

Report

on the Meeting on
“Meghalaya Protection of
Catchment Areas Act, 1990”

Venue:

MBDA Conference Hall, Ground Floor, Nongrim Hills

Date:

8th December 2021

Executive Summary

The Meghalaya Legislative Assembly in 1992, passed the Meghalaya Protection of Catchment Areas Act, 1990. This Act is very unique and visionary in nature as possibly it's the only one of its kind in the entire country.

However, after the passing of this Act, the Act has not been utilised for protection of the catchment areas in Meghalaya despite the fact that there are increasing number of catchments facing degradation.

The Government has acknowledged in the past that there are some flaws in the Act because of which it could not be implemented. It was with this perspective that the Centre of Excellence on NRM and Sustainable Livelihoods, MBDA and the Community Led Landscape Management Project, MBMA, organised a one-day meeting on 8th December 2021, with participation of key persons from Government departments, Academia, and other experts to deliberate on this Act and suggest ways to strengthen this Act.

Some of the key elements that were suggested by the participants to further strengthen this Act are as follows:

1. Though the Protection of Catchment of Catchment Rules were formulated and passed by the government in 1996, however, it still requires major improvement. For example, the definition of "Chairman" is given, however, his/her roles and responsibilities are not defined. Another example is though the Act is named as Protection of Catchment Areas, however, there is no clarity on the meaning of protection.
2. As approx. 95% of the geographical area in Meghalaya is owned and managed by the communities, however, their role in the Act is very clearly defined. The Act could be more holistic in terms of planning, participation, and execution.
3. Participation of traditional institutions such as Dorbars and Nokmas is not mentioned in the Act. This needs to be amended accordingly, as issues pertaining to land in Meghalaya the inclusion of the traditional institutions is paramount to the effective implantation of this Act.
4. Roles of other village level institutions such as the VECs, JFMCs, BMCs, etc. in the Act could be explored as well.
5. Awareness on this Act should be generated to both the public as well as to the implementers. It may be mentioned that most people are in the dark on the existence of this Act.
6. This Act should converge with other existing Acts and Policies pertaining to Water Resources, Land, Forests and Biodiversity, Agriculture etc.
7. Updated micro and macro catchment areas maps of Meghalaya along with LULC maps should be available to the concerned agencies to enable the Advisory Board formed under this Act could take more informed decisions.
8. The term "Protection" could be replaced by "Management" in the name of the Act as this nomenclature is more encompassing.
9. Payment of Ecosystem Services could be included in the Act as an approach of implementation to encourage the landowners to come forward to avail the provisions under this Act.
10. The Advisory Board should meet regularly as per the provisions of the Act.
11. Efforts to implement this Act could start by selecting few catchments first and that will create a ripple effect whereby it will generate interest from communities from other catchments areas to come forward and benefit from this Act.

12. Research and Development in creating models for Catchment Protection, this would enable others to adopt this Act more efficiently.
13. Classification of catchment areas should be carried out and a broader catchment management and restoration plan should be prepared for the entire state.
14. The ADCs should be more actively involved in the provisions of the Act and resources should also be allocated to them in order to enable them to do the needful, as far as this Act is concerned.
15. A Working Committee consisting of experts and representatives of relevant departments should be constituted to improve and finalise on this Act.
16. Working Schemes submitted by the communities and subsequently approved by the State Forest Department should also incorporate tenets of this Act.



Introductory remarks by Dr. Subhash Ashutosh, Co- Chairman & Director, Centre of Excellence

Dr. Subhash Ashutosh started the meeting by welcoming the participants who had joined physically and also those who have joined through virtual platform.

In his speech he introduced the Meghalaya Protection of Catchment Areas Act, 1990, passed by the Meghalaya Legislative Assembly in 1992, which was the focus of the meeting. He spoke about the visionary nature to the Act but despite this, the Act was never implemented. He went on to highlight that there needs to be brainstorming to identify the reasons for non-implementation and to identify suitable amendments that may be required to put to the Act to effective use for addressing catchment area degradation that has taken place over the last three decades despite the presence of the Act. Understanding as to why the Act has not functioned as intended, will help the Govt. amend it. He also pointed out the importance of involving the communities because of the nature of the land tenure system to ensure achievement of the goal of the document.

Shri. James Kharkongor, Deputy Project Director, CLLMP & CoE

Shri. Kharkongor, gave the participants a general overview of the Meghalaya Protection of Catchment Areas Act, 1990. He brought to their attention a few of points of the document. This included definitions of terms such as “catchment”, the “constitution of a Catchment Area Advisory board”, and the “Functions of the Advisory Board”.

When discussing the amendment of the document, he raised a few pertinent questions about what the document lacks that needs to be incorporated. He cited the example of one clause which requires the written consent of the



landowner for the declaration of a catchment area, questioning whether this point needs to be revisited. He also spoke about the need for delegation of powers to prosecute offences under the act.

Shri. Kharkongor also pointed out that while the document envisages constitution of an advisory board, the roles and responsibilities of the chairman of the advisory board have not been discussed in the document. Additionally, the penalties prescribed for offences against the act are nominal and needs to be amended accordingly to dissuade violating the Act.



Dr. Subhash Ashutosh, Co- Chairman & Director, Centre of Excellence, MBDA

To start off the discussion, Dr. Ashutosh put forward a few questions and concerns about the Act (refer Annexure 1). He reiterated the need to understand why the Act has not been implemented so far. He pointed out that over 90% of the land in Meghalaya is either community or privately owned, he asked to reflect if the act would be acceptable to the people based on the existing land tenure system, unless there are provisions for incentives to there land owners under the Act.

Dr. Ashutosh further pointed out that there is an absence of participatory approach in the Act and the involvement of the people has not been emphasized. He also expressed concern about certain terminologies which require further clarity, such as the declaration catchment area or the lack of definition of “land owner”. He further suggested that the concept of payment for ecosystem service to incentivise protection of catchment areas should be tried. Further, he expressed that the Act should be made holistic in terms of planning, participation, and execution, and to clearly define who will be responsible to execute the Act and ensure that its tenets are fulfilled.

Dr. Ashutosh ended by stating that the objective of the brainstorming on the Act is how to make the act more relevant so as to be able to address current challenges in the state.

Shri. H. H. Mohrmen, Environmentalist, Social Activist and Author.

Shri. Mohrmen spoke briefly pointing out the lack of awareness about the existence Act itself, which has led to the lack of people demanding for its implementation. He noted that there is absence of avenue for communities to participate and expressed that there need to be ways to get the community involved since they are the owners of a majority of the land. He urged that the role of the local village councils such as dorbars and Nokmas be taken into consideration as they play a crucial role in local governance.



Dr. Vincent Darlong, Director of Centre of Sustainable Development Studies, MLCU.

Shri. Darlong pointed that while the Act is laudable, the rules for implementation is absent. A question to be answered, according to him is how to carry forward from the existing version of Act which will become operational Act. He suggested that the Act could converge into other acts in this area to build cohesiveness. He also suggested the creation of maps of macro catchment areas and micro catchment areas which could be superimposed with village boundary maps, protected forests which he stated are critical for clarity and to guide decision making and interventions.



Another suggestion by him was that even without rules, a number of activities to protect the catchment areas can begin, following on existing Acts (Forest/Jhum Acts of the Khasi, Garo and Jaintia Hills). He went on to point out that protection of catchment areas has not been defined under the Act and hence there is no clarity as to what is meant by protection. He felt that this needs to be defined in terms of application or action and that this could be tied up with other Agroforestry notifications. Similarly, plantations to protect the catchment areas could be taken up and anchored up with the communities.

Another concern to be addressed is who will do the work? Could the Dorbars of Nokmas take the onus when these bodies themselves are dynamic and there is no continuity and sanctity of activities initiated or decisions made by the previous dorbar/Nokma. Meanwhile, existing institutions like the VECs, JFMCs, Biodiversity Management Committees could pull resources together and do the work.

Finally, Shri. Darlong proposed that the Catchment Areas Act could be an umbrella act such that other existing acts that protect natural resources can be further bolstered by this act. He also suggested that a specific centre has to be identified to uphold the act and that the term “government” as mentioned in the Act, is too vast. To add to this, he suggested that a section of the community to actually carry out the activities to uphold the act should be identified and their capacity should be built accordingly.



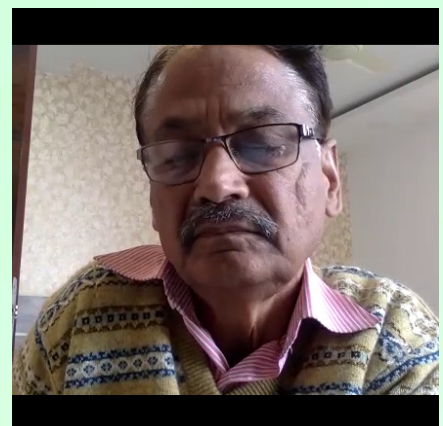
Shri. R. B. R. R. Thabah, Former Director Soil and Water Conservation Department

Shri. Thabah also reiterated the need for critical catchment areas to be identified. He suggested that measures for protection and prohibition of destructive activities in these catchment areas need to be taken up. He spoke about the importance of framing the rules for implementation of the Act (They were framed in 1996 but the document is limited in nature).

Shri. Thabah points out that the Act fails to mention aspects of ownership and responsibility of the people. He expressed his belief that it is important to understand what the people need and dialogue with them and other stakeholders is necessary. Other important areas of focus, according to him include knowledge management, communication, capacity development and skill building. He urged to look at existing experiences in the various connected fields and departments and incorporate their practical experiences for the implementation of activities. He also suggested that models such as Participatory Guarantee System could be explored to give impetus to implementation.

Dr. B. K. Tiwari, NRM Specialist

Dr. Tiwari, who attended the meeting virtually made a suggestion that rather than using the term protection, the term “management” could be used to be more inclusive of what is needed. He also suggested that the concept of opportunity cost may be used to understand the extent of incentives required to encourage participation of communities. Also, protection of catchment areas could be considered in terms of afforestation, land use affects, etc. Dr. Tiwari also pointed out that factors such as rivers and siltation are important aspects to be taken into consideration and that river management should also be included in the Act. He suggested that the interests of communities both in upland and lowland areas when taking the watershed approach could be protected by a committee. He added that different approaches may need to be taken when considering water bodies that serve as major water sources. He suggested that village level management of catchment areas is required.





Shri. N.J.S. Kharmalki, Planning Officer, Soil & Water Conservation Department

Planning Officer, Soil & Water Conservation Department, Shri. Kharmalki, like some of the speakers before him, felt that terms like conservation and restoration should be used. He also said that the Act should enable all stakeholders to take action and that there should be synergy and dovetailing of efforts. According to him, classification of catchment areas is necessary to help guide interventions and a broader catchment management/ restoration plan should be undertaken. Stakeholders like researchers should also be involved along with others.

Expressing his agreement with Dr. Darlong, he added that the Act should be an umbrella act bringing together all concerned departments and the people to enable them to use their resources not just for their own individual purposes but also the greater purpose of conservations.

Dr. O. P. Singh, Professor, Environmental Studies Department, NEHU

Dr. Singh said that it is important to identify and map micro catchments as these are more often under the management of communities. According to him, the approach should take into consideration whether people are willing to come forward. Meanwhile, rectification and amendment of the Act can go on side by side.

Dr. Singh suggested that initiatives can start from areas where activities have already started and success stories should be documented and popularized to encourage other communities to come forward. Efforts can be started in a small scale. Simultaneously, to begin with, surveys can be done and inputs can be taken from the soil and water conservation Departments as well as other concerned departments. Also, beside protection, terms like improvement should be looked at. He felt that unless people can see the benefits of their conservation activities they cannot be mobilised.

He further brought up the question of funding for activities together including the creation of incentives in the village/ community level. He suggested that other ecosystem services should also be highlighted if the act and rules are being revised.



Shri. F.W. Blah, Chief Forest Officer (JHADC)



Shri. Blah expressed that the working Scheme preparation has been entrusted to the ADCs. Aside from that, it is important for land owners to understand what a catchment area is. For this, workshops need to be conducted for the communities and the leaders. He also was of the opinion that the Act can be implemented through the headmen of the villages. Shri. Blah suggested that the Charcoal Act can be used to reinforce the Catchment Act along with other existing acts.



Shri. T. Saiborne, Director, Chief Forest Officer (KHADC)

Shri. Saiborne was also of the opinion that it is important for Critical catchment areas to be identified and that the advisory committee needs to be constituted. Moreover, there has to be a declaration of catchment areas and follow up action to help implement the Act. He questioned if Advisory Board is active or not, and if not, what can be done to activate it?

Speaking about ground reality, he expressed that the ADCs face certain constraints in the identification of catchment areas. While the ADCs have managed to create basic awareness among the communities about the importance of catchment areas, they, however, do not have enough resources to take up further activities.

Shri. Saiborne lastly added that the government should be able to ensure that all the beneficiaries/stakeholders are not negatively affected in the process of upholding the Act.

Shri. Gunanka, IFS, Additional Project Director, MBMA

Shri. Gunanka, in reiterating the importance of use of appropriate terminologies said that the term protection implies restrictions. A positive approach could be suggesting activities that the community can do, implying allowances rather than restrictions, which not only helps protect the catchment areas but also promotes livelihoods. He spoke about the activities taken up by various departments individually such as afforestation and check dams.

Further, Shri. Gunanka recommended that models could be developed that can be used for various situations and cases. He stressed on the need for research and development to create these models so that implementation agencies can adopt them without having to work from scratch. Aside from this, he also suggested that the Environment Protection Act could be used for default notification of catchment areas aside from declaration of catchment of areas where communities do not come forward along with the drawing of proper maps of catchment areas to help find focus areas and protect them.



Shri. C. E Wahlang, Executive Engineer (WR)

Shri. Wahlang, also stressed on the importance of community participation and awareness creation. Apart from this, he pointed out that the effects of the Act on livelihood activities of the communities need to be taken into consideration. He was also of the opinion that headmen of the communities need to be involved in implementation of the Act and education and sensitizations needs to be ensured from the grassroots level. According to him, major water bodies that cater to the populations need to be protected from the source itself.

Shri. Jude T Xalxo, Deputy Project Director, MBMA

Shri. Xalxo pointed out that long term planning is necessary in this regard. However, the question of who will do the planning and execute remains to be answered. He asked if there was a department that would ensure that the objective is pursued in the long run. To ensure immediate action, he questioned if it is possible to immediately constitute a working committee that will be able to look into the Act and the rules and immediately finalise them. He further highlighted the need for the job descriptions and roles of all the players to be looked into.



Shri. Xalxo provided that CoEcan immediately start working on a few catchment areas and that the funds are available for the moment through CLLMP. He also put forward the question of how community participation be incentivised.



Shri. Wankit Swer, GM, Knowledge Management Services, MBMA

Shri. Swer began with pointing out that the perception of the value of catchment areas is falling short and therefore, sensitization on its value among communities and beneficiaries is necessary. To encourage positive management activities and involvement among the communities, he suggested exploring the possibility of flexibility within the Act. He also advocated the possibility of looking into the benefits of working schemes in this context so that private landowners can come forward and register their forests.

Shri. Swer also highlighted the necessity of proper definition of catchment. On those lines, once definitions are clear, he suggested that while the community is given ownership of management of non-critical catchment areas, we (the government) can look at the critical catchment areas that need intervention. He pointed out that PES might not work out for all cases. However, livelihoods alternatives are important to ensure that communities involved do not suffer and maintain a positive attitude towards the implementation of the Act.

He stressed on the need for mechanisms and incentive structures to be kept in place for the initiative to be fruitful.



Summary – Ideas For Road Map, Shri. Vincent Darlong.

To bring the meeting to a close, Shri. Vincent Darlong summarised the points brought out in the discussion. He presented the commonly agreed upon point that Participation of the community given the land tenure system is of utmost importance. However, community participation is a subjective issue and differs from community to community and based on priorities.

The need to understand our catchment map was another common point. For the purpose of planning and implementation, it is imperative to define micro and macro catchment areas. Villages with boundaries could be superimposed with micro catchment and forests within the catchment areas could be identified and whether these forests are registered and not could be considered. They also need to be identified as critical or non-critical. The communities need to be educated to understand how to define critical and non-critical catchment areas and accordingly prohibit activities in these areas.

Afforestation to protect catchment areas and abate climate change needs to be taken up. Agro forestry Act may be implemented here, and forests could be planted on ecology basis. The Autonomous District Councils should be proactively involved in the implementation of regulations to ensure proper management of the catchment areas. This protects a large area of catchments and the concept of protection itself can involve the management of catchment areas. Natural springs should be mapped through this act and other policies. These can be made priority areas so that they may continue to exist and provide services to the people. Most importantly, existing rules need to be looked at for where improvements can be made. Lastly, a meeting with the competent authority, the Secretary, Forestry Department, needs to be organised.

In closing, Dr. Subhash Ashutosh spoke of the role of CoE in bringing together all the actors on one platform, do brainstorming and take their roles forward. The State Forest Department will be the one to take this forward and the amendment of the Act will be carried out by the forest department.

PARTICIPANTS

1. Dr. S Ashutosh, IFS (Rtd.) Co- Chairman & Director, Centre of Excellence (NRM&SL)
2. Dr. Vincent Darlong, Director of Centre of Sustainable Development Studies, MLCU
3. Shri. RBRR Thabab, Former Director Soil and water Conservation Department
4. Dr. O.P. Singh, Professor, Environmental Studies Department, NEHU
5. Dr. B. K. Tiwari, NRM Specialist (Virtually)
6. Shri. N.J.S. Kharmalki, Planning Officer, Soil & Water Conservation Department
7. Shri C. E Wahlang, Executive Engineer, Water Resources Department
8. Shri C. Kharmujai, Executive Engineer, Water Resources Department
9. Shri E.Kharkrang, Sr. ASCWO, Soil & Water Conservation Department
10. Shri. T. Saiborne, Director, Chief Forest Officer (KHADC)
11. Shri. F.W. Blah, Chief Forest Officer (JHADC)
12. Shri. H. HamkheinMohrmen, Environmentalist
13. Shri. James T. Kharkongor, Deputy Project Director, MBMA
14. Shri. Wankit Swer, GM, Knowledge Management Services, MBMA
15. Shri. Jude T.Xalxo, Deputy Project Director, MBMA
16. Shri Gunanka D. B., Additional Project Director, MBMA

Meeting on “Meghalaya Protection of Catchment Areas Act”

Venue: Conference Hall, Ground Floor, MBDA, Shillong

Date: 8th December 2021

Time: 11:00 A.M. to 01:15 P.M.

AGENDA	
Time	Particulars
11:00 A.M. - 11:10 A.M.	Self-Introduction by the participants
11:10 A.M. - 11:20 A.M.	Introductory Remarks by Dr. Subhash Ashutosh, Co-Chairman & Director, Centre of Excellence (NRM&SL)
11:20 A.M. - 11:30 A.M.	An Overview of the Meghalaya Protection of Catchment Act, 1990 - Sh. James Kharkongor, Deputy Project Director, CLLMP & CoE
11:30 A.M. - 12:45 P.M.	Discussion
12:45 P.M. - 01:10 P.M.	Summing up by Dr. Vincent T. Darlong, Director of Centre of Sustainable Development Studies, MLCU
01:10 P.M. - 01:15 P.M.	Vote of Thanks by Sh. Wankit Swer, General Manager, MBDA
01:15 P.M.	Lunch

ANNEXURE-E

GOVERNMENT OF MEGHALAYA
FORESTS & ENVIRONMENT DEPARTMENT

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NOTIFICATION

Dated Shillong, the 27th. March, 1996

NO.FOR.151/89/119 - In exercise of the powers conferred by Section 17 of the Meghalaya Protection of Catchment Areas Act, 1990, the Government of Meghalaya hereby makes the following rules, namely:-

THE MEGHALAYA PROTECTION OF CATCHMENT AREAS RULES, 1996

1. Short Title:
 - (1) These rules may be called the Meghalaya Protection of Catchment Areas Rules, 1996.
 - (2) It shall come into force on the 15th. April 1996.
2. Definitions:
 - (1) In these rules, unless the context otherwise requires.
 - (a) "Chairman" means the Chairman of the Advisory Board as constituted under Section 3 of the Act;
 - (b) "Member" means a member of the Board;
 - (c) "Section" means a Section of the Act.
 - (2) All other terms and expressions defined in the Act, but so not defined in these rules shall have the same meaning as in the Act.
3. Nomination of Members To The Advisory Board:
 - (1) The environment experts and non-officials nominated as members to the Advisory Board shall hold office for such periods not exceeding three years, as may be specified in the notification appointing them as such. Any such member may however, be eligible for re-nomination.
 - (2) The Government may at any time remove any environment expert or non-official member from the membership of the Advisory Board.
 - (3) Travelling and daily allowances shall be payable to the environment experts and non-official members of the Advisory Board for attending meetings, etc., of the Advisory Board at the highest rate admissible to Government Servants for the time being in force.
4. Procedure For The Functioning Of The Board:
 - (1) No business shall be transacted at a meeting of the Advisory Board unless one third of the members are present.
 - (2) The Advisory Board may decide its own procedure for smooth functioning of the Advisory Board.

- (3) A meeting of the Advisory Board shall be convened by the Chairman giving at least ten days notice. A list of business to be transacted shall be sent along with the notice of the meeting. No business not included in the list of business shall be transacted without the permission of the Chairman.
- (4) Any business to be transacted by the Advisory Board may, if the Chairman so directs, be referred to the members by circulation of papers and if approved by the majority of the members, shall be deemed to have been decided by a majority in a meeting.
- (5) Proper record shall be maintained of all business transacted by the Advisory Board.

5. Permission To Carryout Activities In Catchment Areas:

For seeking permission to carry out any activity in the non-critical Catchment Areas, as referred to in Section 6(2) (d), any person may apply to the Competent Authority in Form A and the competent Authority may grant or refuse to grant such permission.

6. The Board To Lay Guidelines:

- (1) The Board shall lay down guidelines for the Competent Authority to deal with applications for permission subject to provisions of Section 7.

7. Publication Of Intentions To Take Up Certain Measures And Consideration Of Objections Under Section 8:

- (1) On the advise of the Advisory Board, the Government in the Forest Department shall publish a notice of its intentions to take up any measure as contemplated in sub-section (2) of Section 6 in a Catchment Area. This notice shall be published in two newspapers having wide circulation in the area and the gazette, and shall provide for 30 (thirty) days time to the people in general to file objections, if any, to the Government against proposed measures.
- (2) All objections received by the Government shall be placed before the Advisory Board for consideration and advice.
- (3) The Government shall on the advise of the Board, notify such measures for enforcement as are contemplated in such-section (2) of Section 6. This notification shall also be published in two newspapers having wide circulation and the gazette.

8. Notice For Entry And Verification Under Section 10:

- (1) Notice to enter upon any land declared as Catchment Area, to inspect any verify the activities, if any, or in connection with any function under the Act, shall be given in Form - B to every person claiming to be the owner or occupier of the land.

- (2) A minimum of 24 hours time shall be given to the owner or occupier in the notice.
9. The Forest Department shall be the nodal Department to implement and monitor the implementation of the Act/Rules.

Sd/-H.M.Cairae,
Commissioner & Secretary to the Govt. of
Meghalaya, Forests & Environment
Department.

Memo.NO.FOR.151/89/119-A

Dated Shillong, the 27th. March 1996

Copy forwarded to:-

1. The Private Secretary to Chief Secretary for favour of information of the Chief Secretary.
2. The Private Secretary to Addl. Chief Secretary for favour of information of the Additional Chief Secretary.
3. All Special Secretaries/Secretaries to the Govt. of Meghalaya, Shillong.
4. The Commissioner of the Divisions, Shillong/Tura.
5. All Deputy Commissioners/Superintendent of Police.
6. Principal & Secretary, Forest & Environment Meghalaya, Shillong.
7. Principal Chief Conservator of Forest/Chief Conservator of Forests, (R,T & Wildlife) Meghalaya, Shillong.
8. The Director, Soil Conservation, Meghalaya, Shillong.
9. The Director, Agriculture.
10. Chief Public Health Engineer.
11. Director, Health Services.
12. Director, Mineral Resources.
13. Director, Urban Affairs.
14. Chief Executive Members of Autonomous District Council.
15. Chief Executive Officers/Chairman Municipality.
16. Director, Printing & Stationary, Meghalaya, Shillong for favour of Publication in the gazette.
17. Guard File.

By order etc.,

commsr. & Secretary to the Govt. of Meghalaya,
Forest & Environment Department.

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F O R M - A

(See Rule 5)

To be typed out with full details and submitted to the competent Authority.

- (1) Name of the Applicant :
- (2) Residential Address :
- (3) Nature of Activity sought to be taken up :
- (4) Location of the Place where it would be taken up (attach sketch Map) :
- (5) Total Area within which it would be taken up :
- (6) Present sources of income of the applicant :
- (7) Financial/Social benefits likely to accrue :
- (8) Legal status of the land (Community,Clan,Private) :
- (9) Density of vegetation thereon at present :

Signature of the Applicant.

F O R M - B

(See Rule 8 (1))

Notice To The Owner/Occupier

To,

Sir,

This is to inform you that a team of persons numbering _____ would enter the Land situated at _____ (give specific location) to inspect and verify the activities, if any, in connection with the Meghalaya Protection of Catchment Areas Act, 1990 at _____ (time) on _____ (date) You are requested to render all Assistance to them in the performance of the duties.

Yours faithfully,

Secretary to the
Govt. Of Meghalaya
Forest Department
Shillong.

ANNEXURE-F

GOVERNMENT OF MEGHALAYA
FORESTS & ENVIRONMENT DEPARTMENT

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ORDERS BY THE GOVERNOR
NOTIFICATION

Dated Shillong, the 21st. May, 1996

NO.FOR.151/89/124 - In exercise of the powers conferred under Section 3 (2) (K) of the Meghalaya Protection of Catchment Areas Act 1990, the Governor of Meghalaya is pleased to nominate the under mentioned persons as non-official Members to the Advisory Board Constituted under this Department's notification NO.FOR.151/89/97, Dt.29.8.94 with immediate effect and until further orders.

- (1) Secretary, Meghalaya State Pollution Control Board.
- (2) Secretary, Y.M.C.A., Shillong.
- (3) President, Voluntary Health Organisation of India.
- (4) Shri. P.G. Momin, Reader in Department of Geography, Scholar of Environmental Sciences, NEHU, Umshing Campus Shillong - 8.
- (5) Rev. P.B. M. Basaiawmoit Headman, Mawpat Village.

Sd/- M.F. Blah,
Joint Secretary to the Govt. of
Meghalaya, Forests & Environment
Department.

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Memo.NO.FOR.151/89/124-A

Dated Shillong, the 21st. May, 1996

Copy forwarded to:

1. Commissioner & Secretary, Forest & Environment Department, Meghalaya, Shillong.
2. Secretary, Meghalaya State Pollution Control Board, Shillong.
3. Secretary Y.M.C.A.,
4. President, Voluntary Health Organisation Of India, Meghalaya Shillong.
5. Shri. P.G. Momin, Reader in Department of Geography, Scholar of Environmental Sciences, NEHU, Umshing, Shillong - 8.
6. Rev. P.B.M. Basaiawmoit, Headman, Mawpat Village, Shillong.
7. Director, Printing & Stationary, Meghalaya, Shillong for Publication in the gazette.
8. Guard File/Spare Copy.

By order etc.

Joint Secretary to the Govt. of Meghalaya
Forest & Environment Department.

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ANNEXURE-H

GOVERNMENT OF MEGHALAYA
FOREST & ENVIRONMENT DEPARTMENT

ORDER BY THE GOVERNOR
NOTIFICATION

Dated Shillong, the 23rd. July, 1996

NO.FOR.151/89/133 As per decision of the Advisory Board of the Meghalaya Protection of Catchment Areas Act 1990, the Task Forces consisting of the following members are constituted with immediate effect:-

1. East Khasi Hills District

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|-----|---|----------|
| (a) | Superintending Engineer (PHE)
Greater Shillong Circle | Chairman |
| (b) | Divisional Forest Officer
(Social Forestry) Shillong | Member |
| (c) | Divisional Officer, Soil Conservation
(Territoria) Shillong. | Member |
| (d) | District Agriculture Officer, Shillong | Member |
| (e) | Nominee of the District Council | Member |

2. Jaintia Hills District:

- | | | |
|-----|---|----------|
| (a) | Superintending Engineer (PHE) Rural Circle,
Shillong. | Chairman |
| (b) | Divisional Forest Officer,
(Social Forestry), Jowai | Member |
| (c) | Divisional Officer, Soil Conservation
(Territorial) Shillong | Member |
| (d) | District Agriculture Officer, Jowai | Member |
| (e) | Nominee of the District Council | Member |

3. Ri-Bhoi District:

- | | | |
|-----|--|----------|
| (a) | Joint Director, C.T.I. Byrnihat | Chairman |
| (b) | Divisional Forest Officer,
(Social Forestry), Nongpoh | Member |
| (c) | Executive Engineer (PHE) Nongpoh | Member |
| (d) | District Agriculture Officer, Nongpoh | Member |
| (e) | Nominee of the District Council | Member |

4. West Khasi Hills District:

- | | | |
|-----|--|----------|
| (a) | Joint Director, Soil Conservation (H.O.) | Chairman |
| (b) | Divisional Forests Officer
(Social Forestry), Nongstoin | Member |
| (c) | Executive Engineer (PHE) Nongstoin | Member |
| (d) | District Agriculture Officer, Nongstoin | Member |
| (e) | Nominee of the District Council | Member |

5. West Garo Hills District:

(a)	Conservator of Forests, Tura	Chairman
(b)	Divisional Forest Officer, (Social Forestry) Tura	Member
(c)	Divisional Officer, Soil Conservation (Territorial) Tura	Member
(d)	Executive Engineer (PHE) Tura	Member
(e)	District Agriculture Officer, Tura	Member
(f)	Nominee of the District Council	Member

6. East Garo Hills District

(a)	Conservator of Forests, Tura	Chairman
(b)	Divisional Forest Officer (Social Forestry) Williamnagar	Member
(c)	Divisional Officer, Soil Conservation (Territorial) Williamnagar	Member
(d)	Executive Engineer (PHE), Williamnagar	Member
(e)	District Agriculture Officer, Williamnagar	Member
(f)	Nominee of the District Council	Member

7. South Garo Hills District:

(a)	Conservator of Forests, Tura	Chairman
(b)	Divisional Forest Officer (Social Forestry) Baghmara	Member
(c)	Divisional Officer, Soil Conservation (Territorial) Baghmara	Member
(d)	Executive Engineer (PHE), Baghmara	Member
(e)	District Agriculture Officer, Baghmara	Member
(f)	Nominee of the District Council	Member

Apart from the generalities report of the Task Forces shall specifically contain the following points:-

✓(a) Broad identification of the Catchments into critical and non-critical areas. This may be done without a detail survey, preferable on the basis of the natural features, which should be identifiable in the field.

✓(b) Name of villages/hamlets falling within the critical & non-critical Catchment Areas seperately, alongwith information about the human and cattle population therein.

✓ (c) Economic activities being practiced in these areas customarily in terms of agriculture, mining etc.

✓ (d) Legal rights enjoyed by the people/traditional authorities in the critical and non-critical Catchment areas.

Sd/-H.M. Cairae,
Commsr. & Secretary to the Govt. of Meghalaya,
Forest & Environment, Department.

MEMO.NO.FOR.151/09/133-A

Dated Shillong, the 23rd July, 1996

Copy forwarded to:-

1. The Commissioner & Secretary, Forest & Environment.
2. Principal Chief Conservator of Forests/Chief Conservator of Forest.
3. Director Soil Conservation Meghalaya, Shillong.
4. The Director Agriculture.
5. Chief Public Health Engineer.
6. Director Health Services.
7. Director, Minister Resources.
8. Director Urban Affairs.
9. Chief Executive Members of Autonomous District Council.
10. Chief Executive Officers/Chairman Municipality concerned.
11. Superintending Engineer (PHE) Greater Shillong Circle East Khasi Hills for information and necessary action.

The Task Forces as constituted above are to complete the work before the end of October, 1996 and that a report to be submitted latest by 31.10.96.

The Names of the Water Supply Schemes is at Annexure I.

12. Divisional Forest officer (Social Forestry) Shillong for information and necessary action.
13. Divisional Officer, Soil Conservation (Territorial) Shillong for information and necessary action.
14. District Agriculture Officer, Shillong for information and necessary action.
15. Superintending Engineer (PHE) Rural Circle, Shillong for information and necessary action.
16. Divisional Forest Officer (Social Forestry) Jowai for information and necessary action.
17. Divisional Officer, Social Conservation (Territorial) Jowai for information and necessary action.
18. District Agriculture Officer, Jowai for information and necessary action.
19. Joint Director, C.I.I. Byrhihat for information and necessary action.
20. Divisional Forest Officer (Social Forestry) Nongpoh for information and necessary action.
21. Executive Engineer (PHE), Nongpoh for information and necessary action.
22. District Agriculture Officer, Nongpoh for information and necessary action.
23. Joint Director Soil Conservation (H.O.) West Khasi Hills District for information and necessary action.
24. Divisional Forest Officer, (Social Forestry) Nongstoin for information and necessary action.
25. Executive Engineer (PHE) Nongstoin, for information and necessary action.
26. District Agriculture Officer, Nongstoin for information and necessary action.
27. Conservator of Forests Tura for information and necessary action.
28. Divisional Forest Officer (Social Forestry) Tura for information and necessary action.
29. Divisional Officer (Social Forestry) Tura for information and necessary action.
30. Executive Engineer (PHE) Tura for information and necessary action.
31. District Agriculture Officer, Tura for information and necessary action.
32. Conservator of Forests, Tura for information and necessary action.
33. Divisional Forest Officer (Social Forestry) for information and necessary action.
34. Divisional Officer Soil Conservation (Territorial) Williamnagar for information and necessary action.

The Task Force as constituted above are to complete the work before the end of October 1996 and that a report to be submitted latest by 31.10.96.

The name of the water supply Schemes is at Annexure I

MEGHALAYA ACT NO. 4 OF 1992

THE MEGHALAYA PROTECTION OF CATCHMENT AREAS ACT, 1990

(As passed by the Meghalaya Legislative Assembly)

[Received the assent of the Governor on the 27th April, 1992]

(Published in the *Gazette of Meghalaya*, Extra-ordinary Issue, dated 27th April, 1992)

An

Act

To provide for the protection of catchment areas with a view to preserve water sources and to make provisions for matter connected therewith.

WHEREAS, water is so vital to human life and community;

AND, WHEREAS, water sources in the hill areas are dwindling due to denudation of and inconsistent 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 water sources therein and augment the yield of water from such sources, streams and rivulets;

BE, it enacted by the Legislature of the State of Meghalaya in Forty-first year of the Republic of India as follows:-

Short title, extent and commencement,	1	(1) This Act may be called the Meghalaya protection of Catchment Areas Act, 1990. (2) It extends to the whole of the State. (3) It shall come into force on such date as Government may by notification appoint.
Definitions	2	In this Act unless there is anything repugnant in the subject or context- (a) 'Act' means the Meghalaya Protection of Catchment Areas Act, 1990; (b) 'Advisory Board' means the Catchment Areas Advisory Board constituted under section 3; (c) 'Catchment area' means as area where springs streams, rivulets and water sources originate and serve as a potential source of perential flow of water;

- (d) 'Critical catchment area' means the area from where springs, streams, rivulets and water heads originate and serve or can potentially serve the water supply system of any village or town or a group of them and the preservation of which is so vital for the life and health of the community;
- (e) 'Competent Authority' means the competent authority appointed under section 12;
- (f) 'Government' means the Government of the State of Meghalaya;
- (g) 'Land owner' means a proprietor or patta holder and includes a person having interest in the land under this Act;

Explanation: 'land' for the purpose of this Act includes trees, buildings and standing crops on it

- (h) 'measures' means the measures specified in section 6;
- (i) 'non-critical catchment area' means a catchment area which is not a critical catchment area;
- (j) 'notification' means notification by Government published in the *Gazette of Meghalaya*;
- (k) 'prescribed' means prescribed by rule made under this Act;
- (l) 'section' means a section of the Act

Constitution of a Catchment Area Advisory Board.

3

- (1) There shall be constituted a Board to be known as the Meghalaya Catchment Areas Advisory Board to advise the Government on matter connected with the catchment areas and their protection;
- (2) The Advisory Board shall consist of the following members: namely:-
 - (a) The special Secretary/Secretary, Forest and Environment Department of the Government as Chairman;
 - (b) The Chief Conservation of Forest;
 - (c) The Director of Soil Conservation;
 - (d) The Director of Agriculture;
 - (e) The Chief Public Health Engineer;
 - (f) The Director of Health Services;
 - (g) The Director of Mineral Resources;
 - (h) The Director of Urban Development;
 - (i) The Chief Executive Officer/Chairman of the Municipality concerned;

- (j) The Chief Executive members of the Autonomous District Councils of their representatives on where there are no Chief Executive members by reasons of the functions of the District Councils having been taken over by the Governor of Meghalaya, the respective administrators appointed by him to administer the functions of the Council;
 - (k) Non-official members to be nominated by Government from time to time; and
 - (l) Environment experts to be nominated by Government from time to time.
- (3) The Board may if it thinks necessary co-opt any person or functionality in any of its sitting to resolve any particular issue or issues.
- Functions of the Advisory Board 4
- (1) The functions of the Advisory Board shall be to advise Government on-
- (a) The declaration of any area as catchment area;
 - (b) The preservation and protection of catchment areas, streams, rivulets, water sources and on measures to be adopted thereof;
 - (c) The appropriate method of management of catchment areas vis-a-vis the activities customarily practiced in such areas;
 - (d) Whether payment of any amount in any form is called for, for the tress and other cultivation but not for the land;
 - (e) The basis, terms and conditions of the agreement to be made with the land owners after negotiation with them for the purpose; and
 - (f) On such other matter connected with the improvement and augmentation of yield of water from sources therein.
- (2) The Advisory Board shall meet as often as may be necessary but not less than twice in a calendar year.
- Declaration of an area as catchment area. 5
- (1) Government may on the advice of the Advisory Board and on receipt of the consent of land owners in writing in the form to be prescribed for this purpose and whose terms and conditions are binding on the parties concerned by notification, declare an area to be a catchment area.
- (2) A catchment area to be declared under sub-section (2) may be either a critical catchment area or a non-critical catchment area.

Measures for protection of catchment areas. 6

- (1) On the declaration of an area as catchment area under section 5 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 the taking of other steps to regenerate the forests;
 - (b) Testing of the soil samples;
 - (c) In the case of a critical catchment area, prohibiting therein or within a distance not exceeding two hundred metres from the periphery thereof-
 - (i) The felling of trees, destruction or clearance of groves, bushes or any vegetative cover;
 - (ii) Jhumming or cultivation or use of any insecticide or pesticide;
 - (iii) Quarrying of sand or stone;
 - (iv) Excavation of earth;
 - (v) The carrying of any activity which in the opinion is likely to damage the springs, streams rivulets or water sources in the area.
 - (d) In the case of non-critical catchment areas prohibiting therein or within such distance not exceeding one hundred metres from the periphery thereof any activity of the nature specified in clause (c) without permission of and subject to such conditions as the competent authority may think fit to impose.

Guidelines for the competent authority in dealing with applications 7

- In granting or refusing to grant permission under clause (d) of sub-section (2) section 6 the competent authority shall while dealing with application consider:-
- (a) The nature of activity and the period the applicant for the permission has been carrying on such an activity in the area;
 - (b) Whether the activity is likely to cause damage to the catchment area the springs, streams, rivulets and water sources therein and if so the extent thereof; and
 - (c) Whether by not granting any permission, improvement of the catchment area is more likely to be achieved.

Previous publication of notice and consideration of objections	8	<p>(1) Where Government proposes to take any measure contemplated in sub-section (2) of section 6 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.</p> <p>(2) If after consideration of objections received under sub-section (1) Government decides to take any of the measures contemplated in sub-section (2) of section 6 the same shall be notified in a manner as may be prescribed.</p>
Prohibition of activities in catchment area.	9	On the measures being so notified under sub-section (2) of section 8 no person shall undertake or carry on, in the critical catchment area, any activity which is so prohibited and, in the non-critical catchment area, any activity without the permission of the competent authority or otherwise than in accordance with such permission.
Power of entry to inspect and verify.	10	Any member of the Advisory Board 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 catchment area including the extent thereof as referred to in clause (c) and (d) of sub-section (2) of section 6, to inspect and verify the activities, if any, or in connection with any function under this Act or rules made there under 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 wilfully delays or obstruct such member or person he shall be guilty of an offence under this Act.
Offences	11	Whoever contravenes the provisions of section 9 or of section 10 shall for the first offence be punishable with fine which may extend to rupees two thousand and, in case of continuing offence, of rupees two hundred for each day the offence continues and for any subsequent offence with imprisonment for a term which may extend to six months with or without fines.
Competent Authority	12	Special Secretary/Secretary Forest and Environment Department shall be the Competent Authority for the purpose of this Act, and Government may by notification appoint any other competent authority for the purpose of this Act.

Complaint	13	No Court shall take cognizance of any offence under this Act except on a complaint made by the competent authority
Bar on suits in civil courts.	14	No suit shall be in any civil court to set aside or modify any order passed by Government or by the competent authority under this Act or the rules framed there under.
Appeal	15	Any person aggrieved by the order of Government to declare an area as a 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 Meghalaya Board of Revenue and its order on the appeal shall be final.
Effect on other laws	16	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.
Power to make rules	17	<p>(1) The Government may by notification make rules to carry out purposes of this Act.</p> <p>(2) Without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, viz.</p> <ul style="list-style-type: none"> (a) The manner and method of functioning of the Advisory Board (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 in non-critical catchment areas; (d) The guidelines for the competent authority to deal with applications for permission, subject to provisions of section 7; (e) The form and manner of notification to be issued under sub-section (2) of section 8 regarding measures to be taken; (f) From and manner of issuing notice for entry upon any land for inspection and verification under section 10; (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.



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