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Draft National Water Framework Bill, 2013

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DRAFT NATIONAL WATER FRAMEWORK BILL 2013

Government of India
Ministry of Water Resources

DRAFT NATIONAL WATER FRAMEWORK BILL, 2013

A Bill to establish a framework with governing principles for protection, conservation and regulation of waters and for matters connected therewith and incidental thereto.

AND WHEREAS water is a limited natural resource that has to be protected and preserved for generations, calling for a continuous and cohesive action with proactive planning and taking of all appropriate measures for its sustainable management;

AND WHEREAS States have the right to frame suitable policies, laws and regulations on water and the Constitution of India provides for devolution of powers and responsibilities with regard to some of water related services to Panchayats and Municipalities;

AND WHEREAS different State legal interventions need to be to within a framework of governing principles for protection, conservation and regulation of waters so as to bring about the prudent, wise, equitable, socially just, conflict-free, efficient, and sustainable management of water;

AND WHEREAS the National Water Policy (2012), adopted by the National Water Resources Council, emphasizes the need to evolve a National Framework Law as an umbrella statement of general principles governing the exercise of legislative and/or executive (or devolved) powers by the Centre, the States and the local governing bodies, and thereby, making the tenets of such a consensual statement justiciable;

BE it enacted by Parliament in the Sixty Third year of the Republic of India as follows:-

CHAPTER I
PRELIMINARY

- 1 **Short Title, Extent and Commencement – (1)** This Act may be called the National Water Framework Act, 2013.

*Short title,
extent and
commencement*

(2) It applies in the first instance to the whole of the States of..... and the Union Territories; and it shall apply to such other States which adopt this Act by resolution passed in that behalf under clause (1) of Article 252 of the Constitution.

(3) It shall come into force, at once in the States of..... and in the Union Territories and on the date of adoption in any other State which adopts this Act under clause (1) of Article 252 of the Constitution.

2 In this Act, unless the context otherwise requires: —

Definitions

- (i) “Appropriate Government” means in relation to interstate rivers and river valleys, the Central Government and in relation to rivers confined to the territory of a State, the State Government; and as defined in the concerned legislation devolving powers to local bodies;
- (ii) “Aquifer” means an underground layer of water-bearing permeable rock or unconsolidated materials including gravel, sand and silt, from which groundwater can be extracted;
- (iii) “Base flow” means Groundwater seepage into a stream channel;
- (iv) “Common pool resource” means a natural resource which, by its nature and social practice, is such that it is available for use by all the members of a village or other group or community, without exclusions of any kind, and the use of which by any individual or group diminishes the availability for others;
- (v) “Community based institutions” means Panchayati Raj Institutions, Water Users Associations and other local governing bodies;
- (vi) “Corporatisation” means the conversion of a government body or agency into a company or corporation;
- (vii) “Ecological integrity” means the natural condition of water and other resources sufficient to ensure proper integration of biological, chemical and physical aspects of the aquatic and terrestrial environment;
- (viii) “Ecological needs” means water required for sustaining essential elements of environmental entities such as terrestrial and aquatic ecosystems;
- (ix) “Eligible Households” means the priority households, as identified by the appropriate Governments;
- (x) “Environment impact assessment” means an assessment of the possible positive or negative impacts that a proposed project may have on the environment, along with the social and economic aspects;

- (xi) "IndiaWRIS" means web based India Water resources Information System for water related data on geographical information system platform;
- (xii) "Integrated river basin development and management" means the process of formulating and implementing a course of action involving natural, agricultural, and human resources of a river basin therewith taking into account the social, economic and institutional factors operating in a river basin to achieve specific objectives.
- (xiii) "Livelihood" means an activity or occupation or employment including self-employment that provides sustenance at defined minimum levels to an individual or family but does not necessarily generate a surplus;
- (xiv) "Local Authority" means Panchayats, Municipalities, Corporations and other local governing bodies set up by Parliament or State Legislatures;
- (xv) "Non-point source of pollution" means pollution from diffuse sources, such as polluted runoff from agricultural areas draining into a river, or wind-borne debris;
- (xvi) "National Water Policy" means National Water Policy adopted by the National Water Resources Council in 2012 or in subsequent years along with modifications, as approved by from time to time;
- (xvii) "Overdrawal of groundwater" means drawal or extraction of groundwater in excess of average annual replenishable recharge of the aquifer;
- (xviii) "Pre-emptive needs" means the needs for water, such as for drinking water, sanitation and other needs, as may be prescribed, which has to be accorded highest priority and must be met before any other need;
- (xix) "Participatory Management" means and refers to the active association and involvement of the people or the community in policy-formulation, project-planning or implementation, or activity, scheme, programme, project or institutional arrangements of any kind;
- (xx) "Precautionary principle" means the principle that advocates the adoption of a cautious approach, including anticipatory preventive or mitigatory action, towards an activity that holds the possibility of causing harm to human beings or the environment, even if that possibility is not fully established scientifically, with the onus of proving that there will be no such harm resting on the proposer of the

activity;

(xxi) “Prescribed” means prescribed by rules made under this Act;

(xxii) “Principle of differential pricing” means different pricing of water for different uses and for different classes of users;

(xxiii) “Privatisation” means the transfer of a government body or institution or a public enterprise to private ownership, or the transfer of a governmental or public sector activity to a private body;

(xxiv) “Public trust” means the doctrine that the state holds natural resources in trust for the community;

(xxv) “River basin” means the area drained by a river and its tributaries, that is, the total area within which whatever precipitation or runoff occurs will, except for evaporation and seepage into the ground, eventually find its way to the river or one of its tributaries;

(xxvi) “Sustainable use” means the use of water that is consistent with the long-term sustainability of that resource and takes into account needs of future generations;

(xxvii) “Water” and “Water Resources” include both surface and ground water resources;

(xxviii) “Water footprint” means the total volume of water used direct or in the form of goods and services embodying water, by an individual or community or country as a whole, or by an industry or business in its production or other commercial activity;

(xxix) “Water-harvesting” means capturing and conserving rainwater or retarding run-off through various structures either for the direct use of the stored waters or for re-charging groundwater aquifers; and

(xxx) “Watershed” means the ridge or line of high land separating two areas such that rainwater falling on one side of the line drains on that side and cannot pass to the other side; by extension, the area bounded by the ridge; generally used to denote a small local area bounded by low ridges, but sometimes also a large area bounded by high hills, including a river-basin.

Words and expressions used and not defined in this Act and/or whenever there is a doubt or ambiguity in

interpreting the words and phrases used in this act, for which adequate guidance is not available from the context and from the Chapter on the definitions, the principle of interpretation to be followed may be sought from the National Water Policy and the Preamble to this Act.

Chapter II

BASIC PRINCIPLES FOR WATER MANAGEMENT

- 3 **Basic Principles for Water Management –** (1) The planning and management of water resources shall be integrated appropriately with the management of all resources and shall take into account in an integral manner the local, regional, State and national needs.

*Basic Principles
for Water
Management*

(2) Local Authorities and the appropriate Government shall take all measures to plan and manage water resources equitably, sustainably, and in a socially just manner.

(3) The planning, management and regulation of water resources shall be carried out by the appropriate Local Authorities and the appropriate Government in a manner that is transparent, accountable and participatory.

(4) Water is a common pool resource of the community and shall be managed, protected and preserved as such by community based institutions.

(5) The state holds water in public trust for the people and is obliged to protect water resources as a trustee for the benefit of all.

Provided that the responsibility of the state as public trustee shall remain even if some of the functions of the state in relation to water are entrusted to any public or private agency.

(6) Water in its primary aspect as a sustainer of human life shall take precedence over other uses of water, such as agricultural, industrial, commercial, and other uses.

(7) The appropriate Government shall take all measures to protect the ecological integrity necessary to sustain ecosystems dependent on waters.

Provided that a portion of river flows shall be kept aside to meet ecological needs ensuring that the low and high flow releases are proportional to the natural flow regime, including base flow contribution in the low flow season through regulated ground water use.

(8) A river basin shall be considered as the basic hydrological unit for planning, development and management of water resources.

(9) Water-use decisions shall have due regard to the land-use appropriate to the relevant area, and in turn, the proper land-use for an area shall be decided with due regard to the availability of water.

(10) Where water sources, catchments or drainage paths have already been encroached upon, efforts shall be made to stop further encroachment and reverse the adverse impact already made, to the extent possible.

(11) Institutions related to the governance of the water sector should take into account the concerns and recommendations of the National Water Policy.

(12) Demand management of water needs shall be given priority, especially through;

(a) evolving an agricultural system which economizes on water use and maximizes value from water, and

(b) bringing in maximum efficiency in use of water and avoiding wastages.

(13) Inter-basin transfer of water shall be considered on the basis of merits and historical uses of each case after evaluating the environmental, economic and social impacts of such transfers.

(14) There shall be nationally standardized water footprints for every activity or product and it shall be the duty of the appropriate Government at all levels, the citizens, and all categories of water-users, to endeavour to reduce their water footprint at every level.

Provided that the demand of water for various uses shall be assessed in accordance with the standardized water footprints, determined under this section, and such assessment shall be appropriately incorporated in inter-sectoral, inter-regional and inter-State allocation of water and in preparation of Master Plan as per Section 7.

(15) Water quality and quantity are interlinked and need to be managed in an integrated manner, consistent with broader environmental management approaches inter-alia including the use of economic incentives and penalties.

(16) Decentralised local rainwater-harvesting and micro-watershed development shall be adopted for water management along with recognizing, empowering and encouraging local initiatives.

(17) All efforts shall be made through appropriate institutional arrangements at all levels to prevent a water-related dispute or conflict from arising between or among different water-uses, or different groups or classes of

users, or different areas, and when a dispute or conflict does arise, to settle it through negotiations, conciliation or mediation, or other such means as far as possible.

(18) Water shall increasingly be subjected to allocation and pricing on economic principles to ensure its development costs, efficient use and reward conservation;

Provided that the principle of differential pricing of water may be retained for the pre-emptive uses of water for drinking and sanitation; and high priority allocation for ensuring food security and supporting livelihood for the poor.

Provided that equitable access to water for all and its pricing, for drinking and other uses such as sanitation, agricultural and industrial, shall be arrived at after wide ranging consultation with all stakeholders through independent statutory Water Regulatory Authority, set up by each State.

Chapter III **RIGHTS TO WATER, PRESERVATION OF QUALITY** **AND WATER PRICING**

- 4 **Right to Water-** (1) Every individual has a right to a minimum quantity of potable water for essential health and hygiene and within easy reach of the household.

*Providing basic
right to water*

(2) The minimum quantity of potable water shall be prescribed by the appropriate Government after expert examination and public consultation.

Provided that the minimum quantity of potable water shall not be less than 25 litres per capita per day.

(3) The state's responsibility for ensuring people's right to water shall remain despite corporatisation or privatisation of water services and the privatisation of the service, where considered necessary and appropriate, shall be subject to this provision.

(4) The appropriate Government shall specify the quality standards of water supply specified for different uses, such as drinking, other domestic uses, livestock, irrigation, industries, etc., and shall ensure that these standards are fully complied with.

- 5 **Preservation of Water Quality-** (1) Subject to the provisions of the Environment (Protection) Act 1986 and Water (Control and Prevention of Pollution) Act 1974, the approach to the prevention and control of pollution and contamination of water sources shall include: (i)

*Preservation of
Water Quality*

29 of 1986
6 of 1974

minimising the generation of waste in all water uses; (ii) reducing non-point source of pollution; (iii) recovering, to the extent possible, water for some uses from waste; and (iv) ensuring that nothing that does not meet certain stringent quality standards, as may be prescribed, is allowed to enter water sources.

(2) Water quality in all rivers, streams, surface water bodies, aquifers and other water sources throughout the country, shall be protected and improved to conform to such standards as may be prescribed.

- 6 **Water Pricing** – (1) An Independent statutory Water Regulatory Authority shall be established by every State for ensuring equitable access to water for all and its fair pricing, for drinking and other uses such as sanitation, agricultural and industrial.

*Fixation of
water pricing*

Provided that decisions of the Water Regulatory Authority shall be subject to judicial review.

(2) Water charges shall be determined on volumetric basis and shall be reviewed periodically in order to meet equity, efficiency and economic principles.

(3) The Recycle and reuse of water, after treatment to specified standards, shall also be incentivized through an appropriately planned tariff system.

(4) The principle of differential pricing for water for drinking and sanitation; and for ensuring food security and supporting livelihood for the poor may be adopted.

Provided that the appropriate Government may provide minimum quantity of water for drinking and sanitation free of cost to eligible households, being part of pre-emptive need.

Provided that available water, after meeting the pre-emptive needs, shall increasingly be subjected to allocation and pricing on economic principles so that water is not wasted in unnecessary uses and could be utilized more gainfully and water infrastructure projects are made financially viable.

Chapter IV

WATER RESOURCES PROJECTS: PLANNING AND MANAGEMENT

- 7 **Integrated River Basin Development & Management-**
(1) The appropriate Government shall develop, manage and regulate basins of intra-State rivers through specific legislations enacted for such purpose and shall cooperate

*Integrated River
Basin
development &
Management*

and participate constructively in planning and management of inter-State rivers along with other co-basin States.

(2) River basin or sub-basin shall be developed with unified perspectives of water and ensuring holistic and balanced development of both the catchment and the command areas, following the principle of integrated water resources management.

(3) Optimal utilisation of waters within a river basin shall be ensured, with due regard to the reasonable present and future needs for life and livelihoods, appropriate economic activity, social justice and equity, and ecological sustainability.

(4) The Central Government shall set up an institution at the national level for promotion, regulation and evolving mechanisms for efficient use of water at basin/sub-basin level.

(5) The State may set up appropriate organizations for each intra-State river basin or sub-basin for planning and management of water resources as per provisions of this Act.

(6) Each river basin organization set up by the Centre or the State(s), shall prepare a status report of the river basin or sub-basin comprising such information as may be prescribed and the status report, so prepared, shall be reviewed and updated after every five years after due consultation with all other planning agencies and stakeholders.

Provided that the status report, at its all stages, shall remain in public domain, and shall be available on the website.

(7) Each river basin/sub-basin organization shall ensure that a River Basin Master Plan is produced for the river basin under its jurisdiction and that such Plan is based on the status report for the river basin/sub-basin as prepared in terms of sub-section 6.

(8) The environmental protection plan, including cumulative environment impact assessment, for an area shall form part of the River Basin Master Plan as prepared in terms of sub-section 7.

- 8 **Water Resources Information System** – (1) The Central Government shall develop and maintain a web based Water Resources Information System (IndiaWRIS) on Geographical Information System Platform integrating water resources and other related data with satellite imageries through use of state-of-the-art Information

*Development
and
Maintenance of
web based
Water
Resources
Information
System on*

Technology.

*Geographical
Information
System
Platform*

(2) A National Water Informatics Center shall be established to collect, collate and process hydrologic data regularly from all over the country, conduct the preliminary processing, and maintain in open and transparent manner in the IndiaWRIS.

(3) An appropriate agency shall be set up for each river basin/sub-basin to collect and collate all data on regular basis with regard to rainfall, river flows, area irrigated by crops and by source, utilizations for various uses by both surface and ground water and to publish water accounts on ten daily basis every year for each river basin with appropriate water budgets and water accounts based on the hydrologic balances.

Provided that the agencies shall maintain, supply and feeding of water related data at prescribed intervals into IndiaWRIS.

(4) The agencies established pursuant to sub-section (3) shall be networked with the nationwide network connecting central server hosting IndiaWRIS.

- 9 **Management of Floods and Droughts** - (1) The appropriate Government and local Authority shall strive towards mitigating water related disasters like floods and droughts, through structural and non-structural measures, with emphasis on rehabilitation of natural drainage system, coping mechanisms and preparation and periodic updating of emergency action plans / disaster management plans.

*Management of
floods and
droughts*

(2) The appropriate Government and local Authority shall expand flood forecasting extensively across the country and modernize flood forecasting using real time data acquisition system and linked to forecasting models.

(3) Operating procedures for reservoirs shall be evolved and implemented in such a manner to have flood cushion and to reduce trapping of sediment during flood season on the basis of sound decision support system.

- 10 **Project Planning and Management** – (1) States shall take prior and continuing assessment of the impact of programmes, projects or activities that may have a significant effect on the environment or on the sustainable development of waters.

*Water
Resources
Projects
Planning and
Management*

(2) All water resources projects shall conform to the River Basin Master Plan under section 7(7), applicable efficiency benchmarks and shall take into account all social and environmental aspects in addition to techno-economic considerations of the project in consultation with project

affected and beneficiary families.

(3) Project planning and management of water resources shall be on the basis of regional agro-climatic considerations taking into account possible future scenario, including climate change, after maximising water use efficiency and benefits from the locally available water resources.

(4) Planning and management of water resources structures, such as, dams, flood embankments, tidal embankments, among others, shall incorporate coping strategies for possible future scenario including climate changes.

(5) Planning and execution of all components of water resources projects shall be carried out in a pari-passu manner with concurrent monitoring at project and State levels with a view to prevent time and cost over-runs.

(6) Local authorities, like Panchayats, Municipalities, Corporations, and Water Users Associations, wherever applicable, shall be empowered and involved in planning and management of the projects.

Provided that the unique needs and aspirations of the Scheduled caste and Scheduled Tribes, women and other weaker sections of the society shall be given due consideration.

11 Institutional Arrangements for Water Sharing – (1)

Appropriate institutional arrangements shall be established at all levels within the State and beyond up to an inter-State river-basin, to obviate and resolve emerging differences through negotiations, conciliation or mediation, or other such means, at the earliest stages and before the differences become acute, so as to avoid recourse to adjudication as far as possible.

*Institutional
Arrangements
for Water
Sharing*

(2) The appropriate Government shall lay down principles for allocation of water resources for amicable resolution of differences and disputes.

(3) Data of all kinds with the exception of classified data, shall be freely shared by the States concerned and put in the public domain.

12 Groundwater Regulation and Management –

(1) Groundwater shall be protected, conserved and regulated through appropriate laws and by adequate and efficient measures using precautionary approach, so as to protect available resources and promote sustainable groundwater use.

*Groundwater
Regulation and
Management*

(2) The regulation of groundwater shall be in consonance

with the principles of non-discrimination, equity, principle of subsidiarity and shall conform to the constitutional provisions for decentralisation of powers and functions.

(3) States shall manage groundwater conjunctively with surface water of any basin of which it is a part, taking into account any interconnections between aquifers or between an aquifer and a body of surface water, as well as any impact on aquifers caused by activities within the States jurisdiction.

(4) The extraction of groundwater in any manner in any area shall be regulated through community based institutions with due regard to the hydro-geological and ecological characteristics and features of the aquifer as a whole.

Provided that such users and community based institutions shall be empowered to take information based decisions based on aquifer information and extraction data shared with them.

(5) The over-drawal of groundwater shall be minimized by regulating the use of electricity for its extraction, including through appropriate pricing and separate electric feeders for pumping ground water for agricultural use.

(6) The appropriate Government shall demarcate groundwater recharge zones by identifying critical natural recharge areas of an aquifer and those areas that require special attention with regard to the recharge of groundwater and including areas that are affected by contaminants and saline water ingress.

(7)The groundwater recharge zones under sub section (6) shall be accorded the highest priority in terms of groundwater protection and regulation and the appropriate government shall take all possible measures to conserve and protect such groundwater recharge zones.

(8) The appropriate Government and local Authority shall take all possible measures to protect and improve the quality of groundwater, including measures for prevention of pollution and for remediation from groundwater contamination.

(9) The appropriate Government and local Authority shall ensure planning and implementation of necessary safeguards to protect the quality of groundwater while giving licenses for mining and industrial activities.

(10) The appropriate Government and local Authority shall keep all groundwater related information, such as, groundwater levels, water quality, local aquifer maps and groundwater utilization, in public domain.

- 13 **Urban Water Management** – (1) The appropriate Government and local Authority shall ensure conformance to the Service Level Benchmarks for water supply, sanitation, solid waste management and storm water drainage, as may be prescribed.

*Urban Water
Management*

(2) Urban water supply shall be 100% metered and priced on volumetric basis.

Provided that supply of minimum water to Below Poverty Line populations may be subsidised by the appropriate government.

Provided further that water accounts and water audit reports indicating leakages and pilferages, shall be published to sensitize communities for reduction of non-revenue water taking into due consideration the associated social issues.

(3) The appropriate Government and local Authority shall ensure that urban water supply and sewage treatment schemes are integrated and executed simultaneously with provision of sewerage charges included in the Water supply bills.

(4) The appropriate Government and local Authority shall encourage reuse of urban water effluents from kitchens and bathrooms, after primary treatment, in flush toilets ensuring no human contact.

(5) Water resources projects and services shall be managed with community participation.

Provided that for improved service delivery on sustainable basis, the State Governments and urban local bodies may associate private sector in public private partnership mode with penalties for failure, regulatory control on prices charged and service standards and with full accountability to democratically elected local bodies.

- 14 **Industrial Water Management** – (1) Industries in water short regions shall be allowed to either withdraw only the make up water or have an obligation to return treated effluent to a specified standard back to the hydrologic system.

*Industrial Water
Management*

(2) Pricing of water for industry shall include efficiency costs and capital charges.

(3) Subsidies and incentives shall be implemented to encourage recovery of industrial pollutants including recycling and reuse that are otherwise capital intensive.

(4) Major water using industries and businesses

consuming water more than one Million Cubic Meter in a year shall file annual 'Water returns' containing information, such as, water utilisation per unit produce, effluent discharge details, rain water harvested, water reuse details and fresh water consumption.

*Participatory
Water
Management*

15 **Participatory Water Management** – (1) The appropriate government shall recognise, undertake and encourage a participatory approach to water management at all levels through appropriate laws, regulations and administrative measures including establishment of Water Users Associations.

(2) Water Users Associations shall be accorded statutory powers to collect and retain a portion of water charges after paying for the water charges, as may be fixed by the Water Regulatory Authority, manage the volumetric quantum of water allotted to them and maintain the distribution system in their jurisdiction.

Provided that the Water Users Associations shall be given the freedom to fix rates subject to floor rates determined by Water Regulatory Authority.

Provided further that adequate provisions shall be made to ensure financial discipline and sustainability of such Water Users Associations.

(3) The decisions for conservation, management and regulation of water shall be based on the principle of subsidiarity and such decisions shall be made with the involvement of users, especially women, in the planning and implementation of water projects.

(4) The appropriate government shall specify the nature of administrative and economic relationship between the Panchayat or Municipalities, as the case may be, and the Water Users Associations at the local level.

(5) The appropriate government shall establish a regular system for water related data sharing, sensitization and capacity building of Panchayats, Municipalities and Water Users Associations and for their involvement in planning and implementation of water resources projects so as to ensure conservation of water and improvement of water quality.

Chapter V

PROMOTION OF INNOVATION AND TECHNOLOGY

16 **Promotion of Innovation and Technology** – (1) The appropriate Government shall promote indigenous knowledge and develop technologies for conservation of water resources compatible with Indian social-cultural-

*Promotion of
Innovation and
Technology*

economic ethos.

(2) The appropriate Government shall promote better land-soil-water management with scientific inputs from local research and academic institutions, such as adoption of compatible agricultural strategies and cropping patterns and improved water application methods, such as, land leveling, drip, sprinkler irrigation.

(3) The appropriate Government shall promote continuing research and advancement in technology to address issues in the water sector.

(5) The appropriate Government shall encourage, recognize and award innovations in water resources sector.

Chapter VI

CONVERGENCE OF SCHEMES

- 17 **Convergence of Schemes–** (1) The appropriate Government shall take all possible measures to synergise and integrate different development schemes including schemes for water conservation, sanitation and improvement of water quality at Panchayat or Municipality, as the case may be, level and further at sub basin and basin level.
- (2) The appropriate Government shall also specify enabling institutional framework for effective convergence of schemes.

Provision of convergence of different schemes of Central/state Governments at the Panchayat/ Municipality level

Chapter VII

COORDINATION AND POLICY SUPPORT MECHANISM

- 18 **Coordination and Policy Support Mechanism–** (1) The Centre and the State Governments shall set up a High Powered Committee at the Centre and in each State, respectively, to carry out following activities;
- (2) To prepare a perspective plan for sustainable development of water resources ensuring water security for the years 2025 and 2050 for each District, State and for the entire country.
- (3) To provide support to River Basin Authorities, State Governments and appropriate local bodies, in operational water resources planning system studies, including consulting services.
- (4) To prepare study reports, papers, advisories and other documents on issues like state of the art techniques in India and abroad on issues like water footprints and efficiency benchmarks, standards,

Provision for setting up of a coordination and policy support mechanism between different agencies dealing with water

water regulation, water rights, water pricing, project planning, climate change issues, efficient use of water and convergence of the water sector with land use, agriculture, urbanization and energy development.

- (5) To prepare monitoring reports on national and global experience on successful experiences in complex areas of water development, including studies of successes of water projects of a difficult nature with lessons on level of appropriate government functioning in federal countries, dispute resolution mechanisms, measurement of water flows in complex delivery systems, community and NGO involvement in problem resolution and use of advanced technologies in water projects and planning.
- (6) To support and prepare studies on flood forecasting and amelioration, hydrology and sensitive environmental zones, including mountain regions ,coastal regions and port towns; and
- (7) To prepare studies on any other area relating to the water sector that it may consider important or that may be referred to it by the appropriate Government.

Chapter VIII

MISCELLANEOUS

- 19 **Enforcement of the Act** – (1) States shall, where appropriate, enact laws and regulations to accomplish the purposes set forth in this Act and shall adopt adequate and efficient administrative measures, including Management and implementation Plans for the enforcement of this Act.

*Enforcement of
the Act*

Provided that the existing legislations both at the Central as well as State level shall be reviewed and amended, wherever appropriate, so as to conform to the principles and provisions of this Act.

(2) The appropriate Governments shall take all steps to ensure the availability of effective judicial remedies for persons whose legal rights have been violated including legal rights arising out of this Act, and who suffer or are under a serious threat of suffering damage arising from programs, plans, projects, or activities relating to water management.

(3) Remedies under this Section shall, as appropriate, provide for preventive remedies to prevent damage arising from programs, plans, projects, or activities relating to water management; compensation for damage; criminal

prosecution of offenders and any other appropriate remedy in accordance with the provisions of any other law for the time being in force.

- 20 **Act to have overriding effect-** The provisions of this Act or the Plans made there under shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law. *Act to have overriding effect*
- 21 **Power of the Central Government to make Rules** –The Central Government may by a Notification, make rules to carry out the provisions of this Act. *Power of the Central Government to make Rules*
- 22 **Power of the State Government to make Rules** –The State Government may by a Notification, and consistent with this Act and the rules made by the Central Government make rules to carry out the provisions of this Act. *Power of the State Governments to make Rules*
- 23 **Laying of Rules and Plans** –(1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty sessions, and if, before the expiry of session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made the rule shall have thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without the prejudice to the validity of anything previously done under that rule. *Laying of Rules and Plans*
- (2) Every rule or Plan made by the State Government under this Act shall, as soon as, may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of State Legislature, before the House.