



The Arunachal Pradesh Protection of Drinking Water Catchment Areas Act, 2023

Act No. 05 of 2023

Keywords:

Dependency of a livelihood, Watershed

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GOVERNMENT OF ARUNACHAL PRADESH
LAW, LEGISLATIVE AND JUSTICE DEPARTMENT
CIVIL SECRETARIAT
ITANAGAR

NOTIFICATION

The 27th April, 2023

No. Law/Legn-4/2023.— The following Act of the Arunachal Pradesh Legislative Assembly which was passed in the Eleventh Session of the Seventh Legislative Assembly and received the assent of the Governor of Arunachal Pradesh is hereby published for general information.

(Received the assent of the Governor on 15th April, 2023)

THE ARUNACHAL PRADESH PROTECTION OF DRINKING WATER
CATCHMENT AREAS ACT, 2023
(ACT NO. 5 OF 2023)

An

Act

to provide for the protection of Drinking Water Catchment areas with a view to preserve drinking water sources and to make provisions for the same and matter connected therewith and incidental to there.

WHEREAS, water is one of the most vital elements to human life and community;

AND WHEREAS, drinking water sources in the hill areas are dwindling due to denudation and unwanted human activities in the catchment areas.

AND WHEREAS, it has become necessary to take regulatory measures to protect and improve the environment and the catchment areas and thereby preserve the drinking water sources therein and augment the yield of drinking water from such sources, springs, streams and rivulets;

BE, it enacted by the Legislature of the State of Arunachal Pradesh in Seventy - fourth year of the Republic of India as follows :-

1. (1) This Act may be called the **Arunachal Pradesh Protection of Drinking Water Catchment Areas Act, 2023**. Short title, extent and commencement.
- (2) It shall extend to the whole of the State of Arunachal Pradesh.
- (3) It shall come into force on the date of its publication in the Official Gazette.
2. In this Act, unless there is anything repugnant in the subject or context- Definitions.
 - (a) 'Act' means the **Arunachal Pradesh Protection of Drinking water Catchment Areas Act, 2023** ;
 - (b) 'Advisory Board' means the '**Arunachal Pradesh Drinking Water Catchment Areas Advisory Board (APDWCAAB)**' constituted under section 3;

- (c) '**Competent Authority**' means the Competent Authority appointed under section 18 of the Act;
- (d) '**Dependency of a livelihood**' means no other alternative source of income for sustenance of a family or a community;
- (e) '**District Board**' means the '**District Drinking Water Catchment Area Protection Board (DDWCAPB)**' constituted under section 5 of the Act;
- (f) '**Drinking Water Catchment Area**' means an area where springs, streams, rivulets, lakes, glaciers and water sources originate and serve as a potential source of perennial flow of water;

Note : Drinking Water Catchment Area can be categorized into '**Critical Catchment Area**', '**Sub-Critical Catchment Area**' and '**Non-Critical Catchment Area**' in terms of threat pertaining to the water availability in the source as defined under section 11 (2) (a), (b) and (c);

- (g) '**Executive Committee**' means the '**District Executive Committee for Drinking Water Catchment Areas Protection (DECDWCAP)**' constituted under section 7 of the Act;
- (h) '**Government**' means the Government of the State of Arunachal Pradesh;
- (i) '**Land Owner**' means an individual or a community holding the ownership rights conferred through ancestral inheritance or through a Land Possession Certificate (LPC);

Explanation : '**Land**' for the purpose of this Act includes trees and standing crops in the catchment area.

- (j) '**Measures**' means the measures specified in section-12 of this Act;
- (k) '**Notification**' means notification by Government of Arunachal Pradesh published in the *Gazette of Arunachal Pradesh*;
- (l) '**Prescribed**' means prescribed by rules made under this Act;
- (m) '**Section**' means a section of the Act;
- (n) '**VWSC**' means the '**Village Water & Sanitation Committee**' constituted under section-9 of the Act;
- (o) '**Watershed**' means an area surrounding any spring, stream or pond (whether formed naturally or otherwise) which conserves and sustains a source of water, the quality and quantity whereof are likely to be varied by erosion of soil, felling of trees or disturbances by cattle grazing or human settlement/activity.

Constitution of a State Level Drinking Water Catchment Areas Advisory Board.

- 3. (1) The State Government shall by notification constitute a Board at the State level to be known as the '**Arunachal Catchment Areas Pradesh Drinking Water Board (APDWCAAB)**' to advise the Government on matter connected with the drinking water catchment areas and their protection.
- (2) The Board, if it considers necessary may co-opt any person in any of its sitting to resolve any particular issue or issues.
- (3) The Advisory Board may take appropriate decisions on matters that may contribute to better implementation of the Act as deemed fit.

Functions of the State Level Advisory Board sources-ground water, springs, streams, rivulets, lakes.

- 4. (1) The functions of the Advisory Board shall be to advise Government on :-
 - (a) The preservation and protection of drinking water sources-ground water, springs, streams, rivulets, lakes, glaciers as water sources and on measures to be adopted thereof;
 - (b) The appropriate method of management of catchment areas vis-a-vis the activities customarily practiced in relevant areas;
 - (c) Such matter connected with the improvement and augmentation of yield of drinking water from sources therein;
 - (d) Subjects brought forth by the District Drinking Water Catchment Area Protection Board for Government decision.
 - (e) In matters involving issues pertaining to Village Water and Sanitation Committee (VWSC) between two or more districts, it shall examine the views of District Drinking Water Catchment Area Protection Board and issue order at its level order at its level.
 - (f) or for critical matters recommend to the Government for appropriate decision.

- (2) The Advisory Board shall also oversee the execution of the Master Plan and Action Plan regarding catchment area protection by the implementing agency and ensure effective and timely implementation.
- (3) The Advisory Board may delegate such powers to the District Board or the District Executive Committee as it may deem fit for effecting proper and timely implementation of the works, orders or directions.
- (4) The Advisory Board shall constitute a Cell for Result Based Monitoring and Evaluation of the Act to be headed by a Nodal Officer not below the rank of Superintending Engineer. The powers of the Cell shall be as given below:
- To act as link between Advisory Board and District Board.
 - To receive reports and returns and adaptability assessments.
 - To evaluate baseline data and leading indicators of sustainability.
 - To recommend improvement and proper use of funding if any.
 - To recommend critical inputs and intervention of stakeholders including third party involvement wherever needed.
- (5) The Advisory Board shall meet as often as may be necessary but not less than once in a year.
5. The State Government shall by notification constitute a Board at the district level to be known as the '**District Drinking Water Catchment Areas Protection Board (DDWCAPB)**' to execute the provisions of the Act and to recommend to the state level Advisory Board on matters connected with the drinking water catchment areas and their protection, through notification by Government;
- Constitution of District Drinking Water Catchment Areas Protection Board (DDWCAPB).
6. (1) **The functions of the District Board shall be to :**
- Notify the catchment area on the recommendation of the Executive Committee and the Village Water and Sanitation Committee (VWSC);
 - Prepare the Master Plan for Drinking Water Catchment Area Protection based on the input of VWSC and recommendation of the Executive Committee. The Master Plan shall include:-
 - Delineation of the catchment area or the watershed for protection;
 - Assessment of the area for the catchment protection or the watershed and the discharge of the water source;
 - Outline the schemes for protection of the watershed area and the source; and
 - The Master Plan may provide for such matters as may be considered necessary for the protection of the watershed area and sustainable development of the catchment area.
 - Approve the Action Plan of the Drinking Water Catchment Areas Protection prepared by the Executive Committee based on the input from the VWSC;
 - The land, other than Forest Reserves, Protected Forest, Anchal Forest Reserve, Village Forest Reserve, Wild Life Sanctuaries, National Parks, Community Reserved Forest, Eco-sensitive Zone (ESZs) of Protected Areas and Unclassed Forest shall be donated voluntarily for conservation and development of drinking water catchment area protection but the land so donated shall not be used for any other purpose and no compensation shall be paid for such donated land.
- Functions of the District Drinking Water Catchment Areas Protection Board.
- Provided that, in extreme circumstances, wherein the livelihood of an individual or community, as the case may be, is affected due to such earmarking and donation of land, the District Board may determine the compensation to be paid, which however, shall not be claimed as a matter of right.
- (e) For effective development of drinking water catchment area protection and donating of land for such purpose, the District drinking water catchment area protection Board shall carry out the following measures:

- (i) Organising of awareness programme in different level;
- (ii) Promotion of voluntary donation of land for protection of catchment area in the village;
- (iii) Introduction of award system, initially five best villages manually in a district. The best villages shall be selected based on the score card to be determined by the Board on the following:-
 - (a) weightage on faster land donation including weightage on areas (measures in square meter) of land.
 - (b) initiatives taken by the village(s) for upkeepment of forest in the catchment areas;
 - (c) initiatives taken by village(s) on rain harvesting measures;
 - (d) initiatives taken by the village(s) on any innovative application like combining eco-tourism and bio-diversity conservation with the water conservation to make the protection of catchment area sustainable.
 - (e) The State Government shall for the aforesaid purpose make appropriate annual incentives and award per district and deposit it towards the District Drinking Water Catchment Area Protection Board.
 - (f) Decide on such other matter connected with the improvement and augmentation of yield of drinking water from sources therein;
 - (g) In matter involving issues pertaining to two or more VWSCs within the district, it shall give its decision.

(2) The District Board shall meet as often as may be necessary but not less than thrice in a calendar year.

Constitution of District Executive Committee for Drinking Water Catchment Areas Protection (DECDWCAP).

7. The State Government shall by notification constitute a Committee at the district level to be known as the '**District Executive Committee for Drinking Water Catchment Areas Protection (DECDWCAP)**' to carry out the various activities envisaged under the Act under its domain and to recommend, advise the District Board on matter connected with the drinking water catchment areas and their protection;

Functions of the District Executive Committee for Drinking Water Catchment Area Protection.

8. (1) **The functions of the District Executive Committee shall be to :**
- (a) Recommend to the District Board for notification of catchment area on the resolution of the Village Water and Sanitation Committee (VWSC).
 - (b) Prepare the Action Plan for Drinking Water Catchment Area Protection. The Action Plan shall include proposals of funding from State, CSR, MPLAD, MLALAD, and other related non-tied fund, etc. to be implemented through PHED on the approval of the District Board. For depositing such fund, the executive committee shall open a joint account to be operated by the Deputy Commissioner and Executive Engineer (PHE&WS Department).
 - (c) The action plan shall also include the works if any to be taken up in the catchment areas for water conservation directly by the line departments through their own programmes and funds.
- (2) The District Executive Committee (DEC) shall perform the duty of interface between VWSC and the District Board.
 - (3) The Member Secretary DEC shall constitute a monitoring and evaluation unit in his/her office from the existing strength which shall support in compilation, evaluation and study of any report, returns pertaining to the Act that comes up before the DEC.
 - (4) The District Executive Committee shall furnish a monthly report to District Advisory Board & State Advisory Board on the implementation and progress related to the Catchment Areas Protection Act.
 - (5) The District Executive Committee shall meet as often as may be necessary but not less than twice in a calendar year.

9. (1) The **Village Water and Sanitation Committee (VWSC)** constituted under Jal Jeevan Mission programme shall continue to function as such. It shall carry out the various functions envisaged under the Act under its domain and shall wherever needed recommend to the District level Board through the Executive Committee on matters connected with the drinking water catchment areas and their protection. Constitution of Village Water and Sanitation Committee (VWSC).
- (2) The Committee constitution shall be as follows:-
- (a) It shall consist of 10-15 members, comprising of elected members of Panchayat up to 25% of the composition out of which, 50% shall be women; and remaining 25% shall consist of Gaon Burahs or Senior members or Literate members or Government retirees, to be decided by the Gram Sabha. For proper and effective functioning and management of VWSC, the Gram Sabha may co-opt the headmaster or a teacher of the nearest school and the Junior Engineer of PHE&WSD as members of VWSC. Ordinarily, the tenure of sub-committee shall be for 3 years and Gram Sabha will have option to reconstitute or renew the sub-committee with approval of 80% of the households in the village.
 - (b) Land owner/Donor shall be ex-officio member of the VWSC.
 - (c) The Chairman of the Committee could be the Chairman of Gram Panchayat or any elder in the village chosen by the Gram Sabha.
 - (d) The Member Secretary of the Committee shall be selected by the Members of the VWSC.
10. (1) **The functions of the VWSC shall be to :** Functions of the Village Water and Sanitation Committee (VWSC).
- (a) Identify and recommend the catchment area to the District Drinking Water Catchment Area Protection Board through the Executive Committee.
 - (b) Preserve, conserve and protect the drinking water catchment areas, springs, streams, rivulets, lakes, glaciers and water sources through various water harvesting intervention and prohibiting felling of trees.
 - (c) Recommend appropriate method of management of catchment areas vis-a-vis the activities customarily practiced in such areas to the District Board through the Executive Committee;
 - (d) Be the custodian of the water sources.
 - (e) Traditional practices for e.g captivating mithuns for a particular period in a limited area that may be detrimental for water resource shall be identified by the Village Water and Sanitation Committee (VWSC). The VWSC shall bring behavioral changes by influencing the community practices and shall promote sustainable way of water resource management. The department under whose jurisdiction the catchment area falls may take necessary measures to initiate action and report it in public domain.
 - (f) Maintain status of water sources with yearly records of discharge of respective sources with support from concerned PHE Division.
 - (g) Initiate proposals for catchment area protection works where the source depletion is alarming or considerable and recommend the same to the District Executive Committee.
 - (h) To assess whether any pollution is being caused in the upper reaches of its water sources by villages located if any in the upstream side of the sources. In such cases, the matter shall be taken up with the other VWSC's involved for amicable solution or shall be reported to the local administration for appropriate disposition of the matter.
 - (i) To provide input to the Executive Committee in preparation of the Master Plan.
- (2) The VWSC shall meet as often as may be necessary but not less than 4 times in a year.

Declaration of an area as drinking water catchment area.

11. (1) (a) The protected spring catchment area should ideally have a minimum size of 100 meters wide by 300 meters long area but this can vary according to local conditions.
- (b) **For rural areas :** For stream or river water intake, an area of 50 mtrs. wide on both banks of the stream or river should be fully protected upstream from the intake point. An additional strip of 50 to 100 meters wide can only be used for farming that does not involve bigger tree felling or soil tilling or the use of chemicals. The length of protected banks upstream of the water intake should generally be not less than 500 meter, depending on local conditions. However, greater the area better it would be for conservation of water sources.
- (c) **For semi urban areas :** In mountainous terrains, the earmarked area of water shed for protection should generally be minimum of 100 mtrs. wide on each sides of the stream or river bank. The length should depend upon size of user and source or not less than 1000 mtrs. in length to get meaningful conservation. However, greater the area better it would be for conservation of water sources.
- (d) **For urban areas :** In mountainous terrains, the earmarked area of water shed for protection should cover from the ridge line or a minimum of 300 mtrs. wide on each side of the stream or river bank. The length should depend upon size of user and source or not less than 2000 mtrs. in length to get meaningful conservation. However, greater the area better it would be for conservation of water sources.

Provided that, the State Government by subsequent notification shall declare to be a catchment area for a specific streams or rivers as may be deemed expedient.

- (2) A drinking water catchment area to be either critical, sub-critical or non-critical catchment area is to be decided by the district board. The criteria for declaring as critical, sub- critical or non-critical shall be governed by following yardsticks: -
- (a) From the lean period (dry months of say January - February) discharge of the sources of minimum 3 years, if the trend of reduction/ drying of sources indicates a situation wherein the availability of water is either already less than the drinking water requirement or is likely to become lesser in another 5 years, the source could be declared as **critical**.
- (b) From the lean period discharge of the sources of minimum 3 years, if it indicates a trend of reduction or drying of sources wherein the availability of water is likely to become lesser than the water requirement in another 5-30 years, the source could be declared as **sub-critical**.
- (c) From the lean period discharge of the sources of minimum 3 years, if it indicates a trend of reduction or drying of sources wherein the availability of water is likely to become lesser than the water requirement after 30 years, the source could be declared as **non-critical**.
- (3) However, the declaration of an area as drinking water catchment area has to be made by the administrative heads of the jurisdiction of the catchment area. It could be either the DC/ADC/SDO/EAC/CO.

Measures for protection of Drinking water catchment areas.

12. (1) On the declaration of an area as drinking water catchment area under section 11, the Government shall have the power to take such measures as it deems necessary or expedient for the purpose of protecting the catchment area.
- (2) In particular and without prejudice to the generality of the provisions of sub-section (1) such measures may include all or any of the following matters, namely-
- (a) Planting or advising the planting of trees and taking up of other steps to regenerate the forests;
- (b) Testing of the soil samples;
- (c) In the case of a notified catchment area, prohibiting therein within periphery shall apply thereof-
- (i) The felling of trees, destruction or clearance of grooves, bushes or any vegetative cover;

- (ii) Jhumming or cultivation or use of any insecticide or pesticide or any harmful chemicals.
- (iii) Quarrying of sand or stone.
- (iv) Excavation of earth.
- (v) Open Defecation along the water bodies.
- (vi) Sewer outlets, disposal of solid waste.
- (vii) The carrying out of any activity which in the opinion is likely to damage the springs, streams, rivulets, lakes, glaciers or water sources in the area.
- (3) In case of any unavoidable project of State or National interest covering a portion or full part of notified catchment area, the exemption/limitation of this Act shall be sanctioned by the State Government.
13. Any activity proposed to be undertaken in the notified catchment area which is eco-friendly and non- detrimental to catchment areas shall be placed for approval from the district board. Guidelines for the competent authority in dealing with applications.
14. (1) Where Government proposes to take any measure contemplated, it shall publish a previous notice of its intention to do so in a manner as may be prescribed inviting objections from persons likely to be affected by the measures proposed. Previous publication of notice and consideration of objections.
- (2) If after consideration of objections received, Government may decide to take any of the measures contemplated and the same shall be notified in a manner as may be prescribed.
15. On the measures being so notified no person shall undertake or carry on, in the catchment area, any activity which is so prohibited except as given in section 13. Prohibition of activities in drinking water catchment area.
16. Any member of the statutory bodies as envisaged in this Act or person empowered by the Government in this behalf shall have the right to enter at any reasonable time, with such assistance as he considers necessary, upon any land declared as drinking water catchment area including the extent thereof, to inspect and verify the activities, if any, or in connection with any function under this Act or rules made thereunder and every person claiming to be the owner, occupier or otherwise of the land shall be bound to render all assistance and if he fails to do or if he willfully delays or obstruct such member or person he shall be guilty of an offence under this Act. Power of entry to inspect and verify.
17. Whoever contravenes the provisions of the Act, shall for the first offence be punishable with fine which may amount to the extent of double of the market price as assessed by the VWSC/designated experts on the damage so caused and not below ₹ 5,000.00 (Rupees five thousand) only in any case. For any subsequent offence, it shall be punishable with fine upto three times the market price as assessed by the VWSC/ designated expert which shall be enforced through the concerned VWSC in case of rural areas and by appropriate authority in case of urban areas. In order to encourage participation and effective imposition of the Act, the fine amount shall be treated as a revenue to be distributed between VWSC and state exchequer at a proportion of 80:20 respectively. Offences.
18. The State Government shall decide the competent authorities, as may be deemed expedient. Competent Authority.
19. Any person aggrieved by the order of Government to declare an area as a drinking water catchment area or to take any measure as contemplated in the Act or by any orders of the competent authority may within **forty-five days** from the date of notification make an appeal to the district board and its order on the appeal shall be final. Appeal.
20. (1) The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force; Effect on other Laws.
- (2) In case the watershed or catchment areas encompasses the Anchal Reserved Forests, Protected Forest, Village Reserved Forest, Community Reserved Forest, Wildlife Sanctuaries, National Park, Eco-Sensitive Zones (ESZs) and unclassed forests, the relevant Act(s) or Law(s) under which they were declared as such in regard to the protection and conservation of watershed or catchment areas shall prevail provided they are serving the interest of the catchment area protection.

- (3) In cases related to pollution of water sources, it shall be governed by the '**Water (Prevention and Control of Pollution) Act, 1974**'.
- Power to make rules. 21. (1) The Government may by notification make rules to carry out purposes of this Act.
- (2) Without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely: -
- (a) The manner and method of functioning of the Advisory Board/ District Board/Executive Committee/ VWSC;
 - (b) Fees, if any, to be paid to non-official members and other persons connected with the functions of the Board;
 - (c) The form and manner of application for permission to carry on any activity non- detrimental to the catchment area;
 - (d) The guidelines for the competent authority to deal with applications for permission;
 - (e) The form and manner of notification to be issued regarding measures to be taken;
 - (f) The form and manner of issuing notice for entry upon any land for inspection and verification;
 - (g) The authorities and nodal agency to implement and monitor the implementation of the Act;
 - (h) Supply or collection of information and data; and
 - (i) Any other matter that is required to be prescribed for the purpose of this Act.
- Power to remove difficulties. 22. If any difficulties arise in giving effect to the provisions of this Act, the State Government may by order not inconsistent with the provisions of this Act, remove the difficulties.

Onit Panyang, IAS
Commissioner to the
Government of Arunachal Pradesh,
Itanagar.
