

GOVERNMENT OF INDIA
MINISTRY OF JAL SHAKTI
DEPARTMENT OF WATER RESOURCES, RIVER DEVELOPMENT & GANGA
REJUVENATION
RAJYA SABHA

STARRED QUESTION NO. *41

ANSWERED ON 24.07.2023

CONSTITUTIONALITY IN FORMATION OF BODIES RELATED TO DAM SAFETY

*41 SMT. JEBI MATHER HISHAM

Will the Minister of JAL SHAKTI be pleased to state:

- (a) whether Government has considered the concern raised over constitutionality in the formation of the National Committee on Dam Safety and National Dam Safety Authority;
- (b) if so, the measures which have been taken to rectify the concern raised and details thereof; and
- (c) whether Government has sought opinion from the States before passing the Bill on the formation of these bodies as mandated in Article 252 of the Constitution, if so, the details thereof, if not, the reasons therefor?

ANSWER

THE MINISTER OF JAL SHAKTI

(SHRI GAJENDRA SINGH SHEKHAWAT)

(a) to (c) : A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO RAJYA SABHA STARRED QUESTION NO. *41 TO BE ANSWERED IN RAJYA SABHA ON 24.07.2023 REGARDING “CONSTITUTIONALITY IN FORMATION OF BODIES RELATED TO DAM SAFETY”

(a) to (c) The Dam Safety Act, 2021 provides a robust legal and institutional framework under Central and State Governments for safety of dams. The Act envisages prevention and mitigation of dam failure disasters through proper surveillance, inspection, operation and maintenance of all the specified dams in the country and to provide for institutional mechanism to ensure their safe functioning and related matters. It was expedient in the larger public interest that a control should be exercised for regulation of uniform dam safety procedure for specified dams in the country.

The Act provides for constitution of a National Committee on Dam Safety by the Government of India to evolve dam safety policies and recommend necessary regulations. Further, the Act provides for establishment of the National Dam Safety Authority as a regulatory body to implement the policy, guidelines and standards for dam safety in the country.

The draft Dam Safety Bill 2016 was circulated by the Department of Water Resources, River Development & Ganga Rejuvenation to all the States and Union Territories on 09.08.2016 for inputs and suggestions. Inputs/comments received from the States were deliberated in the 37th meeting of National Committee on Dam Safety held at Indian Institute of Technology, Roorkee on 18.02.2017, in which 18 States participated. Views and suggestions of States/UTs were taken into account. As per the outcome of the meeting, the draft Bill was accordingly modified to address apprehensions of the States. Subsequently, the Dam Safety Bill, 2018 was introduced in the Parliament on 12.12.2018, which lapsed with dissolution of the Sixteenth Lok Sabha. Based on the above Bill, Dam Safety Bill 2019 was introduced again in the Parliament in July 2019 by exercising power conferred under Article 246 read with Entry 56 and Entry 97 of List I of Seventh Schedule to the Constitution which became an Act after the passage of the bill in December, 2021.
