

**Bill No. 97 of 2022**

THE FINANCIAL ASSISTANCE TO THE STATE GOVERNMENTS  
(FOR PROTECTION OF WATER BODIES) BILL, 2022

By

DR. ALOK KUMAR SUMAN, M.P.

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BILL

*to provide financial assistance to the State Governments  
for protection of water bodies.*

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 Financial Assistance to the State Governments (for Protection of Water Bodies) Act, 2022.

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.

(i) “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;

- (ii) “drain” included gutters, wastewater canals, sewers and all outlets or flow of waste water including overflow of rainwater;
- (iii) “groundwater” means all water under the surface of the ground, whether in solid or liquid form; and
- (iv) “water body” means a 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. 5

State Governments to inform the Central Government.

3. Every State Government shall inform the Central Government –

- (i) about the existence of water bodies in the respective State; and 10
- (ii) requirement of financial assistance to protect the water bodies in the State.

Power of State Governments to make regulation.

4. Every State Government shall, before informing the Central Government under section 3, make a regulation for the purpose of –

- (a) designating any area as a water quality control zone for the purpose of protecting water, aquatic eco-system or drinking water source; 15
- (b) governing, regulating or prohibiting any use or activity in a water quality control zone or any part of a zone;
- (c) improving the drainage and sewerage system;
- (d) ensuring clear separation between sewerage/waste water and sources of clean water to avoid contamination; and 20
- (e) ensuring quick absorption or clear flow of rain water for conservation.

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

5. Every State Government shall, before informing to the Central Government under section 3, take into consideration the scientific, intrinsic and other information relating to –

- (a) the physical characteristics of land in the area, including its topography and soil types; 25
- (b) the ability of the soil or water in the area to assimilate nutrients 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 the water to contamination or adverse changes in level; and
  - (iii) the extent to which the water is undisturbed by human activity; 30
- (d) the area’s aquatic ecosystems;
- (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 or quantity resulting from human activity;
- (g) whether the area provides habitat for endangered species; and 35
- (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 considers relevant.

Central Government to render scientific and technical advice.

6. **The Central Government shall render scientific and technical advice and assistance to State Governments if so required to achieve the purposes of this Act.** 40

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

Central Government to provide financial assistance to State Governments.

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

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

## STATEMENT OF OBJECTS AND REASONS

Water is the most valuable natural resource of a country. However, the scarcity and supply of clean water is a major concern for the sustenance of human, animal, plant and ecology. The protection of water resources/water bodies available in the country is an endless – task to be completed by the Government. The major constraint in this regard is the lack of financial resources available with the States.

The Bill, therefore, seeks to provide financial assistance to the State Governments for the protection of water bodies and promotion of rain harvesting and watershed management programmes.

Hence this Bill.

NEW DELHI;  
18 November, 2021.

ALOK KUMAR SUMAN

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

[Copy of letter No. P-22021/2/2021-O/o SJC(MI)-MOWR dated 4 February, 2022 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 Financial Assistance to the State Governments (For Protection of Water Bodies) Bill, 2022 by Dr. Alok Kumar Suman, M.P., recommends to the House, the consideration of the Bill under clause (3) of article 117 of the Constitution.

## FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for rendering of scientific and technical advice and assistance to the State Governments. Clause 7 provides for financial assistance to every State Governments for protection of water bodies, etc.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two thousand crore may be involved as recurring expenditure per annum.

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

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*(Dr. Alok Kumar Suman, M.P.)*