

CIRCULATION OF DRAFT RIVER BASIN MANAGEMENT BILL, 2018 FOR PUBLIC CONSULTATION

The 2nd Administrative Reforms Commission's 7th Report titled "Capacity Building for Conflict Resolution-Fiction to Fusion" (February 2008) has recommended that River Basin Organisations (RBOs) should be set up for each inter-State river, as proposed by the Report of the National Commission for Integrated Water resources Development, 1999 by enacting a legislation to replace the River Boards Act, 1956. The Ministry after holding detailed deliberations has come out with draft River Basin Management Bill, 2018.

The draft River Basin Management Bill proposes optimum development of inter-State rivers by facilitating inter-State coordination ensuring scientific planning of land and water resources taking basin/sub-basin as unit with unified perspectives of water in all its forms (including soil moisture, ground and surface water) and ensuring comprehensive and balanced development of both catchment and command areas. The draft Bill proposed to establish 13 River Basin Authorities for various river basins of the country. It is expected that enactment of the proposed legislation would result in optimum integrated development and management of inter-State River waters with basin approach and will result in change of environment from the one of conflicts to that of cooperation.

A copy of the draft Bill is placed below. Comments/ suggestions on the above Bill are invited from the general public at large. The comments/suggestions on the draft Bill may be sent latest by 5th November at the following email address **sjcbm-mowr@nic.in / dcbm-mowr@nic.in**

THE Draft RIVER BASIN MANAGEMENT BILL, 2018

A Bill further to amend the River Boards Act, 1956 to provide for the establishment of River Basin Authority for the regulation and development of Inter-State Rivers and River Basins

CHAPTER I PRELIMINARY

WHEREAS with the increasing population, need has been felt to have better management of water resources for domestic, agricultural, industrial, environmental needs and other purposes;

AND WHEREAS it is felt that the existing legislation is not adequate in meeting the aspirations of the citizens, and therefore need has been felt to have a new legislation for integrated management and development of inter-state river basins.

1. **Short Title and extent.** (1) This Act may be called the River Basin Management Act, 2018.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- (3) It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation and development of inter-State rivers and river valleys to the extent hereinafter provided.

CHAPTER II DEFINITIONS

2. **Definitions.** In this Act, unless the context otherwise requires,
 - (a) "Aquifer" means a geological formation under the surface of the earth which absorbs, stores and transmits water
 - (b) "Basin" means a geographical area determined by the watershed limit of the system of waters, flowing into the ocean/sea either directly or through another sovereign nation or into a natural lake/depression having no outlet;
 - (c) "Basin State" is a State or Union Territory, the territory of which includes any portion of an inter-State river basin or is a beneficiary of waters from the basin;
 - (d) "Sub-Basin" means a hydrologic unit or hydrologic sub-unit of a river basin and may be divided into further smaller units for technical and /or administrative convenience and meaning of term "Basin" shall stand extended to such smaller units within a 'Basin' or "Sub-Basin";
 - (e) "Board" in relation to an Authority, means an Executive Board established under Section 15 of this Act;

- (f) "Governments interested", in relation to an Authority, means the Governments of those States which, are likely to be interested in, or affected by, the functions of the Authority under this Act;
- (g) "Governing Council", in relation to an Authority, means a Council established under Section 13 of this Act;
- (h) "Inter-State river basin" means a river basin extending over two or more States/Union Territories;
- (i) "Integrated River Basin Management (IRBM)" means a process which promotes the coordinated development and management of water, land and related resources in a river basin, in order to optimize the river basin's resultant economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems
- (j) "Prescribed" means prescribed by rules made under this Act;
- (k) "Regulation and development of inter-State river and river valley" means regulation and development of water resources of the river basin;
- (l) "River Basin Authority" or "Authority" means River Basin Authority established under Section 11 of this Act;
- (m) "River Basin Master Plan" means a river basin development, management and regulation plan, serving as the central focal point for all the outcome of integrated river basin management and shall include all the components as laid down in Section 17 of this Act;
- (n) "Advisory Council", in relation to an Authority, means a Council established under Section 16 of this Act;

CHAPTER III PRINCIPLES GOVERNING RIVER BASIN DEVELOPMENT, MANAGEMENT AND REGULATION

- 3. Participation.** Basin States shall have the right to participate in the development, management and regulation of waters of an inter-State river basin in an equitable and sustainable manner. The decision of the Authority shall be binding on all the basin States in the matters of regulation, development and management of the inter-State river basin, even in case any basin State fails to participate.
- 4. Cooperation.** Basin States shall participate and cooperate in best interest of the nation, in the development, management and regulation of waters of inter-State river basin for the mutual benefit of the basin States and the Indian Union.
- 5. Equitable and Sustainable Utilisation of water.** (1) Basin States shall in their respective territories develop, manage and regulate the waters of an inter-State river basin in an equitable and sustainable manner.

(2) In particular and without prejudice to the generality of the foregoing, the basin States shall develop, manage and use the waters of the basin in order to attain the optimal and sustainable use thereof, and derive benefits there from, taking into account the interests of all basin States, consistent with adequate protection of quality of water.

Provided that the optimal and sustainable use of waters within a river basin shall be ensured, with due regard to the present and reasonable future needs.

Provided further that the determination of optimal utilisation of waters and adequate river flows shall be reasonably ensured in the River Basin Master Plan, as made by the concerned River Basin Authority in terms of this Act.

6. Conjunctive Management. Basin States shall make their best efforts to manage surface water, groundwater, and other pertinent waters in a unified and comprehensive manner with due regard to the relationship between the surface waters of the river-basin or sub-basin and the ground water of the aquifer(s).

7. Integrated Management. (1) States shall make their best efforts to integrate appropriately the management of waters with the management of all related resources and encourage recovery and reuse of resources.

(2) Every water-related activity in any part of a river-basin, or a sub-basin of a large basin including any water resources project(s) proposed at the river basin or a sub-basin level by the concerned entity shall be undertaken with due regard to

- (a) the hydrological and ecological characteristics and features of the basin or sub-basin as a whole;
- (b) the land-use appropriate to the relevant area;
- (c) the relationship between surface water and groundwater
- (d) efficient waste water management,
- (e) the interlinkages between water quality and quantity consistent with broader environmental management approaches, and
- (f) a holistic view of the relationships of all such activities with one another and with the basin or sub-basin as a whole.

8. Water as a Common Pool Community Resource: Water needs to be managed as a common pool community resource held, by the State, under public trust doctrine to achieve food security, support livelihood, and ensure equitable and sustainable development for all.

9. Demand Management: The demand management of water needs to be given priority, especially through (a) evolving an agricultural system which economizes on water use and maximizes value from water, and (b) bringing in maximum efficiency in use of water and avoiding wastages.

CHAPTER IV
INTER-STATE RIVER BASINS

- 10. Inter-State River Basins:** (1) The Inter-State river basins, in first instance, shall be those which have been included in **Schedule-I** to this Act.
- (2) The Central Government may by notification amend the Schedule-I from time to time.
- (3) As soon as may be after the commencement of this Act, the Central Government shall by notification in the Official Gazette demarcate the limits of all the inter-State river basins including sub-basins that are included under **Schedule I** of this Act.

CHAPTER V

ESTABLISHMENT AND CONSTITUTION OF RIVER BASIN AUTHORITIES

- 11. Establishment of River Basin Authority:** (1) The Central Government shall, by notification in the Official Gazette, establish a River Basin Authority for development, management and regulation of waters of an inter-State river basin or any specified part thereof and different Authorities shall be established for different inter-State river basin(s).

Provided that a separate River Basin Authority may be established for a sub-basin within inter-State river basin; provided that such authority shall operate within the bounds of parameters specified and agreed for the full inter-state basin of which the present authority forms a part.

Provided further that a single or umbrella River Basin Authority may after consultation with Governments interested, be established for more than one inter-State river basin; the powers, functions and rules for conducting business for the umbrella Basin Authority may be jointly decided by the participating river basin Authorities or as may be prescribed.

- (2) An Authority may be established under such name and at such places as may be specified in the notification under sub-section (1).
- (3) Every Authority so established shall be a body corporate having perpetual succession and a common seal, and shall by the said name sue and be sued.
- (4) Every Authority shall exercise its jurisdiction within such limits of the inter-State river or river basin or any part thereof as may be specified in the notification under sub-section (1) and the area so delineated shall be called the area of operation of the Authority.
- (5) The Central Government, on enactment of River Basin Management Act, may decide on the existence, roles and functions of the existing River Boards, Authorities, etc having similar functions or overlap of function with the River Basin Authorities established under the Act.

12. Two-Tier System for the management of the River Basin Authority: Every River Basin Authority constituted under Section 11 shall consist of a Governing Council and an Executive Board. An Advisory Council shall be constituted to assist the Governing Council in taking decisions for better development of the river basin.

13. Constitution of Governing Council: (1) The Governing Council shall consist of the following, namely:

- (a) Chief Ministers of the basin States that fall in the inter-State river basin area, and in the case of the Union Territory, either the Chief Minister or Administrator thereof, as the case may be;
- (b) The Minister in charge of Water Resources from each of the basin States;
- (c) Chairman of Executive Board - Member-Secretary

(2) The procedure to be followed in discharge of the functions of the Governing Council shall be such as may be prescribed.

(3) Notwithstanding anything contained in any other law for the time in force, the office of Chairperson and a Member of the Governing Council shall not be deemed to be an office of profit.

(4) The Governing Council shall meet at least twice in a year and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

(5) No act or proceeding of the Governing Council shall be invalid merely by reason of existence of any vacancy therein or any defect in the constitution thereof or any irregularity in the procedure not affecting the merits of the case.

14. Chairperson of the Governing Council: (1) The Chairperson of the Governing Council shall be from amongst the Chief Ministers of the basin States, by rotation. The first Chairperson of the Council shall be one on whom the Chief Ministers of the basin States arrive at a consensus. In absence of consensus the Central Government shall nominate the Chairperson.

(2) After the first Chairperson stands nominated, the office of the Chairperson shall be held by rotation by consensus. The procedure to be followed shall be the same as in Sub-Section (1).

(3) The Chairperson of the Governing Council shall hold office as such for a period of one year.

15. Constitution of Executive Board: (1) The Board shall consist of the following members, namely:-

(a) Chairman of Board, nominated by the Central Government from amongst the officials of the rank of the Additional Secretary ~~from Central Water Commission = Chairman~~

(b) the Administrative Secretary to the State Government or the Government of the Union Territory, as the case may be, in charge of Water Resources, from each of the basin States - Member Part-Time

- (c) the Administrative Secretary to the State Government or the Government of the Union Territory, as the case may be, in charge of Agriculture Department in each of the Basin State - Member Part-Time;
 - (d) Administrative Secretary in charge of Drinking Water and Sanitation from the State Governments or the Government of the Union Territory, as the case may be, from each of the basin States - Member Part-Time;
 - (e) Administrative Secretary in-charge of the State Disaster Management Authority from each of the basin States- Member Part-Time;
 - (f) Expert in Environment to be nominated by the Central Government –Member-Part Time.
 - (g) Expert in Water Planning to be nominated by the Central Government from amongst the officials of the rank of Chief Engineer from Central Water Commission – Member
 - (h) Expert in Power to be nominated by the Central Government– Member
 - (i) Expert in Ground Water to be nominated by the Central Government from amongst the officials from Central Ground Water Board -Member
 - (j) Financial Advisor to be nominated by the Central Government from amongst the officials of the rank of Director from any Organised Accounts Services – Member
 - (k) Member-Secretary of the Board, to be nominated by the Central Government from amongst the officials of the rank of Chief Engineer from Central Water Commission – Member-Secretary.
- (2) The Board shall have a permanent establishment and office.
 - (3) The Board shall have its headquarter located at a place specified by Central Government
 - (4) The Board, for the efficient discharge of its functions, may employ such staff as may be decided by the Central Government.
 - (5) The manner of filling vacancies and the procedure to be followed in discharge of the function of the Executive Board shall be as may be prescribed.
 - (6) The Executive Board shall meet at least once in a quarter and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.
- Provided that the proceedings of the various meetings of Executive Board shall be recorded and preserved in the office of the Member Secretary.
- (7) No act or proceeding of the Executive Board shall be invalid merely by reason of existence of any vacancy therein or any defect in the constitution thereof or any irregularity in the procedure not affecting the merits of the case.
 - (8) The Executive Board may seek assistance of any expert or experts whose advice it may desire in performing any of its functions under this Act.

- (9) The Executive Board shall be guided in the matter of discharge of its function by the advice given by the Governing Council

16. Advisory Council:

- (1) An Advisory Council shall be constituted under the Chairman of the Governing Council to assist the Governing Council in taking decisions for better development of the river basin.
- (2) The Advisory Council shall consist of the following members, namely:
- (a) One Member of Parliament from the House of the People from each of the basin States from among the Parliament constituencies of the State falling under the basin by rotation, to be nominated by the Speaker of the House of the People;
 - (b) One Member of the State Legislature from each of the basin States from among the State Legislature constituencies falling under the basin by rotation, to be nominated by the respective Speakers of the State Legislature;
 - (c) Two representatives of Panchayat / Zilla Parishad from each of the basin States from among the districts of the State falling under the basin by rotation, to be nominated by the State Government;
 - (d) the Chief Secretary to the State Government or the Administrator to the Government of the Union Territory or his nominee, as the case may be, from each of the basin States;
 - (e) One representative from the Water User Associations from each of the basin States to be nominated by State Government by rotation;
 - (f) One representative from each of the basin States from the Urban Local Bodies / Municipalities nominated by State Government;
 - (g) Two eminent persons to be nominated by the State Government from each of the basin States having knowledge and experience in integrated water resources management and related disciplines.
 - (h) Three independent experts to be nominated by the Central Government having requisite knowledge and experience in water resources development, management and regulation and related disciplines.
- (3) The tenure of the members of the Advisory Council shall be three years after which the existing members shall demit the office and new members shall be appointed in their place.
- (4) The Member Secretary of the Governing Council shall convene meeting of the Advisory Council twice a year to ascertain the recommendations of its members on sustainable and integrated water resources management of the basin.

**CHAPTER VI
RIVER BASIN MASTER PLAN**

- 17. River Basin Master Plan.**(1) A River Basin Authority shall ensure that a River Basin Master Plan for river basin development, management and regulation is prepared for the inter-State river basin under its jurisdiction.

- (2) The River Basin Master Plan shall, *inter-alia*, include
- (a) all the results of the analysis of the River basin characteristics
 - (b) a comprehensive review of the impact of human interventions on the status of surface water and ground water, including an estimation of pollution, point as well as diffused, in water uses
 - (c) identification of protected areas, social and cultural flow needs and duration
 - (d) environmental needs
 - (e) ground water and protected aquifers, if any
 - (f) a summary survey of existing pricing policies and an economic analysis
 - (g) a fair assessment of the effects of existing legislations
 - (h) an economic analysis for optimal allocation and the notional cost of deviation from optimal
- (3) All the basin States shall ensure coordination with the aim of producing a single master plan for the inter-State river basin.
- (4) A River Basin Master Plan made under this Section shall include the elements detailed in **Schedule II** of this Act.
- (5) River Basin Master Plan shall be coordinated with the plans for national economic and social development, taking into consideration the plans for land use, urban development, environmental protection and industrial development.
- (6) The River Basin Master Plan shall be made through an inclusive consultative process in the manner prescribed.
- (7) The River Basin Master Plans shall be prepared duly considering various Tribunal awards and inter-State agreements in vogue.

CHAPTER VII

POWERS AND FUNCTIONS OF RIVER BASIN AUTHORITIES

- 18. Functions of the Governing Council:** A Governing Council constituted under the Act shall exercise the following powers and perform the following functions, namely:-
- (a) To approve the river basin master plan to ensure sustainable river basin development, management and regulation;
 - (b) To take steps to enable the basin States to come to an agreement for implementation of approved river basin master plan and its components;
 - (c) To make recommendations to the Governments interested on any matter concerning the regulation or development of any specified inter-State river or river valley within its area of operation;

- (d) To make recommendations in relation to the coordination of their activities with a view to resolve conflicts among basin States and to achieve maximum results in respect of the measures undertaken by them in the inter-State river basin;
- (e) To make recommendations for conservation, control and optimum utilisation of water resources of the inter- State river basin in accordance with the River Basin Master Plan ;
- (f) To allocate among the Governments interested the costs of executing any scheme prepared by the River Basin Authority and of maintaining any works undertaken in the execution of the scheme;
- (g) To forward every approved Scheme made under this Act to the Governments interested with advice, to undertake measures for executing the Scheme;
- (h) To review and accord clearance to new water resources projects proposed at the river basin/sub-basin level by the concerned entity in accordance with the rules to be made under this Act while ensuring that the proposal is in conformity with River Basin Master Plan especially with respect to the water allocation of each entity, which is economically, hydro-geologically and environmentally viable;
- (i) To direct the Executive Board to carry out the purposes of this Act;
- (j) To lay down policies and to make recommendations for promoting efficient use of water;
- (k) To approve the water account prepared by the Executive Board and permit publication of the water accounts or parts thereof by the Board;
- (l) To take steps for efficient waste water management and ensure that sewerage, sullage water and other pollutants are not discharged into rivers without appropriate treatment under its jurisdictions. Whenever any incident comes to the notice of the Governing Council, it shall make a reference to the concerned Pollution Control Board constituted under the Water (Prevention and Control of Pollution) Act, 1974.
- (m) Any other matter which is supplemental, incidental or consequential to any of the above functions.

19. Functions of the Executive Board: An Executive Board constituted under the Act shall exercise the following powers and perform the following functions, namely:-

- (a) To formulate a River Basin Master Plan for the inter-State river basin including river valley under its jurisdiction so as to ensure sustainable river basin management on the basis of the information detailed in **Schedule II** of this Act;
- (b) To prepare schemes, including multi-purpose schemes, for irrigation, water supply or drainage, hydropower, flood management and navigation for the purpose of regulating or developing the inter-State river or river valley under its jurisdiction in accordance with the River Basin Master Plan and after consulting, and incorporating inputs and data from the Governments interested and the Central Government;
- (c) To ensure compliance of the decisions taken in the Governing Council in respect of River Basin Master Plan.

- (d) To prepare a water account comprising of qualitative as well as quantitative availability and utilisation (consumptive and non-consumptive) for the basin as a whole with appropriate sub-accounts for identified existing sources and consumers.
- (e) To maintain and regularly update a comprehensive database on water resources of the basin and integrate the same with the other associated databases relevant to the basin management;
- (f) To conduct a comprehensive scientific survey, investigation and assessment of water resources in respect of new projects contemplated in the River Basin Master Plan. Such survey, investigation and assessment shall be arranged by the River Basin Authority in conjunction with the basin States.
- (g) To monitor the progress of the measures undertaken in implementing the River Basin Master Plan by the Governments interested and report to the Governing Council on the same;
- (h) To lay down such principles and operation rules as deemed necessary for the system of reservoirs and various plants in the river basin under normal operating conditions as well as during any water related emergencies or disasters. The Board may take up the operation of reservoirs and other structures on such direction by Governing Council.
- (i) As a part of regular functioning, initiate, promote and undertake or cause to undertake information, education and communication (IEC) activities for creating awareness and education at all levels to promote understanding of the issues that arise under this Act.
- (j) The State Government shall make available such data, record or information as may be required by the Board for preparation of Master Plan or for any other purpose. The Chairman of the Board shall have powers to summon and verify such data, record or information received from the State Government.
- (k) The Executive Board may seek advise and support from any organisation on any issue as and when it may consider necessary.
- (l) The Board may keep continued surveillance of water related demand and supply and disaster situations arising in the basin from time to time and recommend strategies of operation of the water related structures to ameliorate them.
- (m) Any other functions that may be assigned to it by the Governing Council.

20. Powers of the Chairman of the Executive Board:

The Chairman as referred to in section 14 (1) (a) shall exercise administrative and financial powers as may be delegated to him by

- (i) Central Government, or
- (ii) Governing Council,

The extent of financial powers to be exercised by the Chairman shall be those as may be prescribed

The Chairman may delegate his powers in the manner and to the extent as may be deemed appropriate

21. Powers for efficient discharge of functions. (1) For the purpose of efficiently performing its functions under this Act, every River Basin Authority in full association with the States concerned, may, within its area of operation :-

- (a) acquire, hold and dispose of property, both movable and immovable, as it deems necessary;
- (b) undertake or cause to undertake such investigation or surveys or other measures for development, management and regulation of water resources as it may deem necessary;
- (c) inspect or cause to be inspected any works undertaken by any Government interested concerning the regulation or development of the inter-State river basin under its jurisdiction and issue directions to the concerned agencies for taking remedial actions
- (d) conduct and co-ordinate or cause to conduct and coordinate research on various aspects of the conservation, regulation or utilisation of water resources, such as but not limited to water power generation, irrigation, navigation, flood control, water treatment, pollution control, soil conservation, land use and connected structural and design features;
- (e) collect or cause to be collected such topographical, geological, meteorological, hydrological and sub-soil water data as it may deem necessary. All relevant land use and soil related data also be included in such data collection programmes;
- (f) publish or cause to be published statistics or other information relating to the various aspects of the regulation or development of the inter-State river basin under its jurisdiction;
- (g) require any Government interested to furnish such information as the River Basin Authority may require in relation to-
 - (i) the measures undertaken by that Government for the regulation or development of the inter-State river basin under its jurisdiction;
 - (ii) the topographical, meteorological, geological, hydrological and subsoil water data and relevant land use;
 - (iii) such other matters as may be prescribed.
- (h) The Executive Board may seek assistance of Central Water Commission or any other agency to provide technical support in the matter of preparation of River Basin Master Plan in close coordination with Governments interested.
- (i) Establish offices and engage manpower in the manner prescribed.

22. Recommendations to be binding. Any recommendations made by a River Basin Authority in exercise of its powers and functions under this Act shall be binding upon the Governments interested.

**CHAPTER VIII
DISPUTE RESOLUTION**

23. Persuasion, Conciliation and Mediation (1) Where any dispute or difference arises between two or more Governments interested with respect to -

- (a) Any recommendation made by the River Basin Authority under this Act;
- (b) any measures undertaken by any Government interested in pursuance of any recommendation made by the River Basin Authority;
- (c) the refusal or neglect by any Government interested to undertake any measures in pursuance of the River Basin Master Plan evolved by the River Basin Authority soon after its establishment or Schemes, or any part thereof,
- (d) the sharing of benefits or financial liabilities arising out of any recommendation given by the River Basin Authority;
- (e) any other matter covered by this Act or arising out of it.

The Governing Council of the concerned River Basin Authority shall follow persuasion, conciliation and mediation as means to resolve disputes in its subsequent meeting.

(2) The Governing Council of the concerned River Basin Authority shall require the Governments interested to make available facts, evidence and documents as, in its opinion, may be necessary for the determination of the dispute.

(3) The Governing Council shall ascertain the facts in every dispute or difference before it and thereafter give such decision as it may seem just and proper.

(4) The decision referred to in Sub-Section (3) may be taken in a reasonable period not exceeding twelve months.

24. Reference under Inter State River Water Disputes Act, 1956. Where the Governing Council of the concerned River Basin Authority under the provisions of this section fails to determine the issue or resolve the water dispute before it or where the Government interested disagree with the decision tendered by such Governing Council under sub-section (3) of Section 23 of this Act, the Governments interested may, in such form and in such manner as may be prescribed, refer the matter for resolution under the Inter State River Water Disputes Act, 1956. The Executive Board may assume responsibility of overseeing implementation of the final resolutions of the Tribunal as and when they are notified.

CHAPTER IX

FUNDS, ACCOUNTS AND OTHER MATTERS

- 25. Funds.**(1) Every River Basin Authority under this Act shall have its own fund provided by the Central Government.
- (2) All sums which may, from time to time, be paid to River Basin Authority by the Central Government or a State Governments and all other receipts of the River Basin Authority shall be carried to the fund of the Authority
- (3) All expenditure by the Authority shall be met from its funds.
- 26. Budget.** (1) Every River Basin Authority under this Act shall prepare, in such form and manner and at such time each year as may be prescribed, a budget in respect of each financial year and the ensuing years showing the estimated receipts and expenditure,
- (2) Copies of budget shall be forwarded to the Central Government and the Governments interested.
- 27. Annual Report. (1)** Every River Basin Authority under this Act shall prepare, in such form and at such time each year as may be prescribed, an annual report giving a factual and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and the Governments interested.
- (2) The Central Government shall cause every annual report to be laid before both Houses of Parliament.
- 28. Accounts.** (1) Every River Basin Authority under this Act shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be prescribed.
- (2) The accounts of the River Basin Authority shall be audited at such time and in such manner as may be prescribed.
- 29. Act to have overriding effect.** The provision of this Act or the River Basin Master Plan there under shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law.
- 30. Power of Central Government to give directions.**
- (1) The Central Government may give such directions as it may consider necessary to the Governments interested for the effective implementation of the provisions of this Act.
- (2) Without prejudice to the provision of sub-section (1), the Central Government may from time to time give direction with regard to
- (a) Carrying out the proper utilization of funds allocated to the River Basin Authorities constituted under this Act,

(b) Rendering accounts in the manner in which the amounts have been spent by the River Basin Authorities constituted under this Act.

(3) The power to give directions includes the power to issue guidelines.

31. Support by Central Government. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the River Basin Authority in each financial year such sums as the Central Government may consider necessary for the performance of the functions of the River Basin Authority under this Act.

32. Public Servants. All members and officers of the River Basin Authority, shall when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

33. Power to amend Schedules. (1) If the Central Government is satisfied that it is necessary or expedient to do so, it may, by notification, amend Schedule-I or Schedule-II and thereupon Schedule-I or Schedule-II, as the case may be, shall be deemed to have been amended accordingly.

(2) A copy of every notification made under sub-section (1) shall be laid before each House of Parliament as soon as may be after it is made.

34. Power to frame Rules. (1) The Central Government may by a Notification in the official Gazette make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters namely:

- (a) the form and manner in which the public information and consultation measures are to be carried out in preparation of the River Basin Master Plan;
- (b) preparation of schemes for irrigation, domestic and industrial water supply, drainage, power, navigation, flood control and maintaining water quality in accordance with river basin master plan;
- (c) the matters in respect of which the River Basin Authority may require a Government interested to furnish information;
- (d) the form in which, and the time within which, the budget and annual report of the River Basin Authority may be prepared and forwarded to the Central Government and the Governments interested;
- (e) the form and manner in which the accounts of the River Basin Authority may be maintained, and the time at which and the manner in which such account may be audited;
- (f) the returns and information which the organisation may be required to furnish to the Central Government,
- (g) any other matter which has to be or may be prescribed.

(3) All Rules made under this Section shall, as soon as practicable after they are made, be laid before both houses of Parliament.

○ **35. Regulations.** Every River Basin Authority may, with the previous approval of the Central Government by Notification, in the Gazette of India, make regulations non inconsistent with this Act or the Rules made there under:

- (a) regulating the meetings of the River Basin Authority and procedure for conducting business there at;
- (b) regulating any other matter that the River Basin Authority deems necessary for discharging its powers and functions under this Act.

36. Repeal of River Boards Act, 1956. From the date of notification of this act, the River Boards Act, 1956 shall stand repealed.

(See Section 10)

INTER-STATE RIVER BASIN UNDER THE ACT

The inter-State river basins for which River Basin Authorities are to be constituted under this Act include:-

- I. Brahamaputra, Barak and other inter-State rivers of North East.
- II. Brahamani- Baitarini basin
- III. Cauvery basin,
- IV. Ganga basin
- V. Godavari basin,
- VI. Indus basin,
- VII. Krishna basin
- VIII. Mahanadi basin,
- IX. Mahi basin
- X. Narmada basin,
- XI. Pennar basin
- XII. Subarnrekha basin
- XIII. Tapi basin

SCHEDULE II

(See Subsection 4 of Section 17)

ELEMENTS OF RIVER BASIN MASTER PLAN

A River basin master plan shall, *inter-alia*, cover the following elements:

- i. Basin features including a general description of the characteristics of the river basin;
- ii. Objectives and outcomes to be achieved by the River Basin Master Plan
- iii. An informed and hydrologically consistent assessment of the virgin state water (surface and ground) availability at various locations in the basin to assess the potential yield of basin/sub-basin.
- iv. Inventory of potential storage and diversion sites, including existing and ongoing schemes for irrigation, hydroelectric power generation, water supply, flood control and Drainage, water treatment plants where polluted water is let into the river or lakes after treatment (their presence, absence as well as efficient functioning). Quality and quantity of hot spots in the basin to be detailed.
- v. Assessment of data collection needs and mechanisms required to be put in place after accounting for the existing data acquisition resources already in place. Reporting requirements and storage and retrieval system specifications for such data.
- vi. An inventory of existing water uses in the basin, temporal and spatial distribution of the uses, source wise and area wise covering schemes identified in 'iii'.
- vii. Presentation of a water account comprising of qualitative as well as quantitative availability and utilisation (consumptive and non-consumptive) for the basin as a whole with appropriate sub-accounts for identified existing sources and consumers. The account shall include all the uses and sources above a specified limit. The account so defined shall be published for each hydrological year.
- viii. Assessment of Water and Related Resources with respect to Surface Water, Ground Water, Water Quality, Energy Resources, Land Resources and Other Resources and including therein a summary of significant pressures and impact of anthropological changes on the status of surface water and groundwater within the river basin and identification and mapping of protected areas and ecologically fragile zones;
- ix. Development needs within the River Basin including Potential Projects therein and also including detailed programmes and management plans for the river basin dealing with particular sub-basins, sectors, issues or water types, together with a summary of their contents;
- x. Plans for navigation, water-logging prevention, waste water treatment for reuse, saline water conversion.
- xi. Accounting for needs for aquatic ecosystem in rivers, reservoirs and lakes; making specific allocation of ecosystem need in a basin/sub-basin context as a development objective.

- xii. Measures for water and soil conservation, prevention and control of sedimentation;
- xiii. Evaluation of various /alternative development scenarios including possibility of integrating various uses of water, integrating various reservoir systems, conjunctive use of surface and ground water, integrating ecological needs and incorporation of inter-State/international agreements and tribunal awards;
- xiv. Establishment of long term objectives, precipitation management, management of evaporation and evapotranspiration for beneficial uses reducing non beneficial uses in water utilisation; development targets/criteria based on all of the above elements;
- xv. Drawing of plans for information dissemination and exchange to ameliorate impacts of water related disasters like floods, droughts and other project operation related incidence.
- xvi. Drawing of plans for integrated operations of all the significant water resources project for achieving optimal utilisation patterns for the water resources in the basin in the light of availability and shortfalls.
- xvii. A summary of the public information and consultation measures taken, their results and the changes to the plan made as a consequence.
- xviii. Master Plan to be a dynamic document incorporating changes at regular intervals to account for changing needs and aspirations of the stakeholders
- xix. Any other matter that the concerned River Basin Authority under this Act deems necessary for the preparation of the River Basin Master Plan.