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1- laf{kIr uke vkSj izkjaHk-

2- ifjHkk"kk,a-

3- ty vHkkoxzLr {ks= dh /kks"k.kk-

4- vuqKk ds fcuk ty izHkkoxzLr {ks= esa ds ty L=ksr ls flapu ;k vkS|ksfxd iz;kstu ds fy;s ;k fdLh vU; iz;kstu ds fy;s ty ysus dk izfr"ks/k-

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6- vuqKk ds fcuk uydwi [ksknus dk izfr"ks/k-

7- vihy-

8- iqufoWyksdu-

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10- fu;e cukus dh 'kfDr-

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[fnukad 9] tuojh 1987 dks jkT;iky dh vuqefr izkIr gqbZ vuqefr ^^e;/izns'k jkti= ¼vlk/kkj.k½^^ esa fnukad 13 tuojh] 1987 dks izFkeckj izdkf'kr dh xbZ]

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2- bl vf/kfu;e esa] tc rd lanHkZ ls vU;Fkk visf{kr u gks] &

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vko';drkuqlkj jsr ;k dkadjhV ls tekrs gq;s] 'kkjhfd
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$\frac{1}{4}x^{\frac{1}{2}}$ turk dh vko';drk dh iwfrZ djus ds gsrq ty izklr djus ds fy;s(

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dks] ,slh dkykof/k ds fy;s] tSlk fd ,sls vkns'k esa fofufnZ"V fd;k tk,] ty
vHkkoxzLr {ks= ?kksf"kr dj ldsxk vkSj rnqifj bl vf/kfu;e ds mica/k mDr
vkns'k ds izofrZr jgus ds nkSjku ,sls {ks= dks ykxw gksxas-

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$\frac{1}{4}1^{\frac{1}{2}}$ e;/izns'k yS.M jsosU;w dksM] 1959 $\frac{1}{4}$ dzekad 20 lu~ 1959 $\frac{1}{2}$ esa
rFkk rRle; izo`Rr fdlh ,slh vuqKk ds fcuk fof/k esa] tks Hkkjr ds lafo/kku dh llre
vuqlwph dh jkT; lwph esa izxf.kr izfrf"V;ksa esa ls fdlh izfof"V ds v/khu
vf/kfu;fer dh xbZ gks] vUrfoZ"V fdlh ckr ds gksrs gq;s Hkh] dksbZ Hkh O;fDr]
lacaf/kr dysDVj dh vuqKk ds fcuk]ty vHkkoxzLr {ks= esa ds fdlh Hkh ty L=ksr ls
flapu ;k vkS]ksfxd iz;ksty ds fy;s ;k /kjsyw iz;ksty dks NksM dj fdlh vU; iz;ksty
ds fy;s fdUgh Hkh lk/kuksa }kkj ty ugha ysxk-

$\frac{1}{4}2^{\frac{1}{2}}$ mi/kkjk $\frac{1}{4}1^{\frac{1}{2}}$ ds v/khu vuqKk ds fy;s vkosnu lacaf/kr dysDVj dks
,sls iz:i esa vkSi ,slh Ohl ds lkFk fd;k tk.xk tSlk fd fofgr fd;k tk.a-

$\frac{1}{4}3^{\frac{1}{2}}$ dysDVj] mu dkj.ksa ls] tks ys[kc} fd;s tk;saxs]
vuqKk nsu ls yksdfgr esa badkj dj ldsxk ;fn mldh jk; esa ,sls

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lqfuf'pr djus ds mnn~s'; ls ty dk ifjj{k.k djuk vko';d gS]

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dkj.kksa ls] tks ys[kc} fd;s tk;sxa] vkns'k }kjk]
ty L=ksr ls ,slh dkykof/k ds fy;s] tks ,sls vkns'k
esa fofufnZ"V dh tk;s] ty ds fy;s tkus dk izfros/k
dj ldsxk ;fn mldh jk; esa ,sls ty L=ksr ls fofufn"V
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v/khu ikfjr fd;s x;s vkns'k ds ifj.kkeLo:i vius }kjk mBkbZ xbZ
gkfu ds fy;s jkT; ljdkj ls uqdlkuh dk nkok djus dk gdnkj ugha
gksxk] rFkfi ty ysus ds fy;s fdUgh Hkh izHkkjksa dk ,sls O;fDr
}kjk ml dkykof/k ds fy;s fd;k tkuk visf{kr ugha gksxk ftlds
nkSjku mi /kkjk $\frac{1}{4}4\frac{1}{2}$ ds [kaM $\frac{1}{4}d\frac{1}{2}$ ds v/khu dk vkns'k izo`Rr
jgrk gS] Hkys gh fdlh djrk rFkk ;k :f/k esa ;k rRle; izn~r fdlh ,slh
vU; fof/k esa] tks Hkkjr ds lafo/kku dh llre vuqlwph dh jkT;
lwph esa izxf.kr izfof"B;ksa esa ls fdlh Hkh izfof"V ds v/khu
vf/kfu;fer dh xbZ gks] dksbZ ckr vUrfoZ"V D;ksa u gks -

5- /kkjk 3 ds v/khu dk dksbZ Hkh vkns'k rRle; izo`Rr fdlh ,slh vU; fof/k
esa] tks Hkkjr ds lafo/kku dh llre vuqlwph dh jkT; lwph esa izxf.kr izfof"V;ksa esa
ls fdlh Hkh izfof"B ds v/khu vf/kfu;fer dh xbZ gks] vUrfoZ"B fdlh izfrdwy ckr ds gq,
Hkh] izHkkoh gksxk -

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6 $\frac{1}{4}1\frac{1}{2}$ dksbZ Hkh O;fDr] dysDVj dh ;k jkT; ljdkj }kjk bl fufeRr izkf/kd`r
fdlh vU; vf/kdkjh dh vuqKk ds fcuk] ty vHkkoxzLr {ks= esa fdlh Hkh iz;kstu ds fy;s]
uydwi ugha [kksnsxk -

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fd;k tk,xk tSlk fd fofgr fd;k tk;s -

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Li"Vhdj.k%& bl /kkjk ds iz;kstu ds fy;s ^^O;frdj.k&ifj{ks= ^^ls vfHkizsr gS
fufnZ"V fo|eku uydwi ls ,d lks ipkl ehVj dh f=T;k ds Hkhrj dk {ks=-

7- dksbZ Hkh O;fDr] tks /kkjk 4 ds v/khu dysDVj }kjk ikfjr fdlh vkns'k ls
O;f/kr gks] laHkkx vk;qDr dks vihy ,sls vkns'k dh rkjh[k ls rhl fnu ds Hkhrj ,slh jhfr
esa tks vihy fd fofgr dh tk, dj ldsxk ftlesa ,sls vkns'k ds] ftlds foL) vihy dh xbZ gS]
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8- bl vf/kfu;e ds mica/kksa ds v;/khu jgrs gq,] dysDVj Loizsj.k
i{kdkj ds vkosnu ij] fdlh Hkh ,sls vkns'k dk] tks mlds Lo;a ds }kj
iwoZofrZ;ksa esa ls fdlh ds Hkh }kjk ikfjr fd;k x;k gks] iqufoZyksdu n

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$\frac{1}{4}, d\frac{1}{2}$ fdlh Hkh vkns'k esa rc rd dksbZ QsjQkj ugha fd;k
tk,xk ;k mls myVk ugha tk,xk tc rd fd fgrc}
i{kdkjksa dks milatkr gksus rFkk ,sls vkns'k ds leFkZu esa
lquokbZ dh tkus dh lwpuk u ns nh xbZ gks(
 $\frac{1}{4}nks\frac{1}{2}$ fdlh Hkh ,sls vkns'k dk] ftl ij ls vihy dh xbZ gks] rc
rd iqufoyksadu ugha fd;k tk,xk tc rd fd ,slh vihy yfEcr
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vijk/k 9- /kkjk 3 ;k /kkjk 4 ds mica/kksa dk mYya/ku dkjokl ls] tks nks o"kZ rd dk gks
fu;e ldsxk] ;k tqekZus ls tks nks gtkj :i;s rd dk gks ldsxk ;k nksuks ls n.Muh; gksxk -

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dh izdk'ku dh 'krZ ds v;/khu jgrs gq,] cuk ldsxh -

$\frac{1}{4}2\frac{1}{2}$ fof"k"Vr% vkSj iwoZxkeh 'kfDr;ksa dh O;kidrk ij izfrdwy
izHkko Mkys fcuk] ,sls fu;eksa esa fuEufyf[kr leLr fo"k;ksa ;k muesa
ls fdlh Hkh fo"k; ds fy, mica/k gks ldsxsa] vFkkZr%&

$\frac{1}{4}d\frac{1}{2}$ /kkjk 4 dh mi/kkjk $\frac{1}{4}2\frac{1}{2}$ ds v/khu vkosnu dk iz:i vkSj mlds fy,
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$\frac{1}{4}[k\frac{1}{2}$ os 'krsZ vkSj fucZU/ku ftuds v;/khu jgrs gq, /kkjk 4
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$\frac{1}{4}x\frac{1}{2}$ /kkjk 6 dh mi/kkjk $\frac{1}{4}2\frac{1}{2}$ ds v/khu vkosnu dk iz:i vkSj mlds fy, Qhl (vkSj

$\frac{1}{4}/k\frac{1}{2}$ os 'krsZ vkSj fucZU/ku ftuds v;/khu /kkjk 6 dh mi/kkjk
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$\frac{1}{4}3\frac{1}{2}$ bl vf/kfu;e ds v/khu cuk, x, fu;e fo/kku lHkk ds iVy ij j[ks tk,xsa -

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e;/izns'k ds jkT;iky ds uke

ls rFkk vkns'kkuqlkj]

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MADHYA PRADESH ACT

No. 3 OF 1987

THE MADHYA PRADESH PEYA JAL

PARIRAKSHAN ADHINIYAM-1986

TABLE OF CONTENTS

Sections:-

1. Short title and commencement.
2. Definitions.
3. Declaration of water scarcity area.

4. Prohibition to take water for irrigation or industrial or any other purpose from water source in water scarcity area without permission.
5. Overriding effect of the order.
6. Prohibition of digging of tube wells without permission.
7. Appeal.
8. Review.
9. Offences.
10. Power to make rules.

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**MADHYA
A
PRADESH
H ACT
No.3 OF
1987**

THE MADHYA PRADESH PEYA JAL PARIRAKSHAN ADHINIYAM,1986.

[Received the assent of the Governor on the 9th January 1987; assent first published in the "Madhya Pradesh Gazette" (Extra-ordinary), dated the 13th January,1987].

An Act to provide for preservation of water in the water sources and for regulation of digging of tube wells in order to maintain the water supply to the public for domestic purposes and for matters ancillary thereto.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Madhya Pradesh Peya Jal Parirakshan Adhiniyam 1986. Short title
commencement.
- (2) It shall come into force on such date as the State Government may be notification, Definitions ap
2. In this Act, unless the context otherwise requires:-
 - (a) "domestic purposes" in relation to use of water means consumption of the same by human beings for drinking, bathing, washing, cleansing and other day to day activities and includes use thereof for similar purposes for the upkeep of domestic animals;
 - (b) "Tubewell" means a bore hole within the prescribed limits of verticality, drilled up to suitable depth, in alluvium or rocky areas installed with requisite type of housing pipe, placing of sand or gravel as per necessity, for the purpose of drawing underground water with the help of mechanical means, other than Manual Operation.
 - (c) "water scarcity area" means the area declared as water scarcity area under section 3;
 - (d) "water source" means river, dam, canal, stream, fountain, lake spring, tank, anicuts or well from which the State Government or local authority supply water to the public under its water supply scheme for domestic purposes and shall include such other water sources as may be notified by the State Government in this behalf, from time to time, but it shall not include the canal as defined in Section 3 of the Madhya Pradesh Irrigation Act, 1931 (No.3 of 1931).
3. If the Collector is of opinion that it is necessary or expedient so to to- Declaration o

- (b) for securing its equitable distribution; or
- (c) for securing water to meet the need of the public,

Domestic purposes, he may, by order, declare such area of the district for such period as may be specified in such order to be water scarcity area and thereupon the provisions of this Act should apply to such area during the operation of the said order.

4. (1) Notwithstanding anything contained in the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) and any other law, for the time being in force, enacted under any of the entries enumerated in the State List of the Seventh Schedule to the Constitution of India, no person shall take water by any means from any water source in the water scarcity area for irrigation or industrial or any other purposes except domestic purpose without the permission of the Collector concerned

Prohibitions to water for irrig or industrial o other purposes f water source water scarcity without permis

(2) An application for permission under sub-section (1) shall be made to the Collector concerned in such form and accompanied by such fee as may be prescribed.

(3) The Collector may, for reasons to be recorded in writing, refuse to grant permission in the public interest if in his opinion it is necessary to preserve water in order to ensure supply thereof to the public from such water source for domestic purposes.

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(4) Every permission under this section shall be subject to –

(a) The condition that the Collector may, for reasons to be recorded in writing, by order prohibit the taking of water from the source for such period as may be specified in such order if in his opinion it is necessary in the public interest to prohibit taking of water from such water source during the period specified to preserve water in order to ensure the supply thereof from such water sources to the public for domestic purposes; and

(b) Such other conditions and restrictions as may be prescribed.

(5) No person shall be entitled to claim damages from the state Government for the loss sustained by him as a result of order passed under clause (a) of sub-section (4), but however no charges for the taking of water shall be required to be paid by such person for the period during which order under clause (a) of sub-section (4) remains in operation notwithstanding anything contained in any agreement, usage or custom or any other law for the time being in force, enacted under any of the entries enumerated in the State List of the Seventh Schedule to the Constitution of India.

Overriding effect 5. An order under Section 3 shall have effect notwithstanding anything to the contrary of the order contained in any other law for the time being in force enacted under any of the entries enumerated in the State List of the Seventh Schedule to the Constitution of India

Prohibition of digging of tube wells without permission

6. (1) No person shall dig tube-well in the water scarcity area for any purpose without the permission of the Collector or any other officer authorised by the State Government in this behalf.

(2) An application for permission under sub-section (1) shall be made to the Collector or an officer authorised under sub-section (1) in such form and accompanied by such fee as may be prescribed.

(3) No permission under sub-section (1) shall be prescribed granted within the Zone of interference unless the digging of tube-well for which permission is sought is not likely to affect in any way the water supply from the tube well existing in such zones which has been constructed or is maintained by the State Government or a local authority, as the case may be, for the purposes of water supply to the public for domestic purposes.

(4) Every permission under this section shall be subject to such conditions and restrictions as may be prescribed.

Explanation – For the purpose of this section" zone of interference"
means an area with the radius of one hundred fifty metres from the existing tube-well referred to in sub- section (3)

Appeal. 7. Any person aggrieved by an order passed by the Collector under Section 4 may prefer an appeal to the Commissioner of the Division within thirty days in such manner as may be prescribed from the date of such order setting forth concisely the grounds of objection to the order appealed against.

Review 8. Subject to the provisions of this Act, the Collector may either on his own motion or on the application of the aggrieved party, if no appeal has been preferred, may review the order passed by himself or by any of his predecessors in office and pass such order as he thinks fit.

Provided that-

(i) no order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such order;

(ii) no order from which an appeal has been made shall so long as such appeal is pending be reviewed.

Offences. 9. The contravention of the provisions of section 3 or section 4 shall be punishable with imprisonment which may extend to two years or a fine which may extend to two thousand rupees or with both.

Power to make 10 (1) The State Government may, subject to the condition of previous publication, make rules rules to carry out the purposes of this Act.

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(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely;- (a) the form of application and a fee therefor under sub-ection (2) of Section 4;
(b) the conditions and restrictions subject to which permission is to be granted under sub-section (4) of Section 4;
(c) the form of application and fee therefore, under sub-section (2) of Section 6; and
(d) the conditions and restrictions subject to which permission under sub- section (4) of Section 6 is to be granted.

(3) The rules made under this Act shall be laid on the table of the Legislative Assembly.

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**MADHYA
PRADESH ACT**

No.22 OF 2002

**THE MADHYA PRADESH PEYA JAL PARIRAKSHAN
(SANSHODHAN) VIDHEYAK, 2002**

A Bill further to amend the Madhya Pradesh Peya Jal Parirakshan Adhiniyam, 1986.

Be it enacted by the Madhya Pradesh Legislature in the Fifty third Year of the
Republic of India as follows:-

Short title 1. This Act may be called the Madhya Pradesh Peya Jal Parirakshan
(Sanshodhan) Adhiniyam, 2002.

Insertion of 2. After Section 4 of the Madhya Pradesh Peya Jal Parirakshan Adhiniyam,
1986 (No.3 new Sections of 1987) (hereinafter referred to as the Principal Act), the following
sections shall be 4-A and 4-B inserted, namely:-

Requisitionin "4-A. (1) Notwithstanding anything contained in any other law for the time
being in g of Water force, if in the opinion of the Collector it is necessary or expedient
so to do Source for securing water to maintain or to increase supply of water to the
public temporarily. for domestic purposes, he may by order in writing requisition
temporarily any water source situated in the water scarcity area declared as
such under Section 3 for such period, as may be specified in the order which
shall not exceed four months and may make such further orders as may be
necessary or expedient in connection with the requisitioning. Such order
shall be addressed and served to the owner or the person in possession of
the Water source as the case may be, in such manner as he thinks fit.

Provided that adequate of water will continue to be supplied to the owner or
to the person in possession of the water source for domestic purposes.

(2) Whenever any water source is requisitioned under sub-section (1), the
period of such requisition may be extended for a further period not
exceeding two months in the same circumstances.

Payment of "4-B. (1) Consequent to an order passed under sub-section (1) of Section 4-A
rent and requisitioning the water source, the owner or person in possession
of the said damages for water source shall be entitled to payment of rent equal to two
percent of the requisition of current market value of the development of water source and
all related water source. infrastructure for every month of requisitioning.

- (2) All operation and maintenance expenses on machinery pertaining to water supply for the period of requisitioning under sub-section (1) of Section 4-A shall be borne by the authority requisitioning the water source.

Explanation – Operation and maintenance expenses will include the electricity charges and spares for repairs etc.

- (3) The owner or the person in possession of the said water source shall be entitled to damages caused to the water source and the related infrastructure or the property during the period of requisition, other than normal wear and tear.

Amendment 3. In section 7 of the Principal Act, for the word and figure 'section 4' the words and of Section 7 figures "Section 4, Section 4-A or Section 4-B" shall be substituted.

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STATEMENT OF OBJECTS AND REASONS

The Madhya Pradesh PeyaJal Parirakshan Adhiniyam, 1986 provides for the preservation of water in the existing water sources for domestic purposes but there is no specific provision for requisition of private water sources in the water scarcity area for maintaining or increasing water supply to the public. Hence it has been decided to requisition water source temporarily in the water scarcity area for water supply to the public.

2. It is, therefore, proposed to amend the aforesaid Act suitably for the purpose.

3. Hence this Bill.

Bhopal

Dated the 2nd August, 2002

DEEPAK SAXENA

Member-in-charge

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