

Bill No. 122 of 2021

THE COMPULSORY PERIODICAL DESILTATION OF DAMS,
RESERVOIRS AND RIVERS BILL, 2021

By

DR. NISHIKANT DUBEY, M.P.

A

BILL

to provide for the compulsory periodical desiltation of dams, reservoirs, rivers and such other water bodies and an institutional mechanism by establishing a National Authority to ensure timely and periodical desiltation of such water bodies in the country to increase their water holding capacity and ensure smooth flow of water which will reduce the incidence of floods and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Periodical Desiltation of Dams, Reservoirs and Rivers Act, 2021.

Short title,
extent and
commencement.

- 5 (2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

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

(a) “appropriate Government” means in the case of a State, the Government of that State, and in all other cases, the Central Government; 5

(b) “Authority” means the National Desiltation Authority of India established under section 3;

(c) “Dam” means any artificial barrier and its appurtenant structure constructed across rivers or tributaries thereof to impound or divert water which also include barrage, weir and similar water impounding structures; 10

(d) “desiltation” means removing of sediments of rocks and clay deposited by flowing stream of water in a river, dams and other water bodies;

(e) “prescribed” means prescribed by rules made under this Act; and

(f) “reservoir” in relation to a dam shall mean any spread of water impounded by such a dam. 15

Establishment
of National
Desiltation
Authority of
India.

3. (1) The Central Government shall, within a period of sixty days from the date of commencement of this Act, by notification in the Official Gazette, establish for the purposes of this Act, an Authority to be known as the National Desiltation Authority of India for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose off properties, both movable and immovable, and to contract, and shall, by the said name, sue or be sued. 20

(3) The headquarters of the Authority shall be at Deoghar in the State of Jharkhand and the Authority may also establish offices at other places in India. 25

(4) The Authority shall consist of a Chairperson, a Deputy Chairperson and four other members having such qualifications and experience to be appointed by the Central Government in such manner as may be prescribed;

(5) The salaries and allowances payable to and other terms and conditions of service of the Chairperson, Deputy Chairperson and other members shall be such as may be prescribed; 30

(6) The Authority shall have its own Secretariat headed by a Secretary and such number of officers and staff as may be necessary for the efficient functioning of the Authority.

(7) The salaries, allowances payable to and other terms and conditions of service of the Secretary, other officers and staff shall be such as may be prescribed. 35

(8) The Authority shall comply with such directions, as may, from time to time, be given to it by the Central Government.

(9) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings in the manner as may be prescribed. 40

4. (1) The Authority shall —

Functions of
the Authority.

(i) prepare a list of dams, reservoirs and rivers in the country and chalk out a programme for desiltation of each of these dams, reservoir and river;

5 (ii) prescribe norms for desiltation, prioritisation of works, proper surveillance and inspection;

(iii) ensure that every dam, reservoir and river undergoes desiltation process at least once in every five years.

(2) Without prejudice to the generality of the provisions, contained in sub-section (1), the Authority shall make all endeavours to,—

10 (a) make provision for machinery, vehicles and necessary infrastructure required for desiltation works;

(b) hire services of experts in the field of desiltation works in consultation with Dredging Corporation of India;

15 (c) suggest measures for the use of silt which will be generated after the desiltation works;

(d) make provisions for safety, emergency action plan and such other measures, as may be prescribed, during the desiltation works undertaken by the Authority.

20 5. It shall be the duty of the appropriate Government to extend requisite help, manpower and assistance to the Authority, as and when required by it.

Appropriate
Government to
extend required
help to the
Authority.

6. (1) The Authority shall prepare once in every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous financial year and submit a copy thereof to the Central Government.

Annual
Report.

25 (2) The Central Government shall, as soon as may be, cause the annual report to be laid before each House of Parliament.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the Authority by way of grants such sums of money as may be required for the effective implementation of the provisions of this Act.

Central
Government
to provide
funds.

30 8. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force dealing with the subject matter of this Act.

Act to
supplement
other laws.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make
rules.

35 (2) Every rule made 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 days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the 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
40 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 prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our country has many rivers and there are several cities and villages near their banks. These rivers give much required water for drinking and other purposes and for irrigation purposes to grow crops in major parts of the country. On many rivers, dams have been constructed to generate hydro-power to meet the power demands of our vast nation. The water stored in these dams is also used for drinking and irrigation purposes.

Similarly, large number of reservoirs have been constructed across the country which store rainwater which is used for drinking and other purposes. For instance, Jharkhand is at large dependent on nearby reservoirs for its daily water supply and so is the case of other States also.

However, the holy rivers which provide water for our lifeline also bring havoc and destructions through floods. One of the main reasons for flooding of these rivers is deposit of huge quantities of silt in their bed which reduces their water holding capacity resulting in floods.

Similarly, large quantities of silt deposited in dams and reservoirs across the country which has substantially reduced their capacity to hold water in them. As a result, for instance, when summer approaches the water level in reservoirs goes down substantially resulting in severe water crisis and this happens almost every year. Since the rivers, dams, reservoirs and big water bodies in the country are never desilted, the situation is becoming from bad to worse. Floods are causing huge losses of human lives, properties, crops, livestock and bring miseries to the people year after year. Similarly, huge deposits of silt in dams and reservoirs is causing severe water crisis for drinking as well as irrigation purposes. Hence, it has become utmost necessary to carry out periodical desiltation of rivers, dams and reservoirs in the country. It is felt that every river, dam and reservoir must be desilted once in every five years. For this purpose, an Authority be established at the national level to ensure desiltation of these water bodies as per time schedule.

Hence, this Bill.

NEW DELHI;
January 15, 2021.

NISHIKANT DUBEY

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(3) OF THE CONSTITUTION

[Copy of letter No. P-22021/1/2021-Comm(SCR)/1270 dated 22 September, 2021 from Shri Gajendra Singh Shekhawat, Minister of Jal Shakti to the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the Compulsory Periodical Desiltation of Dams, Reservoirs and Rivers Bill, 2021 by Dr. Nishikant Dubey, Member of Parliament, recommends to the House, the consideration of the Bill under clause (3) of article 117 of the Constitution.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of National Desiltation Authority of India. Clause 7 makes it mandatory for the Central Government to provide required funds to the Authority. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. However, at this stage it is not possible to quantify the amount but it is estimated that a sum of rupees fifty thousand crore will involve as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one lakh crore will also be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

LOK SABHA

A

BILL

to provide for the compulsory periodical desiltation of dams, reservoirs, rivers and such other water bodies and an institutional mechanism by establishing a National Authority to ensure timely and periodical desiltation of such waterbodies in the country to increase their water holding capacity and ensure smooth flow of water which will reduce the incidence of floods and for matters connected therewith or incidental thereto.

(Dr. Nishikant Dubey, M.P.)