

Bill No. 76 of 2022

THE SPECIAL FINANCIAL ASSISTANCE FOR DEVELOPMENT AND
REJUVENATION OF WATER BODIES IN FOREST AREAS IN THE
STATE OF MADHYA PRADESH BILL, 2022

By

SHRI SUDHEER GUPTA, M.P.

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BILL

to provide special financial assistance to the State Government of Madhya Pradesh to meet the expense of development and rejuvenation of water bodies in the forest areas and for matters connected therewith in the State of Madhya Pradesh.

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 Special Financial Assistance for Development and Rejuvenation of Water Bodies in Forest Areas in the State of Madhya Pradesh Act, 2022.

Short title and commencement.

(2) 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) “aquatic ecosystem” means all organic and inorganic matter and all living organisms living in or located in or on water or the beds or shores of a water body; 5

(b) “drain” includes gutters, wastewater canals, sewers and all outlets or flow of waste water including overflow of rainwater;

(c) “forest area” means any district where more than thirty-three per cent of the total geographical area is covered by forests and has been declared as the forest area by the State Government of the Madhya Pradesh or the Central Government, as the case may be, for the purpose of this Act; and 10

(d) “groundwater” means all water under the surface of the ground, whether in solid or liquid form;

(e) “prescribed” means prescribed by rules made under this Act; 15

(f) “water body” means any body of flowing or standing water, whether natural or artificial and whether the flow or presence of water is continuous, intermittent or occurs only during a flood, including but not limited to a lake, river, creek, stream, tank, well, pond and wetland.

State Governments to forward the details to the Central Government.

3. (1) The State Government of Madhya Pradesh shall forward the details of the required infrastructure and the estimated cost of the water bodies project of the forest areas falling in the State. 20

(2) The Central Government, shall on receipt of details, provide funds to the State Government for the development of water bodies in the forest areas in such manner as may be prescribed. 25

(3) The funds provided under sub-section (2) shall be utilised for,—

(a) expeditious completion of ongoing water bodies projects in forest areas;

(b) construction of small ponds for the use of animals in the forest areas;

(c) digging wells and bore wells in the forest areas;

(d) installing electric pumps for pumping water in the forest areas; 30

(e) meeting costs incurred on implementing the “Water Bodies Rejuvenation Scheme” based on the water resources of the forest areas;

(f) renovation of old ponds and water reservoirs in forest areas; and

(g) construction of canals.

(4) The State Government of Madhya Pradesh shall furnish the details of expenditure likely to be incurred on the water bodies development works in forest areas to the Central Government in such manner and in such times as may be prescribed: 35

Provided that if the State Government of Madhya Pradesh fails to utilise the funds for the purpose it was released or fails to produce the details under sub-section (4), the Central Government shall withhold sanction of funds to the State Government. 40

4. The State Government of Madhya Pradesh shall, before forwarding the details to Central Government under section 3, make the regulation for the purpose of—

Power of State Governments to make regulations.

(a) designating any area as forest area;

(b) designating any area as a water quality control zone for the purpose of protecting water, aquatic eco-system or drinking water source;

(c) governing, regulating or prohibiting any use or activity in a water quality control zone or any part of a zone;

(d) improving the drainage and sewerage system;

(e) ensuring clear separation between sewerage or waste water and sources of clean water to avoid contamination; and

(f) ensuring quick absorption or clear flow of rain water and sources of clean water to avoid contamination.

5. The State Government of Madhya Pradesh shall, before forwarding the details to the Central Government under section 3, take into consideration the scientific, intrinsic and other information relating to—

State Government of Madhya Pradesh to consider the scientific, intrinsic and other information relating to water bodies.

(a) the physical characteristics of land in the area, including its topography and soil types;

(b) the ability of the soil or water in the area to assimilate nutrient and other pollutants;

(c) water bodies or groundwater in the area, including information relating to—

(i) the quality characteristics of the water;

(ii) the susceptibility of water to contamination or adverse changes in level; and

(iii) the extent to which the water is undistributed by human activity;

(d) the area's aquatic eco-systems;

(e) whether the area contains a source or a potential source, of drinking water;

(f) whether the area supports species that are sensitive to alterations in water quality resulting from human activity;

(g) whether the area provides habitat for endangered species; and

(h) the perception of farmers and native inhabitants of the area regarding quality, quantity and prospects of water in a particular zone including—

(i) the possibilities of flood and/or water logging; and

(ii) any other matter which the Government consider relevant.

6. The Central Government shall render scientific and technical advice and assistance to the State Government of Madhya Pradesh if so required to achieve the purposes of this Act.

Central Government to render scientific and technical advice.

7. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide financial assistance to the State Government of Madhya Pradesh for protection of water bodies and for promotion of rain harvesting and watershed management programmes.

Central Government to provide financial assistance to State Government of Madhya Pradesh.

(2) The Central Government before releasing the money shall ensure that State Government has complied with the provisions of this Act.

Power to make
rules.

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

(2) Every rule made under this section 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 shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There is growing global recognition that forest conservation efforts, most importantly the local, natural and biodiversity-rich forests, yield better water, food and nutrition security by tackling ‘development and climate induced’ disaster in various ways. It is argued that approximately seventy-five per cent. of the world’s accessible fresh water for agricultural, domestic, urban, industrial and environmental uses comes from forests. However, changes in climate and land-use are contributing to altered groundwater and base flows locally, and precipitation regionally, with approximately eighty per cent. of the world population facing water insecurity, the management of forests for water is increasingly important.

The Forest (Conservation) Act, 1980 has put some restrictions on the use of forest land for non-forest purposes. Due to this, water bodies and other development activities cannot be undertaken in the forest areas. It is neither justified nor appropriate to deprive the people who have been living in forest areas since time immemorial from getting facilities for their upliftment. A large number of proposals relating to water bodies and development of water bodies in the forest areas are pending approval in the Ministry concerned. Due to lack of water bodies species living in the forest areas have to depend on rain despite having the water reservoirs. Due to non-availability of water bodies, the ecosystem of forest areas is degrading which compels them to live in the verge of extinction.

The State Government do not have sufficient funds for the development of water bodies projects in the forest areas. The Bill, therefore, seeks to provide financial assistance to meet the expense of development and rejuvenation of water bodies in the forest areas and for matters connected therewith in State of Madhya Pradesh.

Hence this Bill.

NEW DELHI;
31 January, 2022.

SUDHEER GUPTA

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for rendering of scientific and technical advice and assistance to the State Government of Madhya Pradesh. Clause 7 provides for financial assistance to the State Government of Madhya Pradesh for development, rejuvenation and protection of water bodies etc.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. As the sums of moneys which will be given to the State of Madhya Pradesh as special financial assistance by appropriation by law made by Parliament will be known only after the plans to be implemented by the State Government of Madhya Pradesh with the approval of Government of India as identified, it is not possible at present to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill provides for the State Government of Madhya Pradesh to make regulations for the purpose of designating any area as forest area, etc. Clause 8 empowers the Central Government to make rules for carrying out the purpose of this Act. As the regulations and rules will relate to matters of detail only, the delegation, therefore, is of a normal character.

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(Shri Sudheer Gupta, M.P.)