

**Bill No. XXV of 2018**

THE PREVENTION OF CONTAMINATION OF GROUNDWATER  
BILL, 2018

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**BILL**

*to provide for the prevention of contamination of groundwater due to arsenic, fluoride, zinc and other mineral residues which adversely affect the health of millions of people for identification of risk areas of contamination, formulation of national policy for preventing contamination of groundwater and for the establishment of a Board for specifically concentrating on this issue so as to protect the people from adverse effects of water contamination and for matters connected therewith and incidental thereto.*

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

1. (1) This Act may be called the Prevention of Contamination of Groundwater Act, 2018.

Short title,  
extent and  
commencement.

5 (2) it extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) "Board" means the National Groundwater Contamination Prevention Board established under section 4 of this Act;

(b) "contamination of water" means mixing of chemical elements and minerals and other residues in the groundwater such as arsenic, fluoride, zinc etc. thereby making the water unfit for consumption and other uses; 5

(c) "groundwater" means naturally formed water found below the surface in the saturated zone which can be extracted by digging wells, boring handpumps etc.; and

(d) "prescribed" means prescribed by rules made under this Act.

National  
Policy for  
Prevention of  
contamination  
groundwater.

3. Notwithstanding anything contained in any other law for the time being in force, the Central Government shall, as soon as may be but not later than one year of the commencement of this Act, in consultation with the Governments of the States, formulate a National Policy for prevention of contamination of groundwater and related issues to protect the people, livestock and crops from such contamination. 10

Establishment  
of National  
Groundwater  
Contamination  
Prevention  
Board.

4. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish a Board to be called National Groundwater Contamination Prevention Board, hereinafter referred to as Board for carrying out the purposes of this Act. 15

(2) The headoffice of the Board shall be at Aurangabad in the State of Maharashtra and the Board may establish offices at other places in the States and Union Territories as it may deem necessary for carrying out the purposes of this Act. 20

(3) The Board shall consist of the following members who shall be appointed by the Central Government in such manner and for such period as may be prescribed, namely:—

(a) a Chairperson, who shall be an expert scientist having adequate knowledge and professional experience in water related matters;

(b) one Deputy Chairperson with such qualifications and experience as may be prescribed; 25

(c) five Members of Parliament of whom two shall be from Rajya Sabha and three from Lok Sabha to be nominated by the respective Presiding Officers of the two Houses;

(d) five members one each to represent the Union Ministries of Drinking water and Sanitation, Environment, Forest and Climate Change, Health and Family Welfare, Science and Technology and Water Resources, River Development and Ganga Rejuvenation; 30

(e) four members to represent Non-Government Organisations working in the field; 35

(f) four members to be nominated by the Governments of the States to be rotated amongst the States in alphabetic order;

(4) The Board shall be a body corporate by the name aforesaid having perpetual succession and common seal with power to acquire, hold and dispose of property both movable and immovable and to contract and shall by the said name sue and be sued. 40

(5) The salary and allowances payable to the Chairperson, Deputy Chairperson and Members of the Board and the procedure to be followed in the discharge of the functions of the Board shall be such as may be prescribed;

(6) The Board shall have a Secretariat with such number of officers staff as may be prescribed; 45

(7) The salary and allowances payable to and other terms and conditions of the officers and staff of the Board shall be such, as may be prescribed.

5 **5.** (1) The Board shall perform and undertake such special steps in close coordination of concerned Ministries, Departments of the Central and State Governments to get rid of contaminations in the groundwater and to make available contamination free safe water to the people in the country who use groundwater as it may deem necessary and expedient under this Act.

Functions of the Board.

(2) without prejudice to the generality of the foregoing provisions, the Board shall,

10 (a) conduct surveys, from time to time, of risk areas in order to determine the locations, scale and causes of contamination of groundwater particularly contamination due to arsenic, fluoride, zinc, iron etc., and to assess the damages being caused to humans, livestock and crops when used such contaminated water;

(b) develop awareness amongst the people of the areas affected by contamination of groundwater about the potential danger of groundwater contamination when used;

15 (c) extend help to farmers to adopt maximizing rainfed production of crops where alternative water source for irrigation insufficient and also contaminated;

(d) priorities clean water supply and treatment on a massive scale of contaminated groundwater used for consumption in worst affected areas;

20 (e) establish water quality testing centres and groundwater treatment plants at conspicuous places in the areas found to have contaminated groundwater;

(f) identify alternative soft water sources and assess their sustainability;

(g) assess the effects of contaminated water exposure specially on human health and that of the livestock;

(h) investigate the impact of contamination on irrigated agriculture;

25 (i) assess the likely impact of climate change on the increased demand for and reduced availability of groundwater;

(j) suggest measures to recharge the groundwater on a large scale to contain contamination of groundwater; and

30 (k) such other activities as may be assigned to it by the Central Government from time to time.

**6.** The Board shall prepare once in every year in such form and at such time, as may be prescribed, an annual report giving summary of its activities during the previous year and submit it to the Central Government which shall, after action taken thereon, cause it to be laid before both the Houses of Parliament.

Annual Report.

35 **7.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Board in each financial year such sums as may be considered necessary and adequate for the proper functioning of the Board for carrying out the purposes of this Act.

Central Government to provide funds.

40 **8.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the subject matter of this Act.

Act to supplement other laws.

**9.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rule.

## STATEMENT OF OBJECTS AND REASONS

Ours is a vast nation consisting of hilly, plain, desert, marshy and coastal areas where groundwater is the major source of water supply for human consumption and other uses. Groundwater is also used as a means of irrigation. Our nation which faces erratic monsoon, year after year, groundwater is the perennial source of water supply which meets eighty five percent of the water demand of the people of rural India and fifty percent demand for water in urban areas. Even in the National capital, the treated water is mixed with borewell water and then supplied to the consumers.

Unfortunately, the groundwater in major parts of our country is contaminated with arsenic, fluoride, zinc, iron ore and other minerals which are very dangerous if not separated from the raw water. Naturally contaminated groundwater is a catastrophe with enormous public health implications. Apart from causing deformity, tooth decay, weak bones etc. contamination causes dangerous diseases like cancer and other dangerous ailments. The arsenic contamination in groundwater has affected quite a large number of people particularly in the States of Uttar Pradesh, Bihar, West Bengal and other parts of the country. Zinc is responsible for groundwater contamination in Rajasthan. Fluoride and Uranium is rampant in groundwater of Punjab and Southern States.

Hence, it is necessary to wake up to take this issue seriously and take corrective measures to protect the health and lives of millions of people who have no other option but to drink the contaminated groundwater. It is high time a National Board is established to deal solely with contamination issue of groundwater and for initiating corrective measures on a war footing.

Hence this Bill.

RAJKUMAR DHOOT

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of National Groundwater Contamination Prevention Board. Clause 7 makes it obligatory for the Central Government to provide necessary and adequate funds to the Board for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty thousand crores may involve as recurring expenditure per annum. A non recurring expenditure to the tune of rupees one lakh crore may also involve for creating assets throughout the Country.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to the matters of details only. The delegation of legislative power is of normal character.

RAJYA SABHA

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*(Shri Rajkumar Dhoot, M.P.)*