

AS INTRODUCED IN THE RAJYA SABHA
ON THE 7TH FEBRUARY, 2025

Bill No. LXXVI of 2024

THE RECOGNITION OF LEGAL PERSON STATUS OF
RIVERS BILL, 2024

A

BILL

*to recognise rivers as legal or juristic or juridical persons and entitle
them with legal rights similar to the rights of human beings,
allowing them to exist, flourish, and be protected
from harm and for matters connected
therewith or incidental thereto.*

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

1. (1) This Act may be called the Recognition of Legal Person Status of
Rivers Act, 2024.

Short title and
commencement.

- 5 (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) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “Committee” means the Rivers Protection Committee established under section 6 ;

(c) “legal or juristic or juridical person” means entities entitled with rights guaranteed under article 21 of the Constitution of India;

(d) “prescribed” means prescribed by rules made under this Act; 10 and

(e) “rivers” means natural rivers located within the geographical boundaries of India with length of forty kilometers and above.

Declaration as legal or juristic or juridical person.

3. (1) A river shall be a legal or juristic or juridical person and shall be entitled to all the rights, powers, duties, and liabilities of such a person, as available under the Constitution of India and in other laws, as applicable, for the time being in force. 15

(2) The rights, powers, and duties of rivers shall be exercised or performed, and responsibility for its liabilities shall be taken, by the Committee, on behalf of, and in the name of rivers, in the manner provided for in section 4 and section 5 of this Act. 20

Legal effect of declaration of rivers as legal person or juristic person or juridical person.

4. The provisions of section 3 shall apply to persons exercising or performing a function, power, or duty provided under this Act and under the provisions of laws, as applicable this regard, for the time being in force, if the exercise or performance of that function, power, or duty relates to— 25

(i) rivers as defined under section 2(a); and

(ii) an activity within the river catchment that affects it.

Limits to effect of this Act and deed of settlement.

5. Unless expressly provided for by or under this Act, nothing in this Act shall— 30

(a) limit any existing private property rights in rivers; or

(b) create, limit, transfer, extinguish, or otherwise affect any rights to, or interests in, river water; or

(c) create, limit, transfer, extinguish, or otherwise affect any rights to, or interests in, wildlife, fish, aquatic life, seaweeds, or plants etc. in the rivers; or 35

(d) affect the application of any law in this regard for the time being in force.

Establishment of the Rivers Protection Committee.

6. (1) The Central Government shall, within six months from the date of commencement of this Act, by notification in the Official Gazette, establish a Committee, to be known as the Rivers Protection Committee, to exercise the powers conferred upon, and to perform the functions and duties assigned to it, under this Act. 40

(2) The Committee shall act as the protector of the rights conferred on rivers under section 3 of this Act;

5 (3) The Committee shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

10 (4) **The headquarters of the Committee shall be at such place in the National Capital Territory of Delhi, and it may, with the approval of the Central Government, set up regional and other offices in any other place in India, as deemed necessary.**

(5) The Committee shall have full powers to regulate its own procedure with respect to transaction of its business and for the discharge of the functions assigned to it under this Act.

15 **7. (1) The Committee shall consist of the following persons: –**

Composition
of the
Committee.

(a) Chairperson of the National Green Tribunal – Chairperson
ex-officio;

(b) Secretary, Union Ministry of Jal Shakti – Member *ex-officio*;

20 (c) Secretary, Union Ministry of Environment, Forests, and Climate Change – Member *ex-officio*;

(d) Secretary, Union Ministry of Ports, Shipping, and Waterways–
Member *ex-officio*;

25 (e) **one person, who is renowned in the field of river conservation and ecological restoration or environmental studies, and possesses the requisite qualifications, knowledge, experience and skills, as may be prescribed, to be nominated by the President of India – Member;**

30 (f) one person from the Prime Minister's Office, who possesses the requisite qualifications, knowledge, experience and skills, as may be prescribed, to be nominated by the Prime Minister – Member *ex-officio*;

(g) one Member of Parliament from the Council of States (Rajya Sabha), to be nominated by the Chairman, Rajya Sabha– Member *ex-officio*;

35 (h) one Member of Parliament from the House of the People (Lok Sabha), to be nominated by the Speaker, Lok Sabha – Member *ex-officio*;

40 (i) **two Members who are experts on river related issues, to be appointed by the Central Government in such manner, as may be prescribed;**

(j) **one female Member with expertise in eco-feminism, to be appointed by the Central Government in such manner, as may be prescribed;**

45 (k) **one Member with expertise in climate change and environment, to be appointed by the Central Government in such manner, as may be prescribed;**

(l) **one Member with an expertise in agriculture related issues, to be appointed by the Central Government in such manner, as may be prescribed; and**

(m) one person representing industry associations, to be nominated by the Ministry of Commerce and Industry—Member *ex-officio*.

(2) The term of office of, the salaries, remuneration and allowances payable to, and other terms and conditions of service of the Chairperson, Members and experts of the Committee shall be such as may be prescribed. 5

Officers and staff of the Committee.

8. (1) The Central Government may appoint such number of officers and staff including legal experts, as deemed necessary, to assist the Committee in the efficient discharge of its functions and duties.

(2) The method of recruitment, qualifications and experience, salaries and allowances or remuneration payable to, and other terms and conditions of service of the officers and staff including legal experts of the Committee, shall be such as may be prescribed. 10

Functions of the Committee.

9. The Committee shall perform all or any of the following functions, but not limited to be, namely— 15

(a) act and speak for and on behalf of rivers and protect their status as legal or juristic or juridical persons, as conferred under section 3 of this Act;

(b) uphold the legal or juristic or juridical person status of rivers;

(c) collate and maintain a Register of Rivers detailing the status and condition of the rivers, in such form and manner, as may be prescribed and publish the same on the website of the Committee for information of the general public; 20

(d) promote and protect the health and well-being of rivers;

(e) administer rivers; 25

(f) engage with any institution, body or agency concerned to assist it in understanding, applying and implementing the legal or juristic or juridical status of rivers and collaborate with them in matters pertaining to the objectives and functions of the Committee;

(g) make recommendations to the appropriate Government regarding the necessary measures including developing or reviewing relevant guidelines or policies related to rivers for carrying out the purposes of this Act; 30

(h) receive grievances or complaints, in such form and manner, as may be prescribed, from any person or agency(ies), Non-Governmental Organisations etc. regarding deprivation of the rights of rivers or breach or violation of any of the provisions of this Act or any other matter related thereto and investigate into the complaints so received from them as well as suggest appropriate remedial measures or impose penalties on the violators, as the case may be; 35 40

(i) any other action reasonably necessary to achieve its purpose and perform its functions as assigned under this Act; and

(j) any other function related to rivers or any other matter, as may be referred to it by the appropriate Government from time to time. 45

Management of activities on the surface of waters of rivers.

10. (1) As soon as may be practicable after the commencement of this Act, the Committee shall lay down the process and guidelines for —

(a) review of regulations for the activities carried out on the surface of the waters of rivers;

	(b) improvement and coordination of the management of such activities;	
	(c) the nature and extent of existing and possible future activities on the surface of rivers;	
5	(d) overseeing the relationship between activities on the surface of the rivers and activities on land(s) adjacent to them;	
	(e) matters relevant to public health and safety, particularly connected with people living along river banks;	
	(f) protection of the health and well-being of rivers; and	
10	(g) any other relevant matters, as may be deemed fit.	
	(2) The Committee may, in the pursuance of its functions given under sub-section (1), consult the Ministries/Departments/agencies of the appropriate Government, as may be necessary, and carry out its functions under this Act in coordination with them.	
15	11. The Committee shall, while investigating any matter referred to in clause (h) of section 9, have all the powers of a Civil Court trying a suit and, in particular in respect of the following matters, namely:—	Committee to have powers of a Civil Court.
	(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;	
20	(b) requiring the discovery and production of any document;	
	(c) receiving evidence on affidavits;	
	(d) requisitioning any public record or copy thereof from any court or office;	
25	(e) issuing commission for the examination of witnesses and documents; and	
	(f) any other matter, as may be prescribed.	
	12. (1) If the Committee determines on conclusion of an inquiry that breach of any of the provisions of this Act or the rules made thereunder has been committed and that such breach is of significant or grave nature, it may, hold such person or organization, as the case may be, guilty and they shall be liable to be punished with imprisonment which may extend to one year or with fine which may extend up to one hundred and fifty crore rupees or both:	Penalties.
30	Provided that the penalty shall not be imposed without giving the person or organization a reasonable opportunity of being heard.	
35	(2) All sums realized, by way of penalties, imposed by the Committee under this Act, shall be credited to the Consolidated Fund of India.	
	13. (1) Where an offence under this Act has been committed by a company, every person who, at the time, the offence was committed was in charge of, or was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:	Offences by companies.
40	Provided that nothing contained in this sub-section, shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.	
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(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. 5

Explanation.—For the purpose of this section,—

(a) “company” means anybody corporate and includes a firm, or other association of individuals; and 10

(b) “director” in relation to a firm, means a partner in the firm.

Appropriate Government to consult the Committee.

14. The appropriate Government shall consult the Committee on all policies and matters affecting the rights and interests of rivers and any activities on their waters, catchment areas and lands adjacent thereto. 15

Central Government to provide adequate funds to the Committee.

15. **The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Committee for carrying out the purposes of this Act.**

Accounts and audit.

16. (1) The Committee shall, in consultation with the Comptroller and Auditor-General of India, maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form and manner and at such time of each financial year, as may be prescribed. 20

(2) The accounts of the Committee shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Committee to the Comptroller and Auditor-General. 25

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Committee under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General; generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Committee. 30

(4) The accounts of the Committee, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Committee. 35

Annual report.

17. (1) The Committee shall prepare, in such form and manner and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, containing therein its recommendations to the Centre and the States, as the case may be, for the effective implementation of the provisions of this Act and forward a copy thereof to the Central Government. 40

(2) The Central Government shall cause the annual report together with the audit report to be laid, along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Centre and the reasons for the non-acceptance, if any, of any of such 45

recommendations, as soon as may be after the reports are received, before each House of Parliament.

5 (3) Where any such report, or any part thereof relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the State Government concerned, who shall in turn, cause it to be laid before each House of the Legislature of the State, where it consists of two House, or where such Legislature consists of one House, before that House, along with an explanatory memorandum explaining the action taken or proposed to be taken on the recommendations related to the State, and the reasons for the non-acceptance, if any, of any of such recommendations.

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15 **18.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty;

Power to remove difficulties.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

20 **19.** The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force and, in case of any inconsistency, the provisions of this Act shall have overriding effect on the provisions of any such law to the extent of the inconsistency.

Act not in derogation of any other law.

20. (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 and regulations.

25 (2) The Committee may, with the approval of the Central Government, by notification in the Official Gazette, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purposes of giving effect to the provisions of this Act.

30 (3) Every rule and regulation 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 regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that
40 any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

STATEMENT OF OBJECTS AND REASONS

Rivers have always been entitled to a holy connotation in ancient Indian texts and have always been worshipped by the Indian society. Alongwith entitling “right to life” to citizens, several democracies have recognised rivers as legal person/juristic person/juridical person and entitled them with “right to life”.

Water has been the basis of life and has been equated with the father and rivers have been compared to the mother. This idea of recognising rivers as legal person/juristic person/juridical person emphasizes that rivers should have legal rights similar to human rights, allowing them to exist, flourish, and be protected from harm.

Countries like New Zealand have already shown the path in the legal and legislative domain by granting legal personhood to rivers, enabling them to be protected and charging entities against pollution and degradation.

In 2017, rivers Ganga and Yamuna were recognised by the Uttarakhand High Court as living entities with the status of legal people, together with all the rights, obligations, and liabilities that go along with that. The judgment *inter alia* read, “Accordingly, while exercising the *parens patriae* jurisdiction, the Rivers Ganga and Yamuna, all their tributaries, streams, every natural water flowing continuously or intermittently of these rivers, are declared as juristic/legal persons/living entities having the status of a legal person, with all corresponding rights, duties and liabilities of a living person, in order to preserve and conserve river Ganga and Yamuna.” They were also accorded rights akin to fundamental rights/ legal rights.

Given the unchecked pollution, recognizing the rights of rivers can help address environmental injustices faced by communities that rely on these water bodies for their livelihoods and well-being. Granting personhood rights to rivers can enhance conservation efforts and promote sustainable management of water resources. The Bharatiya society has always held rivers as sacred, viewing them as vital to their identity and heritage. This recognition can help protect these cultural values.

Hence this Bill.

SATNAM SINGH SANDHU

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for the establishment of the Rivers Protection Committee, which shall be a body corporate for carrying out the purposes of this Act and shall also act as the protector of the rights of legal/juristic/juridical persons conferred on rivers under clause 3 of this Bill. Clause 6 also provides that the headquarters of the Committee shall be in the National Capital Territory of Delhi and that the Committee may set up offices at other places in India, with the approval of the Central Government. Clause 7 of the Bill provides the composition of the Committee and for the salaries, remuneration and allowances payable to, and other terms and conditions of service of the Chairperson, Members and experts of the Committee. Clause 8 provides that the Central Government shall appoint such number of officers and staff including legal experts to the Committee to assist it in the discharge of its functions and also for the salaries, remuneration and allowances payable to, and other terms and conditions of service of such officers and staff. Clause 9 lays down the functions of the Committee *inter alia* including collating and maintaining a 'Register of Rivers'. Clause 15 of the Bill provides that the Central Government shall provide adequate funds to the Committee for carrying out the purposes of the Bill.

The Bill, therefore, if enacted, would involve expenditure, both of recurring and non-recurring nature, from the Consolidated Fund of India. The Bill, if enacted, is likely to involve a recurring expenditure of about rupees three hundred crore per annum. A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Bill empowers the Central Government make such provisions through an order for removing any difficulty that might arise in giving effect to the provisions of the Bill. Clause 20 of the Bill empowers the Central Government to make rules and the Rivers Protection Committee, with the approval of the Central Government, to make regulations, for carrying out the purposes of the Bill.

As the matters in respect of which rules or regulations or orders may be made are matters of procedure and administrative detail only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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*to recognise rivers as legal or juristic or juridical persons and entitle
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(Shri Satnam Singh Sandhu, M.P.)