

Bill No. XXXVI of 2019

THE NATIONALISATION OF INTER-STATE RIVERS BILL, 2019

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BILL

*to provide for nationalisation of inter-State rivers for the purpose of equitable
distribution of river waters among the States and for matters connected
therewith or incidental thereto.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Nationalisation of Inter-State Rivers Act, 2019.

Short title,
extent and
Commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification
5 in the Official Gazette, appoint.

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

Definitions.

(a) "appropriate Government" means the State Government or Union Territory
Administration, in case of a State or a Union Territory, as the case may be, and the
Central Government in all other cases;

(b) "committee" means the Water Distribution Committee established under Section 7;

(c) "inter-State river" means any river which has its source in one State and passes through two or more States including the States in which the river has its origin before it submerges into the sea and also includes, a lake, tank, rivulet, which has its source from a river which is an inter-State river; and 5

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

No State to have exclusive right over inter-State river.

3. Notwithstanding anything contained in any other law for the time being in force, no State shall have the exclusive right over an inter-State river or to its use.

Central Government to have right and control.

4. From the date of commencement of this Act, the Central Government shall have the exclusive right and control over all inter-State rivers. 10

State Governments to forward requirements of water/ electricity.

5. (1) Every State Government/Union Territory Administration shall forward its requirements of water for all purposes, including irrigation and drinking water to the Central Government and also its requirements for electricity.

(2) While forwarding its requirements, every State Government and Union Territory Administration shall indicate the rivers, which are not inter-State rivers, and their status and any dam constructed within the State on any river, including an inter-State river, and its capacity for storage of water and electricity generated from those rivers. 15

(3) Every State Government and UT Administration shall also indicate the average rainfall in the State during the last three years in different seasons and the amount of rainfall during the current year. 20

Central Government to distribute inter-State river water.

6. (1) It shall be the duty of the Central Government to distribute river water of every inter-State river to the States and UT within which such rivers pass through.

(2) While distributing river waters, the Central Government shall take into consideration the following factors:— 25

(a) the population and area of each interested State and UT;

(b) the land available for farming in each State and UT;

(c) the requirements for drinking water and for agricultural and other purposes in each State and UT;

(d) the length of inter-State river passing through each State and UT; and 30

(e) the requirements and availability of electricity in each State and UT.

Establishment of Water Distribution Committee.

7. (1) The Central Government shall, by notification in the official Gazette, establish a committee to be known as the Water Distribution Committee to advise and make recommendations to the Central Government about distribution and sharing of water of inter-State rivers to each State and UT and matters connected therewith. 35

(2) The Committee shall consist of,—

(i) a retired Judge of the Supreme Court—Chairperson;

(ii) Secretary, Ministry of Jal Shakti—Member;

(iii) Chairperson, Central Water Commission—Member;

(iv) two eminent persons having experience in water resource management; 40

(v) four Secretaries of Irrigation or PWD Department from the State Governments, to be nominated on rotational basis—Members;

to be appointed by the Central Government in such manner as may be prescribed.

(3) The salary and allowances payable to and other terms and conditions of service of Chairperson and other members of the Committee shall be such as may be prescribed.

(4) The Ministry of Jal Shakti shall provide secretarial assistance to the Committee.

(5) The Committee while discharging its function shall follow such procedure and meet
5 in such manner as may be prescribed.

8. (1) From the date of commencement of this Act, no appropriate Government shall construct any hydro-electrical plant or project on any inter-State river or based on it.

Central
Government
to construct
hydro-
electrical
plants on
inter-State
rivers.

**(2) The Central Government shall have the exclusive right and control to construct any power plant meant for power generation on any inter-State river and shall distribute
10 electricity in such ratio, among the States and UT through which the inter-State rivers pass, as may be prescribed.**

(3) The appropriate Government shall pay to the Central Government in such ratio as may be prescribed for the electricity it receives from any hydro-electrical plant or project constructed on an inter-State river.

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

Power to
make rules.

(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
20 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 are many rivers big or small flowing through many States before they submerge into the nearest sea. Today half of the population of the country do not have access to potable water. Water is also not available for irrigation and other purposes. As a result, production of agricultural products has been considerably affected. It has been observed that many States through which a river flows, fight for considerable share of river water and try to deprive the just and due demand of other States. Consequently, many disputes are pending in Tribunals for settlement. It is a common knowledge that Tribunals take a long time before delivering judgement.

Water is a precious resource and calls for judicious management of the limited water resources. It is high-time that the country needs to rise above political, ideological and regional differences and also move away from a narrow project centric approach to a broader, holistic approach to issues of water management.

Therefore, it is proposed that only the Central Government shall have the exclusive right and control over all inter-State rivers and it shall distribute river water according to pre-determined formula for allocation of water, on the recommendations of Water Distribution Committee. It is proposed that the Central Government shall also have the exclusive right over electricity projects constructed on inter-State rivers. This measure will not only enable distribution of river water among the different States without affecting the interests of the concerned States but also enable proper utilisation of available resources.

DR. T. SUBBARAMIREDDY

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides establishment of Water Distribution Committee to advise and unable recommendations to Central Govt. regarding distribution and sharing of water.

Clause 8 provides that the Central Government shall construct hydro electrical plants or projects on inter-State rivers. Though there is a provision that the appropriate Government shall pay to the Central Government in such ratio as may be prescribed for the electricity it receives, yet expenditure will be incurred from the Consolidated Fund of India. It is likely that an annual recurring expenditure of about rupees five hundred crore will be involved. A non-recurring expenditure of above rupees three hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the matters will relate to detail only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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(Dr. T. Subbarami Reddy, MP)