

**Bill No. 292 of 2022**

THE CONSTITUTION (AMENDMENT) BILL, 2022

BY

SHRI PRADYUT BORDOLOI, M.P.

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BILL

*further to amend the Constitution of India.*

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and  
commencement.

2. In the Seventh Schedule to Constitution,—

Amendment of  
the Seventh  
Schedule.

(i) in List II - State list, in entry 17, the words "and embankments" shall be omitted; and

(ii) in List III - Concurrent List, after entry 47, the following entry shall be inserted, namely:—

"48. Flood, riverine erosion control, embankments and management."

## STATEMENT OF OBJECTS AND REASONS

Despite flooding being an annual phenomena in the State of Assam, it is unfortunate that the struggle of tens of lakhs of people has been sidelined in the national discourse on development. In the previous seven decades (1951-2022), there was not a single year when the State didn't endure flooding. Moreover, over the years the floods have gotten more widespread and fiercer, inflicting increasing losses and damage to the State's economy, agriculture and infrastructure, with human misery also growing all around.

The State witnessed disastrous floods in the years 1951, 1968, 1972, 1987, 1988, 2004, 2008, 2012 and most recently in 2019. Observing what has already transpired in the months of May and June, the year 2022 has shaped up to become one of those catastrophic flood years for the State. Erosion too is a grave concern - the Assam Water Resources Department estimated the annual average loss of land due to river erosion at nearly 8000 hectares, causing damages running into hundreds of crores every year.

While the modern approach to flood management is dominated by Structural solutions like embankments, the necessity of the hour is to implement an integrated flood and erosion management strategy and design a long term action plan expressly for the State of Assam to minimise the twin calamity of flood and erosion. Given the nature and scale of the problem, and that it involves the larger question of river-basin management, the role and support of the Union Government is key. The comprehensive tackling of flooding and riverine erosion, cannot be left to the meager resources of a single state like Assam, 40% of Assam's area (close to 32 lakh hectares) is flood-prone, roughly four times higher than the national mark.

The Standing Committee of Parliament on Water Resources in 2021, expressing concern at the nationwide menace of flood mooted that "flood control and management" should be brought under the concurrent list of the Constitution for the overall national interest of integrated development of water resources. This intervention is crucial since most rivers flow across multiple States and flood control measure taken by one State State may have inter-state ramifications.

Thus, considering the above facts, it is proposed in the Bill that "flood, Riverine erosion control embankments and management" be included in the Seventh schedule to the Constitution so that both the Centre and State governments can play their due role in the field of flood and riverine erosion control and management.

Hence this Bill.

NEW DELHI;  
November 21, 2022.

PRADYUT BORDOLOI

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

SEVENTH SCHEDULE

(Article 246)

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List II—State List

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17. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I.

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List III- Concurrent List

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47. Fee in respect of any of the matters in this List, but not including fees taken in any court.

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(Shri Pradyut Bordoloi, M.P.)