



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

Vol. 130] Jammu, Wed., the 25th Oct., 2017/3rd Kart., 1939. [No. 29-p

Separate paging is given to this part in order that it may
be filed as a separate compilation.

PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—PHE/IRRIGATION AND FLOOD
CONTROL DEPARTMENT

Notification

Srinagar, the 25th October, 2017.

SRO-456.—In exercise of the powers conferred by section 4 of the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010, the Government hereby adopts the State Water Policy and Plan annexed as Annexure-A to this notification.

2 The J&K Govt. Gazette, 25th Oct., 2017/3rd Kart., 1939. [No. 29-p

The Department of Forest, Ecology and Environment will also be associated as an important stakeholder in the implementation of the Policy.

By order of the Government of Jammu and Kashmir.

(Sd.) ASHOK KUMAR SHARMA, KAS,

Additional Secretary to Government,
PHE/Irrigation and Flood Control Department.

“Annexure-A to SRO-456 dated 25-10-2017”

J&K STATE WATER POLICY AND PLAN

1. Preamble :

- 1.1 A scarce natural resource, water is fundamental to life, livelihood, food security and sustainable development. There are further limits on utilizable quantities of water owing to uneven distribution overtime and place. In addition, there are challenges of frequent floods and droughts in one or the other part of the State. With a growing population and rising needs of water in the State as well as the given indications of the impact of climate change, availability of utilizable water will be under further strain in future with the possibility of deepening water conflicts among different user groups. Low consciousness about the scarcity of water and its life sustaining and economic value results in its mismanagement, wastage, and inefficient use, as also pollution and reduction of flows below minimum ecological needs. The objective of the State Water Policy and Plan is to put optimum use of the scarce water resource by taking cognizance of the existing situation.

1.2 Objectives :

The State Water Policy and Plan has the following objectives :—

- (a) To cope up the demand of water for diverse purposes such as domestic, agriculture, power, industry etc. ;
- (b) To address ecological system and environmental concerns ;
- (c) To plan and manage irrigation and multipurpose projects involving varied socio-economic aspects such as environmental sustainability ;
- (d) To develop and improve ground water and prevent its over exploitation ;

- (e) To encourage re-cycling and reuse of water ;
- (f) To prioritize water allocation broadly in the following order but subject to modification if so, warranted by area/situation specific considerations :—
 - (i) drinking water including washing and bathing ;
 - (ii) Irrigation ;
 - (iii) generation of electricity ;
 - (iv) ecology ; and
 - (v) Agro Industries and Non-Agricultural Industries.
- (g) To prevent and treat effluents, solid/gaseous wastes which are discharged into the natural streams, water bodies and have the potential of contaminating the ground water through seepage, leaching to acceptable standards before these are released from the industries, institutions, residential and commercial areas ;
- (h) To prepare basin master plan to assess the water needs for various uses and also to assess the potential resources so as to prioritize the water resource development ;
- (i) To promote water conservation consciousness through education, awareness building, regulation, incentives and disincentives.

2. Water frame law :

- 2.1 The State of J&K has already enacted the Jammu and Kashmir Water Resources (Regulation and Management) Act, 2010. Further, the Rules and Regulations made thereunder consolidate the law relating to use of water, the measurement, construction, control and management of works with respect to water storage, conservation and protection, irrigation, water supply, drainage, flood control and prevention, the improvement in the flow of water, the protection and improvement in the physical integrity

of water courses, lakes and springs, the safety and surveillance of dams, the establishment of the State Water Resources Regulatory Authority for regulating water resources, ensuring judicious, equitable and sustainable management, allocation and utilization of water resources, fixing the rates for use of water and matters connected therewith or incidental thereto.

3. Adaption to climate change :

- 3.1 Climate change is likely to increase the variability of water resources affecting human health and livelihoods. Therefore, special impetus would be given towards mitigation at micro level by enhancing the capabilities of community to adopt climate resilient technological options.
- 3.2 The anticipated increase in variability in availability of water because of climate change would be dealt with by increasing water storage in its various forms, namely, soil moisture, ponds, ground water, small and large reservoirs and their combination. Local communities and local bodies would be incentivized to increase water storage capacity, which *inter alia* would include revival of traditional water harvesting structures and water bodies.

4. Enhancing water available for use :

- 4.1 The availability of water resources and its use by various sectors in various basins need to be assessed scientifically and reviewed at periodic intervals. The trends in water availability due to various factors including climate change must be assessed and accounted for during water resource planning.
- 4.2 The availability of water is limited but the demand of water is increasing rapidly due to growing population, rapid urbanization, rapid industrialization and economic development. Therefore, availability of water for utilization needs to be augmented to meet increasing demands of water.
- 4.3 There is a need to map the aquifer to know the quantum and quality of ground water resources (replenishable as well as

non-replenishable) in the State. This process would be fully participatory involving local communities, and may be periodically updated.

- 4.4 Declining ground water levels in over-exploited areas need to be arrested by introducing improved technologies of water use, incentivizing efficient water use and encouraging community based management of aquifers. The artificial recharging projects would be undertaken so that extraction is less than the recharge.
- 4.5 Integrated watershed development activities with ground water perspectives need to be taken in a comprehensive manner to increase soil moisture, reduce sediment yield and increase overall land and water productivity.

5. Conservation of river corridors, water bodies and infrastructure :

- 5.1 Conservation of rivers, river corridors, water bodies and associated infrastructure would be undertaken in a scientifically planned manner through community participation.
- 5.2 Section 3 of the Act provides that every water source in the State is, and shall remain, the property of the Government. 'Water Course', has been defined in section 2 (zxc) meaning any river, tributary, nallah, stream, canal, Khad, flood channel, dyke, diversion channel, outlet, natural drainage or any other means of flow or drainage of water whether perennial or seasonal. As defined in section (zxe) 'water source' meaning a river and its tributaries, streams nallah, canal, spring, pond, lake, water course, underground water or any other source where water becomes available for use but does not include a shallow well, in any private land, for domestic use for owners.

It has been observed that, definition of water source is wide enough which leads to confusion. In order to avoid disputes and which results in litigation on the ground, it is imperative to properly

demarcate/delineate the water source and course. This will ensure that khads are segregated from khads which do not form water course. The Irrigation and Flood Control Department and Revenue Department will take effective steps for delineation/demarcation of water sources/water courses. It shall be notified district-wise separately for removal of encroachments if any on such water courses/sources after proper identification. The Divisional Commissioner and Deputy Commissioners at relevant levels shall be the educating officers for implementation of the policy at cutting edge level in letter and spirit with involvement of Urban Local Bodies, Municipal Corporation, Water User Associations etc.

- 5.3 Encroachments and diversion of water bodies (like rivers, lakes, tanks, ponds, wetlands, water courses etc.) and drainage channels (irrigated area as well as urban area drainage) would not be allowed, and wherever it has taken place, it would be restored and maintained properly by the authorities vested with such powers. The policy shall also be implemented by Urban Local Bodies and Municipal Corporations in Master Plans in letter and spirit.
- 5.4 Urban settlements encroachments and any developmental activities in the protected upstream areas of reservoirs/water bodies, key aquifer recharge areas that pose a potential threat of contamination, pollution, reduced recharge and those endanger wild and human life would be strictly regulated.
- 5.5 Sources of water and water bodies would not be allowed to get polluted. System of third party periodic inspections would be evolved and stringent punitive actions taken under existing laws against the persons responsible for causing pollution.
- 5.6 Quality conservation and improvements are even more important for ground waters, since cleaning up is very difficult. It needs to be ensured that industrial effluents, local cesspools, residues of fertilizers and chemicals, etc., do not reach the ground water.

5.7 The water resources infrastructure would be maintained properly to continue to get the intended benefits. A suitable percentage of the costs of infrastructure development may be set aside along with collected water charges, for repair and maintenance. Contract for construction of projects would have inbuilt provision for longer periods of proper maintenance and handing over back the infrastructure in a good condition.

6. Data base :

6.1 All water related data, like rainfall, snowfall, geo-morphological, climatic, geological, surface water, ground water, water quality, ecological, water extraction and use, irrigated area, glaciers, etc., shall be integrated with well defined procedures and formats to ensure online updation and transfer of data to facilitate development of a strong database for informed decision making in the management of water subject to availability of funds.

6.2 Basin/Sub-Basin-wise availability of water in the rivers/nallahs shall be prepared in a scientific manner so as to have a credible database which shall be used to ensure proper planning and development of water resources.

7. Flood management :

7.1 The history of J&K is rife with frequent floods which have often led to inundation of villages ; and large scale destruction of agricultural crops and consequent famines. The flood in the State are mainly caused due to heavy rainfall in the higher catchments, rapid glacial-melt and snow-melt coupled with cloudbursts.

7.2 Before the recent floods of September, 2014, the State has witnessed major floods in earlier also. Detailed guidelines shall be notified for preparation of a master plan for flood prone areas with a view to indicating the measures to control the floods and providing protection against the floods with flood forecasting to be given timely warnings to the people.

- 7.3 Further, measures shall be taken to protect the natural drainage systems by removing artificial barriers/encroachments in the path of flow of excess drainage water.

8. Ground water :

- 8.1 It is absolutely considered to devise measures for assessing Ground Water status on a regular basis, for ground water exploitation. Even though the State is in safe zone, it needs to identify measures aimed at ground water recharging by maximizing retention and minimizing loss of water. This can be achieved through an integrated water shed management programme involving extensive soil conservation measures, catchment area treatment, preservation of forests and wetlands, increasing the forest cover, construction of check dams and other ground water recharge measures. Other non-conventional measures such as artificial recharge of ground water and traditional water conservation practices like rain water harvesting including promotion of roof top rain water harvesting shall be proactively promoted.

9. Promotion of water conservation :

- 9.1 Various measures for the promotion of water conservation consciousness through education, awareness building regulating, incentives and disincentives as well taking various steps to promote water conservation shall be adopted and implemented.

10. Preservation of traditional water resources :

- 10.1 The State has especially in kandi areas of Jammu, a large number of traditional water harvesting ponds which are presently neglected. A few initiatives taken to improve the upkeep of these ponds have shown good results. It is considered absolutely important to give priority importance to this issue, as these ponds can serve the village communities for meeting their drinking water and other needs ; especially during the periods of distress and temporary failures of water supply schemes from time to time.

11. Irrigation :

- 11.1 While realising that substantial development and assessment of the present status of irrigation vis-a-vis the resource availability and requirement, a two pronged strategy in respect of viz (i) exploitation of unutilised sources and (ii) qualitative improvement in the management of already harnessed resources, is required.
- 11.2 The Irrigation Multipurpose Projects are generally capital intensive having long gestation periods, therefore, long-term investment decisions in accordance with the perspective plan need to be taken so that the projects are completed on schedule.
- 11.3 Reduction in losses need to be ensured by *inter alia* adopting the following measures :—
- * Judicious use of lining of canals ;
 - * Checking unauthorised use of cutting of canals and other means.

12. Use of scientific and innovative techniques for prevention and reduction of pollution of surface and ground water sources and improve the quality of water :

- 12.1 It shall be ensured that every project includes measures for prevention and reduction of pollution of water, and improvement of quality of water. Water quality testing laboratories would invariably be an integral part of major new schemes, besides establishing a network of water quality testing laboratories at appropriate level to ensure regular testing and monitoring of water quality, with reference to the parameters laid down by the Government of India and the J&K State Water Resources Regulatory Authority.

13. Drought management :

- 13.1 Drought prone areas would be made less vulnerable to drought associated problems through soil moisture conservation measures, water harvesting practices, minimization of

evaporation losses, development of ground water potential including recharging and transfer of surface water from surplus areas, where feasible, and appropriate. Pastures, forestry or other modes of development with relatively less water demand would be encouraged. In planning water resource development projects, the needs of drought prone areas would be given priority.

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