the person entitled to the possession thereof.

(7) Where the offender is convicted, the property seized shall be ordered to be confiscated except where the owner thereof proves to the satisfaction of the court that it was used without his knowledge or connivance or the knowledge or connivance of his Agent, if any, or the person in charge of the property in committing the offence and that each of them had taken all reasonable and necessary precautions against such use.

(8) Except in so far as expressly provided in this section, the provisions of the Code of Criminal Procedure, 1973 shall mutatis mutandis apply to the seizure and disposal of such property.

Central  
Act 2 of  
1974

39. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

Overriding  
effect

40. The Government may, by notification and subject to such restrictions and conditions as may be specified in such notification, exempt any area or areas from the application of the provisions of this Act.

Exemptions

41. The authority shall create a separate fund to be called the Andhra Pradesh Water, Land and Trees Authority Fund, to which shall be credited all monies received by the Authority including,-

The Fund

- (a) all cesses or surcharges levied and collected under the Act;
- (b) all penalties received by the Authority as prescribed under the Act;
- (c) all money received by the Authority as fees prescribed under the Act;
- (d) all grants made by the Government.

42. The Authority shall, on or before 31st day of October every year prepare in such form as may be prescribed by the rules an annual budget estimate in respect of the ensuing financial year of the estimated income and expenditure of the Authority including those at district and mandal level and shall submit it to the Government for approval and inclusion in the State budget.

Budget

43. (1) The Authority shall maintain books of account and other books in relation to the business and transactions in such form and in such manner as may be prescribed.

Accounts  
and  
Audit

(2) The accounts of the Authority shall be audited by an auditor appointed by the Government.

(3) The Authority shall send a copy of the accounts audited together with a copy of the report of the auditor thereon to the Government within nine months from the end of the financial year.

(4) The Government shall cause the accounts of the Authority together with the audit report thereon forwarded to it under sub-section (3) to be laid before the Legislative Assembly of the State, as far as possible before the expiry of the year next succeeding the year to which the accounts and report relate.

Powers to  
remove  
doubts and  
difficulties

44. If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, by order make provisions or give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the doubt or difficulty.

Powers to  
make rules

45. (1) The Government may, by notification, make rules to carry out all or any of the purposes of this Act.

(2) Every rule made under this Act shall immediately after it is made, be laid before the Legislative Assembly of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal of  
Ordinance  
15 of 2000

46. The Andhra Pradesh Water, Land and Tree Ordinance is hereby repealed.

Repeal of Act  
7 of 1996

47. Andhra Pradesh Ground Water (Regulation for drinking water purposes) Act, 1996, is hereby repealed.

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**RULES SUPPLEMENT TO PART II  
EXTRAORDINARY  
OF  
THE ANDHRA PRADESH GAZETTE**

[No.19]

HYDERABAD, SATURDAY, JUNE 15, 2002

**NOTIFICATIONS BY GOVERNMENT**

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**PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT  
(RD. IV)**

**THE ANDHRA PRADESH WATER, LAND AND TREES RULES, 2002**

[G. O. Ms. No. 224, Panchayat Raj and Rural Development (RD. IV), 15<sup>th</sup> June, 2002.]

In exercise of the powers conferred by sub section (1) of section 45 of the Andhra Pradesh Water, Land and Trees Act, 2002 (Andhra Pradesh Act No. 10 of 2002), the Governor of Andhra Pradesh hereby makes the following rules to promote water conservation of water sources, land and matters connected there with or incidental thereto in the State of Andhra Pradesh.

**RULES**

- |   |   |
|---|---|
| Short title extent and commencement   | 1. (1) These rules may be called The Andhra Pradesh Water, Land and Trees Rules, 2002.<br>(2) They extend to the whole of Andhra Pradesh State.<br>(3) They shall come in to force from the date of publication.  |
| Definitions   | 2. In these rules, the context otherwise requires:-<br>(1) "Act" means the Andhra Pradesh Water, Land and Trees Act, 2002;<br>(2) "Authority" means the Andhra Pradesh State Water, Land and Trees Authority constituted under the Act;<br>(3) "Member Secretary" means the member secretary of the Andhra Pradesh State Water, Land and Trees Authority.<br>(4) Words and Expressions used in the Act shall apply to these rules also. |
| Appointment of Administrator and the staff in State, District and mandal Authorities. | 3. (1) (i) The Government may designate any officer as an Administrator who shall assist the Authority in discharging its duties.   |

- (ii) The Authority may take on deputation such other officers or members of staff subordinate to the Administrator either on contract basis or from the surplus manpower cell.
- (2) The member Secretary of the District Authority shall assist the District Authority in its work and the District Authority may take on contract basis or from the surplus manpower cell such other officers or the staff to assist the Member Secretary.
- (3) The Member Secretary of the Mandal Authority shall assist the Mandal Authority in its work and the Mandal Authority may take on contract basis or from the surplus manpower cell such other officers or the staff to assist the Member Secretary.
- (4) The Authority under the provisions of section 5 the Act, may designate the officers from the departments such as Ground Water, Rural Development, Panchayath Raj, Forest or any other department or agency as deemed necessary to work as Designated or Technical Officers for the purpose of the Act by a separate order.
- (5) The power of designating the officers at District and mandal level may be delegated by the State Authority to the District and Mandal level Authorities respectively.
4. The term of office of the nominated members of the Authority except those nominated under clause (k) of subsection (2) of section (3) shall be three (3) years from the date of their appointment.
5. (1) A nominated member of the Authority may resign from his office by giving thirty (30) days notice to the Chairman.
- (2) The power to accept the resignation of a member shall vest with the Chairman who on accepting the resignation shall report to the Authority during its next meeting.
- (3) Whenever a nominated member of the Authority resigns or dies or is removed from the office or becomes incapable of acting. Government may by notification in the official gazette appoint a person in the said vacancy.  
Provided that a person so appointed in the said vacancy shall hold office only for the residue of the period.
6. The Government may remove any non-official member from his office if he is of unsound mind, or convicted of a criminal offence involving moral turpitude, or fails to attend more than three successive meetings of the Authority without prior approval of the Chairman.
7. (1) The non-official members of the Authority shall be entitled to the travelling and daily allowances as admissible to Grade-I officers of the state for attending the meetings or any other work assigned by the Authority. They should produce a certificate that they have not claimed Travelling Allowance and Dearness Allowance for the same period elsewhere.
- (2) The Authority may designate an officer of the Authority as

Term of Office of the nominated members of the Authorities

Resignation

Removal from the Authority

Allowances

- District Authority
- the controlling officer in respect of payment of allowances.
8. (1) (a) The District Collector Ex-Officio Chairman  
 (b) One Member of Parliament and Ex-Officio Members  
 two members of the Legislative  
 Assembly as nominated by the  
 Government . Out of two  
 members of Legislative  
 Assembly, one shall be  
 preferably from main opposition  
 political party.  
 (c) Three Mandal parishad Ex-Officio Members  
 Presidents and two Zilla  
 Parishad Territorial  
 Constituency members to be  
 nominated by the Ex-officio  
 Chairman of the District  
 Authority.  
 (d) Joint Director, Agriculture Ex-Officio Members  
 (e) Superintending Engineer, Ex-Officio Members  
 Irrigation  
 (f) Superintending Engineer, Ex-Officio Members  
 Rural Water Supply  
 (g) Deputy Director, Ex-Officio Members  
 Ground Water Department  
 (h) Deputy Director, Ex-Officio Members  
 Mines&Geological Department  
 (i) Deputy Conservator of Forests Ex-Officio Members  
 (Planning & Extension) or  
 Territorial Divisional Forest  
 Officer.  
 (j) Project Officer / Integrated Ex-Officio Members  
 Tribal Development Agency /  
 MADA / PTG  
 (k) Regional officer, Andhra Pradesh Ex-Officio Members  
 Pollution Control Board.  
 (l) Chief Executive Officer, Ex-Officio Members  
 Zilla Parishad.  
 (m) An official from Hyderabad Ex-Officio Members  
 Metropolitan Water and  
 Sewerage Board, in respect of  
 Rangareddy and Hyderabad  
 Districts  
 (n) One official from Municipal Ex-Officio Members  
 Administration Department  
 (o) Other Non Official persons not Non-Official Members  
 exceeding five, who in the  
 opinion of the Ex-officio  
 Chairman of District Authority  
 are interested in the  
 conservation of natural

resources of which one shall belong to Scheduled Caste, one to the Scheduled Tribe and one shall be a woman.

- (p) Director, Urban Forestry, Ex-Officio Members HUDA in respect of Hyderabad and Rangareddy Districts.
- (q) Project Director, Drought Prone Area Programme / District Secretary. Ex-Officio Member – Water Management Agency.

- (2) The term of the office of Non Official members shall be three years from the date of appointment and they are entitled to the allowances as admissible to Grade-I officers of the State.
- (3) Resignation or removal of the members of the District Authority shall be governed in the same manner as prescribed under rules 5 and 5 of these rules.
- (4) The quorum to conduct a meeting of the District Authority shall be one third of the total number of the members.

Mandal Authority

- 9. (1) The Government may by notification constitute the Mandal Authority as follows:-
  - (a) Mandal Revenue Officer of the concerned Mandal. Ex-Officio Chairman
  - (b) Mandal Development Officer
  - (c) Sarpanch of the Mandal Headquarter Gram Panchayat
  - (d) Two Mandal Parishad Territorial Constituency Members of the concerned mandal to be nominated by the Ex-officio Chairman of the Mandal Authority with the approval of Ex-officio Chairman of the District Authority.
  - (e) Assistant Executive Engineer, Irrigation department.
  - (f) An Officer from Ground Water department.
  - (g) Assistant Director, Agriculture Department.
  - (h) Assistant Project Director, Integrated Tribal Development Agency.
  - (i) Forest Range Officer of the nearest Range.
  - (j) Three non-official members of whom, one shall be a woman, who is the opinion of the Es-officio Chairman of Mandal

Authority are interested in conservation of natural resources or presidents of the Water Users Association or Vana Samrakshana Samithi or Water Association with the approval of the Es-officio Chairman of the District Authority.

(k) Assistant Executive Engineer, Rural Water Supply.

Note: In the Scheduled Areas, a Scheduled Tribe Candidate shall be nominated. In the predominantly Scheduled Castes Mandal, one of the members shall be from Scheduled Caste.

(2) The term of the office of Non Official members shall be three years from the date of appointment.

(3) The Mandal Authority shall conduct meetings and perform such functions as delegated under section 6 and prescribed under section 3(6) of the Act, and other functions as directed by the Government. The Mandal Authority may utilise the services of the Designated Officers and technical officers in discharging of its functions.

(4) The quorum to conduct meeting of the Mandal authority shall be one third of the total number of the members.

Meetings of the  
State, District and  
Mandal Authorities

10. (1) The time, date and place of the meeting of the State, District and Mandal Authorities shall be fixed by the Member Secretary of the respective authorities with the approval of its Chairman.

(2) The District Authority may conduct meetings and perform such functions as delegated under subsection-6 of section 3 of the Act and other functions as directed by the Government and will report to the State Authority. The District Authority may utilise the services of the Designated Officers and Technical Officers in discharging of its functions.

(3) Seven clear days notice of an ordinary meeting and three clear days notice of a special meeting along with the agenda notes if any, shall be given by the Member Secretary to the members.

(4) Any particular meeting may adjourn from day to day or to any particular day and no fresh notice shall be required for an adjourned meeting.

(5) All decisions in a meeting shall be decided by a majority of votes of the members present. Voting shall be by raising of hands in favour of the proposal. In case of equality of votes the presiding officer shall have a casting vote.

(6) The Authority may Co-opt any person as an observer for a particular meeting or period who shall have no voting rights.

- Registration of Wells
11. Every owner of the well shall register the well as per the subsection (2) of section 8 of the Act by an application giving details as in Form-I appended to these rules and by paying fee as fixed by the Authority having jurisdiction from time to time. The Town Planning Department of Municipal Corporation, Municipalities
- Permission for new wells
12. (1) Any person or institution desiring to dig a new well of any kind in their premises should submit to the Authority having jurisdiction over the area, an application in Form 2 appended to these rules together with a fee as fixed by the authority from time to time. The Authority shall process the application with the help of the Designated Officer. The Designated Officer after examining the application shall satisfy himself about the compliance of the various provisions of the Andhra Pradesh Water, Land and Trees Act, 2002 and give his recommendation to the Authority and the said Authority shall dispose off the application within forty five days of receipt of the application. The Designated Officer while deposing off the application shall comply with the provision of subsection (3) of section 10 of the Act. Wherever necessary, it shall take the opinion of the Technical Officer of that area. Every order for permission shall be in Form 3 appended to these rules.
- Provided that with every such application for a new well wherever the power driven pump is to be used, application in Form 2 shall be accompanied with permission letter from Andhra Pradesh Transmission Corporation in the Form 10 appended to these rules.
- (2) The fee shall be paid through a demand draft drawn in favour of “The Andhra Pradesh Water, Land and Trees Authority Fund” payable at the head quarters of the respective Authority.
- Conditions for grant of permission
13. The permission for grant of sinking of well under the Andhra Pradesh Water Land and Trees Act, 2002 shall be subject to the following conditions namely.
- (1) That the sinking of the well should not violate any provisions of the Act.
- (2) That the Authority reserves its right to take such measures necessary for preservation and control of water including an order for closure of the well; and
- (3) That the persons sinking the well shall furnish necessary information as and when required by the Authority in such form as may be prescribed and bound by the orders of the Authority with regard to the drawing of water including imposition of condition of hours of drawing of water.

Regulation of wells in over exploited areas

14. In respect of areas declared as over exploited by the Authority, as per sub-section (1) of section 11 of the Act, no person shall sink a well without the permission of the Authority. The application for such permission shall be in the Form 2 and the order of permission shall be in the Form 3 appended to these rules and its disposal shall be governed as per sub-section (5) of section 11 of the Act.

Taking over of well to ensure drinking water

15. (1) The Authority may by a general or special order shall authorize the Designate Officer to identify such wells as required to ensure supply of drinking water to local population and shall take over such wells.
- (2) On identification of the wells, the Designated Officer shall serve or cause to serve an order of requisition on the owner of the well specifying the period of such requisition. The Designated Officer for sufficient reasons, may extend such period of requisition.
- (3) On requisition, the owner of the well shall not draw water for any other purpose other than drinking for his own use.
- (4) If the well so requisitioned is the only source of irrigation and if the owner is solely dependent on agriculture for his livelihood, the owner shall be compensated for the loss of livelihood. The quantum of compensation shall be decided by the District Collector in consultation with the agriculture department based on the crops raised during the same period in the previous three years by the owner utilising the water from the well.

Construction of Rain Water Harvesting Structures

16. The construction of the water harvesting structures in all existing and new residential, commercial, public and open areas shall be governed by the guidelines and schemes adopted by the respective urban and local bodies. They shall also be responsible for monitoring execution of the construction in accordance with the design and the scheme. The provisions of section 17 of the Act shall be followed by the Urban and Local bodies.

Registration of Rigs

17. Every rig owner or an operator operating or desiring to operate in the state of Andhra Pradesh shall register the rig with the Authority by paying a fee as fixed by the authority from time to time which shall be renewable for every two years. The application shall be made in Form 12 and the permission shall be given by the Authority in Form 13. The rig owners are required to display the Form 13 at all times upon the rig. Failure to register the rig shall be an offence and shall be dealt in accordance with rule 25 of these rules.

Prohibition of water contamination

18. The Authority shall restrict, regulate and prohibit storage and disposal of effluents by any person or industry, local body or aqua culture farm into any stream or well or sewer or on land to prevent and control contamination of ground water. The Authority may pass orders suo-motto or based on representations received from public and after providing an opportunity to be heard to the affected parties and recording reasons in writing.

- Land use and water quality
19. The Authority may impose restrictions and prohibit any industry and carrying out of any process and operations in any are to protect water and soil quality in the area. The Authority shall provide opportunity to be heard to the affected parties before passing any order and shall record reasons in writing.  
**Explanation :-** Power to issue orders under this rule includes power to order for
- i. Shifting and closure of industry; and
  - ii. Prohibition or regulation of any process or operation
- Water Cess
20. The Authority may levy a cess on consumption of water and discharge of effluent by any industry, which is not covered under Schedule I of the Water Cess Act, 1977 and the amount of cess shall be as fixed by the Authority from time to time.
- Modification of land use
21. (1) The authority or any designated officer or agency may direct the occupier of any land that land use shall be modified if the quality of the water coming from the lad is not of acceptable quality compared to the standards prescribed by the Andhra Pradesh Pollution Control Board from time to time.
- (2) No brick manufacturing shall be taken up in areas where the soil is prone to erosion and depletion.
- (3) Wherever coal base thermal power plants are in operation, all constructions within a radius of 10 Kilo meters shall be taken up with bricks made only with fly ash.
- Ceiling on water use
22. Industries shall not use fresh water in excess of maximum unit quantity specified by the Andhra Pradesh Pollution Control Board in consent orders issued under the Act, including for production – related purposes like dilution of effluents etc., The Andhra Pradesh Pollution Control Board may impose penalty upto the maximum permissible under the Act, in each case of proven violation of the consent condition.
- Sand minina
23. In areas where sand mining is affecting groundwater regime, such of the areas shall be notified and transportation of sand shall be prohibited and mining and transportation of sand shall be banned in categories-I, II and III groundwater micro basins/mandals and for other areas the following conditions shall apply for exploitation of sand.
- (1) (a) Sand mining shall not be permitted in I, II, III order streams except for local use in the Villages or towns bordering the streams. Transportation of sand from these notified I / II / III order streams through mechanical means out of the local jurisdiction shall be banned.
  - (b) In IV orders stream, sand mining shall be restricted to specified areas.
  - (c) In V order and above rivers, Viz. Godavari, Krishna, Penna etc. sand mining
  - (2) The sand leascholders shall not carryout quarrying within 500m. of any existing structure such as bridges, dams, weits or any other cross drainage structure.
  - (3) Vehicles carrying sand shall not ply over the flood banks



except at crossing points or bridges or on a metal road.

- (4) Permission to quarry sand shall not be granted within 500 meters of any groundwater extraction structure(s) either for irrigation or drinking water purposes.
- (5) The streams / rivers where the thickness of sand is quite good (more than 8.00 meters) the depth of removal may be extended to 2.00 meters but in no case beyond two meters.
- (6) Sand quarrying shall not be permitted within 15 meters or 1/5 of the width of the stream bed from the bank whichever is more.
- (7) Sand mining shall not be permitted in streams where the thickness of sand deposition is less than 2.00 meters.
- (8) The depth of removal of sand shall be restricted to one meter particularly in minor streams where the thickness is more than 3.00 meters and less than 8.00 meters.
- (9) The sand quarrying shall be restricted to depths above the water table recorded during monsoon and in no case effect / disturb the water table.
- (10) The quantity of sand deposited annually in every stream or river shall be monitored by establishing observation stations along the stream course.
- (11) The Ground Water Department shall take up joint inspection along with officials of Mines and Geology Department or other concerned departments whenever cases are referred to study the impact of sand mining in an area and shall give its recommendations.

Tree planting

24. (1) In every Municipal Corporation or Municipality or other local area, the number of trees to be planted and their subsequent maintenance shall be on the following scale:
  - (i) Residential areas: Every house hold having above 100 square meters area shall plant at least small or medium variety in their premises as follows.

Below 100 Square meters – 3 trees  
 101 to 200 Square meters – 5 trees  
 201 to 300 Square meters - 10 trees  
 301 Square meters and above – 10 trees plus 5 trees for every increase of 100 Square meters.

- (ii) Commercial or institutional areas: Commercial establishments shall plant trees as follows:-

Plot Area (1)	No. of trees (2)
Below 200 Square meters	2
201 to 500 Square meters	4
501 to 1000 Square meters	6
Above 1001 Square meters	6 trees plus 2 trees for every increase of 100 square meters

(iii) Industrial areas: In industrial areas trees shall be planted as per the norms of the Andhra Pradesh Pollution Control Board.

- (2) The local authority having jurisdiction shall grant building permission subject to the condition that the owner shall plant prescribed number of trees.
- (3) The owner of the premises or house shall maintain the trees and shall not fell the tree without the prior permission of the Designated Officer.
- (4) If any owner desires to fell a tree, he shall apply in writing to the Designated Officer for permission in Form 11(a) with a fee per tree as indicated below in that behalf. The application shall be accompanied by a site plan indicating the position of the tree required to be felled and the reasons therefor.
  - (i) For urban residential and Institutional areas - Rs. 50/-
  - (ii) For urban commercial areas - Rs. 100/-
  - (iii) For rural areas - Rs. 25/-
- (5) On receipt of such application the Designated Officer or an officer authorized by him, may, after inspecting the trees and holding such enquiry, as he deems necessary either grant or refuse the permission applied for in form 11(b).

Provided that permission shall not be refused, if the tree:

- (i) is dead, diseased or wind fallen or
- (ii) has silviculturally matured; or
- (iii) constitutes a danger to life or property; or
- (iv) constitutes obstruction to traffic, or
- (v) is substantially damaged or destroyed by fire, lightning rain or other natural causes.

Provided further that, if the tree permitted to be felled is not exempted from purview of Forest Produce Transit rules, the Designated Officer shall inform the concerned Divisional Forest Officer for grant of transit permit and the owner shall not transport felled material without a valid permit.

- (6) The Designate Officer shall dispose the application within fifteen days from the date of receipt of application by him.
- (7) The permission to fell a tree may be granted subject to the condition that the owner of the premises shall plant another two trees of the same or suitable species on the same site or other suitable place, within thirty days from the date the tree is felled.
- (8) (a) If, in the opinion of the Designated Officer, the number of trees in any premises or open area is not adequate according to the standards prescribed in sub-rules 9I) and (ii) above, he may after giving reasonable opportunity of being heard to the owner or occupier of the land, by order, require him to plant such trees or

additional tress and at such places in the land as may be specified.

(b) When an order is so made, the owner or occupier of the land shall comply with order within ninety days from the date of its receipt.

(9) (a) Where any tree has fallen or destroyed by fire, lightening or rain or other natural causes, the Designated Officer may suo moto or on information given to him, after holding such enquiry as he deems fit and giving a reasonable opportunity to the owner or occupier of the land where the tree existed, by order, require such owner or occupier to plant a tree in place of the tree so felled or destroyed at the same or other suitable place as may be specified in the order.

(b) When an order is so made, the owner or occupier of the land shall comply with the order within ninety days from the date of its receipt.

(10) When the owner or occupier of any land fails to comply with any order made by the Designated Officer, the Designated Officer shall take necessary action for planting the trees and recover the expenditure incurred thereon as arrears of property tax.

(11) 30% of the available open area in the premises of institutions shall be taken up for tree plantation with a density of not less than 6 trees per every 100 Sqaure meters in open area.

Dealing with the cases of offence

25. (1) Any violation of the provisions of the Act and these rules shall be booked in the offence report given in Form 4 appended to these rules. A copy of the offence report shall also be submitted to the District Authority immediately. In case the offender is to be prosecuted, a copy of the offence report shall also be submitted to the nearest Magistrate having jurisdiction.

(2) Where an offence is committed, the Designated Officer may seize any instrument or machinery or any other device, vehicles or other conveyance or any other movable property used in or involved in committing such offence. A list of seizures shall be furnished to the custodian of the property seized in Form 5 appended to these rules.

(3) Where the seizures have to be given to the safe custody of any person it shall be given to the custody of that in the Form 6 appended to these rules with a direction to produce the property before the Designated Officer or the Court as and when required.

Compounding of offences

26. (1) The Designated Officer may compound the offences in Form 7 appended to these rules and furnish a copy of the compounding order to the offender and submit another copy to the District Authority. The quantum or compounding fee shall be as follows.

(i) For contravention of any of the provisions or any order or obstructing any person in discharging of his duties

under the Act and these rules, the compounding fee shall not be less than one thousand rupees but which may extend to five thousand rupees.

(ii) For felling a tree without prior permission, the compounding fee shall not be less than two times of value of the tree felled but which may extend to five times of the value of the tree felled.

(iii) In case of a second or subsequent offence by the same person or institution, the offender shall be liable to pay twice the amount of compounding fee prescribed above.

(2) When the compounding fee is levied and paid by the offender, a receipt in Form 8 appended to these rules shall be issued to the person paying the compounding fee.

Appeals

27. (1) Any person aggrieved by any order made by the Designated Officer may appeal to the District Authority within a period of thirty days from the date of receipt of the order by him.
- (2) Any person aggrieved by any order made by the District Authority may appeal to the State Authority within thirty days from the date of receipt of the order by him.
- (3) On receipt of the Appeal, the District Authority or the State Authority shall after giving a reasonable opportunity of being heard, may pass such order as it may deems fit.
- (4) The decision of the State Authority shall be final and binding.

Review

28. An application for review by the Government shall be made to the concerned Secretary as the case may be, of the concerned department who shall dispose off the application with in a period of thirty (30) days after giving a reasonable opportunity of being heard to the aggrieved party.

Andhra Pradesh Water,  
Land and Trees  
Authority Fund.

29. (1) Constitution of the Fund: All monies received by the Mandal District or State Authority shall be credited to the respective Authority. The remittances to the Mandal, District or State Authority shall be made by way of cash or demand draft in a Government account to be operated jointly by Member Secretary and the Chairman or the Authority.
- (2) Control of the Fund: The Member Secretary of the District or State Authority shall operate the Fund after obtaining approval of the Chairman.
- (3) Accounts and Audit:
- (a) The District and State Authority shall maintain monthly accounts of receipts and expenditure
- (b) The Mandal and District Authority shall furnish an abstract of monthly receipts and expenditure to the State Authority in Form 9.
- (c) The State Authority shall furnish to the Government a consolidated statement of receipts and expenditure once for every year in Form 9.
- (4) Budget estimates:
- (a) The District Authority shall on or before the 30<sup>th</sup> day of September every year prepare annual budget estimate in

respect of the ensuing financial year of the estimated income and expenditure and submit to the State Authority, in the format as prescribed in budget manual.

(b) The State Authority shall on or before 31<sup>st</sup> day of October every year prepare annual budget estimate in respect of the ensuing financial year of the estimated income and expenditure and submit to the Government for incorporating in the State budget in the format as prescribed in budget manual.

30. The Annual Report of the Authority shall give true and full account of the activities in that year and shall be prepared in the format prescribed by the Government and submitted by the due date.

**FORM – 1**  
**(see rule – 11)**

**Register of wells**

Sl.No.	Name of the Well owner	Address	Location House / Plot numbers. S.No.	Type of well: Open/Bore Well / Hand Pump / Motor Diameter, Depth
(1)	(2)	(3)	(4)	(5)
Use of Water Domestic/Irrigation/Industrial /Other	Depth of the Well	Water output in liters / hours	Whether pumping is done using motor. If so, details: 1. HP of the pump. 2. Type of motor use: submersible / jet / compressor / centrifugal / turbine.	If used for irrigation state acreage irrigated:
(6)	(7)	(8)	(9)	(10)

**FORM-2**  
**(see rule 12)**

**Application for digging a new well**

1. Name of Applicant:
2. Address  
House No:  
Street:  
Village / Town:  
Mandal:  
District:
3. Location of proposed well : House / Plot number / S.No. / Public place
4. Type well to be dug: Open / Bore Well / Hand Pump
5. Depth / diameter of the well proposed to be dug:
6. Purpose of digging well : for Irrigation / Individual use / Domestic use / flats / Commercial / colony / industrial / others(specify)
7. Mode of drawing water: By hand / Hand pump / Diesel Engine / Electric Motor
8. Users of the well: Public / Private
9. Enclose feasibility certificate issued by the Andhra Pradesh Transco
10. Details of payment of Application fee of Rs. – (a) Bank (b) Demand draft No. & Date:
11. Distance from existing wells(site plant to be enclosed)  
I here by declare that the above particulars are true to the best of my knowledge and belief.

Date:

Signature

Place:

**(for office use only)**

Assessment of Technical Officer:

1. Whether the zone is in over exploited area      Yes/No.
2. Average depth of ground water table
3. Distance from nearest well
4. Whether new well cab be dug for the purpose applied for:      Yes/No  
(enclosed Feasibility Certificate from Ground Water Department on GEC 97 norms for the basin area containing the site)

Signature of Technical Officer

Order of the Designated Officer:

Approved / Not approved

Reasons for not approval

Signature of Designated Officer  
Water, Land and Tress Authority  
(With Seal)

**FORM-3**  
**(see rule 12 and rule 14)**

***Permission for digging a well***

Sri.....of .....(Address) is permitted to dig a new well at .....(location) to a depth of .....meters for drawing water for Irrigation / Industrial / Domestic use, subject to the following conditions:-

- (1) The well should not be used for drawing water for any other purpose other than applied for.
- (2) The withdrawal of water should be regulated, and no wastage of water should be done.
- (3) The utilized water should be recycled as prescribed for recharging the ground water.
- (4) Structures should be constructed for harvesting rainwater in the vicinity of the well. (mandatory in case the proposed well falls in area declared as Over Exploited Area).
- (5) The utilization of water will be subject to the regulation from time to time based on the extraction water from the well.

Place:

Date:

Designated Officer,  
Water, Land and Tree Authority  
(with seal)



**FORM – 4**  
**(see sub rule(1) of rule of 25)**

Offence Report

1. Name, parentage and address of the accused person :
2. Nature of offence :
3. Place where offence occurred :
4. Date and time of detection of offence :
5. Name and address of the Complaint :
6. Description of vehicles, tools etc. use in committing the offence :
7. Name and address of witnesses :
8. Punishable under Section \_\_\_\_\_ of Andhra Pradesh Water :  
 , Land and Trees Act.

Date:

Place:

Signature of Designated Officer

Note: The original to be sent to the District Authority immediately and the duplicate copy to be given to offender and the triplicate to be retained in the book.

**FORM-5**  
**(see rule(2) of rule 25)**

**List of Seizures**

The following properties involved in the commission of offence are seized me today i.e.....in connection with an offence under section \_\_\_\_\_under the Andhra Pradesh Water, Land and Trees Act, 2002 from Sri.....s/o.....Aged.....R/o.....

- 1.
- 2.
- 3.
- 4.

Date:

Place:

Officer:

Name:

Signature of Designated

Note: The original shall be retained in the book and the duplicate shall be given to the custodian of the property seized.

**FORM – 6**  
**(see sub rule(3) of rule 25)**

***Certificate of Safe Custody***

The following properties involved in offence case no.....dated..... Are given I my custody by ..... (name & designation) on .....for safe custody.

I undertake to safeguard from damage and loss and produce the same on demand by the Designated Officer or the Court.

Details of the properties taken over.

- 1.
- 2.
- 3.
4. etc.

Signature of the  
Designating Officer  
Date:

Signature of Custodian  
Name:  
Father's name:  
Address

**FORM – 7**  
**(see rule 26)**

***(compounding Order)***

Sri.....S/o.....Aged.....R/o .....  
has committed an offence against the provisions of the Andhra Pradesh  
Water, Land and Trees, 2002 and rules made thereunder. An offence  
case is booked vide case No. ....dated.....under  
section ..... of the Andhra Pradesh Water, Land and Trees Act, 2002.

In view of the willingness expressed by the accused, I hereby  
order that a sum of Rs...../- be paid towards compensation.

On payment of the compensation amount in full, the seizures  
detailed hereunder shall be released.

Details of seizures

- 1.
- 2.
- 3.
4. etc.

If the compensation amount is not paid in full within thirty days  
from the date of receipt of this Order, action to recover the same will be  
taken as if it were arrears of land revenue.

Appeal against these Orders, lies to the District Authority  
within thirty days of receipt of these orders.

Date:  
Place:

Designated Officer  
( Name and Designation )

To  
Sri.....  
H.No.....  
Street.....  
Village / Town.....  
District.....  
Pin Code.....

Copy submitted to District Authority for information.

**Form – 8**  
**(see rule(2) rule 26)**

***Receipt for compounding fee***

Received Rs. ..../- (in words.....) from Sri.....S/o  
..... R/o .....towards compounding fee for  
composition of offence in case No. ....dated.....

The compounding fee is received in full / part.

The balance compounding fee shall be paid in thirty days failing which  
action shall be initiated to recover the same as arrears of land revenue.

Date: \_\_\_\_\_ Designate \_\_\_\_\_  
Authority \_\_\_\_\_  
Place: \_\_\_\_\_ (Name and  
Designation) \_\_\_\_\_

**Form-9**  
**(see rule 29)**

***Abstract of accounts***

District:..... for the month / year of  
.....

Sl. No.	Name of receipt	Amount received	Nature of expenditure
---------	-----------------	-----------------	-----------------------

(1)	(2)	(3)	(4)
-----	-----	-----	-----

- |    |                           |  |  |
|----|---------------------------|--|--|
| 1. | Compounding fee           |  |  |
| 2. | Registration of new wells |  |  |
| 3. | Sand mines fee            |  |  |
| 4. | Grant by Government       |  |  |

Amount of  
expenditure

(5)

Balance

(6)

**FORM – 10**  
**(see rule – 12)**

***Application for permission from the Andhra Pradesh Transco***

To  
The A.P. Transmission Corporation.

Sir,

I intend to sink a well with a power driven pump in my land with the following description and I request you to kindly permit me.

1. Name of the owner
2. Details of the land
3. Technical details of well
4. Specifications of Pump

Place:

Date:

Signature of Owner

**PERMITTED / NOT PERMITTED**

**AP TRANSMISSION CORPORATION LTD.**

**FORM – 11(a)**  
**(see sub rule(4) of rule 24)**

***(Application should be accompanied with a payment of Rs. 500/-)***

I, Sri.....S/o ..... Aged..... R/o .....  
(Address) request you to please permit me to fell the following tree /  
trees in my premises.

1. Category of Premises:
  - a) Residential
  - b) Institutional
  - c) Commercial
  - d) Agriculture
  - e) Industrial
  - f) Others – specify
2. Area of the premises:
3. Number of trees existing in the premises:
4. No. of trees proposed to be felled:
5. Species of the trees proposed to be felled:
6. Age of the tree proposed to be felled:
7. Reason for proposing to fell the tree / trees:

I undertake that I shall replant immediately a tree / trees in  
place of the trees felled.

Place:

Designated Officer,  
Water, Land and Tree Authority  
(with seal)

**Form 11(b)**  
**(see rule(5) of rule 240**

***Permission for felling tree / trees***

Sri.....S/o.....Aged..... R/o ..... is permitted to cut tree / trees in the premises ..... Subject to the following conditions namely:-

1. Premises of felling tree / trees is as mentioned above only.
2. Number of tree / trees permitted to be felled is ..... Only ( Specify species and Number )
3. ....No. of plants shall be planted within 30 days of the felling.
4. Felling shall not be carried out before inspection, banding with red paint by the concerned officials.
5. In case of failure to take up plantation, plants shall be raised at the cost of the applicant.

Place:  
Date:

Designated Officer,  
Water, Land and Tree Authority,  
(with seal)

**FORM –12**  
**(see rule – 17)**

***Application for Registration of Drilling Rigs***

1. Name of the applicant :
2. Address:
  - House No :
  - Street :
  - Village / Town :
  - Mandal :
  - District :
3. Registration No. of the Vehicle :
4. Description of the drilling rig :
5. Capacity of Drilling : Max Diameter
6. Area of operation :
7. Registration fee of Rs. ....enclosed :
  - Draft No. Date:
  - Bank

Signature

**(For office use only)**

Registered for the years:  
Registration No.:

Designated Officer,  
(with seal)



**FORM – 13**  
**(see rule 17)**

***Registration of Rigs***

The vehicle bearing number.....belonging to Sri..... of .....(Address) is registered with the Water, Land and Trees Authority of Andhra Pradesh as a rig for operation with in the territorial area of Andhra Pradesh.

This registration is valid up to .....

This registration does not convey any endorsement of the vehicle for its performance and does not amount to recommendation for employing the rig by only conveys that the rig is permitted to operate with in the territorial jurisdiction of Andhra Pradesh state subject to all other conditions as per the law and rules in force.

Place:  
Date:

Designated Officer,  
Water, Land and Tree Authority,  
(with seal)

S. Ray,  
Spl. Chief Secretary to Government.