

PRESS RELEASE

Draft National Water Policy 2012

Not the Farmers, Not the Environment
Draft National Policy 2012 seems to help only vested interests

National Water Policies are extremely important legal and institutional tools as they reflect the basic intent and direction that the government is planning to take regarding water resources. To ensure that this is a direction acceptable and beneficial to all, open public consultations need to be the backbones of such policies. Thus looking at the immense importance of water to society & environment it is extremely important to have consultations on the recently published Draft 2012 National Water Policy¹, especially at the grassroots levels right upto the gram sabhas so that the ground concerns get reflected in the policy. Having limited participation of communities in the process threatens to make the exercise almost entirely undemocratic and is likely to be hijacked by the vested interests. Though it has been stated that consultations about the Policy have been held², these are far from adequate and have not been publicised enough to ensure wide participation. Most of these were not open consultations, but consisted of invited delegates. This cannot be called as an open, inclusive process. Four regional consultations were organised with Panchayati Raj representatives and it will be too ambitious to assume that four such meetings in cities can reflect rural concerns entirely. As it is, many of the important points raised in the Panchayati Raj institutions consultations do not find a mention in the Draft Policy.

The exercise of reformulating the NWP was taken up also in the context of Climate change, as mentioned in the National Action Plan for Climate Change and also the National Water Mission, and that makes it all the more important those vulnerable sections (tribals, rainfed farmers, small and marginal farmers, coastal communities, hill communities, fisherfolks, women and rural populations, the populations in the north east and western ghats) are all consulted in the process, which does not seem to be the case with the current draft.

The draft National Policy 2012 differs greatly from its 1987 and 2002 predecessors in the direction it seems to be taking as well as some of its basic premises. Hence, the significance of a transparent consultation process before proceeding forward becomes even more crucial.

Some of the main highlights and areas of concern from the draft of the National Policy include:

Unlike the previous policies, this policy does not spell out the clear priorities of water allocation. It accords **first stated priority to basic livelihood needs and ecosystem needs**. This can be considered as a welcome step only if all the specificities about water allocation for livelihoods and ecosystem needs are worked out, discussed and accepted along with the necessary legal and institutional back up. In the absence of any of these, just a statement that "After meeting the minimum

¹ http://mowr.gov.in/writereaddata/linkimages/DraftNWP2012_English9353289094.pdf and http://mowr.gov.in/writereaddata/linkimages/DraftNWP2012_Hindi182295781.pdf and their PR at: <http://pib.nic.in/newsite/erelease.aspx?relid=79981>

² <http://wrmin.nic.in/index1.asp?linkid=201&langid=1>

quantity of water required for survival of human beings and ecosystem, water will be treated as an economic good” may end up making water ONLY an economic good. The National Policy of 2002 had also stated that minimum flows will be maintained in rivers, but in the absence of any further direction, nothing happened on this front for the last 10 years anywhere in the country, and the state of Indian rivers have only worsened in the period. When the South African Water Act was passed in 1997, based on the White Paper on South African Water and Sanitation Policy, 1994, the policy took a detailed look at defining water for basic human needs, its quality, quantity, access, distance, etc, as well as various issues related to water and environment. It was only with this background that South Africa could take the revolutionary step of securing water for basic human needs and ecological reserves first. It went through a rigorous, extensive process of consultations with the communities and other stakeholders (which still continues) to actually calculate the reserve, implement it and monitor it.

When India's Draft NWP 2012 mentions that '**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**', this statement needs to be strongly qualified in the context of exhausting all local options, demand side management measures and ensuring maximum reuse and recycle. In the absence of this, large dams and infrastructure projects will continue to be planned and justified for wasteful needs of large cities like Mumbai and Delhi as is happening now, without considering the carrying capacity and sustainability of ecosystems involved.

The sub section on **Adaptation to Climate change** and the statement that special attention will be given towards mitigation at micro level by enhancing the capabilities of community to adopt climate resilient technological options is welcome. However, the crucial lesson which is being learnt the world over, of how to make the huge existing water infrastructure (which is currently causing more problems in face of unpredictable climate change) more responsive and adaptable to climate change is not addressed here. Also the need for sustainable agricultural practices like increasing soil's capacity to retain moisture by increasing soil carbon content, System of Rice Intensification (SRI), organic farming, etc as coping measures for climate change also do not find a mention. The world over, ecological coping strategies like flood forecasting, flood preparedness, flood regulation zones, riparian belts, mangrove protection, biological bank stabilization methods etc., are used as coping and adaptation measures . These biological, low impact and low investment measures do not find a mention on our draft policy, but infrastructure-heavy interventions like embankments and dams have been pushed again.

Though the policy does not say a word about increasing the soil moisture content, which actually should be the first objective of all irrigation strategies, **it supports and even encourages inter basin water transfers from so called 'open basins' to 'closed basins'**. This is highly inappropriate. Firstly we need to assess the exhaust the potential of sustainable options like watershed development, local water harvesting systems, rooftop and other rainwater harvesting, local ground water recharge, demand side management, including water saving methods like SRI, SSI (Sustainable Sugar Initiative), water saving cropping patterns, and also avoid non essential water

intensive activities, recycling by water intensive industries and so on. In the absence of such concerted efforts in any basin of the country, and in the face of the high inefficiency, social and ecological impacts of large infrastructure projects, such encouragement to inter basin transfers is unviable and unacceptable.

The section on **project planning and implementation** begins, as expected directly with large multipurpose infrastructure projects, without even mentioning the appropriateness of subsidiarity principle. After making a number of oft-repeated, bland statements about participation, etc, it goes on to make a shocking statement that all '**All water resources projects, including hydro power projects, should be planned to the extent feasible as multi-purpose projects with provision of storage**'. This is a dangerous statement to make. Giving privileged position to such mega storages compared to other storage options (e.g. increasing soil capacity to retain moisture, local storages, underground storages) and optimum use of existing storage capacities is uncalled for. On the other hand, there is need for an assessment of the benefits from existing projects to ensure how they can be optimised. There is a huge potential which should be acknowledged and prioritised. Secondly, there is need for basin wide carrying capacity, cumulative impact assessment studies in each basin in a credible independent way to ensure that unviable capacities and storages are not added.

The section on **Institutional Arrangements also has some unpleasant surprises**. It begins with the statement that **Water Resources Regulatory Authorities (WRRAs) are a must in each state**. WRRAs were first established in Maharashtra in 2005 through the MWRRAs Act. The centralised, top down bureaucratic authority with no space for community representatives has been ineffective in achieving any worthwhile objective or making water resources management pro poor or pro environment or stopping inter sector water allocation. The act has now been amended by an ordinance which gives rights of water allocation to the cabinet, which chose to change water allocation from farmers on verge of suicides in Vidarbha to thermal power plants. So what is the basis on which WRRAs are being pushed for in the National Water Policy, **apart from the fact that it is pushed by the World Bank?**

A most shocking statement in the Policy is the assertion that "**The "Service Provider" role of the state has to be gradually reduced and shifted to regulation and control of services. The water related services should be transferred to community and / OR private sector ...**" "Public Private Partnership" model under the general superintendence of the State or the stakeholders. This seems to be a blanket go ahead for water privatisation, which has been proved to be anti people, anti poor, pro private water utilities and hence unacceptable. Privatisation has not succeeded anywhere and is not likely to succeed in any case in India, and will only work towards worsening the water services scene, particularly for the poor, but actually for everyone. Particularly when we have no credible mechanisms to ensure transparent, accountable water resources management, nor do we have laws to ensure legally enforceable right to water and democratic norms.

Another major problem is the sketchy mention of **groundwater and very little concerted attention given to the issue**. As is clear to everyone from the mounting dependence on groundwater in every

water sub sector in India, groundwater is the real water life line of India, be it the urban or the rural sector, agriculture or industries, and it was expected that the policy will state the acute problems faced by the sector and put forth concrete steps of overcoming these and conserving the resource, which has not happened.

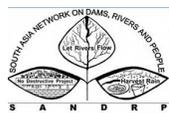
The attention given in the Draft NWP 2012 to information sharing, climate change, priority to basic human needs and ecosystems are welcome, but these may remain at superficial lip service level without clearly defined norms and credible mechanisms to achieve these objectives.

On the whole, the anti farmer, pro private company, anti poor stance of the current draft is disappointing and it seems the water resources establishment has refused to learn lessons from the past. There has been only a notional attempt at a democratic process in the formulation of the new draft policy and it seems an opportunity that comes once in a generation may be lost if we hurry too much to proceed without open, publicised consultations right down to gram sabha level. We urge the water resources establishment, including the Union Ministry of Water Resources, Central Water Commission and the Planning Commission to reinstate a credible participatory, democratic process for formulating new National Water Policy in the changing climate, keeping societal and ecosystemic sustainability and equity in mind. A mere 29 days period for comments from the date of publication, that too when the draft policy is put up only on the website, seems too less for ground concerns to reach the administration.³

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³ Last date for sending comments on the Draft Policy is 29th Feb 2012. Comments should be sent to: nwp2012-mowr@nic.in.