

## **Dam Safety Bill - Objectives and Objections**

### **Why in news?**

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Dam Safety Bill, 2018 which was recently re-introduced in Lok Sabha faced with oppositions, especially from the state of Tamil Nadu.

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### **What is its evolution?**

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- There have been 36 dam failures so far in the country with 75% of the dams out of 5254 large dams are over 25 years old.

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- However, there has been a lack of a uniform law and an administrative regime for dam safety.

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- Since water is listed as a state subject, Andhra Pradesh and West Bengal, had passed resolutions under Article 252(1) of the Constitution requesting Parliament to make a law on the matter.

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- Accordingly, the Dam Safety Bill was first introduced in Lok Sabha in 2010.

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- The Bill sought to mandate the Centre, state governments and individual owners of dams to establish a mechanism for safety.

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- The then Speaker referred the Bill to a Parliamentary Standing Committee, which submitted its report in 2011.

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- It suggested that provisions be added for punishing the owner in case of dam failure and fixing liability for compensating affected people.

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- Also, an independent regulatory authority on safety measures and a national-level early warning system be set up.

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- With most recommendations of the standing committee incorporated, the Bill was re-introduced in Lok Sabha recently.

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## **What is the proposed regulatory structure?**

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- The Bill provides for surveillance, inspection, operation and maintenance of specified dams for prevention of dam failure related disasters and to provide for institutional mechanism to ensure their safe functioning.

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- It provides for a National Committee on Dam Safety, to be headed by the chairperson of Central Water Commission and with members nominated by the Centre.

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- Also, there will be representatives of the Centre and states (through rotation) as well as dam safety experts in the committee.

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- The committee will formulate policies and regulations, which are to be implemented by a centrally appointed National Dam Safety Authority, headed by an officer of at least Additional Secretary rank.

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- The authority will also resolve issues between State Dam Safety Organisations (SDSOs) or between a SDSO and any individual dam owner.

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- It will also lay down regulations for dam inspection and for accreditation to construction and designing agencies.

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- The Bill provides for a safety unit in each dam to be set up by individual dam owners.

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- For violation of directives under the Bill, punishment is imprisonment up to one year or a fine, or both.

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- If an offence leads to loss of life, imprisonment may be extended up to two years.

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## **What are the grounds of opposition?**

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- The Bill states that the National Dam Safety Authority will act as the SDSO

when a dam -

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1. Owned by one state and located in another
2. Extends over multiple states
3. Owned by a central public sector undertaking

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- This provision is the primary reason for opposition from the state of Tamil Nadu.
- Tamil Nadu's Mullaiperiyar, Parambikulam, Thunakkadavu and Peruvuripallam dams are owned, operated and maintained by the Government of Tamil Nadu by virtue of Inter-State Agreements, but are located in a neighbouring state (Kerala).
- The state argues that the Supreme Court in 2014 upheld the rights of Tamil Nadu on the Mullaperiyar dam in increasing its height to 142 feet and ultimately 152 feet.
- It also says that denying the right to be the Dam Safety Authority with regard to these four dams and vesting the powers to the National Dam Safety Authority would be tantamount to encroaching on the rights of the state, which is unconstitutional.

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**Source: The Indian Express**

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