

Bill No. LIV of 2016

THE INTER-STATE RIVER WATER AUTHORITY BILL, 2016

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BILL

to provide for the establishment of an Inter-State River Water Authority to look into regulation and development of dams on inter-State rivers, controlling developmental activities on inter-State rivers, monitoring the safety and effects on habitat of dams on inter-State rivers and for all 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 Inter-State River Water Authority Act, 2016.

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. It is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation and development of inter-State rivers and dams built over them to the extent here in after provided.

Declaration
as to the
expediency
of Union
control.

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

Definitions.

10 (a) “annual safety audit report” means a report giving the safety status of specified dams and details of effects of specified dams on surrounding environment and habitat including human settlements.

(b) “Authority” means the Inter-State River Water Authority established under section 4;

(c) “dam” means any artificial barrier including appurtenant works constructed across rivers or tributaries thereof with a view to impound, store or divert water;

(d) “inter-State river” means a river which originates in one State and passes through one or more States other than the State in which the river has its origin before it drains into the sea and also include rivulets, tributaries and lakes which have its source from an inter-State river; 5

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

(f) “specified dams” means a dam which is,— 10

(i) constructed over an inter-State river; and

(ii) above fifteen meters in height, measured from the lowest portion of the general foundation area to the crest; or between ten to fifteen meters in height and capacity of the reservoir is not less than half a million cubic metres;

(g) “State” means the States which have one or more than one inter-State river flowing within their territory; 15

(h) “State Dam Safety Cell” means the State Dam Safety Cell constituted under section 7.

Constitution of Inter-State River Water Authority.

4. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, an Authority, to be known as the Inter-State River Water Authority consisting of the following members, namely:— 20

(i) **Chairman, Central Water Commission — *ex-officio* Chairperson;**

(ii) **Commissioner (Projects), Ministry of Water Resources — *ex officio* Member;**

(iii) **Member (Hydro), Central Electricity Authority — *ex officio* Member;** 25

(iv) **Director General, Geological Survey of India — *ex officio* Member;**

(v) **Director General, Indian Meteorological Department — *ex officio* Member;**

(vi) **One Scientist, Grade E, Ministry of Environment and Forests — *ex officio* Member;**

(vii) **Engineers-in-Chief or equivalent officers of Irrigation Departments of States having specified dams — *ex officio* Members;** 30

(2) The Central Government shall appoint such number of officers and staff as it considers necessary for the functioning of the Authority.

(3) The salary, allowances and terms of conditions of services of officers and staff of the Authority shall be such, as may be prescribed. 35

Meetings of the Authority and Selection of the Steering Committee.

5. (1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed by the Central Government:

Provided that the Authority shall meet at least once every three months.

(2) The expenditure incurred to attend meetings by the Members referred to in sub-clauses (i) to (vii) of section 4, shall be borne by their concerned controlling authorities. 40

(3) There shall be a Steering Committee consisting of the following members, namely:—

(a) Chairman, Central Water Commission;

(b) Commissioner (Projects), Ministry of Water Resources; and

(c) two members selected from Members referred to in sub-clause (vii) of section 4.

(4) The two members in Steering Committee among Members referred to in sub-clause (vii) of section 4, shall have a term of six months and on expiry of their term, another two members shall be chosen amongst themselves.

(5) All issues that come up before the Authority shall be decided by a majority of votes of members of the Steering Committee, and in the event of an equality of votes, the Chairman, Central Water Commission, shall have a casting vote.

(6) The Steering Committee shall, on every issue, deliberate and take suggestions from all members of the Authority present, before going in for a vote.

(7) The final decision of the Authority shall be taken by the Steering Committee.

6. (1) The Authority shall discharge such functions as may be necessary to ensure equitable distribution of water from inter-State rivers to respective States involved, ensure proper inspection and maintenance of all specified dams in the country and ensure their safe functioning.

Functions of the Authority.

(2) Without prejudice to the provisions contained in sub-section (1), the functions of the Authority shall include to:—

(a) analyse water needs of each state considering rainfall patterns, agricultural needs of state and deciding on the amount of water to be released to said states through specified dams within the states.

(b) revise the existing water awards to states once in every six months, taking into account drought time, to ensure that upper riparian states are not affected.

(c) monitor and evaluate dam safety practices in all specified dams and suggest guidelines to bring dam safety practices in conformity with latest international practices consistent with Indian conditions;

(d) monitor broadly the functioning of State Dam Safety Cells, as the case may be.

(e) look into and study environmental effects due to specified dams such as soil erosion, deforestation, effect on wildlife and other existing water bodies and advise the Central Government on appropriate remedial actions.

(f) study the effects of specified dams on people living in surrounding areas and advise the Central Government on necessary rehabilitation measures.

(g) examine all proposals for construction of dams on inter-State rivers and no new dams shall be constructed on inter-State rivers without prior approval from the Authority.

(h) redress grievances of states with regard to decisions made by the Authority and resolve it in a time bound manner by forming a Committee of three members as specified in section 8.

(3) The Authority shall also disseminate the knowledge and information collected to the State Dam Safety Cells.

7. (1) Every State having one or more specified dams shall establish under its Water Resource Department or Irrigation Department or the department dealing with matters of water resources, a separate Cell known as the State Dam Safety Cell headed by an Officer not below the rank of Superintending Engineer or equivalent.

State Dam Safety Cells.

(2) The constitution of the State Dam Safety Cell shall be such as may be prescribed by the State Government.

(3) The administrative and other expenses of the State Dam Safety Cells shall be borne by the concerned State Governments.

(4) Every State Dam Safety Cell shall:—

(a) keep perpetual surveillance;

(b) monitor maintenance;

(c) carry out routine inspection,

of all specified dams falling within its State, to ensure continued safety of such specified dams and take such measures as may be necessary to address safety concerns that are noticed.

(5) Every State Dam Safety Cell shall provide information regarding all specified dams under its jurisdiction and shall act with prior approval from the Authority as and when required by the Authority.

(6) Every State Dam Safety Cell shall submit an audit report every three months, of all specified dams under its jurisdiction, to the Authority.

Dispute
Resolution
within the
Authority.

8. (1) The Authority shall constitute a permanent expert redressal committee consisting of three members selected by the Steering Committee from amongst persons who have served as a Judge of the Supreme Court of India.

(2) If it appears to the Government of any State that the decision of the Authority is in any way against the interests of the particular State or if any State refuses to implement the terms proposed by the Authority, the said State shall have the right to approach the expert redressal committee.

(3) The redressal committee shall submit its report on any case that arises before it within a period of six months to the Authority.

Government to
provide funds.

9. The Central Government, shall from time to time provide, after due appropriation made by Parliament by law in this behalf, requisite funds for carrying out the purposes of this Act.

Power to
remove
difficulty.

10. If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with the State Governments, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty.

Power to make
rules.

11. The Central Government, in consultation with the State Governments, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Rivers are rich sources of habitat. People from past, have migrated and settled around rivers. Thus it shows how important water sources are for survival of humans. Our country, has 14 major rivers. All of them are inter state rivers. More than 21 states have at least one or more inter state rivers flowing through them. Conflicts arising between States in sharing the river water has been at the forefront of issues in our country. A Central Control over inter state dams is lacking and river water tribunals, which adjudicate on disputes, have prolonged the cases without any fruitful results.

As civilizational demand increases, river water which was mainly used for irrigation purposes, now also has to cater to needs of fast growing industries. Today, each State is competing for the welfare of its own people and hence trying to maximise utilisation of the river water flowing within their territory. Compounded by the situation of uneven monsoons, our farmers, who are the backbone of this country, are the worst affected. Disputes between states have led to bad blood between its people thereby in a subtle way compromising the integrity of the nation. Our founding fathers had put their minds into this problem and had enshrined certain powers in the Constitution for the Union Government in this regard. The provision under Article 262, gives the parliament the power to create laws on adjudicating disputes between state regarding river water.

Therefore it is proposed in this Bill to constitute an Inter-State River Water Authority consisting of members from the concerned Ministries, expert bodies and from all States having at least one inter-state river within their territory. It is proposed that this authority will have the exclusive powers to regulate flow of water and monitor water levels on all dams present over inter-state rivers. Any dispute arising between the State and the Authority will be taken up by a Committee formed under the Authority consisting of three retired Supreme Court judges. This committee should give its decision in six months and it will be bonding on the States. Any new projects on inter-state rivers will require the prior approval of the Authority. It will also have the powers to issue detailed guidelines regarding dam safety by establishing Dam safety councils in states to carry out regular audits and frame guidelines advising the Government on issues relating to rehabilitation and compensation for people affected due to dams on inter-state rivers.

This Bill, by providing the power to regulate dams on inter-state rivers, to an independent body comprising of the union, states and other experts, will help solve the problem of states acting on their own accord. This will result in an atmosphere of better cooperation among the stakeholders, leading to greater efficient usage of our water resources.

Hence this Bill.

VIVEK GUPTA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of Inter-State River Water Authority and also appointment of such number of officers and staffs for its functioning. Clause 9 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of this Bill. The Bill, therefore, if enacted will involve recurring expenditure of one hundred crore rupees per annum which shall be not from the Consolidated Fund of India. A non-recurring expenditure to the tune of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make necessary rules for making rules, by notification in the official gazette 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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BILL

to provide for the establishment of an Inter-State River Water Authority to look into regulation and development of dams on inter-State rivers, controlling developmental activities on inter-State rivers, monitoring the safety and effects on habitat of dams on inter-State rivers and for all matters connected therewith and incidental thereto.

(Shri Vivek Gupta, M.P.)