

15

**STANDING COMMITTEE ON WATER RESOURCES
(2016-2017)**

SIXTEENTH LOK SABHA

MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT AND GANGA REJUVENATION

**REPAIR, RENOVATION AND RESTORATION OF WATER BODIES – ENCROACHMENT ON
WATER BODIES AND STEPS REQUIRED TO REMOVE THE ENCROACHMENT AND RESTORE
THE WATER BODIES**

**{Action Taken by the Government on the Observations / Recommendations
contained in the Tenth Report (Sixteenth Lok Sabha) of the
Standing Committee on Water Resources}**

FIFTEENTH REPORT



LOK SABHA SECRETARIAT

March, 2017 / Phalguna, 1938 (Saka)

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Standing Committee on Water Resources}**

Presented to Lok Sabha on 16.03.2017
Laid in Rajya Sabha on 16.03.2017



**LOK SABHA SECRETARIAT
NEW DELHI**

March, 2017 / Phalguna, 1938 (Saka)

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INTRODUCTION

I, the Chairperson, Standing Committee on Water Resources (2016-2017) having been authorised by the Committee to submit the Report on their behalf, present the Fifteenth Report on the Action Taken by Government on the Observations / Recommendations contained in the Tenth Report (Sixteenth Lok Sabha) of the Standing Committee on Water Resources on the subject "Repair, Renovation and Restoration of Water Bodies – Encroachment on water bodies and steps required to remove the encroachment and restore the water bodies".

2. The Tenth Report of the Committee was presented to Lok Sabha and laid in Rajya Sabha on 02 August, 2016. The replies of the Government to all the recommendations contained in the Report were received on 29 November, 2016.

3. The replies of the Government were examined and the Report was considered and adopted by the Committee at their sitting held on 14 March, 2017.

4. An analysis of the Action Taken by the Government on the Observations / Recommendations contained in the Tenth Report (Sixteenth Lok Sabha) of the Committee is given in Annexure-III.

NEW DELHI
8 March, 2017
17 Phalguna, 1938 (Saka)

HUKUM SINGH,
Chairperson,
Standing Committee on Water Resources

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SECRETARIAT

- | | | | |
|----|----------------------------|---|----------------------------|
| 1. | Shri Shiv Kumar | - | <i>Joint Secretary</i> |
| 2. | Smt. Rita Jaikhani | - | <i>Director</i> |
| 3. | Shri Kushal Sarkar | - | <i>Additional Director</i> |
| 4. | Smt. Shanta Banerjee Datta | - | Committee Officer |

CHAPTER I

REPORT

This Report of the Standing Committee on Water Resources deals with the Action Taken by the Government on the observations / recommendations contained in their Tenth Report (16th Lok Sabha) on the subject "Repair, Renovation and Restoration of Water Bodies – Encroachment on water bodies and steps required to remove the encroachment and restore the water bodies" which was presented to Lok Sabha on 2nd August, 2016. Action Taken Notes received from the Government in respect of all the 19 observations / recommendations of the Committee, have been categorized as under:

- (i) Observations / Recommendations which have been accepted by the Government (Chapter II):

Para Nos. 1, 2, 3, 4, 5, 8, 10, 11, 12, 13, 15, 18 and 19 (Total – 13)

- (ii) Observations / Recommendations which the Committee do not desire to pursue in view of the Government's replies (Chapter III):

Para Nos. NIL (Total – NIL)

- (iii) Observations / Recommendations in respect of which replies of the Government have not been accepted by the Committee (Chapter IV):

Para Nos. 7, 9, 14, 16 and 17 (Total – 05)

- (iv) Observations / Recommendations in respect of which final replies of the Government are still awaited (Chapter V):

Para No. 6 (Total – 01)

2. The Committee will now deal with the action taken by the Government on some of the observations / recommendations in the succeeding paragraphs.

(A) Census of Water Bodies

Recommendation (Para No. 1 to 3)

3. The Committee noted that the total number of water bodies in India, as per India Water Resources Information System (WRIS) portal was 7,98,908 including temporary water bodies such as in salt-pan, abandoned quarries, temporary industrial ponds, lagoons, bays, etc. They further noted that India – WRIS had reported largest number of Water bodies in Chattishgarh i.e. 1, 04,716 followed by West Bengal. Excluding temporary water bodies, there were 6, 35,661 water bodies. The Committee further noted that the Ministry had maintained database of only those water bodies which were being provided Central assistance under the scheme of Repair, Renovation and Restoration (RRR) of water bodies, thus confining its monitoring role to only such water bodies. The Committee were further informed that besides mapping of water bodies through the satellite, at present, the information on water bodies was being collected in Minor Irrigation (MI) census, covering both surface and ground water structures. Till now, four MI census had been conducted in the years 1986-87, 1993-94, 2000-01 and 2006-07. The Committee were concerned to note that the total number of water bodies had declined from 5, 56,601 in 3rd MI census to 5, 23,816 as reported in 4th (MI) census. They observed that 5th MI census had been initiated with reference year 2013-14 and in this census, information on all water bodies of rural areas was being collected directly by adding an item in village schedule.

4. In this context, the Committee further noted that as per the information received from various States and Union Territories (UTs) there was an increase in total number of water bodies in States such as Madhya Pradesh, Telangana, Arunachal Pradesh, Rajasthan,

Mizoram, Tripura and Odisha during the last 10 years, which was mainly due to the construction of new tanks, check dams, etc. Whereas, the States such as Andhra Pradesh, Manipur and Kerala had registered a decrease in total number of water bodies as a result of human activities such as encroachment, unplanned urbanisation, industrialisation, heavy siltation, deficiency in proper management of water bodies, change in land use patterns, etc. Also, some States and Union Territories (UTs) such as Uttar Pradesh, Karnataka, Andaman and Nicobar Islands, Tamil Nadu and Punjab had reported no change in number of water bodies during the same period, whereas no such study had been made in the States of West Bengal, Nagaland and UT of Lakshadweep.

The Committee noted with concern that the Ministry had not conducted any separate survey / study exclusively on water bodies revealing their condition, increase/ decrease in their number, their status of encroachment, etc. However, the Committee also took note of the fact that the Secretary, MoWR, RD and GR had issued an advisory to States to collect information about the status of encroachment of water bodies.

5. The Committee were distressed to note that although having a pivotal role in management of water resources, the Central Ministry had made no efforts to keep itself abreast of the ground situation with regard to state of water bodies in the country. This was evident from the fact that in the past, so far the Ministry had made no efforts to compile information on water bodies covering such aspects as their total number, increase / decrease, their status in terms of shrinkage, dried / vanished, change in land use in catchment areas of water bodies and encroachment, etc. Such information was not readily available in the database created by the satellite mapping. Further the data collected through MI census covers only those water bodies which are in rural areas / villages and therefore does not offer a comprehensive picture. For

such vital information, the Ministry is dependent upon State Governments who do not conduct periodical surveys / study encompassing such aspects as evident from the scattered information received from various States and Union Territories (UTs). The Committee were of the view that there was an imperative need to create a Central database on water bodies. The Committee, therefore, recommended that in order to enable an objective assessment of water bodies and their condition, it should be made mandatory to build a database incorporating information from States. The Committee did not accept the plea that the Ministry was unable to maintain a comprehensive database on water bodies as the subject of 'water' came under the purview of State Governments. Having noted that the State Governments had been requested to provide information on status of encroachment of water bodies through an advisory issued by the Secretary, MoWR, RD and GR, the Committee were of the opinion that collection of such information should be done on a regular basis to enable the Ministry to have its own repertoire of data, facilitating an objective policy making and the appropriate intervention required at different intervals. Therefore, as recommended in their 9th Report, the Committee reiterated the Ministry to initiate steps to complete the exercise of undertaking census of water bodies, within a definite time-frame. The Committee also desired to be apprised of the information collected from the States on status of encroachment of water bodies within three months of presentation of this Report.

6. The Ministry in its action taken note has replied as follows: -

"The planning, execution and maintenance of water resources project comes under the purview of concerned State Government. This Ministry provides technical and financial assistance to State Governments to encourage sustainable development and efficient management of water resources through various schemes and programmes. However, as recommended by the Standing Committee it is now proposed to have a detailed census of all the water bodies in the next Minor Irrigation Census (VI) by MoWR, RD & GR as field current minor irrigation census is almost complete. However, even in current census (V) information on number of water bodies (irrespective of whether they are

being used for irrigation or for any purpose) in villages-rural areas is being collected. Further, for expanding the scope of Census to urban areas, views of concerned State Government Departments and other Central Line Ministries will be taken during the preparatory work of VI Census.

Secretary (MoWR, RD & GR) vide D.O. letter dated 26.02.2016 requested to take several measures for protection of water bodies including encroachment issue. The information from the States are awaited in this regard. The States have been again requested to intimate the status on the number of water bodies and its encroachment vide D.O. letter dated 07.11.2016 from Secretary (MoWR, RD & GR) to the Chief Secretaries of the States. The matter would be pursued further with the States to expedite the information.”

7. The Committee observe that the census of water bodies in the country is proposed to be conducted by the Ministry during the next Minor Irrigation (MI) census as the current MI census (V) is almost complete. Further in order to enable census of water bodies located in the urban areas, views of concerned State Government Departments and other line Ministries are proposed to be taken during the preparatory work of VIth MI census. The Committee do not find the reply of the Ministry satisfactory as no information has been given on concrete action taken to hold census of water bodies. In their view, postponing the work of conducting census to next MI census will only delay the process which is crucial for understanding the gravity of the problem in respect of water bodies, their condition, extent of work to be undertaken and taking appropriate remedial measures for the same. In fact, the Committee are of the opinion that instead there should be separate census of water bodies which can be initiated urgently to build a central database encompassing all aspects such as size, area, water quality, siltation, etc. Further the census should be conducted for both the urban and rural water bodies.

The Committee also notice that the States have not furnished any information on water bodies despite being requested by the Ministry on 26 February, 2016. They note that the same has been again requested on 07.11.2016. The Committee feel that while

the State Governments have not come forward in submitting the information, the Ministry has also failed to actively persuade the matter. They would, therefore, advise the Ministry to be more proactive in persuading States to collect and share the information besides initiating process for conducting separate census. They desire that the work of undertaking census of water bodies should be initiated without any further delay and completed within a definite time frame.

(B) Impact of Encroachment on Water Bodies

Recommendation (Para No. 7)

8. The Committee observed that encroachment on water bodies had been a major cause of recent floods witnessed in many parts of the country viz. flash floods of Mumbai in 2005, severe flood in Uttarakhand in 2013, intense flood situation in Jammu and Kashmir in 2014 and severe flood in Chennai in 2015. They further noted that besides natural factors, human induced causes like unscientific development and land use pattern especially human activities in flood plain zones and estuarine areas of river, encroachment of natural drainage channels and water bodies, socio-economic conditions, deforestation, increasing human and cattle population pressure are other contributing factors in creation of natural calamities such as flood. The Committee found that lack of seriousness and complacency on the part of the Government could not be more conspicuous than the fact that even after circulation of flood plain zoning bill in 1975 to States with a view to prevent encroachment of river bed, State Governments had failed to enact laws on flood plain zoning - which could have played a key role in tackling the problem of encroachment. So far, only the States of Manipur, Uttarakhand, Rajasthan and Maharashtra, had passed law on flood plain zones and river regulation zones. The Committee,

therefore, desired that State Governments should be sensitised to hasten the legislation in order to put a check on human activities on the catchment areas and natural drainage channel of water bodies, flood plain zones and estuarine areas of river.

9. The Ministry in its action taken note has replied as follows: -

“Secretary (MoWR, RD & GR) vide D.O. letter dated 26.02.2016 requested to take several measures for protection of water bodies including encroachment issue. The information is awaited. States have been again requested vide D.O. letter dated 07.11.2016 to intimate the proposed action by them on the following point:

The water bodies may be included in land records of State Government so that action against the encroachers can be taken and a check on human activities on the catchment areas and natural drainage channel of water bodies, flood plain zones and estuarine areas of river be fruitfully implemented.

Detailed guidelines have been prepared in this regard which are being circulated to the States for necessary actions at their end.”

10. The Committee are disappointed with the reply furnished by the Ministry as it appears to be repetitive, without any reflection on specific measures taken to impress upon State Governments to enact the legislations on flood plain zones and river regulation zones. The Committee feel that the delay in enactment of such law has been due to laxity on the part of both the State as well as Central Governments. The Ministry has not been able to persuade States to enact the law for protection of river banks and flood plains with its consequent effect on aggravating problem of floods in many parts of the country. The recurrence of floods in major cities almost every year is a clear indication of the gravity of the problem, compounded by the fact that global warming is a reality now, with extreme changes in climate being observed everywhere and posing a serious challenge to policymakers. Therefore, it is high time that the Ministry takes urgent measures to prevent the human induced causes such as encroachment of water

bodies and to protect rivers and water bodies, which have the potential to act as crucial outlets for absorbing flood water in cities and villages.

(C) Action against encroachers

Recommendation (Para No. 8)

11. The Committee observed that few States had come forward informing their existing mechanism to prevent encroachments. While States such as Assam and Manipur had enacted laws enabling action against encroachers / encroachment on water bodies, other States viz. Madhya Pradesh, Rajasthan and Telangana had furnished information on administrative machinery vested with powers to take action in case of encroachments. However, the Committee expressed their displeasure over the fact that the Central Government had shrugged off any responsibility in the matter by stating that urban development, storm water drainage and land use master planning, etc. were State subjects. Also Central Government / Ministry had no role to play in matters of maintenance and upkeep of water bodies including tackling of encroachments which come under the purview of Urban Local Boards, Land revenue and Water Resources / Irrigation Departments under the State Governments. The Committee, however, deprecated such approach on the part of the Ministry which amounts to passing on the responsibility and being a mere spectator of the problem which posed a serious challenge to the policy making and management of water resources. They were of the view that even though the matter was under direct administrative control of State and local Government, the Central Government could play a guiding and supportive role. Taking cognisance of the directions of courts with regard to measures to be taken for prevention of encroachment on water bodies, the Ministry should formulate a model directive / guideline impressing upon States to execute the same. They desired to be apprised of such measure, if any, being taken /

to be taken by the Government. Also, the Committee desired to be apprised of the information collected by the Ministry on various aspects of encroachments, following advisory issued to the States.

12. The Ministry in its action taken note has replied as follows: -

“Ministry of Water Resources, River Development and Ganga Rejuvenation is in the process of framing a model directive/ guidelines based on the direction of courts. In this context, ‘Draft guidelines for Conservation and Protection of Water Bodies’ (copy enclosed) have been circulated to the Central Ministries and State/UTs for their comments/views. The same will be finalized based on the views.”

13. **The Committee are pleased to find that a draft Guidelines for the conservation and protection of water bodies have been formulated to tackle the problem of encroachment on water bodies on the lines of directions and measures suggested by the Courts. They note that the draft Guidelines have included several measures which, if implemented, will prove very effective in reducing the problem of encroachment. They further, note that the draft Guidelines have been circulated to the Central Ministries and States / Union Territories for their comments / views. However, this implementation seems to be far away, as the process is still going on. They would therefore, strongly recommend that all the formalities / procedures should be completed within a time frame so that Guidelines are implemented soon by the States. The Committee further note with utter distress that the Ministry has not furnished any information on various aspects of encroachment on water bodies such as its extent, type i.e. whether residential and commercial, action taken / proposed to be taken against encroachers etc. for which advisory was issued to the States. They, therefore, desire the Ministry to take immediate steps to collect the relevant information from the States / UTs and furnish the same to the Committee at the earliest.**

(D) Monitoring mechanism for prevention and removal of encroachments from water bodies

Recommendation (Para No. 9)

14. The Committee noted that under the RRR scheme, monitoring mechanism had been instituted in the local bodies at three levels viz. Water User Association (WUA) at the Gram

Panchayat Level, Cascade Association (CA) and WUA Federation at the Block level. The monitoring of water bodies by local bodies had been effective and successful in preventing encroachments in many States and UTs such as Andhra Pradesh, Telangana, Gujarat, Manipur, Rajasthan, Tripura, Odisha, Andaman and Nicobar islands and Tamil Nadu. The Committee further noted that Manipur and Andaman and Nicobar islands had included NGOs, prominent social workers and user agency in monitoring mechanism while Odisha had a provision for fine and penalty for encroachers. However, the Committee noted with concern the fact that local bodies had not succeeded in preventing encroachments in Madhya Pradesh due to policy of appeasement and lack of determination to remove encroachment, as admitted by the State of Madhya Pradesh in their written submission. The Committee apprehended that this factor might have indirectly influenced action against encroachers elsewhere as well. While the role of local bodies in monitoring at local level cannot be denied, the Committee were of the view that involvement of user communities and fixing of responsibility could make it more effective and better serve the purpose. Community participation / involvement of user communities could ensure better vigilance and negate the possibility of connivance with encroachers. The Committee also felt that there was a need to maintain proper coordination between police and the elected representatives like village Sarpanch or Pradhan and Nagar Palika Chairman. They, therefore, recommended to refurbish the existing monitoring mechanism by including user communities, fixing responsibility of concerned officials and penal provisions against encroachers along with proper coordination in activities of various agencies of the Government. The Committee felt that although, Water may be a State subject, encroachment of water bodies had a definite impact on the environment and reduced the capacity of accumulation of water which is very precious to the country as a whole. Therefore,

the Committee strongly recommended the Ministry to issue appropriate guidelines in this regard.

15. The Ministry in its action taken note has replied as follows: -

“Ministry of Water Resources, River Development and Ganga Rejuvenation is in the process of framing a model directive/ guidelines based on the direction of courts. In this context, ‘Draft guidelines for Conservation and Protection of Water Bodies’ (copy enclosed) have been circulated to the Central Ministries and State/UTs for their comments/views. The same will be finalized based on the views.”

16. **The Committee note that no specific reply / information has been given with regard to the concerns raised by them regarding monitoring of water bodies and measures to strengthen the monitoring mechanism. They further note that although the draft Guidelines for conservation and protection of water bodies, based on directions given by Courts in the matter include various positive and proactive measures to protect water bodies, revamping of existing monitoring mechanism by including user communities and fixing of responsibilities clearly have not been emphasised. The Committee are of the view that the monitoring mechanism needs to be restructured by including water user communities and ensuring fixing of responsibility so as to make it more effective and ensure better upkeep. Therefore, they recommend the Ministry to incorporate in Guidelines, the revamped monitoring mechanism. Further, it should also be embedded in existing RRR scheme to provide for the better monitoring of water bodies covered under the scheme.**

(E) Awareness campaigns to prevent encroachment on water bodies

Recommendation (Para No. 11)

17. The Committee observed that several initiatives had been taken by the State Governments to increase awareness among people about the need for conserving water

bodies. As submitted by some of the States and UTs, the Committee noticed that awareness campaigns and public sensitisation were being carried out by involving NGOs, audio broadcasts, etc. The MoWR, RD and GR had organised 'Jal Manthan' and 'India Water Week' to spread awareness about conservation and maintenance of water bodies. Recently, a campaign called 'Jal Kranti' had been launched where two villages in all districts of the country had been selected to increase awareness on the issue. While taking note of the measures taken so far to increase awareness among people, the Committee were of the view that the intensity of the awareness campaigns needed to be increased with much bigger exposure in media, both electronic, print and others. Beside the need for saving water, a precious natural resource should also be somehow made a part of school curriculum and university education. The Committee were also of the view that the Ministry should involve local representatives such as Members of Parliament and State legislatures to spread the message and educate people in their constituency, on the need for protection and conservation of water bodies. The Committee further desired to be apprised of the funds allocated and spent on the awareness campaigns during the last three years.

18. The Ministry in its action taken note has replied follows: -

- a) "A letter has been issued to Ministry of Human Resource Development on 23.05.2016 requesting for issuing necessary instructions to include the subject "Water Management" as a subject in the selected universities/engineering Colleges/management Institutes.
- b) It has been decided that the process of selection of Jal Grams under Jal Kranti Abhiyan will be done with the consent of concerned Member of Parliament (MP) and also the consent of local MP will be taken for already identified Jal Grams under the Jal Kranti Abhiyan.
- c) Apart from various regular activities/programmes like Painting Competition, organization of national / international seminars viz, Jal Manthan, Bhujal Manthan, India Water Week etc., some new initiatives have been taken by the Ministry like National essay competition stated from 2015-16 and proposal for the same is under

consideration in 2016-17 also. Radio Jingles are also being developed by NFDC. Once developed, these Jingles will be broadcast through ALL India Radio and other appropriate mediums. These newly inducted programmes will certainly provide an impetus to the ongoing efforts of the Ministry towards awareness campaigns.

d) Fund allocated and fund spent in last 3 years are as below:"

Amount in crore			
Year	BE	RE	Expenditure
2013-14	40.00	20.00	16.489
2014-15	30.00	18.00	16.53
2015-16	10.00	4.84	5.92

19. The Committee note that the Ministry has taken several initiatives viz. inclusion of the subject of 'water management' in selected universities / engineering colleges / management institutes, selection of 'Jal Grams' under Jal Kranti Abhiyaan with the consent of concerned MPs, holding of National Essay Competition, airing of radio jingles etc. to intensify and broaden the awareness among masses on the need for protecting water bodies. While appreciating these measures, the Committee would like to know the number of Jal Grams selected (State/UT-wise) so far and activities taken therein to spread the awareness thereabout.

20. With regard to utilisation of funds, the Committee are surprised to find that the Ministry has not been able to fully spend the budgetary provisions on awareness programmes during the last three years inspite of reducing allocations every year on this Head which indicates poor emphasis given on awareness activities among the masses of the country - which are crucial for the success of the initiatives taken for the

revival and conservation of water bodies. They, therefore, desire to be apprised of the reasons for lower allocations and expenditure under this Head

(F) Impact assessment of RRR scheme implemented during XI and XII Plan

Recommendation (Para No. 14)

21. The Committee noticed that the Ministry had not furnished any information regarding impact assessment of the RRR scheme implemented during XI Plan, with replies submitted by the Ministry - giving details of the outcome of Pilot scheme of RRR, launched during X Plan period. They further observed that for the implementation of the scheme during XII Plan, it had been envisaged that the State Governments would evaluate the scheme by involving independent agencies including IIMs and IITs. The Central Government would thereafter evaluate and assess the impact through independent agencies to be identified by the Ministry. However they noted with concern that so far, no State Government except Odisha had started the process of appointing an independent agency for concurrent evaluation of the scheme in XII Plan. The Committee were distressed to note that proper evaluation of the outcome of RRR scheme implemented during XI Plan was not yet quantified in terms of important parameters like increase in storage capacity, recharge capacity, additional irrigation potential created and increase in drinking water supply, etc. While expressing their anguish over the indifferent attitude shown by respective Governments in the matter, the Committee recommended that independent agencies to be identified both by the Centre and State Governments for the purpose, should be selected and assigned the task without any further delay to enable an objective analysis of the performance of the scheme and evaluate proper utilisation of the funds spent so far. The Committee, therefore, recommended the Government to apprise them about the measures taken for impact assessment of the scheme implemented during XII Plan,

including independent agencies identified, if any, their role, function and stipulated time period for submission of Evaluation Report, etc. The Committee, however, desired to be apprised of the outcome of the evaluation of the scheme (encompassing all the aspects, stated before) implemented during XI Plan within three months of the presentation of this Report.

22. The Ministry in its action taken note has replied as follows: -

“Secretary (WR, RD & GR) vide D.O. letter dated 07.11.2016 has requested State Governments to ensure concurrent evaluation of the water bodies under RRR of water bodies scheme. Further CWC has also been requested for preparation of TOR/EOI/RFP for evaluation study for taking up the same.”

23. The Committee are distressed to note that the Ministry has not taken any proactive measures to speed up the process of impact assessment of (Repair, Renovation and Restoration) RRR scheme implemented during XI and XII Plan. The Ministry has taken up the issue with the States now (vide D. O. letter dated 07.11.2016) despite a suggestion made in this regard in the Committee Report three months back. This shows the casual attitude of the Government in this regard. However, the Committee would like to reiterate the necessity of such assessment of an important scheme under which a huge amount of fund is being spent. This is crucial for evaluation of the effectiveness of RRR scheme in the revival and protection of water bodies - which in turn would help to generate additional irrigation potential, water supply for domestic uses and increase in ground water storage capacity, etc. The Committee would, therefore, reiterate that utmost measures should be taken for impact assessment of the scheme both at the Central and States levels and the details thereof be furnished to them within three months of the presentation of this Report.

(G) Creation of new water bodies under the Scheme of RRR

Recommendation (Para No.16)

24. The Committee observed that of late, the State Governments had taken some initiatives in creating new water bodies under programmes such as Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). There had also been an increase in total number of water bodies in States of Madhya Pradesh, Telangana, Arunachal Pradesh, Rajasthan, Mizoram, Tripura and Odisha during the last 10 years mainly due to construction of new tanks, check dams, etc. The Committee felt that creation of new water bodies was a welcome move and could be integrated into the ambit of existing scheme of RRR, which would also make good of the loss of the water bodies as a result of encroachment, especially in the urban areas. They, therefore, recommended the Ministry to review the scheme by incorporating this aspect and accordingly change the nomenclature of the Scheme from “Repair, Renovation and Restoration of water bodies” to “Repair, Renovation, Restoration and Creation of water bodies”. They desired that the Ministry should take urgent steps in this direction with thrust on creating new water bodies in the urban areas where problem of encroachment had assumed enormous proportion. In this regard they further recommended issuing appropriate guidelines/revise the existing guidelines under intimation to the Committee.

25. The Ministry in its action taken note has replied as follows: -

“The RRR of Water Bodies scheme has been formulated to repair, renovate and restore the existing traditional water bodies.”

26. The Committee note with utter dissatisfaction the terse reply furnished by the Ministry on the issue of creation of new water bodies under Repair, Renovation and Restoration of Water Bodies (RRR) scheme by simply stating the fact that the scheme of

RRR of water bodies has been formulated to repair, renovate and restore the existing traditional water bodies. It is silent about reviewing the existing scheme or any rationale in this regard. They further observe that the draft guideline for the conservation and protection of water bodies have included the issue of creation of water bodies by advising States to explore the possibility of creation of new water bodies - in addition to the maintenance of old water bodies. The Committee think that the scope of RRR can also be widened by bringing into its fold the creation of new water bodies to compensate for the lost ones. The Committee, therefore, desire that the Ministry should incorporate the creation of new water bodies under the RRR scheme to give an impetus to the efforts for creation along with restoration, maintenance and protection of water bodies. Accordingly, they reiterate issuing appropriate guidelines / revise the existing guidelines under RRR scheme and apprise the same to the Committee at the earliest.

(H) Release of funds under RRR Scheme

Recommendation (Para No. 17)

27. The Committee noticed that the Central Government had not released its share of funds for the second installment to the State Government of Odisha, due to which work on water bodies had suffered in the State which in turn, had rendered completion of work by scheduled date of 31 March, 2017 difficult. They were informed by the Special Secretary during evidence that reason for non release of funds was non - allocation of sufficient funds for the purpose. The Committee expressed displeasure over the fact that the Ministry had failed to anticipate the demands for funds from different States under the RRR scheme, resulting in delay in disbursement of funds. They therefore, strongly recommended that necessary steps be taken to not only ensure sufficient allocation of funds/grant but also their timely disbursal so that the

projects under the scheme of RRR did not suffer. The Committee felt that there might be many other States which were languishing for funds. They, therefore, recommended the Ministry to provide information on total number of encroachment free water bodies, State-wise, which had submitted their request for release of funds in the second phase indicating the amount and the action taken by the Ministry from time to time to release the funds for the period ending 30 June, 2016.

28. The Ministry in its action taken note has replied as follows:

“For ongoing water bodies under RRR of Water Bodies scheme, further Central Assistance (CA) is released on submission of proposal by the State Government, with the approval of State Level Sanctioning Committee (SLSC) as per the requirement of PMKSY, along with the Utilization Certificate of the previous CA released, budget provision for the current year, corresponding State share release, physical and financial progress of the individual water bodies and the status of concurrent evaluation to be done by the States year-wise during the period of funding .

All the water bodies included under RRR scheme are free from encroachment. During 2016-17, the proposals in this regard have been received from Odisha and Rajasthan for release of central share. The proposals have been examined and comments of MoWR, RD & GR regarding utilization certificates of the previous central share released, budget provision, State share released, approval of SLSC have been communicated to the States. The compliances are awaited. The state have been requested to expedite the same for release of funds.”

29. **The Committee note that for ongoing water bodies covered under Repair, Renovation and Restoration (RRR) of water bodies scheme, further Central Assistance (CA) is released on the submission of proposal by the State Government with the approval of State Level Sanctioning Committee (SLSC) as per the requirement of Pradhan Mantri Krishi Sinchai Yojana (PMKSY) along with the utilisation Certificate for the previous CA released, budget provision for the current year, corresponding State share release, physical and financial progress of the individual water bodies and the status of concurrent evaluation to be done by the States year-wise during the period of funding. They observe that the States of Odisha and Rajasthan have requested for**

release of Central Assistance for the ongoing works on water bodies covered under RRR. The proposals have been examined and comments of the Ministry regarding utilisation certificates of the previous central share released, budget provision, State share released, approval of SLSC have been communicated to the States.

The Committee find the replies to be evasive as there is no mention of any measure to ensure timely disbursement of sufficient funds for water bodies covered under RRR. The replies simply state the procedure to be followed for releasing CA without furnishing any reason for non allocation of funds, which has resulted in undue delay in completion of work in States such as Odisha. Further, no information has been provided on total number of encroachment free water bodies for which States have been requested for release of funds and amount of funds released by the Ministry so far.

30. The Committee, therefore, reiterate that necessary steps should be taken to ensure sufficient and timely allocation of funds so that the implementation of projects under the scheme of RRR do not suffer. They would also recommend the Ministry to provide information on total number of encroachment free water bodies, State-wise, which have submitted their requests for release of funds in the second phase indicating the amount and the action taken by the Ministry from time to time to release the funds for the period ending 31 March, 2017.

(I) Pollution of water bodies

Recommendation (Para No. 18)

31. The Committee were distressed to note that water quality in water bodies, which had been traditionally playing a major role as an alternative source for catering to domestic and

agricultural needs, had been deteriorating. The condition of water bodies had degraded due to their negligence and poor maintenance. From the information submitted by Central Pollution Control Board (CPCB), the Committee observed that as many as 132 lakes, tanks and ponds had been identified with very poor water quality scattered over the States of Andhra Pradesh, Gujarat, Odisha, Madhya Pradesh, Himachal Pradesh, Uttar Pradesh, Chattisgarh, Tamil Nadu, West Bengal, Assam, Rajasthan, Goa, Kerala, Bihar, Tripura and Jammu and Kashmir. Further, the main reason for water pollution in water bodies was stated to be sewage and waste water disposal into water bodies, as a result of increased human habitations around the water bodies. The Committee found that the condition of villages in Punjab was particularly pathetic as most of the ponds there were overflowing with accumulation of waste water, leading to flooding of street drains / channels, which ultimately created health hazards. Similar problems had been encountered in States of Madhya Pradesh, Andhra Pradesh, Tripura and Kerala in the urban areas. They found that this fact had been admitted by the Special Secretary, MoWR, RD and GR, who emphasised that much work was yet to be done to improve water quality. The Committee were concerned to note that at present, the treatment capacity of Sewage Treatment Plants (STPs) was only 23,000 million ltrs. per day as against 62,000 million ltrs. sewage being generated per day in the country. Thus, there was a requirement of additional Rs. 2 to 2.5 lakh crore to fill this gap as informed by the representative of the Ministry of Environment, Forests and Climate Change. Therefore, urgent steps were needed to be taken in this direction. However the Committee were of the view that besides creating additional treatment capacity there was a need to minimise waste generation by adopting eco-friendly methods of waste disposal, development of sewage infrastructure in rural areas, adoption of alternative waste disposal techniques and appropriate tariffs on uses of water for different

purposes. The Committee, therefore, desired to be apprised of the measures taken in this regard along with year-wise details of projects undertaken, funds allocated and spent, targets fixed and achieved in respect of sewage treatment during the last three years, year-wise.

32. The Ministry in its action taken note has replied as follows:

“As intimated by CPCB, they have made a nationwide survey through questionnaire to the State secretaries, municipal corporations, State water boards, municipalities, public health engineering department, pollution control boards and also other concerned agencies to obtain information/data on water supply, waste water generation, collection, treatment and disposal in Class-I cities, metropolitan cities and Class-II towns. Based on the information a report on “Status of Water Supply, Wastewater Generation and Treatment in Class-I Cities & Class-II Towns of India” under CUPS series no. CUPS/70/2009-10 was published. CPCB reported that out of 38,254 MLD of sewage generated by Class- I cities and Class-II towns , only 11,787 MLD has been treated.

CPCB reassessed sewage generation and treatment capacity for Urban Population of India for the year 2015. The sewage generation estimated is 61,948 MLD and sewage treatment capacity developed so far is 23,277 MLD.

Based on the above study, CPCB has issued directions u/s 181(b) of Water (Prevention and Control of Pollution) Act, 1974 vide letter dated 21.04.2015 to all State Pollution control Board/Pollution Control Communities to make mandatory for local/urban bodies to set up STPs of adequate capacity and provide underground sewerage system to cover the entire local/urban areas and to bridge the treatment gap.”

33. **The Committee note that in a nationwide survey carried out in 2009-10, the Central Pollution Control Board (CPCB) reported that out of 38,254 Million Litres per day (MLD) of sewage generated by Class-I cities and Class-II towns, only 11,787 MLD of sewage was treated . Further in an assessment carried out in 2015 for urban areas, sewage treatment capacity has been estimated at 23,277 MLD as against 61,948 MLD of sewage generated. The CPCB vide letter dated 21.04.2015 has issued direction under Section 181(b) of water (Prevention and Control of Pollution) Act, 1974 to all State Pollution Control Board / Pollution Control Committees to make it mandatory for local / urban bodies to set up Sewage Treatment Plants (STPs) of adequate capacity and provide underground sewage system to cover the entire local / urban areas and to bridge the treatment gap. However, the Committee find that no information has been**

furnished with regard to sewage generation and treatment in the rural areas. Further no information has also been furnished with regard to measures for minimising waste generation, eco friendly methods of waste disposal and development of sewage infrastructure in the rural areas etc. Also, no information has been furnished with regard to total amount of funds allocated and spent on sewage treatment projects during the last three years. The Committee would, therefore, desire to be apprised of the specific measures taken in this regard along with details of projects undertaken, funds allocated and spent, targets fixed and achieved in respect of sewage treatment during the last three years, year-wise.

(J) Siltation problem in water bodies

Recommendation (Para No. 19)

34. The Committee noted with serious concern that a large number of water bodies (7,153 as per 4th MI Census) had dried up. However, the causes for such drying had not been assessed by the Ministry, as the subject of 'water' came under the domain of State Governments. *Since this was a very important aspect of information on the condition of water bodies in the country, the Committee believed that such information needed to be collected and form part of the database on water bodies.* The Committee further recommended the Ministry to furnish a detailed report on this issue covering such aspects as total no. of dried/vanished water bodies, causes, remedial action taken, etc. by each of the State Governments and Union Territories- within three months of presentation of this Report.

35. The Ministry in its action taken note has replied as follows: -

“As recommended by the Standing Committee it is proposed to have a detailed Census of water bodies in the next Minor Irrigation Census (VI) by MoWR, RD & GR with the consent of State Governments as field work of current minor irrigation census(V) is

almost complete. Collection of information from the field in the Census of different aspects like dried-up water bodies, its causes etc. can be finalized after due consultation with concerned State Government Departments and other Central Line Ministries.”

36. The Committee observe that the Ministry has agreed to conduct a detailed census of water bodies in the country along with next Minor Irrigation (MI) census (VI) as field work of current MI Census (V) is almost complete. However, as stated earlier at para no. 8 of this Report, the Committee do not concur with the view that water body census should be clubbed with MI Census. They strongly believe that a separate exercise needs to be started at the earliest to carry out water body census as this information is crucial to formulate any policy for the protection of water bodies. The Committee would, therefore, recommend the Ministry to take urgent action in the matter and apprise them accordingly. Further, they would recommend the Ministry to collect information on total number of dried / vanished water bodies, causes, remedial measures taken, etc. from the State / Union Territory Governments and furnish the same to them within three months of presentation of this Report.

CHAPTER II

OBSERVATIONS / RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (No. 1 to 3)

Census of Water Bodies

The Committee note that the total number of water bodies in India, as per India Water Resources Information System (WRIS) portal is 7,98,908 including temporary water bodies such as in salt-pan, abandoned quarries, temporary industrial ponds, lagoons, bays, etc. They further note that India – WRIS has reported largest number of Water bodies in Chattishgarh i.e. 1, 04,716 followed by West Bengal. Excluding temporary water bodies, there are 6, 35,661 water bodies. The Committee note that the Ministry maintains database of only those water bodies which are being provided Central assistance under the scheme of Repair, Renovation and Restoration (RRR) of water bodies, thus confining its monitoring role to only such water bodies. The Committee have been further informed that besides mapping of water bodies through the satellite, at present, the information on water bodies is collected in Minor Irrigation (MI) census, which covers both surface and ground water structures. Till now, four MI census have been conducted in the years 1986-87, 1993-94, 2000-01 and 2006-07. The Committee are concerned to note that the total number of water bodies has declined from 5, 56,601 in 3rd MI census to 5, 23,816 as reported in 4th (MI) census. They observe that 5th MI census has been initiated with reference year 2013-14 and in this census, information on all water bodies of rural areas is being collected directly by adding an item in village schedule.

In this context, the Committee further note that as per the information received from various States and Union Territories (UTs) there is an increase in total number of water bodies in States as Madhya Pradesh, Telangana, Arunachal Pradesh, Rajasthan, Mizoram, Tripura

and Odisha during the last 10 years, which is mainly due to the construction of new tanks, check dams, etc. Whereas, the States such as Andhra Pradesh, Manipur and Kerala have registered a decrease in total number of water bodies as a result of human activities such as encroachment, unplanned urbanisation, industrialisation, heavy siltation, deficiency in proper management of water bodies, change in land use patterns, etc. Also, some States and Union Territories (UTs) such as Uttar Pradesh, Karnataka, Andaman and Nicobar Islands, Tamil Nadu and Punjab have reported no change in number of water bodies during the same period, whereas no such study has been made in the States of West Bengal, Nagaland and UT of Lakshadweep.

The Committee note with concern that the Ministry has not conducted any separate survey / study exclusively on water bodies revealing their condition, increase/ decrease in their number, their status of encroachment, etc. However, the Committee also take note of the fact that the Secretary, MoWR, RD and GR has issued an advisory to States to collect information about the status of encroachment of water bodies.

The Committee are distressed to note that although having a pivotal role in management of water resources, the Central Ministry has made no efforts to keep itself abreast of the ground situation with regard to state of water bodies in the country. This is evident from the fact that in the past, so far the Ministry has made no efforts to compile information on water bodies covering such aspects as their total number, increase / decrease, their status in terms of shrinkage, dried / vanished, change in land use in catchment areas of water bodies and encroachment, etc. Such information is not readily available in the database created by the satellite mapping. Further the data collected through MI census covers only those water bodies which are in rural areas / villages and therefore does not offer a comprehensive picture. For

such vital information, the Ministry is dependent upon State Governments who do not conduct periodical surveys / study encompassing such aspects as evident from the scattered information received from various States and Union Territories (UTs). The Committee are of the view that there is an imperative need to create a Central database on water bodies. The Committee, therefore, recommend that in order to enable an objective assessment of water bodies and their condition, it should be made mandatory to build a database incorporating information from States. The Committee do not accept the plea that the Ministry is unable to maintain a comprehensive database on water bodies as the subject of 'water' comes under the purview of State Governments. Having noted that the State Governments have been requested to provide information on status of encroachment of water bodies through an advisory issued by the Secretary, MoWR, RD and GR, the Committee are of the opinion that collection of such information should be done on a regular basis to enable the Ministry to have its own repertoire of data, facilitating an objective policy making and the appropriate intervention required at different intervals. Therefore, as recommended in their 9th Report, the Committee reiterate the Ministry to initiate steps to complete the exercise of undertaking census of water bodies, within a definite time-frame. The Committee also desire to be apprised of the information collected from the States on status of encroachment of water bodies within three months of presentation of this Report.

Reply of the Government

The planning, execution and maintenance of water resources project comes under the purview of concerned State Government. This Ministry provides technical and financial assistance to State Governments to encourage sustainable development and efficient management of water resources through various schemes and programmes. However, as

recommended by the Standing Committee it is now proposed to have a detailed census of all the water bodies in the next Minor Irrigation Census (VI) by MoWR, RD & GR as field current minor irrigation census is almost complete. However, even in current census (V) information on number of water bodies (irrespective of whether they are being used for irrigation or for any purpose) in villages-rural areas is being collected. Further, for expanding the scope of Census to urban areas, views of concerned State Government Departments and other Central Line Ministries will be taken during the preparatory work of VI Census.

Secretary (MoWR, RD & GR) vide D.O. letter dated 26.02.2016 requested to take several measures for protection of water bodies including encroachment issue. The information from the States are awaited in this regard. The States have been again requested to intimate the status on the number of water bodies and its encroachment vide D.O. letter dated 07.11.2016 from Secretary (MoWR, RD & GR) to the Chief Secretaries of the States. The matter would be pursued further with the States to expedite the information.

Comment of the Committee

(Please see Para No. 7 of Chapter I of the Report)

Recommendation (No. 4)

Need for uniform classification of water bodies

From the information supplied by various States about the present system of classification of water bodies, the Committee find that there is no uniformity in their classification / categorisation. While States such as Madhya Pradesh and Andhra Pradesh have classified water bodies on the basis of total area covered, others, such as Arunachal Pradesh, Punjab, Tripura and Kerala, etc. have classified them according to the type of water bodies viz. lakes,

ponds, etc. Further Uttar Pradesh and Manipur has classified them on the basis of their location in rural, urban and hill areas while some of the North eastern States such as Sikkim, Nagaland, Mizoram and Meghalaya have no system of classifying water bodies. The Committee find that although the National Remote Sensing Centre has classified the water bodies, it is not clear as to whether the Ministry has adopted the same. The Committee are therefore, of the considered opinion that the Ministry should devise its own classification system, uniformly applicable to all the water bodies in the country, thereby ensuring better administration and monitoring of upkeep of water bodies in all the States. They, therefore, recommend the Ministry to look into this aspect also while preparing a comprehensive database and apprise them accordingly.

Reply of the Government

MoWR, RD & GR is in the process of evolving a uniform classification system for the water bodies in the country and in this context, CWC has been requested to evolve uniform classification as per the guidelines of RRR of water bodies based on the spread area of water body, category and ownership.

Recommendation (No. 5)

Measures for restoring perishing water bodies

The Committee also note with concern that as per 4th MI census, out of 5,23,816 water bodies, 80,128 water bodies were not in use and 18,485 water bodies were never used, as a result of which 1.95 million hectare of irrigation potential was lost. They observe that to revive and restore these water bodies, a scheme of Repair, Renovation and Restoration (RRR) of water bodies was launched in Xth Plan as a pilot scheme which was later launched as a full-fledged scheme in XI Plan and has been extended in XII Plan as well. They further note that Ministry of Environment, Forests and Climate Change (MoEF and CC) has been running a

scheme of National Wetland Conservation Programme (NWCP) since 1987 for conservation of identified wetlands. For conservation / restoration of polluted and degraded lakes in the urban and semi urban areas, the MoEF and CC has been providing assistance to States under the National Lake Conservation Programme (NLCP). They also note that State Government of Telangana has launched 'Mission Kakatiya' in the year 2014-15 for restoration of 46,531 water bodies which will restore irrigation potential of 9.87 lakh hectares. Besides, the Ministry of Rural Development (MoRD) has renovated a large number of water bodies under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). Also, the Ministry of Urban Development (MoUD) has launched a scheme called "Atal Mission for Rejuvenation and Urban Transformation (AMRUT)" in June, 2015 under which rejuvenation of water bodies is being taken up as one of the objectives for augmenting drinking water supply and recharge of ground water and so far Central Assistance of Rs. 1,818.34 crore has been released to the States under this scheme.

While commending all the measures initiated by various Ministries viz. MoWR, RD and GR, MoEF and CC, MoRD and MoUD aimed at reviving and conserving water bodies and lakes in both the rural and urban areas, the Committee find that the number of schemes run by different Ministries happen to be too many. They are, therefore, of the opinion that in the absence of any cohesive and effective policy measures to prevent encroachments, such schemes individually will have a minimal effect for the desired purpose. Therefore, a well coordinated approach is the need of the hour while formulating policies to prevent encroachment and rejuvenate water bodies. Instead of multiple schemes, there should be one scheme with inter-ministerial and inter-departmental coordination to make it a success. The Committee would, therefore, recommend the Ministry to study the feasibility of merging such

schemes and evolve a single comprehensive scheme and apprise them of the findings thereabout. They would also like to be apprised of the outcome of ongoing schemes in terms of total number of water bodies revived and their benefits in terms of total area of lost irrigation potential realised, ground water recharging capacity achieved thereby and prevention of encroachment, etc. during the last five years, year-wise.

Reply of the Government

Ministry of Water Resources, River Development and Ganga Rejuvenation is in the process of exploring the possibilities of merging the schemes of other ministries regarding restoration of water bodies. In this context, MoRD, MoUD and MoEF & CC have been requested for their views. Meanwhile, discussions have also been held with MoRD regarding convergence of various activities and guidelines have been prepared by them for convergence of various activities of DOLR and this Ministry with works being carried out under MGNREGS. Focus has been kept in the over exploited and critical blocks in respect of ground water.

In XI Plan, 3341 water bodies have been included under RRR of water bodies scheme and works of 2801 water bodies have been completed. About 2.053 lakh ha irrigation potential have been revived in addition to the restoration of storage revival and ground water recharge.

In XII Plan, 1354 water bodies have been included under RRR of water bodies scheme. Out of which works of 429 water bodies have been completed. About 0.2574 lakh ha irrigation potential has been revived in addition to the restoration of storage revival and ground water recharge.

Recommendation (No. 8)

Action against encroachers

8. The Committee observe that few States have come forward informing their existing mechanism to prevent encroachments. While States such as Assam and Manipur have enacted laws enabling action against encroachers / encroachment on water bodies, other States viz. Madhya Pradesh, Rajasthan and Telangana have furnished information on administrative machinery vested with powers to take action in case of encroachments. However, the Committee express displeasure over the fact that the Central Government has shrugged off any responsibility in the matter by stating that urban development, storm water drainage and land use master planning, etc. are State subjects. Also Central Government / Ministry has no role to play in matters of maintenance and upkeep of water bodies including tackling of encroachments which come under the purview of Urban Local Boards, Land revenue and Water Resources / Irrigation Departments under the State Governments. The Committee, however, deprecate such approach on the part of the Ministry which amounts to passing on the responsibility and being a mere spectator of the problem which pose serious challenges to the policy making and management of water resources. They are of the view that even though the matter is under direct administrative control of State and local Government, the Central Government can play a guiding and supportive role. Taking cognisance of the directions of courts with regard to measures to be taken for prevention of encroachment on water bodies, the Ministry should formulate a model directive / guideline impressing upon States to execute the same. They would like to be apprised of such measure, if any, being taken / to be taken by the Government. Also, the Committee would like to be apprised of the information collected by the Ministry on various aspects of encroachments, following advisory issued to the States.

Reply of the Government

Ministry of Water Resources, River Development and Ganga Rejuvenation is in the process of framing a model directive/ guidelines based on the direction of courts. In this context, 'Draft guidelines for Conservation and Protection of Water Bodies' (copy enclosed) have been circulated to the Central Ministries and State/UTs for their comments/views. The same will be finalized based on the views.

Comment of the Committee

(Please see Para No. 13 of Chapter I of the Report)

Recommendation (No. 10)

Judicial directions / guidelines on the issue of encroachment and their implementation in different States

As per the information received from various States, the Committee note that the Courts have given directions for the prevention of encroachment to several States viz. Andhra Pradesh, Telangana, Gujarat, Maharashtra, Manipur, Rajasthan, Tripura, Kerala, Karnataka and Tamil Nadu. The Committee note that in case of Andhra Pradesh, the Supreme Court has observed that "material resources of the Community like forests, tanks, ponds, hillock, mountain, etc. are nature's bounty. They maintain delicate ecological balance. They need to be protected for healthy environments to enable enjoyment of quality life, which is the essence of the guaranteed right under Article 21 of the Constitution." Expressing their full agreement to the views of the Supreme Court, the Committee emphasise adoption of effective policy measures and urgent action to protect and preserve water bodies.

With regard to compliance of the directions, they find that except Tamil Nadu, all other States have taken action and are at different stages of compliance. Further the Special

Secretary, MoWR, RD and GR has accepted the need for having a study on the impact of these directions. The Committee, therefore, desire that as agreed by the Special Secretary on the need to have a study on the impact of such direction in reducing encroachments, saving and protecting water bodies, the Ministry should initiate such study without further delay to enable assessment of the impact of judicial intervention and effectiveness of measures suggested on protecting water bodies and apprise them of the findings thereof at the earliest.

Reply of the Government

As recommended by the Standing Committee it is now proposed to have a detailed study on the impact of directions of Hon'ble Supreme Court and High Court in reducing encroachments, saving and protecting water bodies. In this context, States have been requested for the information. Further, while taking up the next census work, the issue will be pursued with the States.

Recommendation (No. 11)

Awareness campaigns to prevent encroachment on water bodies

The Committee observe that several initiatives have been taken by the State Governments to increase awareness among people about the need for conserving water bodies. As submitted by some of the States and UTs, the Committee notice that awareness campaigns and public sensitisation are being carried out by involving NGOs, audio broadcasts, etc. The MoWR, RD and GR has organised 'Jal Manthan' and 'India Water Week' to spread awareness about conservation and maintenance of water bodies. Recently, a campaign called 'Jal Kranti' has been launched where two villages in all districts of the country have been selected to increase awareness on the issue. While taking note of the measures taken so far to increase awareness among people, the Committee are of the view that the intensity of the

awareness campaigns needs to be increased with much bigger exposure in media, both electronic, print and others. Beside the need for saving water, a precious natural resource should also be somehow made a part of school curriculum and university education. The Committee are also of the view that the Ministry should involve local representatives such as Members of Parliament and State legislatures to spread the message and educate people in their constituency, on the need for protection and conservation of water bodies. The Committee would further like to be apprised of the funds allocated and spent on the awareness campaigns during the last three years.

Reply of the Government

- a) A letter has been issued to Ministry of Human Resource Development on 23.05.2016 requesting for issuing necessary instructions to include the subject “Water Management” as a subject in the selected universities/engineering Colleges/management Institutes.
- b) It has been decided that the process of selection of Jal Grams under Jal Kranti Abhiyan will be done with the consent of concerned Member of Parliament (MP) and also the consent of local MP will be taken for already identified Jal Grams under the Jal Kranti Abhiyan.
- c) Apart from various regular activities/programmes like Painting Competition, organization of national / international seminars viz, Jal Manthan, Bhujal Manthan, India Water Week etc., some new initiatives have been taken by the Ministry like National essay competition started from 2015-16 and proposal for the same is under consideration in 2016-17 also. Radio Jingles are also being developed by NFDC. Once developed, these Jingles will be broadcast through ALL India Radio and other

appropriate mediums. These newly inducted programmes will certainly provide an impetus to the ongoing efforts of the Ministry towards awareness campaigns.

d) Fund allocated and fund spent in last 3 years are as below

Amount in crore			
Year	BE	RE	Expenditure
2013-14	40.00	20.00	16.489
2014-15	30.00	18.00	16.53
2015-16	10.00		5.92

Comment of the Committee

(Please see Para Nos. 19 & 20 of Chapter I of the Report)

Recommendation (No. 12)

Inclusion of water bodies as a part of Town Planning

The Committee have been informed that in Ahmedabad, protection of water bodies has been achieved through their inclusion in town planning. The Committee feel that this provision can be very effective and can be emulated by other States as well with strict penal provisions against violators. Accordingly, the Committee recommend that maintenance of water bodies' should be included as integral part of the town planning process. The Committee, therefore, desire that the Ministry should take up this matter with the Ministry of Urban Development and the State Governments.

Reply of the Government

Ministry of Water Resources, River Development and Ganga Rejuvenation vide letter dated 17.10.2016 has requested Ministry of Urban Development for consideration of the recommendation of Standing Committee on the aspect of inclusion of water bodies as integral process of town planning . Further, Secretary (WR, RD & GR) vide D.O. letter dated 07.11.2016 has also requested State Governments to consider the maintenance of water bodies as a part of town planning.

Recommendation (No. 13)

Repair, Renovation and Restoration (RRR) of Water Bodies scheme – Implementation issues

The Committee observe that the scheme of RRR, which was launched as a pilot scheme in X Plan and introduced as a full scale scheme in XI Plan, has been continued during XII Plan. This scheme aims to increase availability of water by restoring and rejuvenating decaying water bodies. They notice that during XII Plan, 10,000 water bodies (9000 in rural and 1000 in urban areas) have been planned to be revived and restored with Central assistance of Rs. 6,235 crore and respective State share of Rs. 3,765 crore creating an additional irrigation potential of 6.235 lakh hectares. Further water bodies in villages which are covered under Sansad Adarsh Gram Yojana (SAGY) are being given priority for coverage under the scheme. They also notice that so far 1,342 water bodies of 9 States at an estimated cost of Rs. 1013.428 crore has been approved for inclusion under RRR. Further under this scheme, Special category States {North Eastern States including Sikkim, Himachal Pradesh, Jammu and Kashmir, Uttarakhand and undivided Koraput, Bolangir and Kalahandi (KBK) districts of Odisha} are being provided Central Assistance of 90% of the total cost of work with balance 10% being borne by State Governments and for Non-special category States, the Central

assistance of 50% is provided, with States sharing balance 50%. In this regard, the Committee, in their 16th Report on “Repair, Renovation and Restoration (RRR) of water bodies” presented on 27.11.2012, during 15th Lok Sabha, had recommended to increase the Central share from 50% to 75% in case of Non Special category States also, to incentivise them to submit proposals for including more water bodies under the scheme, which was accepted by the Government, as submitted in the action taken notes. However, the Committee express their astonishment over the fact that the same has not yet been implemented in XII Plan despite this issue being a prominent factor for inability of States to undertake works under the scheme. They are also constrained to note that despite being aware of the major shortcomings in the implementation of RRR scheme in XI Plan, such as water bodies having water spread area of less than 5 hectares being ineligible rendering the scheme rarely implemented in hilly areas and North Eastern States and inability of the States to find water bodies in the rural areas whose catchment areas have already been treated under Integrated Watershed Management Programme (IWMP), no efforts/measures have been made to address these issues while launching the scheme in XII Plan. The Committee apprehend that with these issues/ difficulties, still persistent, the completion of work on 10,000 water bodies within XII Plan period may prove to be an uphill task. The Committee would, therefore, like to know the status of the works / projects undertaken so far and measures taken to complete the work within the stipulated time period i.e. by end of XII Plan. They would also like to be apprised of the measures taken, if any or proposed to be taken by the Government to resolve these issues/problems/difficulties regarding the implementation of the RRR scheme.

Reply of the Government

- Central Government has accepted the 14th Finance Commission's recommendation to devolve 42 per cent of the divisible pool to states during 20015-16 to 2019-20, against 32 per cent suggested by the previous commission.
- Ministry of Finance vide letter dated 28.10.2015 has intimated the funding pattern of centrally sponsored schemes. Accordingly, in PMKSY, funding pattern is 60:40 for general category States and 90:10 for North-Eastern States and 3 Hilly States between the Centre and the States. Further, in case of the scheme/sub-scheme where existing funding pattern is less than the new funding pattern, existing funding pattern will continue. Accordingly, the funding pattern for RRR of Water bodies scheme is being followed.
- From 2015-16, with the launch of PMKSY, RRR of water bodies scheme has become a part of PMKSY. As per the requirement of PMKSY, the proposals under RRR of Water Bodies scheme, has to be part of the District Irrigation Plan (DIP)/State Irrigation Plan (SIP) and to be approved by the State Level Sanctioning Committee (SLSC) to received central assistance.

Recommendation (No. 15)

Effectiveness of measures taken under RRR scheme to address problem of encroachment

The Committee note that a condition, that the State Government has to declare boundary of the water body through Government order, has been imposed on release of second installment of funds under RRR for completion of work on the water body. They notice that pursuant to this condition, the State Government of Odisha has declared boundary of 760 water bodies, the State Government of Andhra Pradesh has begun the process of demarcating

boundary of 342 water bodies, Manipur has defined boundaries in respect of 4 water bodies, Uttarakhand has declared boundaries for 8 water bodies and Tamil Nadu has defined boundary for 154 water bodies, covered under RRR. The Committee further note that this condition has proved to be an effective deterrent in prevention of encroachment as stated by State Governments of Manipur, Rajasthan, Uttarakhand, Karnataka, Odisha, Andhra Pradesh and Telangana. While appreciating the measure taken by the Central Ministry to keep water bodies covered under RRR, encroachment free, which has also proved effective, the Committee desire that the Ministry should not limit its role to such water bodies only. Although primary responsibility to protect water bodies lies with the State Governments, the Committee, desire that the Ministry should play a more active role and impress upon State Governments by stressing the need for involving the user communities, provision for strict action against encroachers and fixing the responsibility of concerned officials, etc. in the form of a guideline for better monitoring of all the water bodies of States and Union Territories.

Reply of the Government

Secretary (MoWR, RD & GR) vide D.O. letter dated 26.02.2016 requested to take several measures for protection of water bodies including encroachment issue. The information is awaited. States have been again requested vide D.O. letter dated 07.11.2016 to intimate the proposed action by them on the following point;

- State government should involve user communities for keeping the water bodies encroachment free. State should issue appropriate guidelines and take strict action against the encroachers. Further, the responsibility of the concerned officials in this regard may also be fixed.

Recommendation (No. 18)

Pollution of water bodies

The Committee are distressed to note that water quality in water bodies, which were traditionally playing a major role as an alternative source for catering to domestic and agricultural needs, has been deteriorating. The condition of water bodies has degraded due to their negligence and poor maintenance. From the information submitted by Central Pollution Control Board (CPCB), the Committee observe that as many as 132 lakes, tanks and ponds have been identified with very poor water quality scattered over the States of Andhra Pradesh, Gujarat, Odisha, Madhya Pradesh, Himachal Pradesh, Uttar Pradesh, Chattisgarh, Tamil Nadu, West Bengal, Assam, Rajasthan, Goa, Kerala, Bihar, Tripura and Jammu and Kashmir. Further, the main reason for water pollution in water bodies is stated to be sewage and waste water disposal into water bodies, as a result of increased human habitations around the water bodies. The Committee find that the condition of villages in Punjab is particularly pathetic as most of the ponds there are overflowing with accumulation of waste water, leading to flooding of street drains / channels, which ultimately creates health hazards. Similar problems have been encountered in States of Madhya Pradesh, Andhra Pradesh, Tripura and Kerala in the urban areas. They find that this fact has been admitted by the Special Secretary, MoWR, RD and GR, who emphasised that much work is yet to be done to improve water quality. The Committee are concerned to note that at present, the treatment capacity of Sewage Treatment Plants (STPs) is only 23,000 million ltrs. per day as against 62,000 million ltrs. sewage being generated per day in the country. Thus, there is a requirement of additional Rs. 2 to 2.5 lakh crore to fill this gap as informed by the representative of the Ministry of Environment, Forests and Climate Change. Therefore, urgent steps are needed to be taken in this direction. However the

Committee are of the view that besides creating additional treatment capacity there is a need to minimise waste generation by adopting eco-friendly methods of waste disposal, development of sewage infrastructure in rural areas, adoption of alternative waste disposal techniques and appropriate tariffs on uses of water for different purposes. *The Committee, therefore, desire to be apprised of the measures taken in this regard along with year-wise details of projects undertaken, funds allocated and spent, targets fixed and achieved in respect of sewage treatment during the last three years, year-wise.*

Reply of the Government

As intimated by CPCB, they have made a nationwide survey through questionnaire to the State secretaries, municipal corporations, State water boards, municipalities, public health engineering department, pollution control boards and also other concerned agencies to obtain information/data on water supply, wastewater generation, collection, treatment and disposal in class-I cities, metropolitan cities and Class-II towns. Based on the information a report on "Status of Water Supply, Wastewater Generation and Treatment in Class-I Cities & Class-II Towns of India" under CUPS series no. CUPS/70/2009-10 was published. CPCB reported that out of 38254 MLD of sewage generated by Class- I cities and Class-II towns , only 11787 MLD has been treated.

CPCB reassessed sewage generation and treatment capacity for Urban Population of India for the year 2015. The sewage generation estimated as 61948 MLD and sewage treatment capacity developed so far is 23277 MLD.

Based on the above study, CPCB has issued directions u/s 181(b) of Water (Prevention and Control of Pollution) Act, 1974 vide letter dated 21.04.2015 to all State Pollution control Board/Pollution Control Communities to make mandatory for local/urban bodies to set up STPs

of adequate capacity and provide underground sewerage system to cover the entire local/urban areas and to bridge the treatment gap.

Comment of the Committee

(Please see Para No. 33 of Chapter I of the Report)

Recommendation (No. 19)

Siltation problem in water bodies

The Committee note with serious concern that a large number of water bodies (7,153 as per 4th MI Census) have dried up. However, the causes for such drying have not been assessed by the Ministry, as the subject of 'water' comes under the domain of State Governments. *Since this is a very important aspect of information on the condition of water bodies in the country, the Committee believe that such information need to be collected and form part of the database on water bodies.* The Committee further recommend the Ministry to furnish a detailed report on this issue covering such aspects as total no. of dried/vanished water bodies, causes, remedial action taken, etc. by each of the State Governments and Union Territories- within three months of presentation of this Report.

Reply of the Government

As recommended by the Standing Committee it is proposed to have a detailed Census of water bodies in the next Minor Irrigation Census (VI) by MoWR, RD & GR with the consent of State Governments as field work of current minor irrigation census(V) is almost complete. Collection of information from the field in the Census of different aspects like dried-up water bodies, its causes etc. can be finalized after due consultation with concerned State Government Departments and other Central Line Ministries.

Comment of the Committee

(Please see Para No. 36 of Chapter I of the Report)

CHAPTER III

OBSERVATIONS / RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE TO
PURSUE IN VIEW OF THE GOVERNMENT'S REPLIES

NIL

CHAPTER IV

OBSERVATIONS / RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

Recommendation (No. 7)

Impact of encroachment on Water Bodies

The Committee observe that encroachment on water bodies has been a major cause of recent floods witnessed in many parts of the country viz. flash floods of Mumbai in 2005, severe flood in Uttarakhand in 2013, intense flood situation in Jammu and Kashmir in 2014 and severe flood in Chennai in 2015. They further note that besides natural factors, human induced causes like unscientific development and land use pattern especially human activities in flood plain zones and estuarine areas of river, encroachment of natural drainage channels and water bodies, socio-economic conditions, deforestation, increasing human and cattle population pressure are other contributing factors in creation of natural calamities such as flood. The Committee find that lack of seriousness and complacency on the part of the Government cannot be more conspicuous than the fact that even after circulation of flood plain zoning bill in 1975 to States with a view to prevent encroachment of river bed, State Governments have failed to enact laws on flood plain zoning - which could have played a key role in tackling the problem of encroachment. So far, only the States of Manipur, Uttarakhand, Rajasthan and Maharashtra, have passed law on flood plain zones and river regulation zones. The Committee, therefore, desire that State Governments should be sensitised to hasten the legislation in order to put a check on human activities on the catchment areas and natural drainage channel of water bodies, flood plain zones and estuarine areas of river.

Reply of the Government

Secretary (MoWR, RD & GR) vide D.O. letter dated 26.02.2016 requested to take several measures for protection of water bodies including encroachment issue. The information is awaited. States have been again requested vide D.O. letter dated 07.11.2016 to intimate the proposed action by them on the following point;

- The water bodies may be included in land records of State Govt so that action against the encroachers can be taken and a check on human activities on th catchment areas and natural drainage channel of water bodies, flood plain zones and estuarine areas of river be fruitfully implemented.

Detailed guidelines have been prepared in this regard which are being circulated to the States for necessary actions at their end.

Comment of the Committee

(Please see Para No. 10 of Chapter I of the Report)

Recommendation (No. 9)

Monitoring mechanism for prevention and removal of encroachments from water bodies

The Committee note that under the RRR scheme, monitoring mechanism has been instituted in the local bodies at three levels viz. Water User Association (WUA) at the Gram Panchayat Level, Cascade Association (CA) and WUA Federation at the Block level. The monitoring of water bodies by local bodies has been effective and successful in preventing encroachments in many States and UTs such as Andhra Pradesh, Telangana, Gujarat, Manipur, Rajasthan, Tripura, Odisha, Andaman and Nicobar islands and Tamil Nadu. The Committee further note that Manipur and Andaman and Nicobar islands have included NGOs, prominent social workers and user agency in monitoring mechanism while Odisha has a

provision for fine and penalty for encroachers. However, the Committee note with concern the fact that local bodies have not succeeded in preventing encroachments in Madhya Pradesh due to policy of appeasement and lack of determination to remove encroachment, as admitted by the State of Madhya Pradesh in their written submission. The Committee apprehend that this factor may have indirectly influenced action against encroachers elsewhere as well. *While the role of local bodies in monitoring at local level cannot be denied, the Committee are of the view that involvement of user communities and fixing of responsibility can make it more effective and better serve the purpose. Community participation / involvement of user communities can ensure better vigilance and negate the possibility of connivance with encroachers. The Committee also feel that there is a need to maintain proper coordination between police and the elected representatives like village Sarpanch or Pradhan and Nagar Palika Chairman. They, therefore, recommend to refurbish the existing monitoring mechanism by including user communities, fixing responsibility of concerned officials and penal provisions against encroachers along with proper coordination in activities of various agencies of the Government. The Committee feel that although, water may be a State subject, encroachment of water bodies has a definite impact on the environment and reduces the capacity of accumulation of water which is very precious to the country as a whole. Therefore, the Committee strongly recommend the Ministry to issue appropriate guidelines in this regard.*

Comment of the Committee

(Please see Para No. 16 of Chapter I of the Report)

Reply of the Government

Ministry of Water Resources, River Development and Ganga Rejuvenation is in the process of framing a model directive/ guidelines based on the direction of courts. In this

context, 'Draft guidelines for Conservation and Protection of Water Bodies' (copy enclosed) have been circulated to the Central Ministries and State/UTs for their comments/views. The same will be finalized based on the views.

Recommendation (No. 14)

Impact assessment of RRR scheme implemented during XI and XII Plan

The Committee notice that the Ministry has not furnished any information regarding impact assessment of the RRR scheme implemented during XI Plan, with replies submitted by the Ministry - giving details of the outcome of Pilot scheme of RRR, launched during X Plan period. They further observe that for the implementation of the scheme during XII Plan, it has been envisaged that the State Governments will evaluate the scheme by involving independent agencies including IIMs and IITs. The Central Government will thereafter evaluate and assess the impact through independent agencies to be identified by the Ministry. However they note with concern that so far, no State Government except Odisha has started the process of appointing an independent agency for concurrent evaluation of the scheme in XII Plan. The Committee are distressed to note that proper evaluation of the outcome of RRR scheme implemented during XI Plan is not yet quantified in terms of important parameters like increase in storage capacity, recharge capacity, additional irrigation potential created and increase in drinking water supply, etc. While expressing their anguish over the indifferent attitude shown by respective Governments in the matter, the Committee recommend that independent agencies to be identified both by the Centre and State Governments for the purpose, should be selected and assigned the task without any further delay to enable an objective analysis of the performance of the scheme and evaluate proper utilisation of the funds spent so far. The Committee, therefore, recommend the Government to apprise them about the measures taken

for impact assessment of the scheme implemented during XII Plan, including independent agencies identified, if any, their role, function and stipulated time period for submission of Evaluation Report, etc. The Committee would, however, like to be apprised of the outcome of the evaluation of the scheme (encompassing all the aspects, stated before) implemented during XI Plan within three months of the presentation of this Report.

Reply of the Government

Secretary (WR, RD & GR) vide D.O. letter dated 07.11.2016 has requested State Governments to ensure concurrent evaluation of the water bodies under RRR of water bodies scheme. Further CWC has also been requested for preparation of TOR/EOI/RFP for evaluation study for taking up the same.

Comment of the Committee

(Please see Para No. 23 of Chapter I of the Report)

Recommendation (No. 16)

Creation of new water bodies under the Scheme of RRR

The Committee observe that of late, the State Governments have taken some initiatives in creating new water bodies under programmes such as Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). There has also been an increase in total number of water bodies in States of Madhya Pradesh, Telangana, Arunachal Pradesh, Rajasthan, Mizoram, Tripura and Odisha during the last 10 years mainly due to construction of new tanks, check dams, etc. The Committee feel that creation of new water bodies is a welcome move and can be integrated into the ambit of existing scheme of RRR, which would also make good of the loss of the water bodies as a result of encroachment, especially in the urban areas. They, therefore, recommend the Ministry to review the scheme by incorporating this aspect and

accordingly change the nomenclature of the Scheme from “Repair, Renovation and Restoration of water bodies” to “Repair, Renovation, Restoration and Creation of water bodies”. They desire that the Ministry should take urgent steps in this direction with thrust on creating new water bodies in the urban areas where problem of encroachment has assumed enormous proportion. In this regard they further recommend issuing appropriate guidelines/revise the existing guidelines under intimation to the Committee.

Comment of the Committee

(Please see Para No. 26 of Chapter I of the Report)

Reply of the Government

The RRR of Water Bodies scheme has been formulated to repair, renovate and restore the existing traditional water bodies.

Recommendation (No. 17)

Release of funds under RRR Scheme

The Committee notice that the Central Government has not released its share of funds for the second installment to the State Government of Odisha, due to which work on water bodies has suffered in the State which in turn, has rendered completion of work by scheduled date of 31 March, 2017 difficult. They were informed by the Special Secretary during evidence that reason for non release of funds is non - allocation of sufficient funds for the purpose. The Committee express displeasure over the fact that the Ministry has failed to anticipate the demands for funds from different States under the RRR scheme, resulting in delay in disbursement of funds. They therefore, strongly recommend that necessary steps be taken to not only ensure sufficient allocation of funds/grant but also their timely disbursal so that the projects under the scheme of RRR do not suffer. The Committee feel that there may be many

other States, which are languishing for funds. They, therefore, recommend the Ministry to provide information on total number of encroachment free water bodies, State-wise, which have submitted their request for release of funds in the second phase indicating the amount and the action taken by the Ministry from time to time to release the funds for the period ending 30 June, 2016.

Reply of the Government

For ongoing water bodies under RRR of Water Bodies scheme, further Central Assistance (CA) is released on submission of proposal by the State Government, with the approval of State Level Sanctioning Committee (SLSC) as per the requirement of PMKSY, along with the Utilization Certificate of the previous CA released, budget provision for the current year, corresponding State share release, physical and financial progress of the individual water bodies and the status of concurrent evaluation to be done by the States year-wise during the period of funding .

All the water bodies included under RRR scheme are free from encroachment. During 2016-17, the proposals in this regard have been received from Odisha and Rajasthan for release of central share. The proposals have been examined and comments of MoWR, RD & GR regarding utilization certificates of the previous central share released, budget provision, State share release, approval of SLSC have been communicated to the States. The compliances are awaited. The state have been requested to expedite the same for release of funds.

Comment of the Committee

(Please see Para Nos. 29 & 30 of Chapter I of the Report)

CHAPTER V

OBSERVATIONS / RECOMMENDATIONS IN RESPECT OF WHICH FINAL REPLIES OF THE GOVERNMENT ARE STILL AWAITED

Recommendation (No. 6)

Extent of Encroachment on Water Bodies

The Committee observe that at present the subject of encroachment on water bodies and removal thereof comes under the jurisdiction of State Government. The State and local administration regulate the development activities along the water bodies through their master plans for flood plains. They further note that in order to discourage encroachment of water bodies covered under RRR scheme, the Ministry has put the condition that Central assistance, under the scheme of RRR will be released, only after the State Government declares their boundary, thereby removing possibility of encroachment. However the Committee are unhappy to note the grim situation with regard to maintenance and upkeep of water bodies which incidentally, also happen to be the major sources of water supply for various uses. They find that the States of Madhya Pradesh, Andhra Pradesh, Telangana, Nagaland, Manipur, Punjab, Rajasthan, Tripura, Assam, Kerala, Karnataka and Tamil Nadu have candidly accepted that water bodies in these States have been encroached mainly for construction activities, agricultural purposes, slum habitations and commercial activities. The Committee are further deeply concerned to note the pathetic state of water bodies in National Capital Territory of Delhi, where as many as 2015 water bodies have been fully encroached upon and 89 water bodies have been converted into parks. Further out of 971 existing water bodies, 346 have dried up. The Committee are of the considered view that lack of enforcement of existing laws and poor maintenance of land records in both the rural and urban areas have resulted in

rampant encroachment and thereby violating the sanctity of the land records, a fact admitted by the Special Secretary of the Ministry.

Further the Committee observe with concern that while the State Government of Uttar Pradesh has informed that there has been no encroachment on its water bodies falling under the department of irrigation, during the last 10 years, the records in the Ministry of Urban Development shows that as many as 99 urban water bodies have been encroached in this State, followed by 44 in Tamil Nadu, 26 in Haryana, 10-12 in Assam and 7 in Uttarakhand. Also the information on the status of encroachment of water bodies under the purview of Revenue Department of the State Government of Uttar Pradesh has not yet been furnished to the Committee. Noting that the MoUD has issued an advisory for including water bodies as “municipal assets” in land records, the Committee express their displeasure over the fact that no State has maintained such record declaring water bodies as municipal assets. They, therefore, desire that the MoWR, RD and GR in conjunction with MoUD vigorously pursue the State Governments to include water bodies in land records so that they are immediately able to take action against the encroachers and thereby get such water bodies free from the encroachment. Besides, monitoring by local bodies should be strengthened to check encroachment on water bodies and consequent change in land use. Local bodies should maintain strict vigil on any change in land use in violation of land records in both the rural and urban areas. They also desire to be apprised of the status of encroachment on all water bodies in Uttar Pradesh along with action taken against such encroachers.

Reply of the Government

Secretary (MoWR, RD & GR) vide D.O. letter dated 26.02.2016 requested to take several measures for protection of water bodies including encroachment issue. The information is

awaited. States have been again requested vide D.O. letter dated 07.11.2016 to intimate the proposed action by them on the following points;

- The water bodies may be included in land records of State Govt so that action against the encroachers can be taken and a check on human activities on the catchment areas and natural drainage channel of water bodies, flood plain zones and estuarine areas of river be fruitfully implemented.
- State governments should involve user communities for keeping the water bodies encroachment free. State should issue appropriate guidelines and take strict action against the encroachers. Further, the responsibility of the concerned officials in this regard may also be fixed.

NEW DELHI

8 March, 2017

17 Phalguna, 1938 (Saka)

HUKUM SINGH,

Chairperson,

Standing Committee on Water Resources

DRAFT GUIDELINES FOR CONSERVATION AND PROTECTION OF WATER BODIES

1.0 INTRODUCTION

In recent times, Srinagar and Chennai have been affected by severe floods causing considerable loss to life and property. One of the major reasons for the same was encroachment of water bodies and lack of proper maintenance and drainage channels. The Courts have taken note of this in many States and have issued strict directions for proper maintenance of these water bodies.

The following guidelines have been issued to the States to ensure that

- 1.1 In India, tanks/ponds and lakes have traditionally played an important role in conserving water for meeting various needs of the communities like domestic, irrigation, industrial, ecological etc. Further, water bodies help in recharging ground water, tourism and cultural activities to name a few. Besides conserving water, water bodies work as sponge and help in attenuating the flood peaks in the rivers.
- 1.2 Many water bodies have gone into disuse because of the development of ground water irrigation systems, inadequate maintenance, encroachments, illegal diversion of land for construction purpose, etc. Encroachment of water bodies and their inlets creates ecological imbalance leading to flooding due to reduced capacity of water bodies and rain water discharging into the seas as runoff.
- 1.3 It is generally observed that the neglecting periodical desilting in water bodies and the inlet channels results in gradual reduction of the storage capacity of water bodies. When the flow into the tanks reduces, encroachment gradually starts, first in the form of dumping garbage's and later as a disposal site for wastes followed by planting of vegetables and trees, forming bunds and other activities which led to encroachment .
- 1.4 In this backdrop, it has been strongly felt that there is a urgent need for operational guidelines for regular upkeep of water bodies and also to prevent their encroachment.

2.0 NATIONAL WATER POLICY (2012)

National Water Policy (2012) adopted by MoWR, RD & GR stipulates;

- 2.1 Conservation of rivers, river corridors, water bodies should be undertaken in a scientifically planned manner through community participation. The storage capacities of water bodies and water courses and/or associated wetlands, the flood plains, ecological buffer and areas required for specific aesthetic recreational and/or social needs may be managed to the extent possible in an integrated manner to balance the flooding, environment and social issues as per prevalent laws through planned development of urban areas, in particular.
- 2.2 Encroachments and diversion of water bodies (like rivers, lakes, tanks, ponds, etc.) and drainage channels (irrigated area as well as urban area drainage) must not be allowed, and wherever it has taken place, it should be restored to the extent feasible and maintained properly.
- 2.3 Urban settlements, encroachments and any developmental activities in the protected upstream areas of reservoirs/water bodies, key aquifer recharge areas that pose a potential threat of contamination, pollution, reduced recharge and those endanger wild and human life should be strictly regulated.
- 2.4 Sources of water and water bodies should not be allowed to get polluted. System of third party periodic inspection should be evolved and stringent punitive actions be taken against the persons responsible for pollution.
- 2.5 The water resources infrastructure should be maintained properly to continue to get the intended benefits. A suitable percentage of the costs of infrastructure development may be set aside along with collected water charges, for repair and maintenance. Contract for construction of projects should have inbuilt provision for longer periods of proper maintenance and handing over back the infrastructure in good condition.

3.0 LEGAL INSTRUMENTS

- 3.1 Article 51A(g) of Constitution of India stipulates “*It shall be the duty of every citizen of India, to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures*”.
- 3.2 Water bodies may be designated as a designated as a separate land use classification that is legally tenable. It should be done in parallel with the Protected Areas as defined under the Environment Protection Act and the Forest Protection Act to prevent their encroachment and destruction.
- 3.3 Several State Governments enacted laws in order to protect water bodies, directed, removal of the encroachments and issued stringent guidelines as to how, such encroachment should be removed from water bodies and in such circumstances for removal of encroachment on water bodies. However, all the States have not made laws in this regard and may frame appropriate laws.
- 3.4 There are many legislations/guidelines by various authorities in respect of preservation of water bodies which may be considered as appropriate while formulating laws as given below;
- (a) WildLife (Protection) Act, 1972
 - (b) Indian Forest Act, 1927
 - (c) Forest (Conservation) Act, 1980
 - (d) Environment (Protection) Act, 1986
 - (e) Advisory on Conservation and Restoration of water bodies in Urban Areas (August, 2013) by MoUD
 - (f) National Lake Conservation Plan of MoEF & CC.

4.0 WATER CONSERVATION & MAINTENANCE

- 4.1 Water bodies play an important role in water conservation. Scientific management of silt deposition and effluent discharge, operation and maintenance of water bodies ensures the water bodies to continue its role in long run. State Governments need to promote the scientific management of

water bodies by providing adequate funds. States may utilise the available funds in different schemes like MGNREG, NLCP, etc. Further State Governments need to explore the possibility of creation of new water bodies in addition to the maintenance of old water bodies.

- 4.2 Catchment area treatment like afforestation, storm water drainage management, silt traps etc may be undertaken.
- 4.3 Government of Telengana is implementing water conservation schemes through Mission Kakatiya wherein approximately 50000 old water bodies are being revived for water conservation. Other States may explore the possibility of creation or revival of water bodies for water conservation in similar pattern as may be required as per local needs.
- 4.4 Traditionally water bodies were created to harvest the rainwater locally and use it locally by proper annual maintenance of the tanks by the community itself. Abandoning this concept of maintenance by the community has contributed to the growth of encroachment. State should form Water Users Associations and hand over the water bodies to them for their day to day maintenance.
- 4.5 Stakeholder participation and capacity building may be used as an important instrument for better management of water bodies.
- 4.6 Local authorities may adopt safe and environment friendly management practices in the periphery of water bodies. Local authorities may plant trees with thick canopy cover in the space to extent possible and have the ornamental shrubs in between them as may be appropriate. Green belt may be developed to control odour and noise in view of the residences nearby the water bodies.
- 4.7 During dry season other activities may not be allowed or wherever certain provisions in this regard have been made, should be strictly regulated so that it does not amount to encroachment.

4.8 The inlet and outlet of the water body may be identified and need to be monitored at a frequent interval. Any obstruction in the inlet and outlet should be recorded and be removed.

5.0 PREVENTION OF ENCROACHMENT

5.1 Proper monitoring system may be established so that there is no encroachment of water bodies. Further, early detection of encroachments is desirable. Therefore, State Government may include all the water bodies in their land records.

5.2 State may prepare comprehensive long term scheme for the purpose of removal of encroachments situated in the water bodies and the time frame. Monitoring agency for the water bodies must be certified.

5.3 State government may take stern action against the land grabbers who have sold the lands in the water bodies to innocent purchasers, which would act as a deterrent. The survey numbers of the lands in various water bodies in question may be notified and the Registration Department concerned may not to register any transaction in respect of such lands falling under the water bodies.

5.4 It is generally observed that multiple agencies are involved in implementation of provision of laws for eviction of encroachment in a timely manner. Instead of multiple agencies, a single agency/unit may be empowered for eviction related works.

In this regard, Special Purpose Vehicles (SPVs) for lake management and conservation have also been set up in many parts of the country, such as, Bhoj Wetland Authority for the restoration and management of Bhoj wetlands in Madhya Pradesh, Chilka Development Authority (CDA) in Orissa for the Chilka Lake, Loktak Development Authority (LDA) for Loktak lake in Manipur, Lake Development Authority Bangalore (Karnataka) for Bangalore lakes, J&K Lakes and Waterways Development Authority for Jammu and Kashmir Lakes, Hyderabad Urban Development Authority for Hyderabad lakes in Andhra Pradesh, East Kolkata Wetlands Management Authority for the conservation and management of a large number of waterbodies in district 24 Pargana in West Bengal and Jal Vikas Samiti in Udaipur (Rajasthan).

These Special Purpose Vehicle are playing an important role in the protection and management of water bodies in India. As the legislation does not give the responsibility for management of water bodies to a specific agency, these Special Purpose Vehicles are empowered to enforce provisions of the legislation. For example, Jammu and Kashmir Lake and Waterways Development Authority has the powers to grant or not to grant permissions for construction and has enforcement powers against illegal activities in the entire catchment area of Dal Lake. All States may consider formation of SPVs on the above lines as may be appropriate.

- 5.5 Even after the encroachments from the water bodies are removed as per the policy decision of the State Government, the respective District Collectors may keep a close watch over such water bodies and in case of any fresh encroachment thereon, the district collectors may take prompt action.
- 5.6 The State may prepare a comprehensive and short term scheme with time frame for the purpose of preventing discharge of untreated effluent into the water bodies. Polluters may be held responsible as per laws prevailing.
- 5.7 State Government may take necessary steps for declaring the water body boundary through a Government order and to ensure removal of encroachments in the water body spread area/water body boundary

6.0 EVALUATION

- 6.1 Evaluation studies on different aspects such as, water storage, siltation, water quality, flora and fauna etc. should be carried out by State Government periodically to ensure long life of water bodies.
- 6.2 Remote sensing technique may be utilised by the States for periodic monitoring of the status of water bodies.

MINUTES OF THE SIXTH SITTING OF THE STANDING COMMITTEE ON WATER RESOURCES (2016-17) HELD ON 14 MARCH, 2017

The Committee sat from 1500 hours to 1515 hours in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Hukum Singh – Chairperson

MEMBERS

LOK SABHA

2. Shri Radheshyam Biswas
3. Shri B. Vinod Kumar
4. Shri Abhijit Mukherjee
5. Shri Subhash Patel
6. Shri Vishnu Dayal Ram
7. Shri Ram Prasad Sarmah
8. Smt. V. Sathyabama
9. Shri Liladharbhai Vaghela

RAJYA SABHA

10. Sardar Balwinder Singh Bhunder
11. Dr. Bhushan Lal Jangde
12. Shri Ananda Bhaskar Rapolu
13. Shri A.V. Swamy
14. Shri Pradeep Tamta

SECRETARIAT

- | | | | |
|----|--------------------|---|---------------------|
| 1. | Shri Shiv Kumar | - | Joint Secretary |
| 2. | Smt. Rita Jaikhani | - | Director |
| 3. | Shri Kushal Sarkar | - | Additional Director |

