

WALTA ACT

**LAND CELL
AMR-APARD**

ANDHRA PRADESH WATER, LAND AND TREES ACT – 2002 (APWALTA – 2002)

Objectives:

1. To promote water conservation and Tree cover.
2. For protection and Conservation of water sources ,land and matters connected there with
3. To regulate the exploitation and use of ground and surface water.

This Act came into force w.e.f. 19-4-2002. This Act contains 6 chapters 47 sections and 30 rules.

Chapter – 1	:	Preliminary containing 1 & 2 Sections.
Chapter – 2	:	Constitution of AP Water, Land and Trees Authority. (3-7 Sections). Section 7 deals with the delegation of powers.
Chapter – 3	:	Ground Water Protection measures, (8 – 19 Sections).
Chapter – 4	:	Surface water protective measures. (20-27 Sections)
Chapter – 5	:	Trees (28 – 32 Sections)
Chapter – 6	:	Miscellaneous (33 – 47 Sections)

As per Section 3 of the Act and rules 8,9, and 10, District Authority, Divisional and Mandal Authorities have been constituted. For Mandal authority, Tahsildar is the Chairman, Mandal Development Officer is the Vice-Chairman and Assistant Executive Engineer is the Secretary.

I Ground Water Protection Measures:

1. Registration of Wells (Section 8 , Rule 12)
2. Prohibition of water pumping in certain areas(Section 9)
3. Permission for well and permission for well sinking near drinking water source(Section 10 , Rule 13 and 14)
4. Over exploited areas(Section 11)
5. Protection of public drinking water sources(section 12)
6. Distance and depth for sinking wells(.Section 13)
7. Registration of drilling rigs(Section 14 , rule 17).
8. Closure of Wells (Section 15)
9. Taking-over of well to ensure drinking water.(Rule 15)

10. Compensation for closed wells (Section 16)
11. Rain water harvesting structures(section 17 , Rule 16)
12. Re-use of water(section 18)
13. Prohibition of water contamination.(Section 19)

1.Registration of Wells: Section 8 of the Act and Rule 8 deals with the Registration of the Wells.

- ❖ Every owner of the well shall register his / her application giving details in Form – 1 paying prescribed fees of Rs. 10/-
- ❖ The Village Revenue Officer of the Gram Panchayat facilitate registration of wells.

2.Prohibition of water pumping in certain areas :

When water pumping is likely to cause damage to the level of ground water or cause damage to natural resources or environment , the designated officer with the approval of the Authority may prohibit water pumping for a period of not more than six months at stretch.

3.Permission of wells sinking near drinking water source: Section 10 [Rules 13 & 14].

- ❖ No person shall sink any well in the vicinity of a public drinking water source within a distance of 250 mtrs. in areas other than the areas covered under Section – 9. Sinking of any well for drinking water purpose and hand pump for public or private drinking water purpose is exempted .
- ❖ Any person who intends to **sink a well for purpose of irrigation or drinking or for any other purpose within the vicinity of public drinking water source** shall apply for permission to the authority and that application shall be disposed off **with in 45 days** from receipt of application.
- ❖ Any person desiring to **take a new well** of any kind in their premises should obtain permission by submitting the authority through an application in Form 2 & 5 together with the prescribed fee to the Village Revenue Officer.
- ❖ The Village Secretary shall pass it on to the Mandal Authority within two days.
- ❖ Mandal Authority with the opinion of the Technical Officer shall dispose of the application **within 15 days**.
- ❖ Every order for permission shall be in Form 3 & 6.
- ❖ Feasibility report of APTRANSCO and D.D of Rs.1200/- towards insurance premium should be appended to the application for obtaining the permission.
- ❖ Prescribed Fee is Rs. 100/-.

4.Over Exploited areas(Section 11)

The Authority on the advice of the Technical expert, declare a particular ground water basin as over exploited area for a period of not more than six months .Quantum and pattern of rainfall , degree of extraction of ground water shall be taken into consideration for declaring a particular ground water basin as over exploited area.

5. Protection of public drinking water source (section 12)

The Authority on the advice of technical officer may prohibit the extraction of water for commercial , industrial , irrigation or any other purposes from such well for a period of not more than 6 months when any existing well is found to be adversely effecting any public drinking water source.

The Authority on the advice of Technical officer in any urban area issue an order

(a) prohibiting extraction of water for sale from an over exploited water source or acquirer 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

(b) prohibiting the drawal of the ground water within the premises of multi-storied building for sale of water outside the premises of such multi-storied building.

6. Distance and depth for sinking of wells:

The Authority may issue directions specifying the distance for sinking of wells from the existing well and depth for such sinking to curb unhealthy competition to tap water from deeper layers of ground water and to maintain ground water.

7. Registration of drilling rigs: Section – 14 [Rule 17]

- ❖ Every rig owner shall register the rig with the authority by paying the prescribed fee Rs.1000/- which shall be renewable for every two years.
- ❖ The application shall be made in Form – 15 and the permission in Form – 16.
- ❖ The rig owners are required to display the Form – 16 at all times upon the rig.
- ❖ Failure to register the rig shall be an offence and shall be dealt in accordance with the rules.

8 & 9 .Closure of Wells and taking-over of well to ensure drinking water (Section 15, Rule 15)

- ❖ Authority by General order or by special order authorize the designated officer to identify such well as required to ensure supply of drinking water

to local population. On identification of such well the designated officer shall serve or cost to serve an order of requisition on the owner of the well specify the period of such requisition. (It should not exceed more than 6 months) – Rule 15.

- ❖ Wherever it appears to the authority with 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 sort of wells may be closed – Section 15.

10. Compensation for closed wells. (Section 16)

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 there on and structure thereon and standing crop at the time of making such an order and with regard to the determination of compensation for the well situated in a land acquired shall apply the provision of the Land Acquisition act, 1894 in determining the market value of the well under this section . Compensation shall not be paid in such cases of temporary or permanent closure of wells in pursuance of order passed under section 15.

11 Rain water harvesting structures : (Section 17 , Rule 16)

The Authority may issue guide lines for constructing appropriate Rain water harvesting structures in all residential, commercial and other premises and open spaces having an area of not less than 200 sq.mts in the manner prescribed with in 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 .

12. Re- use of water : (Section 18)

The Authority may formulate guidelines including suitable incentives for recycling and re-use 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.

13.Prohibition of water contamination (Section 19 , rule 18)

- (a) No ground water resources shall be contaminated in any manner by any body including industrial , local bodies and acqua culture waste disposal.
- (b) Direct disposal of waste waters into the acuifers , is prohibited.

The Authority shall restrict , regulate and prohibit storage and disposal of effluents by any person or industry , local body or acqua culture farm into any

stream or well or sewer or an land to prevent and control contamination of ground water

II Surface water protective measures:

1. Land use and water quality(section 20 , Rule 19)
2. Water use in water sheds (section 21
3. Optimum use of surface and ground water (Section 22)
4. Protection of lakes , ponds and tanks (section 23)
5. Ceiling on water usage (Section 24 , Rule 22)
6. Power to designate (Section 25)
7. Protection from breaches (Section 26)
8. Sand mining (Section 27)

1.Land use and water quality:

The Authority 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 applicable quality compared to the prescribed standards.

The authority may impose restrictions and prohibit any industry and carrying out of any process and operations in any area to protect water and soil quality in the area.

Power to issue orders under this rule includes power to order for ,-

- (a) Shifting and closure of industry
- (b) Prohibition or regulation of any process or operation .

2.Water use in water sheds :

The water shed committees shall adopt the measures as suggested by the officer concerned and the members of the water shed 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.

The officer concerned shall have the power to determine and recover investments made here after by fresh sanctions by the government in the watersheds and in the 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.

3.Optimum use of surface and ground water :

Water users association shall ensure optimum use of surface and ground water and for this purpose the water users association shall adopt the measures suggested by the designated officer.

4. Protection of lakes, ponds and tanks :

The Authority may notify water bodies like lakes, village ponds and minor irrigation tanks along with the nalas as heritage bodies and conservation areas and take measures to permanently demarcate the boundaries and to evict and prevent encroachment .

5. Ceiling on water usage:

The designated officer may prescribe ceiling on the water usage per unit of production by any industry or commercial unit. Ceiling for a few industries is noted below:

Sl.No;	Name of the Industry	Ceiling
1	Jute processing industry	1.5 kilo ltr per ton of produce
2	Large paper & Pulp Industry	100 kilo ltr. Per Ton of paper produced
3	Small paper and pulp industry	150 kilo ltr. Per Ton of paper produced
4	Sugar Industry	100 litres per Ton of cane crushed.

Water Cess :

The Authority may levy a cess on consumption of water and discharge of effluent by an industry . water cess levied is 1.5 paise – 9.5 paise per kilo litre.

6. Power to designate :

The Authority shall have power to designate an officer incharge of water bodies to ensure proper protection and conservation of water bodies.

7. Protection from breaches :

To prevent and restore breaches to irrigation sources with in a specified time the Authority may direct the water users associations.

8. Sand Mining - Section 27 [Rule – 23]

- ❖ Transportation of sand shall be banned in notified over exploited ground water regions.
- ❖ Sand mining shall not be permitted in notified areas except for local use in villages or towns bordering streams.
- ❖ Sand lease holders shall not carryout quarrying within 500 meters of any existing structures such as bridges, dams etc.,

- ❖ The streams or rivers where the thickness of the sand is quite good i.e., (more than 8 meters), the depth of removal may be extended to 2 meters, but in no case beyond 2 meters sand mining shall not be permitted in streams where the thickness of sand deposition is less than two meters.
- ❖ Sand mining shall not be permitted within 15 meters or 1/5th of the width of the stream bed from the bank.
- ❖ Sand mining

III Trees – Section 28 [Rule 24]

- ❖ In every Municipal Corporation or Municipality or other local area the number of trees to be planted as detailed below:

Residential Area	Commercial / Institutional Area
1. Below 100 Sq. Mtrs – 3 trees	1. Below 200 Sq. Mtrs – 2 trees
2. 101 – 200 Sq. Mtrs – 5 trees	2. 201 – 500 Sq. Mtrs – 4 trees
3. 201 – 300 Sq. Mtrs – 10 trees	3. 501 – 1000 Sq. Mtrs – 6 trees
4. 301 – and above Sq. Mtrs – 10 + 5 (for every increase of 100 Sq. mtrs)	4. above 1001 Sq. Mtrs 6 trees + 2 trees for every increase of 100 Sq. Mtrs.

- ❖ If any owner desires to fell a tree, he shall apply in writing to the designated officer for permission in Form – 13 with a fee per tree as indicated below:
 - (i) For Urban residential and Institutional areas – Rs. 50/-
 - (ii) For Urban commercial areas – Rs. 100/-
- ❖ On receipt of such application the designated officer after inspecting the trees and holding such enquiry, as he deems necessary either grant or refuse the permission applied for in Form - 14. The application shall be disposed within 15 days.
- ❖ Permission will be granted subject to condition that another two trees of the same or suitable species to be planted on the same site or suitable place within 30 days.
- ❖ If number of trees in any premises or open area is not adequate according to the standard the owner or occupier may be ordered for planting additional trees. The owner or occupier of the land shall comply with the order within 90 days.
- ❖ Where any tree has fallen or destroyed by fire lightning or rain or other natural causes, the owner / occupier may be ordered to plant a tree in the place of the tree so felled. The owner or occupier shall comply with the order within 90 days.
- ❖ Government through the Memo no: 7175/-A /RD.IV/A2/2003 dt 11.6.2005 exempted felling of the following species
 - (a) Subabul
 - (b) Casuarina
 - (c) Eucalyptus

From taking permission under A.P.water, Land and trees Act.2002. this exemption is only for the paper mills.

IV Penalties – Section 35 [Rule – 26]

- ❖ Whoever violates any of the provisions of this act shall be punishable with a fine, which shall not be less than Rs. 1000/- but which may extend to Rs. 5000/-.
- ❖ For felling of trees without prior of permission shall be punishable with a fine which shall not be less than two times the value of such tree, but which may extend upto 5 times of the value of such tree.

V Compounding of offence: Section – 37 [Rule 27]

- ❖ A sum of money not less than Rs.1 lakh by way of compounding of the offence shall be levied in respect of contravention of Section 10, 14 and 27 (Permission for well sinking near drinking water source, registration of drilling rigs and sand mining).
- ❖ The order shall be communicated in Form – 10 appended to this rules and furnish a copy of the compounding order to the offender and submit another copy to the District Authority.
- ❖ When the compounding fees levied and paid by the offender a receipt in Form – 11 shall be issued to a person paying the compounding fee.

VI Confiscation of Property – Section 38 [Rule 28]

- ❖ Where the authorized officer based on the gravity of the offence do not agree for compounding of offence the authorized officer may order for confiscation of seizures produced before him.

VII Appeals – [Rule – 29]

- ❖ Any person aggrieved by any order made by the designated officer may appeal to the District Authority within a period of 30 days from the date of receipt of the order by him.
- ❖ Any person aggrieved by any order made by the district authority may appeal to the state authority within 30 days from the date of receipt of the order by him.
- ❖ The decision of the state Authority shall be final and binding.

STATEMENT SHOWING THE DESIGNATED OFFICERS NOMINATED BY VARIOUS DEPARTMENTS

Sl.No	Name of the Department	Mandal Level	District Level	State Level
1.	Agriculture	Mandal Agricultural Officer	Joint Director of Agriculture	Addl. Director of Agriculture – IV, O/o The Commissioner & Director of Agriculture.
2.	Panchayat Raj & Rural Employment	M.P.D.Os	C.E.Os & D.P.Os	Dy. Commissioner (P&T), O/o the commissioner (PR & RD)
3.	Ground Water Department	Asst. Directors (Hg, H, Gp), Assistant Hydrologist, Assistant Hydrologist, Asst. Geophysicist.	Deputy Director	
4.	Forest Department	Forest Range Officer (Territorial) of the nearest range to the Mandal Headquarter.	Divisional Forest Officer (Territorial) at the District Headquarter.	Chief Conservator of Forests (FCA), O/o The PCCF, AP, Hyd.
5.	A.P. Pollution Control Board	Asst. Environmental Engineer	Environmental Engineer (Regional Officer)	Senior Environmental Engineer.
6.	Panchayat Raj Engineering Department	Dy. Executive Engineer (RWS)	Executive Engineer (RWS)	Chief Engineer (RWS)

The following departments are implementing agencies for the purpose of implementation of various provisions of the act.

- (i) Ground water Department – for registration of machine by all rig owners, sand mining and classification of Ground water basin.
- (ii) Municipal Administration & Urban Development – for construction of rain water harvesting structure, tree planting, permission for construction of new building subject to planting of prescribed number of trees.
- (iii) Pollution Control Board – for prohibition of water contamination including prohibition of direct disposal of waste water into the water bodies, regulation of ceiling on water use by any industry or commercial unit.
- (iv) Mines and Geology department & Panchayat Raj Department in consultation with ground water department, Revenue Department for monitoring of sand mining for water bodies.
- (v) Forest Department – for granting permission of tree felling.

Functions of the Officers with regard to A.P.WALTA Act:

Sl.No	Name of the Officer	Functions	Fees
1.	Village Revenue Officer	<ol style="list-style-type: none"> 1. Registration of existing wells and bores 2. Forwarding the application in Form No. 1 to the Tahsildar. 3. To safeguard water resources 4. Plantation and protection of trees. 	Rs. 10/-
2.	Tahsildar	<ol style="list-style-type: none"> 1. Giving permission for digging new wells. 2. To maintain register with regard to wells and bores. 3. To check sand mining with coordination of Mines, Geology and Panchayat Raj Department. 	Rs. 100/-
3.	Deputy Director, Ground Water Department.	<ol style="list-style-type: none"> 1. Registration of rigs (Registration of the rig machines will be done at the district level only) 2. Riving technical opinion with regard to digging new wells and bores. 3. To check and safeguard sand mining. 	Rs. 1000/-
4.	A.P. TRANSCO, Assistant Engineer	<ol style="list-style-type: none"> 1. Feasibility Certificate 	
5.	A.P. Pollution Control Board, Asst. Environmental Engineer	<ol style="list-style-type: none"> 1. To Check industrial pollution 2. To Check water contamination 3. To regulate the usage of water in industries / commercial purpose. 	
6.	Mines & Geology Department, Assistant Director	<ol style="list-style-type: none"> 1. Supervising and checking sand mining. 	
7.	Forest Range Officer	<ol style="list-style-type: none"> 1. To check felling of trees 	

**CONSTITUTION OF ANDHRA PRADESH WATER, LAND , TREES
AUTHORITY**

Minister, Panchayat Raj , Rural Development and Rural water supply	Ex- officio Chair person
Chief Secretary to the Government	Vice- chair person
Secretary to the Government in-charge of Agriculture	Ex-officio Member
Secretary to the Government in-charge of irrigation and Command area Development.	Ex-officio Member
Secretary to the Government in-charge of Muncipal Administration.	Ex-officio Member
Secretary to the Government in-charge of Rural water supply.	Ex-officio Member
Secretary to the Government in-charge of Environment, Forests , Science and technology Department	Ex-officio Member
Vice-Chancellor, Acharya N.G. ranga Agriculture university	Ex-officio Member
Three professors of whom one each from the faculties of Life Sciences, earth Sciences and Engineering and Technology from the universities in the State nominated by the Government for two year term by rotation	Members
Three experts in the field of water and soil conservation and economics nominated by the Government	Members
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, Scheduled Castes and Woman respectively.	Members
Secretary to Government incharge of Rural Development.	Ex-Officio Member Secretary.

**CONSTITUTION OF WATER, LAND, TREES AUTHORITY AT THE
DISTRICT LEVEL IN THE STATE.**

(a)	The District Collector	Ex-Officio Chairman
(b)	-----	-----
(c)	Three Mandal PARishad Presidents and two Zilla PARishad Territorial Constituency Members to be nominated by the Ex-Officio Chairman of the District Authority.	Members
(d)	Joint Director, Agriculture	Ex-Officio Member

(e)	Superintending Engineer, Irrigation	Ex-Officio Member
(f)	Superintending Engineer, Rural Water Supply	Ex-Officio Member
(g)	Deputy Director, Ground Water Department	Ex-Officio Member
(h)	Deputy Director, Mines and Geology Department	Ex-Officio Member
(i)	Deputy Conservator of Forests (Planning and Extension) or Territorial Divisional Forest Officer	Ex-Officio Member
(j)	Project Officer, integrated Tribal Development Agency / MADA / PTG	Ex-Officio Member
(k)	Regional Officer, Andhra Pradesh Pollution Control Board	Ex-Officio Member
(l)	Chief Executive Officer, Zilla Parishad	Ex-Officio Member
(m)	An Official from Hyderabad Metropolitan Water Sewerage Board, in respect of Rangareddy and Hyderabad Districts.	Ex-Officio Member
(n)	One Official from Municipal Administration Department	Ex-Officio Member
(o)	Other Non-Official persons not exceeding five, who in the opinion of the Ex-Officio Chairman of the 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	Members
(P)	Director, Urban Forestry, HUDA in respect of Hyderabad and Rangareddy Districts.	Ex-Officio Member
(q)	Project Director, Drought Prone Area Programme / District Water Management Agency	Ex-Officio Member - Secretary

CONSTITUTION OF WATER, LAND, TREES AUTHORITY AT THE MANDAL LEVEL IN THE STATE.

(a)	Tahsildar of the concerned Mandal	Ex-Officio Chairman
(b)	Mandal Parishad Development Officer	Ex-Officio Vice-Chairman
(c)	Sarpanch of the Mandal Head Quarters Gram Panchayat	Member
(d)	Two Mandal Parishad Territorial Constituency Members of the concerned Mandal to be nominated by the Ex-Officio Chairman of the District Authority	Members
(e)	Assistant Executive Engineer, Irrigation Department	Ex-Officio Member

(f)	An Officer from Ground Water Department	Ex-Officio Member
(g)	Assistant Director, Agricultural Department	Ex-Officio Member
(i)	Forest Range Officer of the nearest Range.	Ex-Officio Member
(j)	Three Non-Official Members, of whom, one shall be a Woman, who in the opinion of the Ex-officio Chairman of Mandal Authority are interested in Conservation of Natural Resources or Presidents of the Water Users Association / Van Samrakhan Samithi / Watershed Association with the approval of the Ex-officio Chairman of the District Authority.	Ex-Officio Members
(k)	Assistant Executive Engineer, Rural Water Supply	Ex-Officio Member Secretary