Dam Safety Bill 2019

What is the issue?

Tamil Nadu government has strongly condemned the Union government for not considering the interest of states while passing the Dam Safety Bill.

Why is a law on dam safety required?

- **Large dams** - India ranks third globally with 5,745 large dams in operation.
- As a large amount of water may be stored in a dam's reservoir, its failure can cause large scale damage to life and property.
- **Ageing of dams**- According to the National Register of Large Dams by the Central Dam Safety Organisation (CDSO) in the Central Water Commission, 67 dams were built prior to the 20th century and 1,039 dams during the first 70 years of the 20th century.
- **Dam failure**- Since 1979, there were 42 instances of dam failure, the latest being Annamayya reservoir in Kadapa district of Andhra Pradesh that led to the death of at least 20 people in November 2021.
- **Lack of legal and institutional architecture -** Even though the CWC and CDSO has been functioning as the apex body to advise States on issues of dam safety, there is no specific Central law since the ownership of dams and their maintenance falls in the purview of the States.
- In July 1986, a panel of experts recommended to the Centre that legislation be framed.

What are the key features of the Dam Safety Bill?

- **Aim-** The Bill proposes to help all states and Union Territories adopt uniform dam safety procedures.
- It aims to provide for surveillance, inspection, operation and maintenance of the dams for prevention of dam failure-related disasters and to provide for institutional mechanism to ensure their safe functioning.
- **Applicability**- The Bill covers those dams having the height of over 15 metres and between 10 and 15 metres with certain stipulations.
- **Obligation of dam owners-** Dam owners will be responsible for the safe construction, operation, maintenance and supervision of a dam.

- **National Committee on Dam Safety**- It provides for setting up of a National Committee on Dam Safety with 3 year tenure, comprising the chairman of the Central Water Commission, along with representatives of the central and state government and experts.
- It will be headquartered in Delhi and will be headed by an officer not below the rank of Additional Secretary to the Government of India.
- **State dam safety organization**- A state dam safety organisation will be formed to investigate and gather data for proper review and study of the various features of the design, construction, repair and enlargement of dams, reservoirs and appurtenant structures.
- It must report events such as dam failures to the National Dam Safety Authority and also maintain records of major dam incidents of each specified dam.
- **Offences and penalties-**. Anyone obstructing a person in the discharge of his functions under the Bill or refusing to comply with directions may be imprisoned for a year and in case of loss of life, the person may be imprisoned for 2 years.

As per Entry 17 of the State List, states can make laws on water supply, irrigation and canals, drainage and embankments, water storage and water power, subject to Entry 56 of the Union List.

Entry 56 of the Union List allows Parliament to make laws on the regulation of inter-state rivers and river valleys if it declares such regulation to be expedient in public interest.

Why has the Bill become contentious?

- **Encroachment of the sovereignty of States-** Several States, including Karnataka, Kerala, Tamil Nadu and Odisha, opposed the legislation on the ground that it encroached upon the sovereignty of States to manage their dams.
- **Constitutional validity**- The constitutional validity of the legislation has been raised since water is a State subject.
- It is unclear how Parliament would have the jurisdiction to frame a law for dams on rivers where the river and its valley are entirely within a State.
- **Compensation**- The silence on the payment of compensation to people affected by dam projects was cited as another shortcoming.
- **Tamil Nadu's concerns**- Tamil Nadu has been a critic of the legislation as it fears that it will lose its hold over four of the dams located in Kerala

including Mullaperiyar and Parambikulam.
- The Centre must hold talks with the States to allay their fears and frame rules suitably for legislation.

References

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