

Rajasthan River Basin and Water Resources Planning Act, 2015

RAJASTHAN

India

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Act 15 of 2015

- Published on 24 April 2015
- Commenced on 24 April 2015
- [This is the version of this document from 24 April 2015.]
- [Note: The original publication document is not available and this content could not be verified.]

Rajasthan River Basin and Water Resources Planning Act, 2015(Act No. 15 of 2015)Statement of objects and Reasons. - Rajasthan is a water deficit State and has only 1.16% of the total surface water available in this country while having 10.4% of geographical area, 5.5% of human population and 18.50% of livestock of the country, and out of 243 blocks in the State only 25 blocks are in the safe category. Under the present scenario it has become imperative to adopt an 'Integrated Water Resources Management' (IWRM) concept for management of ground water, surface water and development of river basins and sub-basins on sustainable basis, a multi-disciplinary approach is needed as a foundation for planning of all watershed, irrigation and drinking water projects covering the basins, sub-basins, aquifers and micro watersheds to formulate state level water resources development plans. Requirement of deficit basins can be fulfilled by inter-basin water transfer, including interlinking of rivers from surplus to deficit basins, sub-basins. In order to effectively address all the issues in the water sector the State Government has issued State Water Policy. One of the pronouncements in the policy is interlinking of rivers and inter basin water transfer, by doing this, water from excess basins can be transferred to deficit basins and requirement can be fulfilled. To carry out the aforesaid objectives a Rajasthan State Water Resources Advisory Council and a Rajasthan River Basin and Water Resources Planning Authority is proposed to be set up.The Bill seeks to achieve the aforesaid objectives.Hence the Bill.[Dated 24.4.2015][Received the assent of the Governor on the 24th day of April, 2015]An Act for the establishment of State Water Resources Advisory Council and Rajasthan River Basin and Water Resources Planning Authority to adopt an Integrated Water Resources Management approach for management and development of river basins and sub-basins on sustainable basis by planning of all watershed, irrigation and drinking water projects covering the basins, sub- basins, aquifers and watersheds to develop state level water resources plans to ensure optimal and efficient utilization of ground and surface water including inter basin water transfer, interlinking of rivers from surplus to deficit basins, sub-basins and to amend the Rajasthan Water Resources Regulatory Act, 2012 .Be it enacted by the Rajasthan State Legislature in the Sixty-sixth Year of the Republic of India, as follows: -

Chapter I

Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the Rajasthan River Basin and Water Resources Planning Act, 2015. (2) It extends to the whole of the State of Rajasthan. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "aquifer" means an underground layer of water bearing permeable rock or unconsolidated materials (gravel, sand or silt) from which ground water can be extracted; (b) "Authority" means the Rajasthan River Basin and Water Resources Planning Authority constituted under section 5; (c) "Commissioner" means the commissioner of the Authority appointed under section 7; (d) "Council" means the State Water Resources Advisory Council constituted under section 3; (e) "Four Waters Concept" means the concept of integrated command and catchment area development for making rivers live and inter linking of rivers by effectively using rain water, surface water, underground water and soil moisture; (f) "Fund" means the Fund constituted under section 11; (g) "integrated water resources management" means a process which promotes the coordinated development and management of water resources; (h) "integrated multi disciplinary approach" means the planning which involves various sectors like engineering, planning, economics and other social science; (i) "prescribed" means prescribed by the rules made under this Act; (j) "pressure irrigation" means sprinkler or drip irrigation system for efficient use of water in irrigation; (k) "regulations" means the regulations of the Authority made under section 22; (l) "river basin" means a land area that is drained by a river and its tributaries and is a hydrological unit for river basin planning; (m) "rules" means the rules made under section 21; (n) "State Water Policy" means the Water Policy of the State; (o) "sub-basin" means a hydrologic unit, or a hydrologic sub-unit of a river basin within the State; (p) "watershed" means a region or area bounded peripherally by a divide and draining ultimately to a water course or water body; (q) "water related departments" means the departments involved in planning and utilization of Water Resources of the State.

Chapter II

State Water Resources Advisory Council

3. State Water Resources Advisory Council.

(1) As soon as may be after the commencement of this Act, the State Government shall, by notification in the Official Gazette, constitute a Council to be known as the Rajasthan State Water Resources Advisory Council to exercise the powers conferred on, and perform the functions assigned to, it under this Act. (2) The Council shall consist of the following Members, namely: -

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| (i) the Chief Minister | Chairperson; |
| (ii) Chairperson of the Rajasthan River Basin and Water Resources Planning Authority | Member; |
| (iii) the Minister incharge of the Water Resources Department | Member; |
| (iv) the Minister incharge of the Agriculture Department | Member; |
| (v) the Minister incharge of the Rural Development and Panchayati Raj Department | Member; |
| (vi) the Minister incharge of the Public Health Engineering Department | Member; |
| (vii) the Minister incharge of the Finance Department | Member; |
| (viii) the Minister incharge of the Planning Department | Member; |
| (ix) the Minister incharge of the Urban Development Department | Member; |
| (x) the Minister incharge of the Industries Department | Member; |
| (xi) the Minister incharge of the Environment and Forest Department | Member; |
| (xii) the State Minister incharge of Water Resources Department | Member; |
| (xiii) Four persons having experience of at least twenty years in water resources sector including experience as Chief Engineer in the Water Resources Department of the State Government. | Members; |
| (xiv) the Chief Secretary | Member-Secretary. |
- (3) The members specified at clause (xiii) of sub-section (2) shall be nominated by the State Government and such a member shall hold office for five years from the date on which he enters upon his office or during the pleasure of the State Government, whichever is earlier. (4) The terms and conditions of service, including remuneration and allowances, of the members specified at clause (xiii) of sub-section (2) shall be such as may be prescribed. (5) A member specified at clause (xiii) of sub-section (2) may resign his office by a notice in writing submitted thirty days in advance to the Chairperson of the Council. (6) The headquarters of the Council shall be at Jaipur or at such other place as the State Government may notify. (7) The Council shall meet at least once in six months; however, the Chairperson shall have power to call a meeting of the Council at any time. (8) The Council shall follow such rules of procedure while transacting business at its meetings as may be prescribed. (9) In absence of the Chairperson, the meeting of the Council shall be presided over by any other member nominated for the purpose by the Chairperson.

4. Powers and functions of the Council.

- The Council shall exercise and discharge following powers and functions, namely: -(a) to advise and recommend to the State Government integrated water resources management policy consistent with State Water Policy; (b) to supervise and monitor the functioning of the Authority; (c) to consider and approve, with or without modifications, Integrated Water Resources plan of the State submitted by the Authority; (d) to consider and approve, with or without modifications, water resources development projects submitted by the Authority; (e) to recommend to the State Government interbasin and inter sub-basin water transfer; (f) to recommend to the State Government interlinking of rivers for integrated water resources development.

Chapter III

Rajasthan River Basin and Water Resources Planning Authority

5. Constitution of Rajasthan River Basin and Water Resources Planning Authority.

(1) As soon as may be after the commencement of this Act, the State Government shall, by notification in the Official Gazette, establish an authority to be known as the Rajasthan River Basin and Water Resources Planning Authority to exercise the powers conferred on, and to perform the functions assigned to, it under this Act. (2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and may sue or be sued by its corporate name. (3) The Authority shall consist of a Chairperson and the following other members, namely: -

(i) the Chief Secretary	Member;
(ii) Secretary of the Water Resources Department	Member;
(iii) Secretary of the Finance Department	Member;
(iv) Secretary of the Public Health Engineering Department	Member;
(v) Secretary of the Panchayati Raj and Rural Development	Member;
(vi) Secretary of the Urban Development and Housing Department	Member;
(vii) Secretary of the Local Self Government Department	Member;
(viii) Secretary of the Environment and Forest Department	Member;
(ix) Secretary of the Industries Department	Member;
(x) Secretary of the Command Area Development Department	Member;
(xi) Secretary of the Agriculture Department	Member;
(xii) Director of Watershed and Soil Conservation Department	Member;
(xiii) two experts from the field of Water Resources Engineering	Members;
(xiv) two experts in the field of Water Resources Economy	Members;
(xv) Commissioner of the Rajasthan River Basin and water Resources Planning Authority	Member-Secretary.

(4) The Chairperson and expert members shall be nominated by the State Government and the Chairperson and expert members shall hold office for five years from the date on which they enter upon their office or during the pleasure of the State Government, whichever is earlier. (5) The terms and conditions of service, including remuneration and allowances, of the Chairperson and expert members shall be such as may be prescribed. (6) The Chairperson or an expert member may resign his office by a notice in writing submitted thirty days in advance to the State Government. (7) The headquarters of the Authority shall be at Jaipur or at such other place as the State Government may notify. (8) The Authority shall meet at least once in three months; however, the Chairperson shall have power to call a meeting of the Authority at any time. (9) The Authority shall follow such rules of procedure while transacting business at its meetings as may be prescribed. Explanation. - For the

purposes of this section, "Secretary" means the Secretary to the Government incharge of a department and includes an Additional Chief Secretary and a Principal Secretary, when he or she is incharge of a department.

6. Power to Constitute committees.

- The Authority may, for carrying out its functions under this Act, constitute such committees from amongst its members or otherwise as it think fit and delegate to such committees such of its powers under this Act, with or without condition, as it may think fit.

7. Staff of the Authority.

(1)There shall be appointed by the State Government an officer not below the rank of a Secretary to the Government to be the Commissioner of the Authority.(2)The Authority may, with the prior approval of the State Government, create such number and category of posts of officers and other employees in the Authority as it considers necessary to carry out its functions under this Act and make appointment thereto.(3)The salary and allowances and other terms and conditions of service of the officers and employees of the Authority shall be such as may be determined by the Authority by regulations and shall be paid out from the Fund.(4)The Authority may, with the prior approval of the State Government, also engage such experts and technical persons on contract basis as it considers necessary to carry out its functions under this Act on such terms and conditions as it may determine and the expenditure incurred on account of engagement of such experts or technical persons shall be paid out from the Fund.(5)The Commissioner and other officers and employees of the Authority shall be subject to the control and supervision of the Chairperson and shall exercise such powers and discharge such functions as may be conferred on, or assigned to, them by the Authority from time to time.

8. Vacancies, etc., not to invalidate proceedings of the Authority.

- No act or proceeding of the Authority shall be invalid merely by reason of -(a)any vacancy in, or any defect in the constitution of, the Authority; or(b)any defect in the appointment of a person acting as member of the Authority; or(c)any irregularity in the procedure of the Authority not affecting the merits of the case.

9. Authentication of orders, etc.

- All proceedings of the Authority shall be authenticated by the signatures of the Chairperson or of any member authorized by the Chairperson in this behalf and all other orders and instruments of the Authority shall be authenticated by any other officer of the Authority authorized by it by regulations.

10. Powers and Functions of the Authority.

- The Authority shall exercise and discharge following powers and functions, namely: -(a)to recommend to the Council the Integrated State Water Resources Plan proposed by Water Resources Planning Department of the State Government;(b)to recommend to the Council water resources projects proposed by Water Resources Planning Department of the State Government on the basis of the basin and sub-basin wise plans;(c)to ensure that the Integrated State Water Resources Plan and water resources projects proposed by Water Resources Planning Department of the State Government are in conformity with the economic, hydrologic and environmental viability and where relevant, are in consonance with the State's obligations under inter-state agreements and awards of water dispute tribunals;(d)to ensure that the Integrated State Water Resources Plan and water resources projects proposed by Water Resources Planning Department of the State Government are in conformity with concept of Integrated Water Resources Management;(e)to recommend the Council inter basin water transfer from surplus to deficit basins including interlinking of rivers to ensure optimal and efficient utilization of surface water;(f)to endeavor to develop navigational facilities for inland water transport in major rivers and canals;(g)to formulate action plan for making rivers and its streams perennial or semi-perennial by undertaking activities for -(i)watershed development;(ii)construction of micro or minor irrigation tanks;(iii)construction of check dams downstream of micro or minor irrigation tanks; and(iv)construction of series of barrages on river streams;(h)to secure compliance of all decisions, directions and resolutions passed by the Council;(i)to coordinate with the departments of the State Government for efficient implementation of water resources plans or projects;(j)to facilitate and ensure development, maintenance and dissemination, of a comprehensive hydrometeorological information data base;(k)to promote pressure irrigation for efficient use of water resources;(l)to pursue the interlinking projects of Sharada-Yamuna, Yamuna-Rajasthan and Rajasthan-Sabarmati and such other major river interlinking projects as the Council or the State Government may direct;(m)to endeavor to develop fisheries in minor irrigation tanks and rivers which are rendered perennial.

11. Funds of the Authority.

(1)There shall constitute a Fund of the Authority to which shall be credited all moneys received by the Authority, including -(a)such moneys as may be paid to the Authority by the State Government, Central Government or any other authority or agency by way of grants, loans, advances or otherwise;(b)any other amount received by the Authority.(2)The Authority may keep in saving or deposit account with any Scheduled Bank or any Co-operative or other Bank approved by the State Government in this behalf, such sum of money out of the Fund as may be determined by the Authority and any money in excess of the said sum shall be invested in such manner as may be determined by regulations.(3)Such accounts shall be operated by such officer of the Authority as may be authorized by it by regulations.

12. Application of Fund, etc.

- All properties, Fund and other assets vesting in, or at the disposal of, the Authority shall be held and applied by it for the purposes and subject to the provisions of this Act and not otherwise.

13. Accounts and audit.

(1)The Authority shall keep accounts in such form and in such manner as may be prescribed.(2)The accounts of the Authority shall be subject to audit by the Director, Local Fund Audit Department in accordance with the provisions of the Rajasthan Local Fund Audit Act, 1954 (Act No. 28 of 1954).(3)The Authority shall pay from the Fund such charges for the audit as may be prescribed.

14. Budget.

(1)The Authority shall prepare, every year, in such form and at such time as may be prescribed, an annual budget estimates in respect of the financial year next ensuing, showing the estimated receipts and expenditures of the Authority and submit it for the approval of the State Government.(2)The Authority shall keep its expenditures strictly within the budget estimates as approved by the State Government.

15. Annual Report.

(1)The Authority shall prepare at the end of each financial year, a report of its activities during the previous year and submit it to the State Government before the 30th day of September of the current year.(2)The State Government shall cause such annual report including the statement of accounts to be laid before the House of the State Legislature.

16. Powers of the Authority to give directions.

- Notwithstanding anything contained in any Rajasthan law for the time being in force, the Authority may give such directions to any department of the State Government or any officer or employee thereof, as may be necessary for carrying out the purposes of this Act and such directions shall be binding on such department, or officer, as the case may be.

17. Power of Authority to call for information.

- The Authority shall have power to call for any information from any department of the State Government or any other person which is required by it in the exercise of its powers and the performance of its functions under this Act or the rules or regulations made thereunder, and such department or person shall be bound to furnish such information.

Chapter IV

Miscellaneous

18. Control by the State Government.

(1)The Authority shall exercise its powers and perform its duties under this Act or rules and regulations made thereunder, subject to any policy and guidelines of the State Government in respect of Water Resources.(2)The Authority shall be bound to comply with such directions of the State Government as may be issued by it for carrying out the purposes of this Act.

19. Officers and other employees of the Authority to be public servants.

- The Chairperson, members, and every officer and employee, of the Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

20. Protection of action taken in good faith.

- No suit, prosecution or other legal proceeding shall be maintainable against the Council or the Authority or the Chairpersons or members or officers or employees thereof or any person acting under the direction of the Council or the Authority, as the case may be, in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules or regulations made thereunder.

21. Power to make rules.

(1)The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.(2)All rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days, which may comprise in one session or in two successive sessions and if before the expiry of the session in which they are so laid, or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

22. Power of the Authority to make regulations.

(1)Subject to the provisions of this Act and the rules made thereunder, the Authority may make regulations for all or any of the matters required by this Act to be provided by regulations and generally for all other matters for which provision is, in the opinion of the Authority, necessary for the exercise of its powers and the discharge of its functions under this Act or the rules made thereunder.(2)No regulation made by the Authority under sub-section (1) shall take effect unless it is published in the Official Gazette.(3)The State Government may, at any time by notification in the Official Gazette, repeal wholly or in part or modify any regulation made by the Authority provided that, before taking any action under this sub-section, the State Government shall communicate to

the Authority the grounds on which it proposes to do so, fix a reasonable period for the Authority to show cause against the proposal and consider the explanation and objections, if any, of the Authority.(4)The repeal or modification of any regulation shall take effect from the date of publication of the notification in the Official Gazette, if no date is therein specified, and shall not affect anything done or omitted or suffered before such date.

23. Power to remove difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the Official Gazette, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for removing the difficulty:Provided that no order under this section shall be made after the expiry of two years from the date of the commencement of this Act.(2)Every order made under this section shall be laid, as soon as may be, after it is so made, before the House of the State Legislature.

24. Dissolution of the Authority.

(1)Where the State Government is satisfied that the purpose for which the Authority was established under this Act have been substantially achieved so as to render the continued existence of the Authority in the opinion of the State Government unnecessary, it may, by notification in the Official Gazette, declare that the Authority shall be dissolved with effect from such date as may be specified in the notification; and the Authority shall be deemed to be dissolved accordingly.(2)From the said date -(a)all assets, properties, funds and dues which are vested in, or realisable by the Authority shall vest in, or be realisable by, the State Government;(b)all liabilities which are enforceable against the Authority shall be enforceable against the State Government; and(c)any function which has not been fully carried out by the Authority shall be carried out by the State Government.

25. Amendment of Rajasthan Act No. 38 of 2013.

- From the commencement of this Act, the Rajasthan Water Resources Regulatory Act, 2012 (Act No. 38 of 2013) shall stand amended to the extent specified in the Schedule of this Act.

Schedule

(See section 25)(i)Clause (d) of section 2 shall be deleted.(ii)Clause (h) of section 2 shall be deleted.(iii)Clause (l) of section 2 shall be deleted.(iv)Clause (f) of section 11 shall be deleted(v)Clause (n) of section 11 shall be deleted(vi)Sub-section (2) of Section 12 shall be deleted.(vii)Chapter-IV(with all its sections) shall be deleted.