



GOVERNMENT OF KERALA

Abstract

Water Resources Department- Guidelines for issuance of No Objection Certificate for the construction activities in the vicinity of reservoirs under the control of Water Resources Department-Approved- Orders issued.

WATER RESOURCES (ISWC) DEPARTMENT

G.O.(Ms)No.67/2024/WRD Dated,Thiruvananthapuram, 26-12-2024

Read 1. Dam Safety Act 2021.

2 G.O.(Ms)No.22/2023/WRD dated 06/04/2023.

3 G.O.(Ms)No.29/2023/WRD dated 17/05/2023.

4 Circular No.ISWC1/3/2023-WRD-Part(2) dated 12/03/2024

5 Letter No.KSDSO/AE2/10/2023-NOC/Vol II dated 13/11/2024 from the Chief Engineer, Investigation & Design, IDRB, Thiruvananthapuram.

ORDER

Reservoirs fall under the precious resources of our State which needs to be protected considering the role they play during monsoons as flood cushion and during droughts as a storage for drinking water and Irrigation. Considering the geographical limitations of State, the reservoirs play a pivotal role in ensuring water availability during scarce summer months by storing the water during the monsoon period and absorbing medium intensity floods. Presently, Kerala has about 61 specified dams and 35 significant reservoirs. The combined live storage capacity of all these 35 reservoirs is limited to store only 7% of the total annual run-off. Since the enactment of Forest Conservation Act, 1980, projects involving substantial forest submergence owing to reservoir formation could not be materialized.

2. The issuance of 'No Objection Certificate (NOC)' for construction activities near the reservoirs was entrusted with Kerala Dam Safety Authority (KDSA), which is not presently functional due to the enactment of Dam Safety Act 2021. The issuance of NOC to fresh constructions near to reservoirs have been deliberated by Government at

various levels with different stakeholders. Meanwhile, a writ petition WP (C)No.26710 has also been filed in the Hon'ble High Court of Kerala wherein the Hon'ble Court has directed to inform the time limit within which the NOCs can be granted. It has come to the notice of the government that the assessment of buffer zones involves multitudes of issues and shall take substantial time until which basic rights of the public (including shelter) cannot be dispensed with. Considering the balance/trade-off to be made both in protecting the existing resources as well as basic needs/activities that improve the social condition of an individual/community and economy of the State, it has been decided to formulate criteria for issuance of NOC for construction activities around reservoirs while relying on prevailing rules.

3. The Chief Engineer IDRB as per the letter read as fifth paper above has furnished the proposal for issuing NOC for construction activities near reservoirs. The Chief Engineer has informed that desk studies with the help of 30 m DEM were conducted for major dams/barrages wherein contours of Maximum Water Level and top of parapet of dam/barrage was plotted and found out that the distance between the said contours vary with an average of 15 m to 30 m and in certain cases between 50 to 100 m. Considering this, a distance of 20 m was suggested by the Chief Engineer as a buffer zone or no-go area for any fresh construction. Also, to protect the reservoirs in future, it was also suggested that a 100 m area from the buffer zone have to be set aside as an area wherein regulated activities will be permitted.

4. Government have examined the proposal in detail and are pleased to formulate the following guidelines which will govern the process of issuance of NOC for construction activities in the vicinity of dams under the control of Water Resources Department:

a) Reservoirs are major resources for the State storing substantial amount of water required for drinking water, irrigation and power, it is imperative that these resources are protected while issuance of NOC to fresh constructions. **The Executive Engineer of the department/ agency concerned under whose jurisdiction the dam/barrage falls shall be the authority to issue NOC for fresh constructions.**

b) Since all of the dams/ major barrage under Water Resources Department are situated in Panchayats, the table under Rule 5(4) of Kerala Panchayat Building Rules, 2019 shall be modified/ included with

the following:

Sl No	Location/Use of the site and or building	Officer/Authority
11(a) or appropriate number	Construction activities within 100m from the buffer zone near to the reservoir of a dam/ barrage	Executive Engineer of the department/agency concerned/ in-charge of the dam/barrage

c) For the purpose of issuance of NOC to fresh constructions, the land adjoining reservoirs are classified into the following categories:

Category I/ Buffer Zone

All lands between the rim of the reservoir at Maximum Water Level (MWL) and up to 20 metres towards the land side shall be designated as Category I/Buffer zone. No fresh constructions regardless of type and nature shall be permitted in the buffer zone. The Executive Engineer of the department/ agency concerned under whose jurisdiction the dam/barrage falls shall be the authority to ensure that this buffer zone is devoid of any fresh constructions from the date of declaration of buffer zone.

The Executive Engineers of the department/agency shall take immediate steps to demarcate the Buffer zone at the earliest.

Category II Zone

All lands beyond Category I upto 100 metres shall be designated as Category-II. Existing/prevaling rules shall apply for all fresh construction activities under this zone. All construction activities as per Kerala Panchayat Building Rules, 2019 and its amendments are permitted in this zone except for the following:

- i. Activities involving manufacture or handling gas, explosives, oil along with its storage or disposal of hazardous substances as specified in the notification of the Ministry of Environment, Forest and Climate Change number G.S.R.395 (E), dated 4th April, 2016.
- ii. Construction activities falling under the definition of Group B to Group J defined under Rule 25 under Chapter IV- Occupancy of the

Kerala Panchayat Building Rules, 2019.

- iii. Land reclamation, bunding, dressing, altering or disturbing the natural slope of the reservoir banks for any other activities other than those permitted by the Executive Engineer concerned.
- iv. Dumping of city or town wastes including construction debris, industrial solid wastes, fly ash for the purpose of land filling.
- v. Discharge of untreated waste and effluents from industries, cities or towns and other human settlements.
- vi. Mining of sand, rocks and other sub-strata materials from the reservoir lands other than those permitted by the Executive Engineer concerned.
- vii. Construction of buildings above the height of 10 metres.
- viii. Any other activity which prima facie poses threat to the safety of the dam/ barrage and its appurtenant structures along with reservoir area under the discretion of the Executive Engineer concerned.

The Executive Engineers of the department/agency shall take immediate steps to demarcate the Category II zone at the earliest.

5. The Executive Engineers under whose jurisdiction the dam/barrage falls shall be guided by the above points while issuing NOC. In case of any appeal to the decision of the Executive Engineer, the applicant shall take up the matter with the Superintending Engineer concerned under whose jurisdiction the dam/barrage falls. However, in case of appeal on the decision of the Superintending Engineer, the applicant shall approach Government whose decision on the matter shall be final.

6. General Conditions:

- A. No water from the reservoir shall be used for construction purpose.
- B. The construction activities shall in no way affect the safety and security of dam or appurtenant structures.
- C. The construction activities shall in no way affect the operation of reservoirs.
- D. Adequate precautionary measures shall be taken by the applicant to prevent the erosion of excavated earth/soil/rock/debris into the reservoir.

- e. The Maximum Water Level demarcations done by the dam owner shall not be altered by the applicant.
- f. No solid or liquid waste shall be diverted or dumped into the reservoir.
- g. Conditions of the NOC shall be binding on all successive owners of the property, in the event of any change in ownership.
- h. Any violations of the above conditions or clauses shall result in forfeiture of the NOC.

7) The above detailed guidelines are issued for fresh construction proposals only.

8) The Committee constituted as per Government order read as second paper above for issuing NOC to construction activities is hereby dissolved.

9) The Local Self Government Department shall take necessary steps to amend the Rule 5(4) of Kerala Panchayat Building Rules, 2019.

(By order of the Governor)
BISHWANATH SINHA
ADDITIONAL CHIEF SECRETARY

To

1. The Chief Engineer, Irrigation & Administration, Thiruvananthapuram.
2. The Chief Engineer, IDRB, Thiruvananthapuram.
3. The Chief Engineer, Project 1, Kozhikode.
4. The Chief Engineer, Project 2, Thiruvananthapuram.
5. Chairman, State Dam Safety Organization.
6. Local Self Government Department.
7. The Director, I&PRD(Web & New Media)
8. Stock File/ Office Copy.

Forwarded /By order

Section Officer