

MEGHALAYA INTEGRATED WATER RESOURCE MANAGEMENT BILL, 2015

May, 2015

WATER RESOURCES DEPARTMENT

GOVERNMENT OF MEGHALAYA

**MEGHALAYA INTEGRATED WATER RESOURCE MANAGEMENT
BILL**

No...of 2015

PREAMBLE

A Bill

To provide for the establishment of institutional mechanism for effective management, protection, conservation, development, equitable, distribution, regulation, conjunctive judicious and efficient use of the state water resources with the objective to ensure water, food and ecological security, thus ensuring sustainability of water resources keeping in view the intra and inter-generational needs.

Further, a Bill to consolidate enactments and provisions and to harmonise all laws pertaining to water resources and to provide for the matters connected therewith or incidental thereto.

Be it enacted by the Meghalaya Legislative Assembly in the Sixty..... year of the Republic of India as follows-

STATEMENT OF OBJECTS AND REASONS

Whereas, water which exists in various forms, is unevenly distributed, constitutes a hydrological unity and therefore deleterious impact on any one form of water resource are likely to impact other forms

Whereas, water is an indispensable and scarce natural resource and a common property of all, held in public trust by the state, requiring efficient and integrated management of this finite resource so as to secure it for present and future generations.

Whereas, it is expedient to make a clear and comprehensive legislative and institutional framework for the water sector as a means to regulate water resources, promote effective functioning and ensure judicious and sustainable management and equitable allocation and utilization of water resources for the purposes of drinking, agriculture, industry and other purposes associated therewith or incidental thereto

Whereas, it is necessary to recognize that women are at the centre of water resource management and are disproportionately affected by the ineffective management of water resources thus limiting their access to and role in the management of water resources and that there is an urgent need to implement measures that will enhance their capacity and role in managing water resources

Whereas, it is also necessary to recognize that conventional top down sectoral approach to water resource management limits the scope of evolving a more robust, equitable and decentralized community driven integrated approach to water resource management, which is quintessential in the unique community context of the state of Meghalaya.

CHAPTER I

PRELIMINARY

1. Short Title, extent and commencement

This Bill may be called the **Meghalaya Integrated Water Resources Management Bill, 2015**

- (1) It extends to whole of the state of Meghalaya.
- (2) It shall come into force on such date as the state government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. Definitions In this Act, unless the context otherwise requires-

- (a) “Aquifer” means any geological formation which has structures or textures that absorbs, stores water or permits appreciable groundwater movement through them;
- (b) “Basic sanitation” means the minimum standard of services necessary for the safe, hygienic and adequate collection, removal, disposal or purification of human excreta, domestic waste-water and sewage from households including informal dwellings;
- (c) “Basic water supply” means the minimum standard of services necessary for the reliable supply of a sufficient quantity and quality of water to households, including in hamlets or informal dwellings, to support life, personal hygiene and basic sanitation;
- (d) “Basin” means the area of land around a river from which streams run down into it and notified by the state government;
- (e) “Borehole” includes a well, excavation or any artificially constructed or improved underground cavity which can be used for the purpose of-
 - (i) Intercepting, collecting or storing water in or removing water from an aquifer
 - (ii) Observing and collecting data and information or water in an aquifer; or
 - (iii) Recharging an aquifer;
- (f) “Catchment Area” shall have the same meaning as has been defined under Section 2(c) of the Meghalaya Protection of Catchment Areas Act, 1990;
- (g) “Critical Catchment Area” shall have the same meaning as has been defined under Section 2 (d) of the Meghalaya Protection of

Catchment Areas Act, 1990;²

- (h) “Charge” includes a fee, price or tariff imposed under this Act
- (i) “Community water resource” means customary common water resource such as springs, ponds, lakes, tanks, traditional water harvesting structures, wells, ground water or local water bodies by whatever name, within the boundaries of a village, forest or a city, to which the community has traditional access;
- (j) “Conjunctive management” is the joint or coordinated management of surface water and groundwater, in particular regarding the inflow and reservoir functions of aquifers, for the sustainable extraction of groundwater;
- (k) “Conservation” includes but is not limited to reduction in wastage or losses, improved efficiency, recycling, reuse, preservation, protection and water demand management;
- (l) “Consultation” means constituting of giving due consideration to the opinion taken and providing a feedback and reasons for the various omissions from the opinion takers;
- (m) “Council” means the State Water Council Constituted under Section 5 of this Act;
- (n) “Domestic Use” in relation to the abstraction of water means the use of water for drinking, washing, cooking and sanitary purposes in relation to a household and includes water meant for consumption by livestock;
- (o) “Dispute Settlement Committee” means a committee constituted at the appropriate level under this Act for the settlement of disputes arising out of the water resource management in the state;
- (p) “Entitlement” means a right to use water in terms of any provisions of this Act or in terms of an instrument prescribed under this Act;
- (q) “Government” or “State Government” means the Government of Meghalaya;
- (r) “Groundwater” means the water, which exists in an aquifer below the surface of the ground at any particular location, regardless of the geological structure in which it is stationary or moving and includes all groundwater reservoirs;

² This is subject to any amendment carried by the state government in the Act.

- (s) “Integrated State Water Plan” means a water plan for use of both surface and Groundwater prepared and approved by the State Water Resources Council;
- (t) “Irrigation Work” shall means as has been defined in the relevant legislation on irrigation in Meghalaya;
- (u) “Notification” means a notification published in the Official Gazette;
- (v) “Participatory monitoring and management” refers to the management and monitoring done by the involvement of water users for the effective and sustainable management of water resources;
- (w) “Public Trust” is the authority bestowed upon the state and the local community based traditional institutions by whatever name they are known in Meghalaya created or recognized under this Act, to hold natural resources as a trustee on behalf of the public and such authority shall run concurrent with private/community ownership rights;
- (x) “Rainwater harvesting” means the technique of collection and storage of rainwater for future use for recharge of ground water;
- (y) “sustainable use” means use of water resource in such manner and at such rate that does not lead to the long-term decline of the water resources while maintaining its potential to meet the needs and aspirations of present and future generations;
- (z) “village” means an area where a number of houses has been grouped together under one village so declared and recognised for administrative purposes;
- (aa) “Village Water resource council” means the council as defined under this Act;
- (bb) “water resource” includes surface and sub-surface water contained in any spring, well, canal, river, stream or other watercourse, whether natural or artificial, and any lake or pond, whether natural or artificial, sustained by underwater or by a spring, river, or stream; water recycled after treatment of sewage and industrial waste etc., that is to say water supplies and sewerage, irrigation and canals drainage and embankments, water storage, groundwater;
- (cc) “Water User Association” means the water user’s associations registered under Meghalaya Society Registration Act, 1983 at the village level which represent the users of irrigation water, ground water or drinking water;
- (dd) Notwithstanding anything to the contrary, any other term used

but not defined under this Act shall have the same meaning as has been defined under the General Clauses Act or any other relevant or subject matter legislation in the state

CHAPTER II

RECOGNITION OF RIGHT TO WATER

3. Fundamental Right to water for drinking, hygiene and domestic

use:

- (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, or in any custom or usage or in any contract or other instrument, a fundamental right to water for drinking and basic hygiene purposes to all people residing in the state, irrespective of their caste, creed, gender and nationality, is hereby recognised.
- (2) It shall be the duty of the MeWDA and the Water Councils constituted at the appropriate level under this Act to ensure that right to water guaranteed under clause (1) herein above is respected and implemented by all members of the community and no person in their territorial jurisdiction for the reasons whatsoever is denied this fundamental right.
- (3) Any person whose fundamental Right to water is infringed upon or affected by any law other than the Act of God shall have a right to approach the Grievance Settlement Committee constituted under the Water Resources Councils created at the appropriate level under this Act, for restoration of fundamental right to water recognized under clause (1)
- (4) The quantity of water required per capita, for drinking and basic hygiene purposes or the basic water supply shall be determined by the State Water Resources Council. Any water over and above this quantity shall be available to anyone depending upon its availability and upon payment of requisite and adequate price, if so required, as determined by the competent authority.

5. Recognition of Community Right to water resources: Right to protect, regenerate, conserve or manage any community water resource which a community has traditionally been accessing, protecting and conserving for sustainable use shall be recognized under this Act.

4. Duty to protect and conserve water resources

- (1) In view of fundamental duty of every citizen of India as mandated by article 51A (g) of the constitution of India and the mandate of National Water Policy, 2012, as may be revised from time to time by the Government of India, it shall be the duty of every resident of the state to protect, conserve and manage water and water resources in

conformity with the principles enumerated in chapter III of this Act.

CHAPTER III

PRINCIPLES

5. Basic Principles for management, development, protection, use and conservation of water resources in the state: The principles contained herein shall be fundamental and applied in the governance of water resources irrespective of its ownership:-

- (1) Principle of reasonable and equitable utilisation: every person is under duty to utilise water resource in a manner irrespective of ownership of the resource, which is reasonable and equitable keeping in mind its importance for other users who are dependent upon that resource or are likely to be dependent upon that resource for drinking and sanitation purposes or other purposes both upstream and downstream. This shall be the guiding principle for water use and conservation in the state.
- (2) Principle of Participatory water development and management : Recognize, encourage and enable the role of traditional knowledge related to the sustainable management of water resources and thereby the role of traditional or customary institutions and women thus ensuring community participation in water resource management;
- (3) Principle of Sustainable Use- usage of water resource in such manner and at such rate that does not lead to the long-term decline of the water resources thereby maintaining its potential to meet the needs and aspirations of present and future generations and promoting the coordinated development and management of water resources in order to maximise the resultant economic and social welfare in an equitable manner without compromising the sustainability of the resource
- (4) Principle of water use efficiency: every person in the state is required to use water in a manner so that its efficiency is maximum for a given usage under given circumstances

6. Public Trusteeship of Water Resources

All water resources both surface and ground in the state of Meghalaya shall be held in public trust jointly by the people and the state through its institutions recognized and established under this Act.

- (1) Notwithstanding, anything contained in any other law, the public trust doctrine shall empower the people and their traditional institutions as well as the state government entrusted with the duty to

carry out the objectives of this Act and to impose reasonable restrictions on access and usage of water resources as may be necessary for the sustainable and integrated management of water resources in the state.

CHAPTER IV

STATE WATER POLICY

7. Preparation of State Water Policy

(1) The State Water Resource Council constituted under the Act shall prepare a comprehensive water policy in a way that also addresses the key concepts, approaches and the vision under the National Water Policy, 2012 or any other subsequent NWP as evolved and notified by the Government of India from time to time in consultation with all relevant stakeholders.

(2) The state water policy among other things shall also lay down the order of priority in which demand for water from different users groups shall be met.

(3) The state government shall review the state water policy every five years to evaluate its implementation and to bring the Policy in conformity with the changing ongoing needs of the state.

CHAPTER V

MANAGEMENT AND DEVELOPMENT OF WATER RESOURCES

8. Constitution of State Water Resource Council

(1) The State Government shall, after the commencement of this Act, constitute a State Water Resource Council consisting of the following members, namely-

- (i) The Chief Minister of the state, as the Chairperson
- (ii) The Minister of Water Resources, the Member
- (iii) The Minister of Cooperation Department, the Member
- (iv) The Minister for Rural Development, Environment and Forest, the Member
- (v) The Chief Secretary, the Member
- (vi) The Principal Secretary, Planning and Finance, ex-officio Member
- (vii) The Principal Secretary, Urban Development, ex-officio Member
- (viii) The Principal Secretary, Forest and Environment, ex-officio

Member

- (ix) Secretary, community and rural development department
 - (x) Secretary, Mining
 - (xi) Secretary, Soil conservation Department
 - (xii) Representative from Central Ground Water Board, North Eastern Region
 - (xiii) Chairperson, Meghalaya State Pollution Control Board
 - (xiv) The Chief Executive Officer, Meghalaya Water Resource Development Agency, ex-officio Member³
 - (xv) The Principal Secretary/Commissioner and Secretary of Water Resources Department, the Member Secretary.

 - (xvi) The Chief Executive members of the Autonomous District Councils or their suitable representatives who understand the complexity of water management issues or where there are no Chief Executive Member by reasons of the functions of the District Councils having been taken over by the Governor of Meghalaya, the respective Administrators appointed by him/her to administer the functions of the council shall be represented
- (2) The Council shall co-opt water resource experts including members from civil society not exceeding four and minimum number of experts shall be at least two. These experts should have a proven track record in understanding the complexity of water resource management, development, conservation issues in Meghalaya;
- (3) The State Government shall prescribe the term of office of the members of the Council and such other matters incidental to the proper functioning of the Council;

9. Functions of the State Water Resource Council: (1)The Council shall perform the following function, namely:-

- a) Formulate the state water policy and review and update the same after every five years.
- b) The State Water Resource Council shall be the apex body in the state with respect to the decisions relating to water resources in Meghalaya. The functions of the Council shall include policy, planning, resource mobilization and review of the coordination of the activities of various departments / agencies and all other institutions created under this Act;
- c) Approve the Integrated State Water Plan for equitable utilization of available water resources in the state;

³ The membership of MeWDA and its co-opting in the Act gives it a statutory backing.

- d) to undertake periodical revision of the integrated state water plan;
- e) to give directions to the Meghalaya Water Development Agency or any other institution related with water governance in the state with regard to the implementation of the Integrated State Water Plan;
- f) issue specific guidelines for operationalization and compliance of the principles mentioned under this Act;
- g) specify measures to ensure sustainable utilisation of water resources giving due recognition to existing traditional knowledge pertaining to sustainable management of water and role of traditional or customary institutions in implementing such traditional knowledge;
- h) to give directions to provide necessary impetus to encourage better institutional harmony between the traditional community institutions and state agencies to improve water governance in the state;
- i) to specify quantity of water required per capita, for drinking and basic hygiene purposes after taking inputs from the Meghalaya Water Resource Development Agency;
- j) specify measures which shall be taken to ensure water use efficiency across all users and efficiency in harnessing, transporting, distribution and usage of water in the state;

(2) The Council shall meet as many times as it deems necessary for but not less than twice in a year for the effective discharge of its functions and at such place as the Chairperson of the Council may determine and the Council shall follow such procedure as may be prescribed by the Rules;

10. Constitution of Meghalaya Water Resource Development Agency

- (1) The MeWDA is hereby recognized as the executing agency at the state level for all purposes related to preparation and implementation of the Integrated State Water Plan.
- (2) The state government shall reconstitute MeWDA to enhance its competence and capacity for the effective implementation of the Integrated State Water Plan.
- (3) MeWDA shall from time to time provide inputs to the State Water

Resource Council, and the Department of Water Resources on the matters related to planning, policy making and resource allocation based on its experience and expertise emanating as the implementing agency.

11. Functions of Meghalaya Water Resource Development Agency:

The Agency shall perform the following function, namely:-

- (i) Preparation and Implementation of Integrated State Water Plan. In doing so, provide for the roles and responsibilities of various agencies involved in water resource management at various levels.
- (ii) To promote scientific development, integrated and participatory management of water resources in the State
- (iii) Formulation of sub-plans; mechanisms for effective participation of stakeholders; knowledge and information systems.
- (iv) Development and management of infrastructure for annual and multi-year flow regulation for floods and droughts for multi-purpose storage and for water quality and source protection.
- (v) Coordination of submission of schemes in connection with water resources development and management in the state to the Ministry of water resources Government of India and/or to any other agency.
- (vi) Convergence of activities and investments by different stakeholders in the water resource management system.
- (vii) Provide minimum regulation zones around rivers and other bodies to prevent encroachment;
- (viii) constitute State Dispute Settlement Committee comprising of members of the Executive Committee and one representative each from each of the three Autonomous District Councils. The Agency can co-opt additional members if required for adjudication of the dispute. The Designated State Dispute Settlement Committee shall adjudicate water related disputes occurring between two or more districts in the state and hear appeals arising from orders passed by the District Dispute Settlement Committee.

12. Constitution of District Water Resource Council (DWRC)

- (1) The state government shall constitute a District Water Resource Council at the district level for the implementation of the Plans, Policies, Programs and Schemes as may be assigned to them by the Meghalaya Water Resource Development Agency. The District Water Resource Council shall consist of the following-
 - (i) The Deputy Commissioner, the Chairperson

- (ii) The recognised head of all the traditional institution at the *Hima/Elaka/ Aking* level within the District, the Member
- (iii) Other Members shall include heads from Water Resources/ Public Health Engineering/PWD-Roads/Forest / Agriculture / Horticulture / Soil & Water Conservation / C&RD / Power and Tourism and any other officer or expert that may be co-opted by Deputy Commissioner.
- (iv) The Executive Engineer (Water Resources) or any other officer identified by the Deputy Commissioner, the Member Secretary.
- (v) The District Water Resource Council shall have adequate representation from the intermediate and the village level.

13. Functions of the District Water Resource Council: The Council shall perform the following function, namely:-

- (i) Coordination and Convergence of all activities related to the implementation of Integrated State Water Plan and the Water Mission at the district level.
- (ii) Carrying out an extensive and intensive sensitization and awareness drive at the district level to sensitize public representatives, community representatives, institutions, women and children about water rights, the principles under this Act, the Integrated State Water Plan and the Water Mission; and bring so encourage their participation and involvement
- (iii) Selection of appropriate agencies/NGOs and enter into agreements with them for developing programmes for increasing sensitization, capacity development.
- (iv) Scrutinise and technical approval of the schemes or proposals submitted by the Village Water Resource Council and its processing for financial approval with its observations on the same.
- (v) Development of Joint Programs with the Village Water Resource Council;
- (vi) Such other functions and activities as may be ascribed to them under the State Mission, Programs or Policy revised or amended from time to time
- (vii) Monitoring and inspection of quality of infrastructural projects completed under the State Water Mission;
- (viii) To constitute District Dispute Settlement Committee to adjudicate water related disputes occurring between two or more villages in the state and hear appeals arising from orders passed by the Village Dispute Settlement Committee. It shall comprise of members of the Executive Committee and not less than one third members from the recognised traditional community institutions within the district;

14. Constitution of Village Water Resource Council: (1) The state government shall constitute Village Water Resource Council at the

village level.

(2) The Village Water Resource Council shall consist of all the members of existing traditional institution/*Chnong Dorbar/Shnong Dorbar*/Village Council at the village level;

(3) The Village Water Resource Council shall constitute an Executive Committee cum Village Dispute Settlement Committee comprising of two members each from the locality within the village wherein at least one-third of such members shall be women and one member will be non-scheduled tribe.

(4) The members of the Executive Committee cum Village Dispute Settlement Committee will nominate amongst themselves a Chairperson and Vice-Chairperson;

15. Functions of Village Water Resource Council: (1) The Council shall perform the following function, namely:-

- (i) Ensure water availability for domestic use for all water users in the village;
 - (ii) To assist the Meghalaya Catchment Areas Advisory Board in identifying catchment area;
 - (iii) To assist the government in the process of notifying catchment areas for its conservation and protection
 - (iv) To undertake measures for conservation and protection of catchment areas as prescribed by competent authority under the Meghalaya Protection of Catchment Areas Act, 1990
 - (v) Assist DWRC and MEWDA in the identification and mapping of Regulation Zones around water bodies.
 - (vi) Prevention of pollution of identified water sources of the village from various uses including mining;
 - (vii) Fix, determine fine or penalty on defaulters for activities as enumerated;
- (2) Existing Water User Associations, village micro/watershed committees or sub-committee as may be existing by any other name may be co-opted or merged with the Executive Committee under the Village Water Resource Council⁴

⁴ At the mini or micro watershed level formed under the Village Development Committee under the National Water Mission (draft).

(3) Function of Executive Committee and cum Village Dispute Settlement Committee: The Executive Committee shall perform the following function, namely:-

- (i) Adjudication of inter –se issues of water users qua access, allocation between individuals, locality within the village keeping in mind customary practices;
- (ii) Facilitate Mapping and Identifying of all sources of water in the village irrespective of ownership of land where the source exists with the aid and assistance of State government authorities;
- (iii) Formulation of Village Level integrated water resources plan to delineate activities relating to management, development, conservation and protection of water resources within the village and to periodically revise it after a period of 5 years.

Provided that the state government and Autonomous District Council shall provide all the requisite aid and assistance in the preparation and finalisation of Village Level integrated water resources plan;

- (iv) Levy fine or penalty as determined by Village water Resource Council on defaulters for activities as enumerated after giving an opportunity of being heard
- (v) Regulation of certain activities: Every person should be required to take the permission for carrying out the following activities.

- (i) Abstraction of water with the use of water pumps; the Executive Committee shall have the power to enter into the property and confiscate the equipment;
- (ii) Diversion of water;
- (iii) Pondage of water;
- (iv) Construction of reservoir;

CHAPTER V

GROUNDWATER

16. The State Water Resources Department: shall be responsible for the sustainable management of groundwater resources in conjunction with the Meghalaya Water Development Agency and the District Water Resource Councils.

(1) The state government shall establish State Groundwater Cell under State Water Resources Department for carrying out the specialised functions qua groundwater conservation, management and development.

(1) The State Water Resources Department in consultation with State Groundwater Cell and in coordination with the appropriate agencies

established under this Act shall undertake the following measures –

- (i) Provide inputs for the formulation of policy, guidelines and norms for the regulation and protection of groundwater resources in the state; at the time of preparation of Integrated State Water Plan .
- (ii) Preparation of comprehensive plan for survey and mapping of groundwater resource at the village level.
- (iii) Notify after undertaking prescribed procedure the groundwater resource occurring in an area as critical, semi-critical or normal as per prescribed guidelines of the State Groundwater Cell;
- (iv) Notify measures to be imposed upon areas classified as critical, semi-critical or normal
- (v) Regulation of activities as per notified measures in critical, semi-critical or normal area;
- (vi) Preparation of a comprehensive plan for monitoring groundwater abstraction from various structures in consultation with Village Water Resource Council;
- (vii) Monitoring of quality of groundwater for domestic, irrigation, commercial and industrial uses;
- (viii) Undertake measures to create awareness on groundwater use, structures and recharge methods;
- (ix) Imposition of restrictions on groundwater abstraction;
- (x) to enforce rain water harvesting to augment ground water recharge
- (xi) To take steps to ensure that exploitation of ground water resources does not exceed the natural replenishment to the aquifers and wherever, there is mismatch, steps shall be taken to ensure augmentation of ground water resources

17. Groundwater and Energy Nexus-

- (1) The MeWDA shall collaborate with the Meghalaya Electricity Board to ensure greater protection and conservation of groundwater resources by way of incentives and disincentives.
- (2) The State Water Resources Department may impose differentiating tariff on overuse or abstraction of ground water on activities of commercial or industrial nature.

CHAPTER VI

DAM SAFETY

- 18. Dam Safety:** (1) The State Water Resource Council should set up a Dam Safety Cell for standardization of dam safety related data and practices, and related technical or managerial assistance as and when required.

CHAPTER VII

WATER RESOURCE MAPPING AND STATE WATER INFORMATION SYSTEM

19. Water Resource Mapping:

- (1) The State Water Resource Council to ensure undertaking of water resource mapping of all water resource including groundwater in the state within a period of three years from the date of commencement of this Act.

20. State Water Information System:

- (1) The State Water Resource Council to establish a state information system on use, planning, management and distribution of water resources in the state and maintain in an open and transparent manner on a GIS platform all water related data collected to ensure creation of a comprehensive online database.
- (2) The information system to include hydrological information, water quality information, groundwater information and supply and distribution network information

CHAPTER VIII

DISPUTE RESOLUTION

21. Reference of disputes to District Dispute Settlement Committee:

The District Administration shall refer the dispute occurring between two Village Water Resource Council to the District Dispute Settlement Committee for any water related grievance;

- 22. Appeal to State Dispute Settlement Committee:** (1) An Appeal will lie to State Dispute Settlement Committee against any order passed by District Dispute Settlement Committee. An order passed by State District Dispute Settlement Committee would be final and binding upon the parties;

- 23. Appeal to District Dispute Settlement Committee;** An Appeal shall lie to District Dispute Settlement Committee against any order passed by any Village Dispute Settlement Committee;

24. Reference of disputes to the State Dispute Settlement Committee:

(1) The State government shall refer the dispute occurring between two District Water Resource Council to the State Dispute Settlement Committee for any water related grievance.

(2) An order passed by State District Dispute Settlement Committee would be final and binding upon the parties;

25. Time Frame: The Dispute Settlement Committees at the appropriate appellate level shall not take more than 90 days for the settlement of disputes and the Committee at the village level shall not take 30 days for the settlement of disputes. In the event the time for the settlement of disputes exceeds the prescribed number of days under this Act, the Committees shall give reasons in writing.

**CHAPTER IX
OFFENCES AND PENALTIES**

26. Offences and Penalties: If any person contravenes or fails to comply with the provisions of this Act or any rule made there under or obstructs any person authorized by it from exercising any powers or functions under this Act, he shall on conviction be punishable:-

(1) For the first offence simple imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with fine which may extend to ten thousand rupees

(2) For subsequent offences with simple imprisonment which may extend to six months or fine which may exceed to twenty five thousand rupees or with both;

27. Composition of offences.-(1) The State Government, may by notification, empower an officer not below the rank of Deputy Secretary, Water Resources Department for reasons to be recorded in writing, accept from any person who has committed or is reasonably suspected of having committed an offence punishable under this Act, a sum of money not exceeding fifty thousand rupees by way of composition fee and compound the offence.

(2) On the composition of any offence under sub-section (1) no proceeding shall be taken or continued against the person concerned in respect of such offence, and if any proceedings in respect of that offence have already been instituted against him in any court, the composition shall have the effect of his acquittal.

28. Cognizance of offences.-(1) No court shall take cognizance of any offence under this Act except on a complaint of any person other

than---

- (a) A person authorised by the Executive Committee of the Village Water Resource Council;
- (b) A person authorised by the Meghalaya Water Development Agency;
- (c) Any person who has given notice of not less than 30 days, in a manner prescribed of the alleged offence and of his intention to make a complaint to the State Government.

29. Bar of jurisdiction: No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any order, direction passed under this Act.

CHAPTER X RULES AND MISCELLANEOUS PROVISIONS

30. Power of the State Government to make Rules: The state government may by notification make rules not inconsistent with this Act to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

31. Act to override other laws: The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

OR

Effect of other laws: 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.

32. Power to remove difficulties: If any difficulty arises in giving effect to the provisions of this Act, the State Government, may by order in the official gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.