

Bill No. VIII of 2017

THE ARSENIC CONTAMINATION (PREVENTION) BILL, 2017

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BILL

to provide for effective regulation of the level of arsenic in ground water and identification of the risk areas of arsenic contamination, formulate a national policy for mitigating and preventing arsenic contamination in food and drinking water in the country for the overall welfare, care and protection of the citizens and for matters connected therewith and incidental thereto.

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

1. (i) This Act may be called the Arsenic Contamination (Prevention) Act, 2017.

(ii) It extends to the whole of India.

5 (iii) 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:—

(a) "arsenic" means the natural chemical element which has eroded from the Himalayas and deposited near the foothills of Himalayas in Indo-gangetic plain.

Short title,
extent and
commencement.

Definitions.

(b) "Authority" means the national Arsenic Contamination Prevention Authority established under section 4.

(c) "ground water" means naturally occurring water found below the surface in the saturated zone which can be extracted by digging wells, bores, etc.

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

National
policy for
prevention of
arsenic
contamination.

3. Notwithstanding anything contained in any other law for the time being in force, the Central Government shall as soon as may be after the commencement of the Act and in consultation with the Government of the States, formulate a national policy for mitigating and preventing arsenic contamination in food and ground water in the country for the overall welfare, care and protection of the citizens.

Establishment
of National
Arsenic
Contamination
Prevention
Authority.

4. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish an Authority to be called the National Arsenic Contamination Prevention Authority for the purposes of this Act.

(2) The head office of the Authority shall be at New Delhi and the Authority 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.

(3) The Authority shall consist of the following members who shall be appointed by the Central Government, namely:—

(a) a Chairperson, who shall be an expert scientist having adequate knowledge and professional experience in the prevention of arsenic pollution;

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

(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, Agriculture and Farmers welfare and Panchayati Raj respectively;

(e) four members to represent the Non-Governmental Organisations working for prevention of arsenic pollution in food and ground water;

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

(4) The Authority 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.

(5) The Salary and allowances payable to Chairperson, Deputy Chairperson and Members, terms of office of the Chairperson, Deputy Chairperson and members of the Authority and the procedure to be followed in the discharge of the functions of the Authority shall be such, as may be prescribed.

(6) The Authority shall have a secretariat with such number of officers and staff as may be prescribed.

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

Functions of
the Authority.

5. (1) Subject to any guidelines issued by the Central Government under the provisions of this Act, the Authority shall perform and undertake such special steps in close coordination with concerned Ministries, Departments of the Central and State Government to eliminate arsenic contamination and to afford the arsenic free drinking water and food to everyone throughout the country as it may deem necessary and expedient under the Act.

(2) Without prejudice to the generality of the foregoing provisions, the Authority shall—

(a) Conduct survey at risk areas to determine the location, scale and causes of arsenic contamination;

5 (b) Conduct survey of irrigation wells to assess the risk of overuse and exploitation of groundwater on agriculture and human health;

(c) develop awareness at all levels of society about the potential danger of arsenic in food and water;

(d) assess the availability of low arsenic water resources for human consumption;

10 (e) strengthen the capacity of agricultural research institutions to develop and test crops, alternative cropping system, water management processes and soil rehabilitation methods;

(f) help farmers to adapt by maximizing rain fed production where alternative water source for irrigation are insufficient;

15 (g) prioritise water supply and treatment intervention in worst affected areas;

(h) establish local and affordable capability to test water supplies where arsenic surveys have been completed;

(i) coordinate and monitor time bound arsenic mitigation plants to eliminate arsenic exposure;

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

(k) investigate the impact of arsenic on irrigated agriculture,

(l) assess the effect of contaminated water to arsenic exposure specially on human health;

25 (m) assess the likely impact of climate change on the increased demand for and reduced availability of ground water;

(n) assess the health effects of excess exposure to arsenic and provide preventive medical assistance; and

(n) such other activities as may be assigned from time to time.

30 6. The Central Government shall, after due appropriation, made by Parliament by law in this behalf, pay to the Authority in each financial year such sums as may be considered necessary and adequate for the performance of the functions of the Authority under this Act.

Central Government to provide funds.

35 7. The Authority 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 show cause the same to be laid before both the Houses of Parliament.

Annual report

40 8. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties

Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement of this Act.

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

Act to
supplement
other laws.

9. 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.

Power to
make rules.

10. The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Ground water is the major source of water supply in India. With India facing erratic monsoon, ground water is perennial source of water supply for the country. It meets eighty-five per cent of the water demand of the people in rural areas and fifty per cent of the demand for water in urban areas. Naturally occurring arsenic in ground water used for drinking, cooking and irrigation is a catastrophe with enormous public health implications. Nearly one thirty million people across the world have been exposed to excess level of arsenic in their drinking water over and above the World Health Organisation (WHO) recommended limit of ten parts per billion. As per the annual report statistics of the Ministry of Water Resources, eighty-nine per cent of the ground water extracted in India is used for irrigation and nine per cent of it is used for domestic purposes. Amongst all the States in the country, Uttar Pradesh, Bihar and Bengal have largest share of replenishable ground water of 77.19 billion cubic metre. The arsenic contamination has affected the people of the Uttar Pradesh where arsenic contaminated ground water is used for irrigation, thereby arsenic accumulates in soil and is taken up by crops. Ingestion of arsenic has wide ranging health hazards. It has been estimated that, if unchecked, exposure to arsenic will result in doubling of mortality from cancer.

It is high time for the Union Government to intervene in the matter and provide assistance to the States for digging arsenic free drinking water wells to the arsenic affected habitation in the country particularly Uttar Pradesh, Bihar and Bengal. As of now, there is no effective law to regulate the level of arsenic in ground water and identification of risk areas for mitigating and preventing arsenic pollution in food and ground water. The Bill aims to achieve the above objectives.

Hence, this Bill.

NEERAJ SHEKHAR

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the National Arsenic Contamination Prevention Authority. Clause 6 of the Bill makes it obligatory for the Central Government to provide necessary funds for the purpose of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees twenty five thousand crore may involve as recurring expenditure per annum. Non-recurring expenditure to the tune of rupees six thousand crore may also involve from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of details only, the delegation of legislative powers is of a normal character.

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(Shri Neeraj Shekhar, M.P.)