

Open Letter to National Water Resources Council

Suggestions for National Water Policy 2012

To:

1. Prime Minister and ex officio chairman of NWRC
2. Chief Ministers, concerned Union Ministers and Planning Commission, all members of NWRC

Respected Sirs and Madams:

We understand that the National Water Resources Council is to meet on Dec 28, 2012¹ to consider the latest draft of the National Water Policy, and finalise the same. Some of us have been writing to the drafting committee and the Ministry about both process of formulation and content of the National Water Policy 2012 and in this context would like to reiterate the following points for your consideration when you meet to finalise the National Water Policy 2012.

Process of formulation of NWP The National Water Policy concerns and affects every person and every ecosystem of the country. Hence the process of formulation of the NWP should involve every gram sabha in villages, every ward in cities and all concerned civil society groups. A credible process would thus involve availability of the draft policy and also a credible report giving details of experience with the earlier (current NWP of 2002) NWP, in language and manner that people can understand. These basic requirements have not been satisfied and we would urge the NWRC to recommend such a process.

Suggestions for some key aspects of NWP 2012

- **Right to Water** The first draft of the NWP 2012 made public in January 2012 had said in its clause 1.3(v): "Access to safe and clean drinking water and sanitation should be regarded as a right to life essential to the full enjoyment of life and all other human rights." However, in the subsequent drafts, this sentence has been deleted. We urge the NWRC to add this draft in the NWP 2012 with an emphasis that right to water should be considered fundamental human right. In this context we would like to add that the Indian government is a signatory to the UN General Assembly resolution number 64/292 of 28th July 2010 "Human right to water and sanitation", approved by 120 countries. This is now legally binding in international law; UN Human Rights Council decision of September 28, 2011 also is relevant in this context, as also the SC pronouncements reading Right to water in the constitution provisions including article 21.
- **No case for privatisation** In this context we would like to suggest that the draft NWP 2012 suggesting privatisation of water services should be deleted as it is in contradiction with the Right to Water as mentioned above. The global trend is also for re-municipalisation, reversing the privatisation of water that was implemented in few places, including in France (e.g. Paris), US (e.g. Atlanta), Italy, Uruguay, Netherlands, among others.
- **Shun Failed big irrigation projects** Data from Union government and several state governments show that over the last two decades, there has been no addition to the net area irrigated by major and medium irrigation projects. The CAG reports, as also the Planning Commission has also endorsed this. The recent exposure of massive corruption in big irrigation projects Maharashtra is a sign of the same disease. The NWP needs to recognise this reality and ensure optimal utilisation of existing irrigation infrastructure, make sustenance of groundwater lifeline central focus of water resources development and stop funding new and comprehensively review ongoing major and medium irrigation projects.
- **Governance** NWP needs to note the need for clearly defined decentralised, bottom up participatory mechanism for planning, decision making and allocation of water for different uses, none exist today. In absence of such legally enforceable mechanisms, there is serious threat to the water, food and livelihood security to millions of people all over India as water is being diverted for urban (beyond justifiable needs) and industrial use when there is none for basic food production and livelihoods of farmers.
- **Law to protect Rivers** NWP needs to stipulate the need to protect rivers through legislation; Today Rivers in India have no protection and rivers with freshwater flow all round the year has become endangered species. This is also relevant in the context of recently concluded COP 11 on Convention

¹ For details see: http://mowr.gov.in/NWRC/Programme%20_Eng.pdf, http://mowr.gov.in/NWRC/Agenda_NWRC_Eng.pdf, http://mowr.gov.in/NWRC/BackgroundNote_Eng.pdf, the background note also includes the draft of the NWP 2012 being considered by NWRC

on Bio Diversity in Hyderabad during Oct 8-19. 2012. It is well known that freshwater sources, including rivers are some of the largest repositories of biodiversity and they need to be protected also from the perspectives of livelihoods of millions of people and climate change. Unfortunately, today impacts of dams on riverine biodiversity, livelihoods are not even assessed, leave aside mitigated or compensation for those affected. Revision of NWP is an occasion to emphasise and make amends in this situation.

- **Recognise the water saving potential of SRI** The NWP needs to explicitly recognise the huge water saving potential of System of Rice Intensification, and related methods like System of Wheat Intensification, Sustainable Sugarcane initiative, among others. This can go a long way also in reducing the load on groundwater draft.

- **State Water Regulatory Authorities** The draft NWP 2012 says (sec 7.2), "A Water Regulatory Authority (WRA) should be established in each State". This is uncalled for since the experience of only functioning Water Regulatory Authority is far from encouraging. Maharashtra experience needs to be evaluated and until there is encouraging experience over a prolonged period, such a recommendation is uncalled for.

- **Data management** NWP should recognise the need for making all water data pro actively in public domain, setting up the process for generating and updating eco - hydrological data linkages in all rivers with the long term objective of arriving at and allocating e flows based on such a data, encouraging ways to increase soil capacity to hold moisture.

- **Dam Decommissioning** With the increasingly aging population of large dams in India, the issues of safety and decommissioning of unsafe/ uneconomical dams becomes very important and the FAC must take note of this as part of dam project cycle while considering new dams/ reviewing existing dams every 10 years.

We welcome some of the positive changes brought about in the latest draft of NWP 2012 compared to the earlier ones and also publication of the agenda of the NWRC on the website of the Ministry of Water Resources. However, we believe NWRC needs to go further and make recommendations along the lines suggested above. In this context we would also like to draw your attention to the comprehensive alternative draft of National Water Policy brought out by Shri Ramasway Iyer, former secretary, Union Water Resources Ministry, the draft was published in Economic & Political Weekly issue of June 25, 2011.

Thanking you for your attention,

Yours Sincerely,

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