

# Bill Summary

## The Dam Safety Bill, 2018

- The Dam Safety Bill, 2018 was introduced in Lok Sabha by the Minister of Water Resources, River Development and Ganga Rejuvenation, Mr. Nitin Jairam Gadkari, on December 12, 2018. The Bill provides for the surveillance, inspection, operation, and maintenance of specified dams across the country. The Bill also provides for the institutional mechanism to ensure the safety of such dams.
- **Applicability of the Bill:** The Bill applies to all specified dams in the country. These are dams with: (i) height more than 15 metres, or (ii) height between 10 metres to 15 metres and subject to certain additional design and structural conditions.
- **National Committee on Dam Safety:** The Bill provides for the constitution of a National Committee on Dam Safety. The Committee will be chaired by the Chairperson, Central Water Commission. All other members will be nominated by the central government, and include: (i) up to 10 representatives of the central government, (ii) up to seven representatives of the state governments (by rotation), and (iv) up to three dam safety experts.
- Functions of the Committee include: (i) formulating policies and regulations regarding dam safety standards and prevention of dam failures, and (ii) analysing causes of major dam failures and suggesting changes in dam safety practices.
- **National Dam Safety Authority:** The Bill provides for a National Dam Safety Authority. The Authority will be headed by an officer not below the rank of an Additional Secretary who will be appointed by the central government. Functions of the Authority include: (i) implementing the policies formulated by the National Committee on Dam Safety, (ii) resolving issues between State Dam Safety Organisations (SDSOs), or between a SDSO and any dam owner in that state, (iii) specifying regulations for inspection and investigation of dams, and (iv) providing accreditation to agencies working on construction, design, and alteration of dams.
- **State Dam Safety Organisation:** The Bill provides for the establishment of State Dam Safety Organisations (SDSOs) by the state governments. All specified dams situated in a state will fall under the jurisdiction of that state's SDSO. However, in certain cases the National Dam Safety Authority will act as the SDSO. These include cases where a dam: (i) is owned by one state but situated in another state, (ii) extends over multiple states, or (iii) is owned by a central public sector undertaking.
- Functions of the SDSOs include: (i) keeping perpetual surveillance, inspecting, and monitoring the operation and maintenance of dams, (ii) keeping a database of all dams, and (iii) recommending safety measures to owners of dams.
- **State Committee on Dam Safety:** The Bill provides for the constitution of State Committees on Dam Safety by the state governments. Functions of the Committee include: (i) reviewing the work of the SDSO, (ii) ordering dam safety investigations, (iii) recommending dam safety measures and reviewing the progress on such measures, and (iv) assessing the potential impact on upstream and downstream states. These states will also have their representatives on the State Committee.
- **Change in functions of the bodies:** Functions of: (i) the National Committee on Dam Safety, (ii) the National Dam Safety Authority, and (iii) the State Committees on Dam Safety have been provided in Schedules to the Bill. The Bill specifies that the central government can amend these Schedules through a notification, if deemed necessary.
- **Obligations of dam owners:** The Bill requires the owners of specified dams to provide a dam safety unit in each dam. This unit will inspect the dams: (i) before and after the monsoon season, and (ii) during and after every earthquake, flood, or any other calamity or sign of distress. Dam owners will be required to prepare an emergency action plan, and carry out risk assessment studies for each dam at specified regular intervals. Dam owners will also be required to prepare a comprehensive dam safety evaluation of each dam, at regular intervals, through a panel of experts. The evaluation will be mandatory in certain cases such as major modification of the original structure, or an extreme hydrological or seismic event.
- **Offences and penalties:** The Bill provides for two types of offences. These are: (i) obstructing a person in the discharge of his functions, and (ii) refusing to comply with directions issued under the Bill. Offenders will be punishable with imprisonment of up to one year or a fine, or both. If the offence leads to loss of lives, the term of imprisonment may be extended up to two years. Offences will be cognizable only when the complaint is made by the government, or any authority constituted under the Bill.

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