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THE ANDHRA PRADESH GAZETTE
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**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.**

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 18th April, 2002 and the said assent is hereby first published on the 19th April, 2002 in the Andhra Pradesh Gazette for general information :

ACT NO. 10 OF 2002

**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
THERE TO.**

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:-

[1]

A. 11-1

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.

Definitions

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.

Constitu-
tion of
Water,
Land and
Trees
Authority.

(2) The Authority shall consist of, -

(a) Minister, Panchayat Raj, Rural Development and Rural Water Supply or any other Minister, nominated by the Chief Minister. Ex-Officio Chairperson

- | | |
|--|--------------------|
| (b) Three Members of the State Legislative Assembly, nominated by the Government out of which one shall be from the main opposition political party. | Ex-Officio Members |
| (c) Chief Secretary to the Government. | Vice-Chairperson |
| (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 Panchayat Raj | Ex-Officio Member |
| (i) Secretary to the Government incharge of Environment, Forests, Science and Technology Department. | Ex-Officio Member |
| (j) Vice Chancellor, Acharya N.G.Ranga Agricultural University. | Ex-Officio Member |

- | | |
|--|-----------------------------------|
| (k) 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 a two year term by rotation. | Members |
| (l) Three experts in the field of water and soil conservation and economics nominated by the Government. | Members |
| (m) 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 |
| (n) Secretary to the 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.

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

Functions
of the
Authority.

(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

Registra-
tion 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.

Prohibi-
tion 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 A.P. TRANSCO 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.

*Permis-
sion 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 advice 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:

Protection
of public
drinking
water
sources.

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;

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 A.P. TRANSCO 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.

Registra-
tion 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,

Closure
of wells.

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.

(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.

Compensation for closed wells.

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 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:

Central Act 1 of 1894.

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.

(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
contami-
nation.

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

Protection
of lakes,
ponds
and
tanks.

such directions. The authority may also issue guidelines in this regard and the guidelines shall be complied with by all the concerned.

(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.

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: Sand mining.

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

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. Tree plantation in urban areas.

(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.

Protec-
tion of
trees.

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.

(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
planta-
tions by
Govern-
ment
depart-
ments 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 (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.

Penalties.

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.

(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.

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.

Service of notices.

(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.

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

Compounding of offences.

Central
Act 2 of
1974.

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

Seizure of
property
liable of
confisca-
tion

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 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 in charge 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.

Budget.

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.

Accounts and Audit.

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.

(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.

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

Powers to
make
rules.

(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.

46. The Andhra Pradesh Water, Land and Tree Ordinance 2000 is hereby repealed.

Repeal of
Ordi-
nance 15
of 2000.

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

Repeal of
Act 7 of
1996.

G. TRINATHA RAO,
Secretary to Government,
Legislative Affairs & Justice (Incharge)
Law Department.