

CIC asks MWR not to consider River flow data secret

MWR directed to make the Ganga Basin studies public

In an order that is likely to have far reaching implications on water governance in India, the Central Information Commission (CIC) has directed the Union Ministry of Water Resources (MWR) that “any study about water-flow in the river systems of the country must be made available to the general public for its information and education. It is not open to the public authority to hold secret critical information with which lives of millions may be related. Publication of this data informs the people about how the public authority is discharging its appointed functions and whether it was acting accountably about a matter so critical as the nation’s water resources in general and the river systems in particular.” Following an appeal by SANDRP, the CIC has asked the MWR to make public the reports of the Central Water Commission & National Institute of Hydrology on the impacts of the hydropower projects on Bhagirathi River in Uttarakhand and for portions that the ministry decides not to make public, “Reasons for holding these parts of the information confidential will have to be recorded, which should be open to scrutiny.” This is to be done in 3 months.

The CIC order dated June 8, 2009 (the order is available at: <http://cic.gov.in/CIC-Orders/AT-08062009-09.pdf>) which became available to SANDRP today, was following a hearing at the CIC on June 2, 2009, where Himanshu Thakkar and Swarup Bhattacharya represented SANDRP. Shri Vinay Kumar Sr. Joint Commissioner (Policy & Planning) (Ph: 23719503 (O), 26173251(R), PBX: 373) represented the MWR. The concerned Appellate Authority is Comm. (PP) M.E.Haque (Ph: 23711946 (O) 26186522(R)).

Facts of the case On October 15, 2008, Swarup Bhattacharya from SANDRP had filed an RTI application with the MWR on the issue of the impacts of the Hydropower Projects on the Ganga River. The MWR accepted that the Central Water Commission (CWC) and the National Institute of Hydrology (NIH) were asked on July 9, 2008 to submit reports in one month on the impacts of the hydropower projects on the hydrology and ecology of the river and the hill areas. The MWR had asked these reports following a letter of concern from UPA Chairperson Sonia Gandhi to the then Union Minister of Water Resources. However, MWR refused to provide copies of these reports, first saying “the reports have not been accepted by the Ministry and these are under examination of MWR.” On appeal, the appellate Authority gave a new reason for not making the reports available: “Since the specific reports submitted by NIH and CWC to the Ministry include classified data of Ganga Basin, it would not be possible to make available copies”.

This was indeed a very shocking state of affairs. The Ministry should have taken up studies on impacts of so many hydropower projects on any river, on its own. It did not do that. When this becomes an issue of public concern following serious impacts of the projects on the people, river and the ecology, it still does not take any action. Then when Mrs Sonia Gandhi writes to the minister, the MWR does ask for the studies, but does not make them public on its own and refuses to make them public even under RTI. Considering the seriousness of the issue, SANDRP approached CIC. Following an appeal to the CIC on Feb 19, 2009, the CIC heard the case on June 2, 2009 and made the above mentioned order.

CIC critical of the MWR At the hearing on June 2, ‘09 before the Information Commissioner Shri A N Tiwari, the MWR officials could not even say “what was being done to ensure that the river systems that sustain much of the life of the country should not run dry”. Thus, CIC observed in the order, “However, they were unable to state what part of that inter-ministerial responsibility befell on the MWR.”

In fact, one of the questions in the above mentioned RTI by Swarup Bhattacharya from SANDRP was, “What action has Ministry of Water Resources taken in the past to ensure that rivers in India have fresh water all round the year?” The MWR response in this regard exposed the Ministry, “Water Resources projects are planned, implementation (*sic*) and operated by the respective State Governments.” What this reply said was that the MWR was doing *nothing* to ensure that rivers in India have freshwater all round the year. On top of this, the MWR is not even making the basic information of water flow in rivers in India public.

We hope that following this CIC order, the MWR will review its information disclosure policies and proactively make available all information about river flows on its website and in other forms.

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