

Sixteenth Loksabha

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Title: Motion for leave to introduce the Dam Safety Bill, 2018 (Motion Adopted).

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND
MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES, RIVER
DEVELOPMENT AND GANGA REJUVENATION (SHRI ARJUN RAM MEGHWAL):

Madam, on behalf of my colleague, Shri Nitin Gadkari, I beg to move for leave to introduce a Bill to provide for surveillance, inspection, operation and maintenance of specified dams for prevention of dam failure related disasters and to provide for institutional mechanism to ensure their safe functioning and for matters connected therewith or incidental thereto.

HON. SPEAKER: Motion moved:

“That leave be granted to introduce a Bill to provide for surveillance, inspection, operation and maintenance of specified dams for prevention of dam failure related disasters and to provide for institutional mechanism to ensure their safe functioning and for matters connected therewith or incidental thereto.”

... (*Interruptions*)

SHRI BHARTRUHARI MAHTAB (CUTTACK): Madam, I stand here to oppose the introduction of this Bill because it does not come under the purview of this House or the Parliament. The Union Government does not have legislative competence to legislate on this Bill as the subject comes under the purview of State Governments as per List II (2017) of Seventh Schedule of the Constitution of India.

I would also like to mention that another Bill was introduced in 2010 where the basic purpose of the Bill was mentioned in the introduction – ‘To provide for proper surveillance,

inspection, operation and maintenance of all dams of certain parameters in India to ensure their safe functioning and for matters connected therewith or incidental thereto.'

This line is missing in this Bill of 2018. Once you have that line of 2010, that actually gives scope for the Parliament to implement a regulation. ... *(Interruptions)* But in this present Bill of 2018, that is not there. ... *(Interruptions)* Further, I would also like to mention that the preamble of the Dam Safety Bill of 2010 does not find place in the present Bill of 2018 and it is a State Subject. ... *(Interruptions)*

Lastly, I would also mention that the Committee, which was formed subsequently takes note that the regulation of safety of dams has not yet been declared by the Parliament to be expedient in public interest. ... *(Interruptions)* However, they are not inclined to accept the view that the Parliament has no power to make laws on this subject as stated in the preamble of the Bill of 2010. ... *(Interruptions)* That does not find place in the Bill of 2018. ... *(Interruptions)* Therefore, I stand here and would like to state that our Party opposes the introduction of this Bill. ... *(Interruptions)*

श्री अर्जुन राम मेघवाल: मैडम स्पीकर, हमारे बहुत ही विद्वान साथी ने कुछ ऑब्जेक्शंस रेज़ किए हैं। ...*(व्यवधान)* मैं आपके माध्यम से सदन को बताना चाहता हूँ कि 15वीं लोक सभा में यह बिल इंट्रोड्यूस हुआ था। ...*(व्यवधान)* उसके बाद यह स्टैंडिंग कमेटी में गया। ...*(व्यवधान)* स्टैंडिंग कमेटी ने कुछ ऑब्जेक्शंस दिए। उसके बाद 15वीं लोक सभा लैप्स हो गई, इसलिए 16वीं लोक सभा में फिर यह आया। ...*(व्यवधान)* मैं बताना चाहता हूँ कि उन्होंने कंपिटेंसी का क्वेश्चन रेज़ किया है। ...*(व्यवधान)* अगर ये आर्टिकल 252 पढ़ेंगे, तो उसमें साफ-साफ लिखा हुआ है कि अगर दो राज्य सहमत हैं, प्रस्ताव पास होता है। ...*(व्यवधान)* हमारे पास आंध्र प्रदेश और वेस्ट बंगाल का प्रस्ताव पास होकर आया था। ...*(व्यवधान)* इसलिए सेंट्रल गवर्नमेंट की यह लेजिस्लेटिव कंपिटेंसी है। ...*(व्यवधान)* आर्टिकल 252, अगर ये आर्टिकल 246 और सेवेंथ शेड्यूल की एंट्री 56 और 97 एक साथ पढ़ेंगे, तो भर्तृहरि महताब साहब को यह समझ में आ जाएगा कि यह पूरा हमारी लेजिस्लेटिव कंपिटेंसी में है, इसलिए मैं इस बिल को इंट्रोड्यूस करता हूँ।

HON. SPEAKER: The question is:

“That leave be granted to introduce a Bill to provide for surveillance, inspection, operation and maintenance of specified dams for prevention of dam failure related disasters and to provide for institutional mechanism to ensure their safe functioning and for matters connected therewith or incidental thereto.”

The motion was adopted.

SHRI ARJUN RAM MEGHWAL: Madam, I introduce* the Bill.