

Bill No. 345 of 2019

THE COMPULSORY RAINWATER HARVESTING IN GOVERNMENT
ESTABLISHMENTS AND SCHOOLS BILL, 2019

By

DR. SUJAY RADHAKRISHNA VIKHE PATIL, M.P.

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BILL

*to provide for mandatory rainwater harvesting in government establishments, offices
and buildings to promote water conservation, offset the challenges of water
scarcity and for matters connected therewith.*

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

1. (1) This Act may be called the Compulsory Rainwater Harvesting in Government
Establishments and Schools Act, 2019.

Short title,
extent and
commencement.

5 (2) It extends to the union territories only.

(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) “building” includes all such structures, sheds, houses and buildings which are wholly or partially owned, possessed, built or occupied by the Government of India as may be notified by the Government under this Act;

(b) “government” means the Central Government or the Union territory Administration, as the case may be; 5

(c) “government establishment” means an establishment which is owned, established, controlled, managed or financed by the Government and includes—

(i) a Ministry or department or subordinate office or attached office of the Central Government; 10

(ii) a public sector undertaking or statutory authority constituted under any Central Act;

(iii) a corporation in which not less than fifty-one per cent of the paid-up share capital is held by the Central Government; and

(iv) a Government company as defined under clause (45) of section 2 of the Companies Act, 2013. 15
18 of 2013.

(d) “prescribed means prescribed by rules made under this Act;

(e) “rainwater harvesting” means collection and storage of rainwater from rooftop of a building or other parts of a building or from a vacant land for use or for the the purpose of groundwater recharge; and 20

(f) “school” means any recognised school imparting education from first standard to twelfth standard and includes—

(i) a school established, owned or controlled by the appropriate Government or a local authority;

(ii) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority; 25

(iii) a school belonging to specified category under the Right of Children to Free and Compulsory Education Act, 2009; and 25 of 2009.

(iv) an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority. 30

Mandatory rainwater harvesting.

3. (1) Notwithstanding anything contained in any other law for the time being in force, it shall be mandatory to construct and provide necessary infrastructure for rainwater harvesting in buildings of government establishments and schools in such manner and within such time as may be prescribed:

Provided that the Government shall make it mandatory for constructing and developing rainwater harvesting in houses built under Pradhan Mantri Awas Yojana both in Rural and Urban areas. 35

(2) The Government establishment shall notify designate an officer who shall be responsible for ensuring that the already installed rain water harvesting systems and/or that are installed in future, work efficiently and are maintained properly. 40

(3) The Central Government shall review the progress of rainwater harvesting in Government establishments and shools, from time to time, in such manner as may be prescribed.

Policy to promote rainwater harvesting.

4. Within six months of the coming into force of this Act, the Government shall formulate a policy to promote and incentivize the practice of rainwater harvesting through development of appropriate technology and traditional practices. 45

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds, from time to time, for carrying out the purposes of this Act.

Central Government to provide funds.

5 **6.** This provisions of the Act shall be in addition to and not in derogation of any other law for the time being in force.

Act no in derogation of other laws.

7. (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.

10 (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 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
15 shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

For its water requirement, India depends almost on the annual monsoons. A report by NITI Aayog predicted that as many as 21 cities in the country will see the total depletion of their groundwater by as early as 2020 adding that 40% of india's population will have no access to drinking water by 2030. The cases of Shimla and Chennai have shown that our cities run dry like clockwork during summers. the recent years have seen a fast-depleting water table across the country and efforts are being made the Union Government through creation of a Jal Shakti Ministry to promote conservation through rainwater harvesting which is yet to catch up across the country.

There has been an increase in demand for water and most cities are facing a water crisis. As urgent measure rainwater harvesting should be made mandatory across the country along with a mechanism to have stringent monitoring of adherence. The summer of 2019 affected more than 25 lakh people in North Maharashtra which include my Parliamentary Constituency of Ahmednagar where 822 tankers were deployed to address water scarcity.

The Bill seeks to institutionalize the practice of rainwater harvesting by making it mandatory for government establishments and schools to promote rainwater harvesting through installation and construction of necessary infrastructure for the same. The practice of rainwater harvesting carries multifold benefits as the technology and infrastructure involved is low-cost and has a huge impact in empowering individuals and communities to manage their water. Rainwater harvesting also carries other benefits such as improving the overall floral system, reducing the loss of top layer of the soil, and if water is captured directly, there is lesser dependency on storage dams. For the general public rainwater harvesting helps in reducing water bills, providing water security which translates into savings of up to 200 litres a family.

As the primary source, rainwater is the purest form of water and its harvesting will not only solve the problem of availability, but also of quality. An RTI reply in 2018 has stated that a majority of government buildings in Delhi, including important ones like the Supreme Court and NITI Aayog, don't have rainwater harvesting system. In one of his Mann Ki Baat radio address. Prime Minister Narendra Modi Ji said only 8% of rainwater gets saved in the country. The NGT in one of its order in 2015 had also directed the Centre and all public authorities to ensure that rainwater harvesting systems are installed in every project including flyovers, bridges or any other construction activity carried out by the Government.

Bill proposes to promote the practice of water harvesting by legislative sanction for incentivizing rainwater harvesting by launching awareness drives, not just in urban areas but in rural areas as well. The bill will be a right step in creating infrastructure for rainwater harvesting in government buildings and schools.

Hence this Bill.

NEW DELHI;
November 5, 2019.

SUJAY RADHAKRISHNA VIKHE PATIL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that it shall be mandatory to construct and provide necessary infrastructure for rainwater harvesting in buildings of government establishments and schools in such manner and within such time as may be prescribed. Clause 5 of the Bill provides that Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds from time to time, for carrying out the purposes of this Act. This Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give exact estimate of expenditure, both recurring and non-recurring, which will be involved from the Consolidated Fund of India, if the Bill is enacted into a law. However, it is estimated that a recurring expenditure of about rupees two hundred crore will be involved per annum from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill states that it shall be mandatory to construct and provide necessary infrastructure for rainwater harvesting in buildings of government establishments and schools in such manner and within such time as may be prescribed. Clause 7 of the Bill empowers the Central Government to make rules for carryong out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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