

Bill No. 163 of 2019

THE NATIONALISATION OF INTER-STATE RIVERS BILL, 2019

By

SHRI K. NAVASKANI, M.P.

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BILL

to provide for nationalisation of inter-State rivers for the purpose of equitable distribution of river water amongst the States and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Nationalisation of Inter-State Rivers Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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

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

Definitions.

10 (a) "inter-State river" means a river which has its source in one State and passes through two or more States including the State in which the river has its origin before it submerges into the sea and also includes a lake, tank or rivulet, which has its source from an inter-State river; and

(b) "prescribed" means prescribed by rules made under this Act.

No State to have exclusive right over an inter-State river.	3. Notwithstanding anything contained in any other law for the time being in force, no State shall have exclusive right over an inter-State river or to its use.	
Central Government to have right and control over inter-State rivers.	4. On and from the date of commencement of this Act, the Central Government shall have exclusive right and control over all inter-State rivers.	
State Governments to forward requirements of water/ electricity.	5. (1) Every State Government and Union Territory Administration shall forward its requirement of water for all purposes, including requirement for irrigation and drinking purposes, to the Central Government and also its requirement for electricity.	5
	(2) While forwarding its requirement, every State Government and Union Territory Administration shall indicate the rivers, which are not inter-State rivers, and their status and any dam constructed within the State on any river, including an inter-State river, and its capacity for storage of water and electricity generated from each of such rivers.	10
	(3) Every State Government shall also indicate the average rainfall in the State during the last three years in different seasons and the amount of rainfall during the current year.	
Central Government to distribute inter-State river water.	6. (1) It shall be the duty of the Central Government to distribute river water of every inter-State river to the States within which such river pass through.	15
	(2) While distributing river water, the Central Government shall take into consideration the following factors:—	
	(a) population and area of each interested State;	
	(b) land available for farming in each State;	
	(c) requirement of water for drinking, agricultural and other purposes in each State;	20
	(d) length of inter-State river passing through each State; and	
	(e) requirement and availability of electricity in each State.	
Steps to check flood and soil erosion.	7. The Central Government shall take such steps as it may consider necessary for checking floods and soil erosion caused by inter-State rivers.	25
Central Government to construct hydro-electrical plants on inter-State rivers.	8. (1) On and from the date of commencement of this Act, no State Government shall construct any hydro-electrical plant or project on any inter-State river.	
	(2) The Central Government shall have exclusive right and control to construct any power plant meant for power generation on any inter-State river and shall distribute electricity in such ratio, among the State through which the inter-State rivers pass, as may be prescribed.	30
	(3) Every State Government shall pay to the Central Government in such ratio as may be prescribed for the electricity it receives from any hydro-electrical plant or project constructed on an inter-State river.	
Power to make rules.	9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.	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	40

rule should not be made, the rule shall 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

India is a union of States. There are many rivers, big or small flowing through many States before they submerge into the nearest sea. Today half of our population do not have access to potable water. Water is also not available for irrigation and other purposes. As a result, production of agricultural products has been considerably reduced.

It has been observed that many States through which a river flows, fight for considerable share of river waters and try to deprive the just and due demand of other States. Consequently, many cases are pending in tribunals for settlement. It is a common knowledge that tribunals take a long time before delivering judgment. In the meantime, the affected States fight each other for their share of water from the inter-State rivers and as a result, there is always strained relation among the States.

Therefore, it is proposed that only the Central Government shall have exclusive right and control over all inter-State rivers and it shall distribute river water according to pre-determined formula for allocation of waters. It is also proposed that the Central Government shall have exclusive right over electricity projects constructed on inter-State rivers and also have the responsibility to check erosion and floods caused by these rivers. This measure will not only enable distribution of river water among the different States without affecting the interests of the concerned States but also enable proper utilisation of available resources.

Hence this Bill.

NEW DELHI;
June 26, 2019.

K. NAVASKANI

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides that the Central Government shall take such steps as it may consider necessary for checking floods and soil erosion caused by inter-State rivers. Clause 8 provides that the Central Government shall construct hydro-electrical plants or projects on inter-State rivers. Though there is a provision that every State Government shall pay to the Central Government in such ratio as may be prescribed for the electricity it received, yet some expenditure will be incurred from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees seven hundred crore will be involved.

A non-recurring expenditure of about rupees seven hundred crore is also likely to be involved.

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 of a normal character.

LOK SABHA

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(Shri K. Navaskani, M.P.)