

GOVERNMENT OF INDIA
MINISTRY OF JAL SHAKTI,
DEPARTMENT OF WATER RESOURCES, RIVER DEVELOPMENT & GANGA REJUVENATION
RAJYA SABHA
UNSTARRED QUESTION NO. 3606
ANSWERED ON 04.04.2022

AMENDMENT IN EASEMENTS ACT, 1882

3606. SHRI DEREK O' BRIEN

PROF. MANOJ KUMAR JHA

Will the Minister of JAL SHAKTI be pleased to state:

- (a) whether Government is aware that the Easements Act, 1882 grants groundwater ownership rights to the landowner;
- (b) whether Government recognises that this contributes to groundwater over-usage and its subsequent depletion;
- (c) whether Government is considering to amend the Act in order to quash the groundwater ownership to landowner; and
- (d) if so, the details thereof and the timeline of completion of amendment and, if not, the reasons therefor?

ANSWER

MINISTER OF STATE FOR JAL SHAKTI
(SHRI BISHWESWAR TUDU)

(a) & (b) As per available information, the ground water levels in certain parts of the country are declining because of continuous withdrawal necessitated by increased demand of fresh water for various uses, vagaries of rainfall, increased population, industrialization & urbanization etc, Certain provision of Easements Act 1882 may have contributed to over-extraction of groundwater in certain places vis-à-vis extraction of groundwater by the landowners for domestic and agricultural purposes.

(c) & (d) Though water is a State subject, Central Government has taken a number of important measures for conservation, management of ground water including effective implementation of rain water harvesting in the country, which can be seen at URL:http://jalshakti-dowr.gov.in/sites/default/files/Steps_to_control_water_depletion_Feb2021.pdf.

Central Ground Water Authority (CGWA) has been constituted under the 'Environment (Protection) Act, 1986' for the purpose of regulation and control of ground water extraction. The Department of Water Resources, River Development & Ganga Rejuvenation has issued latest guidelines for regulation and control of groundwater extraction on 24 Sept. 2020. These guidelines advocate a participatory approach for sustainable ground water management in agriculture sector including working towards crop rotation, diversification & other initiatives to reduce over-dependence on groundwater. CGWA is regulating ground water in 20 states/UTs and in remaining States/UTs, regulation is being carried out by respective State Governments/UT Administration.
