



21-22 NOV, 2012 VISHWA YUVAK KENDRA, NEW DELHI
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INDEX

Serial No.	Item	Page
1.	<i>Foreword</i>	3
2.	<i>Abstract</i>	4
3.	<i>Water Situation in India</i>	5
4.	<i>Introduction</i>	6-8
3.1	<i>Objective</i>	6
3.2	<i>Noteworthy Points</i>	6
3.3	<i>Points of Concern</i>	7
3.4	<i>Apprehensions</i>	8
3.5	<i>Addressable Issues</i>	8
5.	<i>Recommendation</i>	9-12
6.	<i>Conclusion</i>	13
7.	<i>The Way Forward</i>	13
8.	<i>ANNEXURE</i>	
8.1	<i>Annex 1. Programme Schedule</i>	14-16
8.2	<i>Annex2. Conference Gallery</i>	17-18
8.3	<i>Annex3. List of Participants</i>	19-22

FOREWORD

South Asian Network for Social & Agricultural Development (SANSAD), Centre for World Solidarity (CWS) and Centre for Budget and Governance Accountability (CBGA) had come together to jointly organise a *National Consultation on Draft National Policy on Water* on November 21-22, 2012 at the Vishwa Yuvak Kendra in New Delhi. This National Consultation was organised in the context of the revised draft of the new National Water Policy of the Union Ministry of Water Resources, which was made public in June 2012. The proposed new National Water Policy would be the third version of Indian government's policy on water, after the first policy in 1987 and the second one in 2002.

In this regard, the three organisations, viz. SANSAD, CWS and CBGA, recognized the need to debate the proposed draft, deliberate upon how effective were the two previous policies to meet the overall water requirement of the nation and provide relevant inputs on the lines of sustainability and equity of access for the new policy of the government.

The message of the Resolution adopted by the United Nations General Assembly in its 78th Plenary Meeting, which emphasized that “water is critical for sustainable development, including environmental integrity and the eradication of poverty and hunger, and is indispensable for human health and well-being”, served as the guiding principle for this effort by the three organisations.

The two-day national level consultation, held in New Delhi on the 21st and 22nd November 2012, brought together a range of stakeholders to deliberate on the draft policy and provide suggestions and specific inputs to improve the overall policy framework.

We sincerely hope that the Report of this Consultation will help spread awareness on this critical policy among a wide range of stakeholders, motivate them to participate in this discourse bringing in their experiences and insights, and provide useful suggestions to the government for its policy on an issue that is immensely important.

We are thankful to all those who participated in the national consultation including all resource persons but special thanks is extended to Shri Babulal Sharma and Mrs. Sunila Singh who were instrumental in mobilisation and logistics. We also extend our thanks to Leander Toppo for photography and covering the entire conference. Satish Kumar and Shailender Kumar deserve special thanks in preparing draft of the report.

Anil K. Singh, SANSAD
Gnana Prakasam, CWS
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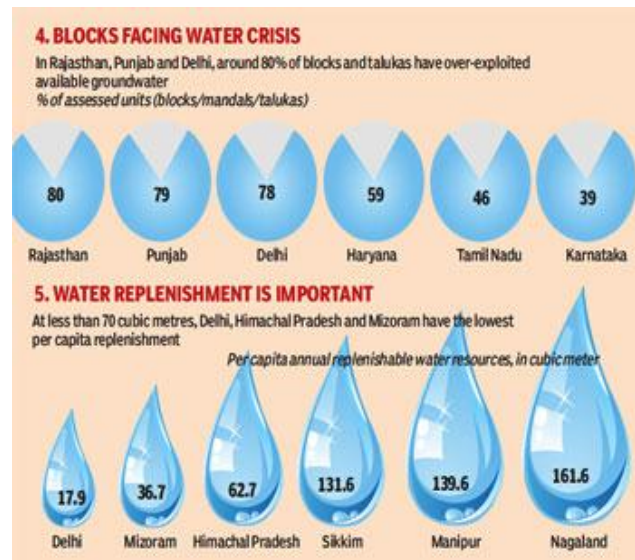
ABSTRACT: -

The Union Ministry of Water Resources has uploaded the revised draft of the new National Water Policy on its website in June 2012. None of the policy frameworks (the first policy in 1987, the second policy in 2002 and the 2012 policy in draft status) are greatly different from each other. The revised draft has brought in a few positive changes and needs to be commended for that. However, there are a few concerns that need to be improved upon or changed.

While there is a need to intensely debate on the present draft to provide positive feedback and solutions for a holistic and equitable policy that is also pro-environment, there is a need also to deliberate upon how effective were the two previous policies to meet the overall water requirement of the nation and what areas have been neglected or were negatively influenced due to the implementation of the previous policies. This learning will help us to provide practical inputs on the lines of sustainability and equity of access.

WATER SITUATION IN INDIA

Oceans cover three-fourths of the total geographical area of Earth and the total volume of water on Earth is estimated to be around 1.4 billion square kilometers. But the unfortunate part is that ground water, which can be used by people, constitutes only 0.8% of total water volume while the rest lies in the form of oceans and snow on mountains and glaciers. A growing population combined with huge demand of water for development purposes has put

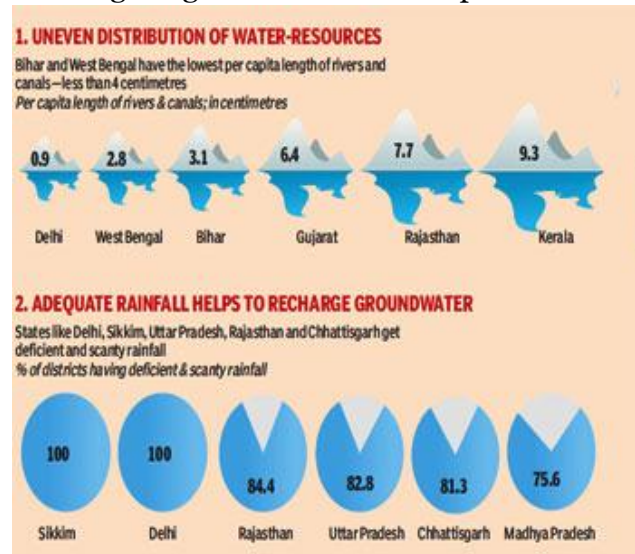


excessive stress on available water resources.

The uneven distribution of water-resources, neglect of the local means and methodology of water conservation, artificial modification of natural flow of rivers and human abuse are the main reasons for the looming water crisis in India. Bihar and West Bengal have the lowest per capita length of rivers and canals—less than 4 centimetres—one of the primary reasons for the non-availability of water for irrigation purposes and the falling

agriculture sector in these states. Nearly all the states except Karnataka have been found to be suffering from the problem of deficient and scanty rainfall in their region. The worst affected among the states are Delhi, Sikkim, Uttar Pradesh, Rajasthan & Chhattisgarh.

The stage of ground water development reflects the usage of water with respect to availability



of water resources in the region. The situation of ground water is critical in Delhi, Punjab, Haryana and Rajasthan. It becomes more evident from that fact that more than 50% of the assessed units in these states are found to be critical or over-exploited with respect to the availability-usage situation of water resources. These states need urgent attention from the government and the implementation of proper water management techniques to prevent severe water crises.

(Source: The Indian Express)

INTRODUCTION:-

Objectives:

- Educate, sensitize, motivate and mobilize people`s participation
- Shared vision on grassroots struggles and experiences to reflect in the policy
- Charter of Demands and recommend strategies for policy advocacy

A few noteworthy points in the revised draft:-

1. The first draft's recommendation to consider water as an economic good after setting aside a 'minimum quantity' for drinking water and ecological needs has been removed in the revised draft. (however, "access to minimum water", needs to be defined)
2. Access to safe water for drinking and other domestic needs is identified to be still a problem in many areas.
3. The 'overarching water framework law' states that, "water needs to be managed as a community resource held, by the state, under **public trust doctrine** to achieve food security, livelihood, and equitable and sustainable development for all".
4. Concerns, as a consequential to climate change and the need to adapt to climate change are stressed in the policy, thus exhibiting to be futuristic.
5. The section on "enhancing water available for use", mentions integrating watershed development activities with groundwater perspectives for increasing overall land and water productivity. (However, this section also talks of inter-basin transfers, which may be a matter of concern).
6. The section on "conservation of River corridors, water bodies and infrastructure" talks about not allowing pollution of water and water bodies and introducing a system of third party periodic inspection and also taking stringent punitive actions against persons responsible for pollution.
7. The section on "water supply and sanitation" talks on the need to remove the large disparity between stipulations for water supply in urban areas and rural areas. The section also talks about rainwater harvesting and de-salinization plants, which is positive.

Some points of concern in the revised draft policy:-

The policy also has a few areas of concern.

1. A major concern in the policy is on the point, “**minimum ecological needs** should be given due consideration”. This is highly disturbing, as it is difficult to define minimum ecological needs and hence may prove to be highly detrimental to the ecology and sustainability. Also minimum ecological needs can be interpreted differently from State to State and for different areas within a State.
2. Though the present draft removes the first draft’s recommendation to consider water as an economic good after setting aside a minimum quantity for drinking water and ecological needs, a concern still remains over ensuring access to a minimum quantity of potable water for essential health and hygiene to all citizens, available within easy reach of the household.
3. There is no or inadequate reference to use of traditional technologies and practices that are time tested and highly sustainable.
4. Inter-basin transfer to enhance water availability for use is besieged with problems and dangerous in the long run.
5. For demand management and water use efficiency, the policy seems to be more centralised, and there should be clear articulation on the role of panchayats and other water based community associations with clear roles and responsibilities at various levels.
6. While the section on water framework law talks about managing water under public trust doctrine, the section on water pricing talks about differential pricing and increasingly subjecting water to allocation and pricing on economic principles. Despite the draft talking about pre-emptive and high priority uses of water for sustaining life and ecosystem for ensuring food security and supporting livelihood for the poor, it is well known that the poor are always at the backseat when it comes to implementation. Hence, the present statement is dangerous and needs to be articulated more clearly for the benefit of the poor.
7. The policy appears to encourage private public partnership model, which the first draft was mentioning directly. The section on institutional arrangements appears to be increasingly encouraging public private partnership model for service provision.
8. The focus is on rivers, large water bodies and large projects, while in-situ conservation is essential and sustainable. To benefit 70% of rural community and their livelihoods, it is essential to talk about small water bodies and strategies for management in rain fed areas. Here the use of local and traditional technologies would be extremely relevant.
9. The earlier draft referred to resettlement and rehabilitation that is deleted in the revised draft. This would mean disowning responsibility of people displaced by water projects.

General apprehensions in the present policy:-

1. The focus of the present policy, despite stating water as a common property resource and to be treated as public trust doctrine, is indicating steps to make water an economic good and encouraging public private partnership, though it talks of differential pricing and meeting minimum needs. It should be clear that water is a common property resource and not an economic good.
2. Large projects hamper food diversity, bio-diversity. Would they also impact food crop production?
3. Water rights of communities, application of traditional technologies for harvesting, conservation and management should find significance in the policy document.
4. Water being a State subject, and required to formulate their own laws and acts based on the guidelines provided in the national policy, the guidelines should be as specific as possible.
5. Coordination with concerned ministries like forestry and agriculture; for forest growth, enhancing greenery, conservation, efficient use, etc. should be articulated in the policy.

Few issues that required to be addressed:-

While there is a need to intensely debate on the present draft to provide positive feedback and solutions for a holistic and equitable policy that is also pro-environment, there is a need also to deliberate upon how effective were the two previous policies to meet the overall water requirement of the nation and what areas have been neglected or were negatively influenced due to the implementation of the previous policies. This learning will help us to provide practical inputs on the lines of sustainability and equity of access.

There is shrinkage in the per capita availability of usable water due to deterioration of water quality. Easy access to potable water and safe water for meeting the needs of sanitation and hygiene is still a dream for a majority in the country. Disparities of distribution are appalling and inexcusable.

1. Maintaining minimum water flows in rivers and other water bodies is important to maintain their lives and sustain the livelihoods dependant on it.
 - Preventing pollution from industries and agriculture.
 - Control of river bed sand extraction.
 - Maintenance of aquatic life and other ecological factors.
2. Envisaging well laid out roles for community based water management institutions like Watershed Management Associations (WMAs), Water Users Associations (WUAs), Resident Welfare Associations (RWAs) and JFM, while integrating the associations with Panchayat bodies which should have a larger say in the process.
3. Issues of rain fed areas haven't been addressed appropriately. The new policy should not fall short on it. In fact, the policy should prioritise strategies and steps for rain fed areas.

RECOMMENDATIONS:-

1. **Water should be guaranteed as a “right” and not just being seen as a scarce resource:** Every Indian should have the right to clean and accessible water, adequate for the health and well-being of the individual and family, and no one shall be deprived of such access or quality of water due to individual economic circumstances.

Water is an inherent part of food both in terms of the cultivation of the crops to its processing in factories. Our Government is progressively gearing up to adopt food as a right; therefore, it goes without saying that water also must be admitted as a part of such right.

United Nations resolution on guaranteeing water as a fundamental right has been a milestone in fulfilling the promises laid down in the 1948, Universal Declaration of Human Rights. Even it is seen that states like California (U.S.A) has passed a historic law in this regard. Word over we have such progressive precedence and therefore, following the principles of basic Rights to Human Beings, State must take the ownership in guaranteeing it to all its citizens.

2. **Water should be seen as a means to ensure social justice and equity:** It is observed that the Indian society especially in terms of the rural and agrarian society is still marked by the structures of caste and gender. Further studies have revealed that the power structures in societies have always been dominating in the acquisition and ownership of goods and services. Therefore, it is highly emphasised that while guaranteeing water as a right, the interests of such marginalised sections i.e. scheduled caste and scheduled tribes, women in particular, religious and linguistic minorities in specific areas must be taken in to concern. That can be done through following three ways by:-
 - a) Guaranteeing the membership to the vulnerable communities with not less than 50% women in all the social and political institutions that have a direct connection in water administration i.e. local bodies, CBOs etc.
 - b) Allocation in the budget for the abovementioned vulnerable groups in proportion to their percentage.
 - c) Auditing, monitoring and measuring the quantity and quality of such provisions and its implementation at regular intervals to ensure its efficiency and adherence to the prescribed rules whatsoever.

3. **Pre legislative consultation with all the stakeholders especially the direct beneficiaries i.e. rural and agrarian population:** In order to ensure democratic ethos and participative decision making process, it is strongly emphasised that the key stakeholders i.e. consent of rural and agrarian population inclusive of various vulnerable groups must be taken before drafting such policies. This has its own advantages: Firstly, it is a rather pre-emptive method to proactively deal with many issues of the stakeholders. Secondly it can speed the policy formulation without much resentment as the decision in such method is participative.
4. **Institutional reforms in delivery mechanisms & sensitization in order to ensure good governance, transparency, accountability to sustain a highly effective and sensitive implementation of the water policy thus formulated:** Any policy realises its potential only when the human resource potential of its various institutions of implementation and decision making is optimised and sensitised to the needs and concerns of the target population. Therefore, taking precedence of other not so effective policies, it is emphasised that a well formulated institutional reform should be brought about along with the Policy formulation.
5. **The Draft National Water Policy does mentions about the need for community participation and those of the local bodies as a part of the Policy implementation process however, it keeps silent on the role of such bodies in the decision making process:** Therefore it is recommended that they should not only be limited to getting access to minimum quantity of potable water for essential health and hygiene to all its citizens, available within easy reach of the household, but also in its decision making process i.e. what, how and why, to whom etc. has to be locally addressed.
6. **Empowerment to the local bodies, CBOs (community based organizations) in order to incorporate a Community Driven Decentralised Water Management System (CDDWMS) instead of PPP Model:** It is seen that the advent of private enterprise in many sectors have brought about a non-inclusive social structure. Moreover, the artificial demand creation and profit orientation has rendered this sector as self-seeking. The whole neo-liberal discourse of the market structure across LDCs (Least developing countries) to Developing countries have had been a witness to such criticisms. Therefore, in matters like Human Rights i.e. Water in this Policy Framework need not be given in the hands of private enterprises. Since the right is of the people, it has to be mandatorily governed and administered by public enterprise. CDDWMS is one such effective management system which is both inclusive and participative as well localised way of managing water and thus livelihood. Therefore, it is advised to employ CDDWMS instead of PPP in the management and administration of water.

7. **Water Pricing:** Since Human Rights must, by virtue of its definition, be free and naturally accessible to individuals therefore, there is no question of its pricing.
8. **Region-specific water management and conservation designs:** Since India, being a vast country with varied geographical terrains has differential quantities and qualities of water availability across its geographical area. Therefore, it is advised that the means and methodology of water conservation and management should be designed accordingly i.e. region specific designs. The designs should include **patterns of cropping, selection of natural seeds over HYVs, crop planning** etc, keeping in view the minimal utility and optimal conservation of water.
9. **Promotion of various traditional means and methods in crop planning, irrigation, water harvesting, management and conservation:** It is observed that most of the times local and traditional means of water harvesting & conservation such as ponds, tanks etc. are much more suitable and feasible for local needs of the people e.g. well, tanks, ponds etc. can be seen across India from Uttar Pradesh to Tamil Nadu and from Gujarat to Orissa. Therefore, it is advised that it should be clearly laid down in the policy to pay special attention to local and traditional means and methods of overall water management and its utilization.
10. **Awareness to the farm through Kisan Call Centres (KCC) and other operational mechanisms:** Awareness is an important angle of empowerment and therefore, it is advised that while formulating the policy special mention needs to be added for strengthening the operational mechanisms like Kisan Call Centres (KCC) and others for spreading awareness and thus adding to the empowerment exercise of the key stakeholders i.e. our farmers and the agrarian population.
11. **Measure to revive and prevent encroachment of rivers:** The urgency to revive various important and perennial rivers and their lost ecological zones such as Ganges and Yamuna should be immediately laid down in the policy framework. Also, with rapid urbanization, industrialisation and huge population, our rivers consistently being encroached upon. There is a need to strongly impress upon the punitive actions in this sphere. On the contrary the positive change agents should also be rewarded and incentivised to see rapid development in preventing river encroachments.

12. Recharging and restoration of land: The water table is an important indicator of the natural vegetation and ecological zones of the region. With rapid and consistent usage of the water in irrigation and industrial purposes, the water table in many regions have gone down e.g. studies in eastern UP reveals such phenomenon due to excessive usages of tube-wells for irrigation in the region. Therefore, it is very important to formulate rules which would be specific to the nature of depletion and in providing possible solutions in different regions.

13. Review and relook the budget allocation and expenditure of Ministry of Water: In order to fulfil the goals of the ministry and that of the human rights, there is a need to build consensus for enabling special treatment to the Ministry of water in terms of allocation of the annual budget. The past data reveals that the treatment till recent years have not been satisfactory as compared to other ministries of the Government.

14. There is a strong need to revive the tax collection process to achieve the actual collection target: The Budget allocation also is a function of taxes collected within a financial year. Studies have revealed that there is a huge gap between the actual collection and the desired collection of taxes. It is very important to bridge the gap by means of effective implementation and procedures of tax collection. Certainly, if that is done simple little problems of Budget to the Ministry of Water and other such ministries can be easily taken care of.

CONCLUSION:-

Water should be treated as a basic Human Right. Hence, a message should emerge that every capable person who uses water should also have the duty of conserving water. Rights ought to be enjoyed at the responsible expression of duties.

The basic responsibility of the government, “with conviction”, is to ensure that the government conserves and manages water resources appropriately at each and every step. But this meaning that large projects as the basic solution to water concerns would be pinnacle of foolishness. The government instead should envisage a process where community participation is effectively engaged for conservation, management and equitable distribution.

Finally, it is worth reflecting on the Resolution adopted by the United Nations General Assembly in its 78th plenary meeting, emphasizing that “water is critical for sustainable development, including environmental integrity and the eradication of poverty and hunger, and is indispensable for human health and well-being.”

The Way Forward: -

Taking the legacy of the United Nations forward in Indian Legal Framework, we must envisage bringing to the light and establishing that water is a Human Right and must be framed so in the National Water Policy. Food and water are two ingredients of the same product and therefore, cannot be seen separately.

Lastly, a Human Right ideally and realistically should be managed by public agencies and not PPPs. Water is a domain of human welfare and not that of a business. Hence, local bodies, communities, SHGs etc. should be empowered enough to establish a self-sustained model of management, conservation and utilization of water and with them the ecological zones too.

“It is the enlightened and empowered population that builds up a strong nation.”

ANNEXURE

Annex 1. PROGRAMME SCHEDULE

<p style="text-align: center;">National Consultation on Draft National Water Policy: Question of Water Rights and Security in India 21st-22nd November 2012 Vishva Yuvak Kendra, 1 Circular Road, Chanakyapuri, New Delhi- 110 001 Jointly organized by CWS, CBGA and SANSAD</p>	
Programme Schedule	
9.30-10.00 am	Registration
Session 1 10.00-11.30 pm	<p style="text-align: center;">Inaugural</p> <p>Welcome and Introduction: Mr. Anil K. Singh, Secretary General, SANSAD, New Delhi.</p> <p>Keynote Address: Dr. Devindar Sharma, Forum for Biodiversity and Food Sovereignty, New Delhi.</p> <p>Special address: Mr. Rajendra Singh, Tarun Bharat Sangh, Rajasthan.</p> <p>Inaugural Address: Shri. Harish Rawat, Union Minister of Water Resource, Government of India.</p> <p>Vote of Thanks: Dr. Gnana Prakasam, Executive Director, Centre for World Solidarity, Andhra Pradesh.</p>
11:30 to 12:00 noon	Tea/Coffee Break
Session 2 12:00 to 01:30 pm	<p style="text-align: center;">Panel Discussion</p> <p>Chair and Moderation: Dr. Gnana Prakasam, Executive Director, Centre for World Solidarity, Andhra Pradesh.</p> <p>Water, as a Human Right and/or as an Economic Good: Ms Biraj Swain, OXFAM India</p>

	<p>Water as a Community Resource and Community Management of Water: Mr. Achyut Das, Director, Agramee, Odisha.</p> <p>Restoration, Protection and Management of Natural Water Bodies: Mr. Sunil Simon, Programme Manager - SAFBIN, South Asia Coordination Unit, CARITAS India, New Delhi.</p>
01:30 to 02:30	Lunch Break
Session 3 02.30-3.30 pm	<p>Marginalized voices</p> <p>Chair and Moderator: Dr. Prakash Tyagi, Executive Director, GRAVIS, Rajasthan.</p> <p>Gender and Water Rights: Nafisaben Barot, Executive Director, Utthan, Gujarat.</p> <p>Water and Dalit Perspective: Dr. Umakant, Independent Researcher and Dalit Activist, New Delhi.</p> <p>Adivasi and Water: Ms. Bindu Singh, Gramaya, Uttar Pradesh.</p>
03.30-04.00 pm	Tea/Coffee Break
Session:4 04:00 to 05:30 pm	<p>Water and Livelihood Security</p> <p>Chair and Moderation: Mr. Datta Patil, Executive Director, YUVA Rural, Maharashtra.</p> <p>Water Policy, Projects, Conflict and Community Perspective: Mr. Sanjay Singh, General Secretary, Parmarth Samaj Sevi Sansthan, Uttar Pradesh.</p> <p>Water and Agriculture: Dr. Ramanjaneyulu, Executive Director, Centre for Sustainable Agriculture, Andhra Pradesh.</p> <p>Water and Urban Poor: Mr. Dunu Roy, Hazard Centre, New Delhi.</p>
DAY TWO	
Session 5 10:00-011:30 am	<p>Water Governance</p> <p>Chair and Moderation: Dr. Indira Khurna, Director Policy and Partnership, Water Aid, New Delhi.</p>

<p>With</p> <p>11:30 to 12:00 Tea/Coffee Break</p>	<p>Water and Privatization: Ms. Annie Raja, General Secretary, National Federation of Indian Women, New Delhi.</p> <p>Budgetary Allocation for Water: Dr. Gyan Ranjan Panda, Centre for Budget and Governance Accountability, New Delhi.</p> <p>Legal Perspective: Mr. Videh Upadhyay, Advocate and Independent Legal Consultant, New Delhi.</p> <p>Integrated Water Resources Management: Mr. Shouvik Datt, Senior Programme Manager, EU Delegation to India and Ms. Magalie Vuillet, IWRM Expert, EGIS International, New Delhi.</p> <p>Dry Land and Water Management: K.S. Gopal, Tata Institute of Social Sciences, Mumbai.</p>
<p>01:00 to 02:00</p>	<p>Lunch Break</p>
<p>Session 6</p> <p>02:00 to 04:30 pm</p>	<p>Valedictory</p> <p>Moderator and Chair: Pamela Philipose, Director and editor-in-chief, Women Feature Service.</p> <p>Moderation: Dr. Gnana Prakasam, Executive Director, Centre for World Solidarity, Andhra Pradesh.</p> <p>Consolidation of proceedings and presentation of Civil Society Recommendations: Mr. Anil K. Singh, Secretary General, SANSAD, New Delhi.</p> <p>Vote of thanks: A K Singh, Jharkhand.</p>

Annex 2. CONFERENCE GALLERY





**Annex 3. List of Participants of National Consultation on Draft National Policy on Water
Held on Viswa Yuvak Kendra, Chankyapuri, New Delhi-110003 Dtd. November 21-22-2012**

Jointly Organised by CWS, CBGA and SANSAD

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