

Bill No. XXXVII of 2016

THE WATER CONSERVATION AUTHORITY OF INDIA BILL, 2016

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BILL

to provide for the establishment of a Water Conservation Authority for the conservation of water of the rivers, ground and rainwater through traditional means of ponds, wells, canals, trenches, etc. and by building reservoirs, bunds and check dams, reviving dried rivers, making trenches in riverbeds, building recharge shafts, deepening and widening canals and ponds, building permanent water conservation structures by means of rainwater harvesting to recharge the groundwater, encouraging people to participate in water conservation movement and plantation of trees in a big way and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the water Conservation Authority of India Act, 2016. Short title, and commencement.
(2) It shall come into force with immediate effect.

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

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

(b) “Authority” means the Water Conservation Authority of India established under section 3;

(c) “prescribed” means prescribed by rules made under this Act.

Establishment
of the Water
Conservation
Authority of
India.

3. (1) The Central Government, shall as soon as may be, but within one year of the commencement of this Act, by notification in the Official Gazette, establish a Water Conservation Authority of India for the purposes of this Act. 5

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and common seal with power to acquire, hold and dispose off property, both movable and immovable and to contract and shall by the said name sue and be sued;

(3) The headquarters of the Authority shall be at Aurangabad in the State of Maharashtra and the Authority may with the prior approval of the Central Government, establish offices at such other places in the country as it may deem necessary for carrying out the purposes of this Act; 10

(4) The Authority shall consist of the following members, namely:—

(a) the Union Minister of Water Resources, who shall be the Chairperson ex-officio; 15

(b) a Deputy Chairperson to be appointed by the Central Government having the background or specialisation in water conservation and such other qualification as may be prescribed;

(c) five members of Parliament of whom three shall be from Lok Sabha and two from the Rajya Sabha to be nominated by the Presiding Officer of the respective House;

(d) four members to be appointed by the Central Government to represent the Union Ministries of Agriculture and Farmers Welfare, Finance, Drinking Water and Sanitation and Rural Development, respectively; 25

(e) not more than four members to be appointed by the Central Government, in consultation with the Governments of the States representing Governments of the States, in the alphabetical order, and it shall be ensured that all the States get represented in the Authority, by rotation;

(5) The salaries and allowances payable to and other terms and conditions of service of the Deputy Chairperson and other members of the Authority shall be such, as may be prescribed. 30

(6) The Authority shall have a Secretariat with such number of officers and staff headed by a Secretary who shall be the member Secretary of the Authority, with such terms and conditions of service, as may be prescribed from time to time. 35

(7) The Authority shall observe such procedure in the transaction of its business as may be prescribed.

Functions of
the Authority.

4. (1) The Authority shall formulate and execute a comprehensive action plan for the conservation of water of rivers, ground and rainwater throughout the country and perform such other functions relating to water conservation as may be assigned to it by the Central Government. 40

(2) Without prejudice to the generality of the provisions of sub-section (1) the action plan for the conservation of water may also include,—

(a) building adequate number of reservoirs at conspicuous places in different parts of the country, particularly in desert and drought prone areas; 45

(b) reviving all the dried rivers and make trenches in all the river basins;

(c) constructing bunds and check dams on river beds;

- (d) works relating to deepening and widening canals and ponds;
- (e) building recharge shafts and construction of sufficient number of trenches at appropriate places;
- (f) building permanent water conservation structures and provision for recycling of wastewater;
- (g) desiltation of existing reservoirs, ponds, canals and such other water bodies;
- (h) recharging shafts for dried up borewells, village ponds and hollows;
- (i) reviving all the lost ponds and lakes;
- (j) encouraging people to participate in water conservation in particular school children and villagers to build water conservation structures;
- (k) advising the appropriate Government to make rain water harvesting compulsory in all Government buildings, public parks and places, households and establishments and educate the masses about rainwater harvesting;
- (l) advising the appropriate Government to diversify water guzzling crops;
- (m) giving wide publicity through radio, videos, pamphlets, booklets, hoardings, and through print and electronic media the importance of water conservation;
- (n) encouraging tree plantation as a movement;
- (o) such other functions as may be deemed necessary for carrying out the purposes of this Act.
- 20 **5. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Authority every year for the purposes of this Act.** Central Government to provide funds.
- 25 **(2) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed and the accounts shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him.**
- 30 **6.** The Authority shall for each financial year prepare in such form as may be prescribed, its annual report giving a full account of its activities during the previous financial year and submit a copy thereof to the Central Government. Annual report.
- 7.** The Central Government shall cause the annual Report and the audit report, together with a memorandum of action taken thereon, of the Authority to be laid before each House of Parliament. Annual Report and audit report to be laid before Parliament.
- 35 **8.** The provision of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Act to have overriding effect.
- 9.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force. Act to supplement other laws.
- 10.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Marathwada and Madhya Maharashtra in the State of Maharashtra, various parts of Karnataka, Bundelkhand and some other parts of the country recently faced worst crisis of water shortage and some parts had even to rush drinking water through trains from other parts of the country to quench the thirst of the people and livestock. This grim situation has taught the people the importance of water and consequences of wasting it and importance of saving it. In coming years, water shortage will be major challenge. But today most of the rainwater and water of the river goes waste in the Oceans. Groundwater resources have been used for all kinds of purposes from agriculture through tubewells in farming areas to cities where ground water is increasingly being used as the primary water source through borewells, handpumps, well etc. In farm sector water guzzling crops such as sugarcane, paddy, etc. are being cited for receding levels of ground water. In fact the unregulated usage of ground water has led to massive exploitation of this precious resource.

So there is urgent need for water conservation in the country. The rain water has to be conserved through rainwater harvesting and other means. Similar action has to be taken for the conservation of river water. For this purpose, it is felt that National Authority for the conservation of water be established to concentrate on this vital requirement of life and through conservation, problem of water scarcity and shortage can certainly be brought down if not eliminated.

Hence this Bill.

RAJ KUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Water Conservation Authority of India. Clause 5 makes it obligatory for the Central Government to provide adequate funds to the Authority every year. The Bill if, enacted will involve expenditure from the Consolidated Fund of India. Though it is not possible to quantify the exact amount that will involve but it is estimated that a sum of one lakh crore rupees may involve as recurring expenditure per annum.

Non recurring expenditure to the tune of five lakh crores rupees for creating the assets may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 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 matters of details only. The delegation of legislative power is of normal character.

RAJYA SABHA

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to provide for the establishment of a Water Conservation Authority for the conservation of water of the rivers, ground and rainwater through traditional means of ponds, wells, canals, trenches, etc. and by building reservoirs, bunds and check dams, reviving dried rivers, making trenches in riverbeds, building recharge shafts, deepending and widening canals and ponds, building permanent water conservation structures by means of rainwater harvesting to recharge the groundwater, encouraging people to participate in water conservation movement and plantation of trees in a big way and for matters connected therewith and incidental thereto.

(Shri Rajkumar Dhoot, M.P.)