

## DAM SAFETY ACT 2021

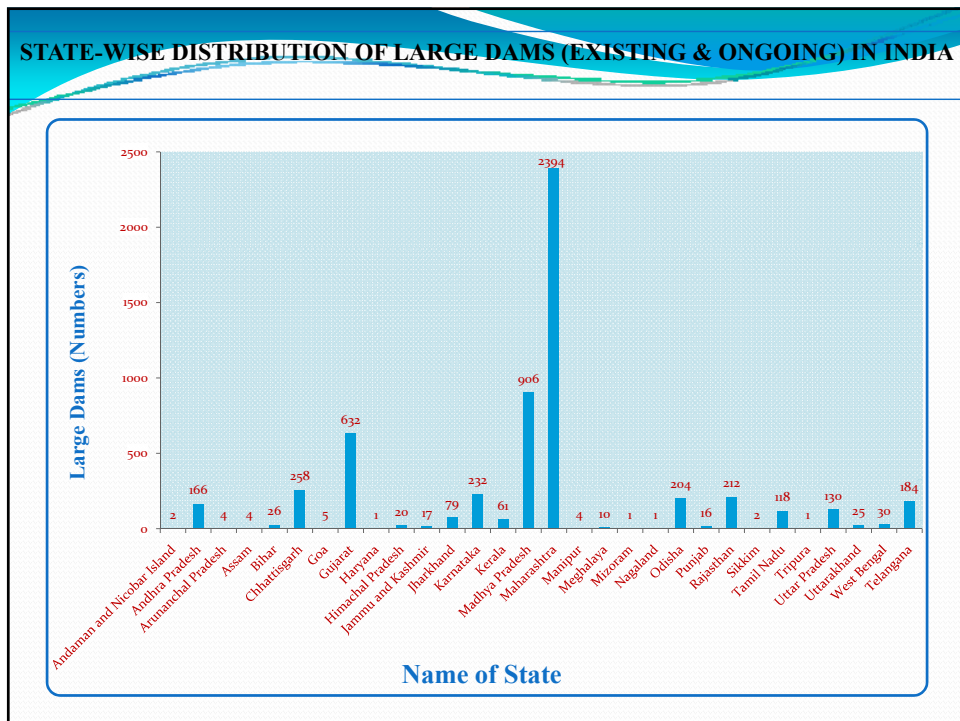
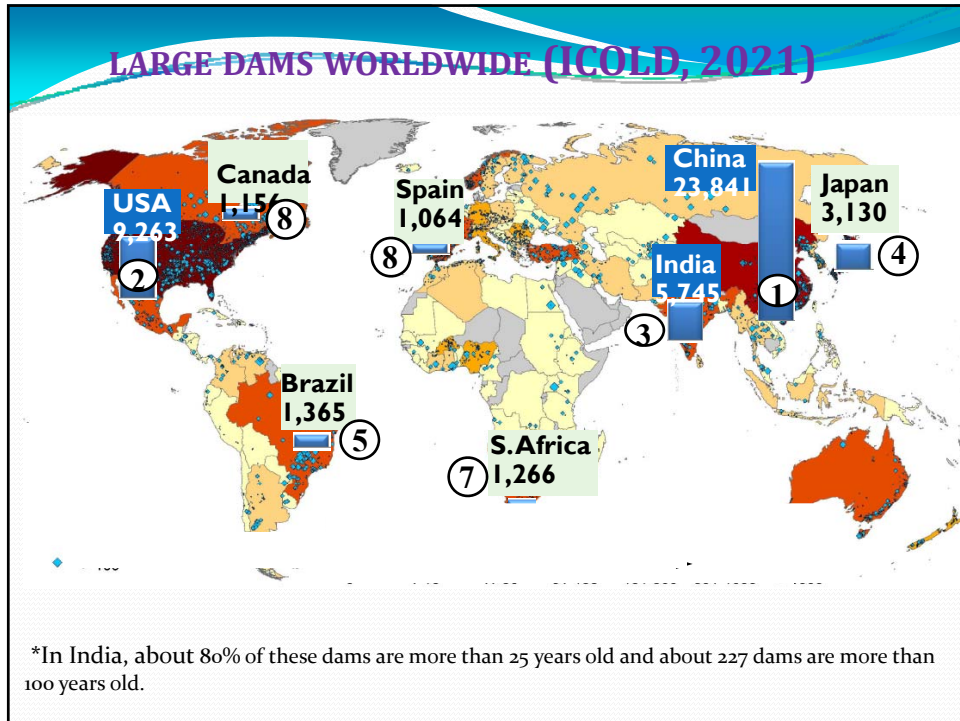


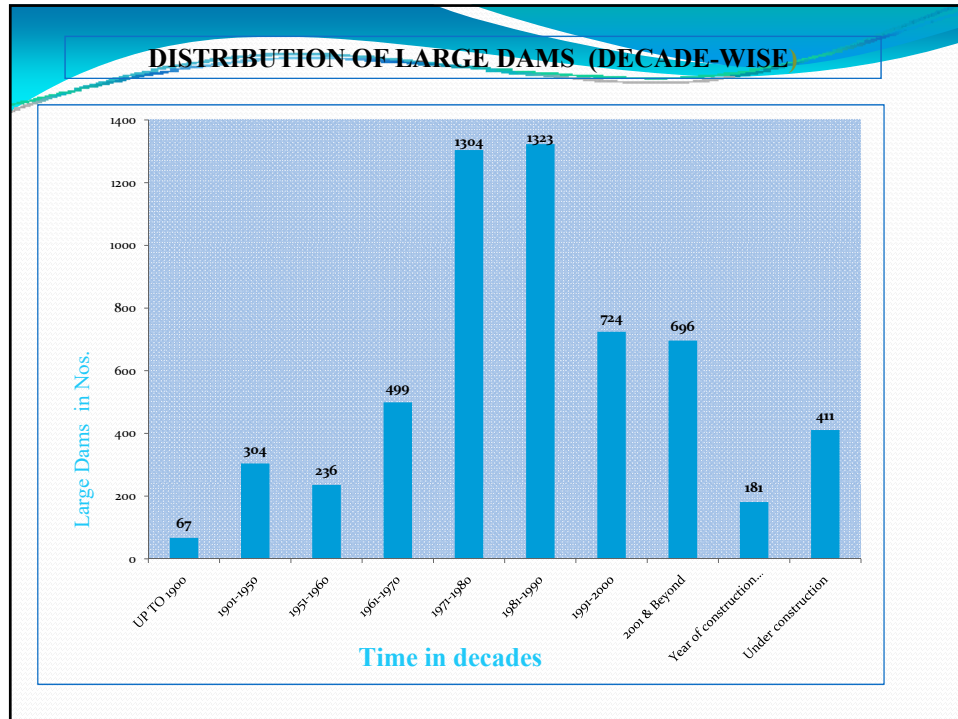
Nagarjuna Sagar Dam

## Story of Dams in India

- ❖ Dams have played a key role in fostering rapid and sustained agricultural and rural growth in India.
- ❖ 5334 large dams completed and another 411 under construction (NRLD 2019).
- ❖ Total storage capacity created by these dams is 257 BCM. Another 51 BCM storage is under construction.
- ❖ 80 % dams are more than 25 years old and about 227 are more than 100 years
- ❖ 41 reported dam failures till date








## Present Scenario

- Safety of dams in India is the principal concern of the dam owners, leading to considerable variance in practices.
- Some dam owners have set up Dam Safety Organizations (18 States and 4 Dam owning organizations).
- There is no uniform practice followed, with such Dam Safety Organizations often working with inadequate staff and in advisory capacity.
- The Dam Safety Act proposes to address safety issues in a holistic manner, through proper surveillance, inspection, operation and maintenance of all **specified** dams in India by prescribing uniform dam safety procedures and other proactive prescriptions through a Statutory mandate.



## Legislative Background

- Deliberations on a legislation for the safety of Dams started in 1982, with constitution of a Committee to review existing practices & evolve unified procedures.
- Dam Safety Bill 2010 introduced in Parliament, was referred to the Standing Committee, which gave its recommendations in August 2011.
- Owing to significant changes suggested therein, it was decided to withdraw the Bill and introduce afresh.




## Legislative Background (Cont)

- Subsequently the Solicitor General opined:

*“it will be constitutionally and legally valid to pass the Dam Safety Bill by exercising power conferred under Article 246 read with Entry 56 and Entry 97 of List 1 of Seventh Schedule of the Constitution”.*

- Accordingly, (Draft) Dam Safety Bill, 2016 was prepared, incorporating the recommendations of the Parliamentary Standing Committee and was introduced in Lok Sabha on July 29, 2019. It was passed on August 2nd, 2019.
- Dam Safety Bill 2021 was passed by the Rajya Sabha on 2<sup>nd</sup> December, 2021.
- It received the assent of the President of India on the 13<sup>th</sup> December 2021, and it became effective from 30<sup>th</sup> December, 2021.






## The Dam Safety Act, 2021

**Arrangement of Clauses:**

- Chapter I: Preliminary
- Chapter II: National Committee on Dam Safety
- Chapter III: National Dam Safety Authority
- Chapter IV: State Committee on Dam Safety
- Chapter V: State Dam Safety Organisation
- Chapter VI: Duties & Functions in relation to Dam Safety
- Chapter VII: Safety, Inspection & Data Collection
- Chapter VIII: Emergency Action Plan & Disaster Mgmt
- Chapter IX: Comprehensive Dam Safety Evaluation
- Chapter X: Offences and Penalties
- Chapter XI: Miscellaneous

3 Schedules on functions of: NCDS, NDSA & SCDS




## Overview of the Act

- Pan India Applicability
- **Provides for (Preamble)**
  - Proper surveillance, inspection, operation and maintenance of all specified dams for prevention of dam failure related disaster
  - Institutional mechanism to ensure their safe functioning.
- **Institutional Mechanism**
  - National Committee on Dam Safety – **evolve** Dam safety policies
  - National Dam Safety Authority – **Implement** Policy
  - State Committee on Dam Safety – **Maintain** standards of dam safety, review work done by SDSOs
  - State Dam Safety Organisation - surveillance, inspection and operation of dams in State



## Committees under the Act


- **National Committee on Dam Safety**  
*[Functions in First Schedule of the Act]*
  - Evolve dam safety policies and recommend necessary regulations thereon.
  - Act as a forum for exchange of views
  - Analyze causes of major dam incidents and render appropriate suggestions.
  - Make recommendations on the rehabilitation requirements of ageing dams.
  - Provide strategic supervision for dam rehabilitation programmes that are executed through Central or externally aided funding.



## Committees under the Act

### **National Dam Safety Authority (NDSA)** *[Function in Second Schedule of the Act]*


- NDSA to look into unresolved issues between SDSOs of two or more states, or between SDSO of a State and dam owner;
- Functions related to Implementation of policies made by NCDS;
- Provide technical and managerial assistance to SDSOs;
- Lay down guidelines and check-lists for routine inspections and detailed investigations of specified dams;
- Maintain a national level database of all specified dams;
- In cases of dams owned by one State being located in another, dam extending over two or more States, etc, this will function as SDSO (As per Proviso to Section 24).



**Committees under the Act**

**State Committee on Dam Safety (NCDS)**  
*(Functions set out in Third Schedule of the Act)*



1. Performing functions necessary as per guidelines, standards and other directions issued by NDSA for the purpose of maintaining standards of dam safety.
2. Review the works done by SDSOs.
3. Establish priorities for investigation in case of specified dams under distress conditions.
4. Review the progress on measures recommended in relation to dam safety



**Committees under the Act**



**State Dam Safety Organization**

- Keep perpetual surveillance;
- Carry out inspections;
- Monitor the operation and maintenance;
- Make such investigations & gather such data as may be required;
- Classify each dam as per vulnerability and hazard classification criteria laid down by NCDS;
- Maintain a Log Book/ Data-base recording activities of surveillance/ inspection and important events;
- Maintain records of major dam incidents.

## Offences and Penalties

- Statutory provisions related to offences and penalties-aiming for creation of a deterrent level with regard to neglect of safety provisions.
- Punishable with imprisonment up to 1 year, or/ and fine (2 years for loss of lives)
- If offence by any department of the Govt, the head of the department deemed to be guilty if offence committed with his knowledge.
- Jurisdiction: Courts not inferior to Metropolitan Magistrate or Judicial Magistrate of the first class.

## Gazette Notifications by Central Government

1. Gazette notification dated 14<sup>th</sup> December, 2021 on publication of Dam Safety Act, 2021
2. Gazette Notification dated 30<sup>th</sup> December, 2021 regarding commencement of the Dam Safety Act 2021 w.e.f. 30<sup>th</sup> December, 2021
3. Gazette Notification dated 17<sup>th</sup> February, 2022 regarding constitution of the National Committee on Dam Safety and Establishment of the National Dam Safety Authority (NDSA)
4. Gazette Notifications dated 17<sup>th</sup> Feb, 2022 regarding “National Committee on Dam Safety (Procedures, Allowance and Other Expenditure) Rules, 2022” & “National Dam Safety Authority (Functions and Power Rules, 2022”



## Formation of SCDS & SDSO in the States

Till 14<sup>th</sup> June, 2022, Status of the formation of State Committee on Dam Safety (SCDS) & State Dam Safety Organisation (SDSO) are as follows:

Sl. No.	States which have formed SCDS	States which have established SDSO
1	Uttar Pradesh	Uttar Pradesh
2	Uttarakhand	Uttarakhand
3	Manipur	Manipur
4	Nagaland	
5	Himachal Pradesh	Himachal Pradesh
6	Punjab	
7	Assam	
8	Gujarat	Gujarat
9	Bihar	Bihar

Deadlines for forming these institutions at State level is **30<sup>th</sup> June, 2022**

## THANK YOU



Mulla Periyar Dam