

Understanding the Essence of India's National Water Policies: Demonstrating the National Water Policy of 2012

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Abstract

It is true that developing a national policy for a resource like water is always challenging because it calls for consideration of a variety of issues, such as those related to human survival, the environment, the development and growth of industry, agricultural concerns, inter-regional, inter-state, intra-state, and inter-sectoral disputes. A policy document must concentrate on distributive and management strategies in order to satisfy the criterion. Given that India is a federal country, this presents a dilemma, particularly because the union government must proclaim water a national resource while also meeting the expectations of Indian states and residents when formulating policies.

India has so far suggested three national water plans, and this article will examine whether they have recognised the difficulties and needs and have made the necessary adjustments. It is important to emphasise that, despite outlining the fundamental aspects of the three policies, this study concentrates mostly on the national water policy of 2012, as it is the most recent and extensively elaborated.

Keywords: Water, India, National Water Policies, Scarcity, Disputes

Water Management Before the Emergence of National Water Policies

Water management was a problem and duty shared by several ministries in India prior to the adoption of the country's first national water policy in 2002. The Ministry of Water Resources, the Department of River Development, and the Department of Ganga Rejuvenation are three government ministries whose organisational histories are inextricably related to the history of national water policy in India. The process of institutionalising and departmentalizing these organisations, started by the colonial government, has led to the concept of having a national water policy. Notably, the initiative began as a duty to the irrigation industry, which was first entrusted to the Department of Public Works and eventually transferred to irrigation specialists.

Irrigation was the duty of the Provinces following the Government Act of 1919's inactivity, and in 1923, that responsibility was moved to the Department of Industries and Labour, which was later reorganised in 1927 as the Central Board of Irrigation. The Department of Industry and Labour split into the Department of Communication and the Department of Labour the next year, or in 1937. With this, irrigation became under the purview of the Department of Labour, which in 1937 was transferred to the Department of Works, Mines, and Power. It is clear that throughout the colonial era, irrigation management of water was viewed as a matter that needed to be delegated from one government to another.

After independence, electricity management and development planning were combined with water and irrigation. Institutional and departmental reforms have been made in the

water management field, including the establishment of the Ministry of National Resources and Scientific Research in 1951, the Ministry of Irrigation and Power in 1952, and the Irrigation Commission in 1969. The Department of Irrigation was replaced by the new Ministry of Energy and Irrigation in 1980, and on June 9, 1980, the previous Department of Irrigation was promoted to a Ministry after being split in two.

When the Ministry of Irrigation and Power was formed in 1985 and the Department of Irrigation was reorganised as the Ministry of Water Resources, the practise of departmental shifts was abolished. The creation of the Ministry of Water Resources has resulted in significant modifications to water management. This has necessitated water resource planning on a national scale. With its founding, India felt the need to create a national water policy for the first time and decided to set priority for its many uses of water. The National Water Resources Council was established to conduct an investigation and, under the direction of Prime Minister Rajiv Gandhi, it adopted the first National Water Policy in 1987.

Afterwards, by the late 1990s, there was a general recognition that it was necessary to review the NWP of 1987 and make essential changesⁱ. The required changes were referred by the National Commission for Integrated Water Resource Development Plan, in September 1999. In the light of the Commission's suggestions, a meeting of the National Water Resources Council was held on 1st April and the amendments proposed to the National Water Policy of 1987 were approved. Consequently, a New NWP 2002 came into being under the leadership of Prime Minister Atal Bihari Vajpayeeⁱⁱ.

Just as the second NWP was drafted to overcome the limitations of the first NWP, the third NWP was drafted to overcome the limitation of the second one. The third NWP was planned under the leadership of Prime Minister Manmohan Singh in 2010. It was realised that the 2002 NWP which called for the involvement and participation of beneficiaries and other stakeholders was unclear on the planning aspect. There was no clarity on the precise nature of entitlements, participation and obligation of the government on water management. The NWP 2012 was prepared to address this gap and initiate a participatory approach. The third National Water Policy (NWP) was a collaborative effort involving discussions with academics, professionals, and expertsⁱⁱⁱ. The administration solicited public comments and included them in the draft policy. The National Water Board made final revisions, which were forwarded to all states and Central Ministries/Departments. The Council endorsed the NWP 2012 and released it on April 8, 2013, as part of India Water Week.

Features of the two National Water Policies drafted in 1987 and 2002

While analysing the NWP of 1987, water scholars contend that despite the document's brevity, it addressed important aspects of water management, such as drought, food and irrigation management, and groundwater development. They also claim that the NWP recognised emerging environmental and equity concerns. It's significant that the NWP has drawn attention to the necessity of farmer involvement in irrigation development. The researcher pointed out that although the policy covered all of the categories stated, it did not offer any specifics that are genuinely necessary for policy implementation. This restriction quickly made it necessary to develop a "new" national water policy.

The second NWP, like the first, focused on developing groundwater, irrigation, flood control and management systems, and the application of science and technology. It also included nearly all sectors related to water management. The strategy places a strong focus on promotion, conservation awareness, and public involvement. It has expanded the involvement of beneficiaries and other stakeholders in water management and mandated that all stakeholders be included in water planning, both of which are significant developments. The researcher discovers that inherent inconsistencies in this regulation have led to misunderstandings over water entitlement. Water experts dislike the programme because it has elements that have caused water privatisation and environmental harm.

The latest National Water Policy, 2012: Salient features

The key concerns of the Indian water sector have been identified by NEP 2012, and these include the impact of climate change on the worsening of the water crisis and water-related disasters, the lack of access to water for drinking and domestic use, the overexploitation of groundwater, the fragmented planning and implementation of water resource projects without due consideration for optimum utilisation, environmental sustainability, and the overall benefit to the population, and gross inefficiency in the sector.

As a result of the policy's attention to the aforementioned difficulties, several unique characteristics have been produced. For the Indian Federation, all of these characteristics must be taken into consideration first. These attributes include:

1. *Rise of Public-Private Partnerships but No Decline in the Power and Role of State*

- The NWP, 2012, suggests a national forum to discuss water-related issues and develop consensus, cooperation, and reconciliation among party States. In order to amicably resolve disagreements in competing demands for water among various consumers as well as between various sections of the State, a comparable system should be implemented in each State.
- The state should progressively transition from its current "Service Provider" position to one of a regulator of services and a catalyst for the development of the institutions in charge of the planning, execution, and management of water resources. With the proper "Public Private Partnership" model, the community and/or private sector should take over water-related services.
- The NWP, 2012 places emphasis on the need for a national water framework law, comprehensive legislation for optimal development of inter-State rivers and river valleys, the public trust doctrine, amendment of the Indian Easements Act, of 1882, and other issues while acknowledging that the States have the right to frame suitable policies, laws, and regulations on water.
- The policy states that it is essential to provide the States with sufficient funding in order to update technology, design standards, planning, and management procedures, as well as to prepare annual water balances and accounts for the site and basin, hydrologic balances for water systems, benchmarking, and performance assessments.

2. The approach of this policy is Holistic –

- Instead of limiting it to only a minimal flow need, the NWP, 2012 paints a comprehensive picture of the biological needs of the river. It argues that in order to meet development needs (provision 3: use of water), the ecological needs of the river should be calculated while taking into account the fact that river flows are characterised by low or no flows, minor floods (freshets), big floods, and flow variability. To ensure that the proportionate low and high flow releases match in time close to the natural flow regime, certain river flows should be set aside to satisfy biological demands.
- Basic minimum requirements for vital health and hygiene as well as the maintenance of the environment have been identified as preventive needs that must be met.
- The NWP, 2012 acknowledges the necessity of adjusting water resource projects throughout planning and execution to the scenario of climate change. The importance of coping mechanisms has been highlighted while planning and managing water resource infrastructure and reviewing acceptability standards.
- A need for and strategies for improving water supply have been identified. The new additional measures for increasing usable water resources have been presented, including direct utilisation of rainfall and avoiding accidental evapotranspiration.
- A proposal has been made to map the country's aquifers in order to determine the quantity and quality of groundwater supplies (both replenishable and non-replenishable).
- Water usage effectiveness has received attention. To guarantee the effective use of water, a system to set benchmarks for water use for various purposes, such as water footprints and water auditing, should be devised. It has been proposed that project funding be used as a strategy to encourage the economical and effective use of water.
- It has been defined to provide for the establishment of a Water Regulatory Authority and reasonable water prices to encourage recycling and reusing.

3. The policy is Innovative and revolutionary

- The 2012 policy is revolutionary in that it was developed using fresh concepts and methods for water conservation and water pricing that had not been properly included in earlier plans. I claimed that it was novel since it was a water policy at the time. It insists on striking a balance between climate conservation and growth and views the problem of climate change as the most important one relating to water management. Similar to how infrastructure construction expenses should be kept under control, it is suggested that an appropriate portion of the water fees collected

be set away for future use in maintenance and repair. The document's provisions mandate that projects be designed with provisions for longer periods of adequate maintenance and handing over the infrastructure in excellent condition.

4. The policy expands the scope for the involvement of the private sector

- For the first time, water has been acknowledged as an economic good, above and beyond a preventative necessity, which would encourage maximising the value of water and encouraging its conservation and effective usage.
- The NWP, 2012 suggests ending the severe underpricing of energy, which encourages the excessive use of both water and power.
- Legislative authority should be granted to Water Users Associations so they may manage the volumetric quantity of water assigned to them, collect and keep a share of water rates, and maintain the distribution network under their control.

5. Document advocates and adopts a participatory approach

- Water sources have been encroached upon and diverted, and the NWP, 2012 emphasises the necessity of their rehabilitation with community involvement. Institutionalisation is the focus (3.6)

6. To have sustainable water resources, the focus is given to technology

- The NWP, 2012 suggests allocating a sufficient portion of infrastructure development expenditures, which, combined with water fees received, may be used for repair and maintenance. The provision for extended periods of adequate maintenance and handing over the infrastructure in excellent form should be included in the contract for the development of projects.
- Pari-passu planning and execution of all water resources projects' components have been suggested so that planned advantages begin to accrue right away and that there is no gap between potential produced and potential utilised.
- To the greatest degree practical, all water resource projects, including hydropower projects, should be designed as multipurpose projects with storage to maximise the use of the topography and water resources already at hand.

7. Based on the principle of Sharing water and sensitivity about the harms caused due to the water projects

- This policy advocates that the project-affected families should be included in the process as partners and given a portion of the benefits similar to those received by project beneficiaries, who may pay some of the cost of relocation and rehabilitation through reasonable pricing.

- In order to achieve equality between rural and urban residents, it is necessary to eliminate the significant differences in water supply requirements between urban and rural regions.
- The draft NWP, 2012 advocates bilateral discussions with riparian States in consultation over the management and sharing of water from international rivers while putting national interests first.

8. Arranging for River basin

- For each river basin, the proper institutional arrangements should be created in order to regularly collect and compile data on rainfall, river flows, the area irrigated by crops and by source, the various uses of both surface and groundwater, and the publication of water accounts on a ten-day basis annually for each river basin with the proper water budgets and water accounts based on the hydrologic balances.
- The draft NWP, 2012 promotes bilateral agreements concerning the management and sharing of water from international rivers in consultation with riparian States, putting national interests first.

The main aspects of the NWP 2012 have a big impact on how India manages its water resources. Although it has made an effort to solve the main issues surrounding the distribution and management of water, this policy still has some basic drawbacks. A few of them include-

- The policy is very detailed, contradictory, and repeated. It can be challenging for a person to understand what the actual policy gives and discusses.
- The resources and processes to implement the proposed holistic approach are insufficient, making it less than realistic.
- The policy makes insufficient provisions for lower riparian states and makes no practical recommendations for resolving the ongoing water disputes that occur between two or more states.
- Policy argues favour protecting water, but it's unclear if doing so will ensure water for everyone.
- The most important component of the strategy, which promotes water privatisation without much consideration for the purchasing power of the poor, is privatisation.
- The policy's shortcomings, which were already noted, are significant because taken as a whole, they pose a threat to the policy's ability to deliver on its promises. It is crucial to understand that the execution of a policy document depends more on whether it has any constraints than on how many positive aspects it contains.

Conclusive remarks

India's experiences with water policy are a post-independence development. It is surprising that India didn't adopt its first national water policy until the middle of the 1980s, given that most regions regularly experienced issues like floods and droughts. The 1987 draught of the first policy, despite being brief, is significant because it recognised and established the necessity of a national water policy. The second National Water Policy from 2002, which was expanded upon in the National Water Policy from 2012, is especially notable because it concentrated heavily on the variety of challenges relating to water management and distribution. Due in large part to the fact that the policy incorporates the fundamental elements of both the NWP of 1987 and the NWP of 2002, the current study has explained the major components of this policy. The publication has underlined that while the policy includes many worthwhile suggestions and several noteworthy features, academically they have drawn criticism.

Bibliography and references

- Cullet, P., & Roopa, M. (2009). Water Law Reforms in India. In R. R. Iyer, Water and the Laws in India New Delhi: Sage, 511-534.
- Cullet, Philippe and Sujith Koonan (eds.) (2011), Water Law in India: An Introduction to Legal Instruments, New Delhi: Oxford University Press.
- Iyer, R. R. (2002). The New National Water Policy. Economic and Political Weekly, 1701-1705.
- Iyer, R. R. (2010). Water : Perspectives, Issues, Concerns. Delhi: Sage.
- Kamala Shankar (2010). Water in India: Constitutional perspectives, in R. Iyer (ed) Water and Laws in India, Sage Publication, New Delhi.
- Narender, A. (2013). National Water Policy and the need for a National Water Framework Law in India: A Discussion. *ASCI Journal of Management* , 1-28.
- Philippe Cullet, Suhas Paranjape, Himanshu Thakkar, M. S. Vani, K. J. Joy, M. K. Ramesh (2012), Water Conflicts In India: Towards a New Legal and Institutional Framework published by Forum for Policy Dialogue on Water Conflicts in India.
- Shiva, V. (2001). *Water Wars: Privatization, Pollution and Profit*. London: Pluto Press.
- Simonovic, S. P. (1999). A new modeling approach for water resources policy analysis.
- Videh Upadhaya (2010). The ownership of Water in Indian Laws in Water and the laws in India, ed Ramaswamy Iyer. Sage publication New Delhi.
- Water Resource Research, *Vol 35*, 295-304.

ⁱ Details regarding this available at the ministry website, see document called "Background Note for CONSULTATION MEETING WITH POLICY MAKERS ON REVIEW OF NATIONAL WATER POLICY" published by Ministry of Water Resources.

ⁱⁱ Prime Minister Vajpayee's speech at the Fifth Meeting of the National Water Resources Council in 2002, in which he promoted the revised National Water Policy: The policy should ... recognize that the community is the rightful custodian of water. Exclusive control by the government machinery, and the resultant mindset among the people that water management is the exclusive responsibility of the government, cannot help us to make the paradigm shift to that participative, essentially local management of water resources. ... Wherever feasible, public-private partnerships should be encouraged in such a manner that we can attract private



investment in the development and management of water resources.

ⁱⁱⁱ Meetings were periodically held as- With Hon'ble Members of Parliamentary Standing Committee on Water Resources, Consultative Committee for Ministry of Water Resources and Parliamentary Forum on Water Conservation and Management on 28th July, 2010, at New Delhi.

- With Academia, Experts and Professionals on 26th October, 2010 at New Delhi.
- With Non-Governmental Organizations held on 11th & 12th January, 2011 at New Delhi.
- With Corporate Sector held on 21st March, 2011 at New Delhi.
- With representatives of Panchayati Raj Institutions on 16th June, 2011 at Hyderabad, on 30th June, 2011 at Shillong, on 14th July, 2011 at Jaipur and on 2nd November, 2011 at Pune.