

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 3 | Issue 2

2020

© 2020 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Part of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com>)

This Article is brought to you for free and open access by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaints**, please contact Mr. Gyan Prakash Kesharwani, Founding CEO of VidhiAagaz at Gyan@vidhiaagaz.com.

To submit your manuscript for publication at **International Journal of Law Management & Humanities**, kindly email your manuscript at editor.ijlmh@gmail.com.

Role of Jal Shakti Ministry

SHRESHTH BALACHANDRAN ¹

ABSTRACT

In this paper, the author is focusing on the new stance taken by the government on water conservation and critically analysing the role of Jal Shakti Ministry. While doing so the author outlines the history of water conservation and related bodies, authorities and ministries in our country. In doing so, the reader would be able to understand the vast history of such ministries in our country and how we reached to the point of the Jal Shakti Ministry. The reader would be able to see how the objectives and ways to tackle problems related to water have evolved over the years. The author would deal with issues regarding the functions, plans and vision of the ministry alongside the new dimension which has been given to issues related to water conservation. The authors would analyse how effective the change in approach has been, the issues which are left unanswered. While doing so, the author would point out the flaws in the Ministry and why they can prove to be an impediment to the ministry being able to achieve its goals.

Keywords: *Water Conservation, Jal Shakti Ministry, Historical Evolution.*

I. INTRODUCTION

Water conservation has been the focal point of the political order around the globe since the turn of the century. Ever since the voices against the severe inaction on part of the world leaders grew louder, cries for water conservation were referred to in the same breath. It has been a contentious issue with little to nothing being done to change the status quo. The current government has decided to up the ante and spend the next five years of its second term to drive up issues of water conservation and rejuvenation.

The role of the Jal Shakti Ministry becomes very important today's time considering the crisis the country is reeling under. The impact is being felt in isolation, in a few places, but before it becomes a problem of the masses, the Ministry should intervene and take the correct steps. In many ways the ministry has got off on the right foot with a new approach to solving this problem. The way forward, as stated by the government can only be when the citizenry is

¹ Assistant Professor, School of Legal Studies, REVA University, India

actively involved as well. By making the Jal Shakti Abhiyan a citizen participation-based initiative, the ministry has placed the onus on the people too to ensure that we improve the ways in which we utilise water.

II. ORGANISATIONAL HISTORY

Water management and resourcefulness is a fairly new concept which evolved in the early 1980s, especially in India. Prior to 1980, such issues were always read along with irrigation and farming. Water conservation was never considered important enough to be read standalone. Functional bodies managing such issues date back to 1855.² The responsibility of irrigation was handed to the Department of Public Works under the British regime. Importance to this matter was only given after the famine of 1858.³ Post 1858 it was decided that a widespread construction of canal network would be created. The Inspector General of Canals was appointed. It was during this period when the seriousness of the irrigation in a country like India was understood by the British and the Inspector General of canals was replaced with an Irrigation Expert. Such an expert would be under the control of the secretariat of the Public Works Department.

On the passing of the Government of India Act, 1919, irrigation became a provincial subject. The Government of India had a restricted control over the subject. They could only advice, coordinate and settle disputes over right of water of inter-provincial rivers. The In-Charge Committee recommended that the Public Works Department be merged with the Department of Industry in 1923. Post this merger, the department was renamed as Department of Industry and Labour. This combined Ministry looked into the aspect of irrigation and power. In 1927, the Central Board of Irrigation was constituted. Subsequently, the Department of Industry and Labour was bifurcated and were made into two separate departments, namely, Department of Communication and Department of Labour. The latter handled matters related to irrigation and power. It was then when the Secretariat Re-Organisation Committee recommended the formation of the Department of Works, Mines and Power. This new department was then given the charge of irrigation and power. As we entered into a new dawn and India became an independent nation, there were many matters to be looked into. In 1951, the Ministry of Natural Resources and Scientific Research was set up. Under this newly formed ministry, irrigation and power were being handled.

Only one year into formation, an entirely new ministry was formulated called Ministry of

² Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, About us, History, <http://mowr.gov.in/about-us/history> (Last accessed on 31/3/2020, 11:03 Hrs).

³ Hari Shanker Srivastava, *The History of Indian Famines and Development of Famine Policy, 1858–1918*.

Irrigation and Power (1952). This new ministry was formulated more out of a necessity. It was formed to control the unprecedented floods which had ravaged the nation. Under the ministry, a board called Flood Control Board was set up to create a Flood Control Program. In 1969, the ministry was diluted to form the Irrigation Committee. The specific role of the committee was to further look into matters of irrigation development and formulate an irrigation development program. In 1974, the Department of Irrigation was set up under the Ministry of Agriculture and Irrigation. The said department had specific purposes, such as:

- i. Ensuring unified and coordinated program for speedy implementation of irrigation and command area development projects.
- ii. Providing inputs for maximum agriculture produce.

In January of 1980, the Department of Irrigation came under the newly formed Ministry of Energy and Irrigation. But only 6 months since its inception the said Ministry was bifurcated and the Department of Irrigation was elevated to the level of a Ministry. The purpose of doing so at that time as stated by the Centre was to coordinate and do a comprehensive review of the of entire sector. Along with this the command area development program was brought under the newly formed Ministry of Irrigation. Apart from this, there were 3 new areas of work which were transferred under the Ministry which were:

- i. Irrigation for agriculture purpose.
- ii. Minor or Emergency irrigation.
- iii. Ground Water Management.

What must be observed here is that the 3rd area of work is the first ever explicit mention of any activity related to water conservation. In the next 5 years, there was another reshuffle and the Ministry of Irrigation was again combined with the Ministry of Power to form the Ministry of Irrigation and Power (1985), but by the end of the year the ministry was bifurcated again and the Department of Irrigation became the Ministry of Water Resources. The said ministry was supposed play the nodal role in all matters along with planning and developing country's water resources.

It was during this time that the need for a National Water Policy was felt. This need stemmed from two points, one, to develop areas of country's water resource and two, to layout various uses of water. Post this, the National Water Resources Council was formulated under the Chairmanship of the Prime Minister. It was under this council that the first National Water Resource Policy was framed in September, 1987. Under the same policy, the Central Water

Commission was formed. The main objective of this committee was to monitor the progress of States/UT's in their implementation of the policy. The National Water Policy has been revised twice since its inception. Once in 2002 and the other time in 2012.

Alongside all these developments, to comprehensively improve the water bodies there were 2 schemes which were launched. The first one was Repair, Research and Restoration of Water Bodies. This scheme benefitted from the external and domestic assistance provided to it. The scheme included catchment area development, capacity building of stakeholders, command area development and increased availability of drinking water. The second scheme was R&D in Water Sector. MoWR, RD&GR, IITs, NITs, R&D Labs, Water Resource/Irrigation Department of Centre and State Governments along with NGOs were the main participating bodies to this scheme. One of the advantages of having such diversified field of participants was the creation of a large knowledge base and creation of new research in the field of water conservation.

Simultaneously the Centre launched a National Action Plan on Climate Change. The main objective of this was to counter the impact of Climate Change. There were 8 mission which were created out of which one dealt was the National Water Mission (referred to as NWM henceforth). The key objective of the NWM was:

- i. Conserving water,
- ii. Minimising waste,
- iii. Ensuring equitable distribution both across and within the state through integrated resource development and management.

The union cabinet in 2011 approved a 'Comprehensive Mission Document' which detailed 5 goals:

- a) Comprehensive Water Data Base in Public Domain and Assessment of Impact of Climate Change on Water Resources.
- b) Promotion of Citizen and State Action for Water Conservation, Augmentation and Preservation.
- c) Focused Attention to Vulnerable Areas including Over-exploited Areas.
- d) Increasing Water Use Efficiency by 20%.
- e) Promotion of Basin Level and Integrated Water Resources Management.

In July 2014 the Ministry was renamed to the Ministry of Water Resources, River Development

and Ganga Rejuvenation. There were a few new items which were added to the newly formed Ministry which were related to the Clean Ganga Mission which the BJP government had added in its General Election Manifesto. In June 2019, the said Ministry was renamed to the Jal Shakti Ministry. The new Ministry had two departments under it called the Department of Water Resources, Ganga Rejuvenation and the Department of Drinking Water. The reason for this new change was the severe water crisis/emergency in places like Chennai, Bangalore and Shimla in the last few years. With the creation of the new ministry, the old ministries of Water Resources, River Development and Ganga Rejuvenation and Drinking Water and Sanitation were combined under one.

Among the many objectives of this new Ministry, one is to balance the integrated demand and supply side management. According to the government, this can be achieved by creating local infrastructure for source sustainability such as rainwater harvesting, groundwater recharge and management of household waste water for reserve. Along with this, the government has a Jal Jeevan Mission to ensure piped water supply to all rural households by 2024.

There are two interesting aspects that need to be pointed out. One, it was until 1980 that water conservation became an important enough topic to be explicitly mentioned in the government proposals and recommendations. Two, the ever-changing organisation structure under various governments has never allowed any department, ministry or body to focus on solving the issue at hand. The constant restructuring of the regulating bodies or ministries can be detrimental to the cause. One may argue that this is being done to better align the resources instead of duplication of duties of ministries, but what must be taken into account is the fact that the fluidity in such bodies can be harmful as it stands in the way of creating a concrete plan of action and implementing it. As seen, historically, ministries in India don't have any problem in ironing the objectives and reasons as to why a ministry or department is being created. The problem lies in the implementation of such plans. In an ever-changing dynamic, it becomes increasingly difficult to understand and implement development goals.

III. MISSION/VISION/FUNCTION

It is important to understand and read these aspects of the Jal Shakti Ministry to be able to formulate a broader outlook of the framework within which the Ministry functions. An understanding of these would allow us to comprehensively understand the role of the Jal Shakti Ministry.

The vision⁴ with which the Ministry was created was to forward the idea of ‘optimal sustainable development’. It is also important that optimal sustainable development also includes maintenance of quality of the existing water resources and efficient use of the same. All these activities are to be done to address the growing demand for water resources. The ministry was created with the mission of ‘Integrated Water Management’ (will be referred as IWM henceforth). IWM has been accepted internationally as the way forward for efficient, equitable, sustainable development and management of world’s limited water resources and to meet with the conflicting demands.⁵ IWM or IWRM (Integrated Water Resource Management) is an empirical concept which was developed by on the ground practitioners first. It was during the 1st global water conference in Mar Del Plata, Argentina in 1977 when it was discussed globally. It only garnered speed after the Agenda 21 and World Summit on Sustainable Development, 1992 in Rio. The most widely accepted definition of IWM or IWRM is “IWRM is a process which promotes the co-ordinated development and management of water, land and related resources, in order to maximize the resultant economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems”.⁶

IWM is widely accepted as the best alternative to sector-by-sector, top-down management which had dominated previously. The basis for IWM is that there are different uses of finite water resources and all these are interdependent. For example: High irrigation demands and polluted drainage flows from agriculture would in turn mean that there is less availability for freshwater for drinking and industrial use. Similarly, if the water in rivers is to be used judiciously to protect the fishes and ecosystem, less water can be diverted to crops and fields.

The functions of the ministry are framed in the same light as the mission and vision of the ministry. These functions are as follows⁷:

- i. Overall planning, policy formulation, coordination and guidance in the water resources sector.
- ii. Technical guidance, scrutiny, clearance and monitoring of the irrigation, flood control and multi-purpose projects (major/medium).
- iii. General infrastructural, technical and research support for development.

⁴ Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, about us, Mission/Vision, Function, <http://mowr.gov.in/about-us/functions> (Last accessed on 31/3/2020, 11:06 Hrs)

⁵ United Nations Department of Social and Economic Affairs, International Decade for Action, ‘WATER FOR LIFE’, 2005-2015, <https://www.un.org/waterforlifedecade/iwrm.shtml>. (11/2/2020, 09:08 AM)

⁶ Integrated Water Resources Management in Action. WWAP, DHI Water Policy, UNEP-DHI Centre for Water and Environment. 2009.

⁷ Functions of Ministry of Water Resources, <http://mowr.gov.in/about-us/functions>, (13:41, 11/2/2020)

- iv. Providing special Central Financial Assistance for specific projects and assistance in obtaining External Finance from World Bank and other agencies.
- v. Overall policy formulation, planning and guidance in respect of Minor Irrigation and Command Area Development, administration and monitoring of the Centrally Sponsored Schemes and promotion of Participatory Irrigation Management.
- vi. Overall planning for the development of Ground Water Resources, establishment of utilizable resources and formulation of policies for exploitation, overseeing of and support to State level activities in ground water development.
- vii. Formulation of national water development perspective and the determination of the water balance of different basins/sub-basins for consideration of possibilities of inter-basin transfers.
- viii. Coordination, mediation and facilitation in regard to the resolution of differences or disputes relating to Inter-State Rivers and in some instances overseeing of implementation of inter-state projects.
- ix. Operation of the central network for flood forecasting and warning on inter-state rivers, provision of central assistance for some State Schemes in special cases and preparation of flood control master plans for rivers Ganga and Brahmaputra.
- x. Talks and negotiations with neighbouring countries, with regard to river waters, water resources development projects and the operation of the Indus Water Treaty.
- xi. Ensure effective abatement of pollution and rejuvenation of the river Ganga by adopting a river basin approach to promote inter-sectoral co-ordination for comprehensive planning and management.

These functions enable the ministry to formulate policies guidelines and prepare development programs to regulate country's water resources. What the reader would understand by going through the functions is that these functions fail to deal with the specifics as to how the problems would be addressed.

IV. INHERENT PROBLEMS

These objectives as good as they seem and pretty vague when it comes to tackling the real problem at hand. They are more in the nature of broad strokes upon which there has been no build up since its creation in the middle of 2019. There is a lack of clear targets or priorities. The centre on repeated occasions has pointed out that they shall be investing close to Rs. 3.5 Trillion in activities of Water Conservation but at no point have they mentioned from where

this money would come. This promise is being made at a time when the country was going through an economic slowdown. Also, since the outbreak of the Coronavirus, much of the government's effort are going to be directed towards helping the people, economy and industries.

The government has also saddled the newly formed ministry to deal with the pre-existing problems of Inter-state water dispute and Namami Ganga Project which by no means are little problems. At this point, the ministry is already burdened with the herculean task of water conservation, but when these issues are added to the list of things to be done, it is really hard to understand how the ministry would be able to take a focused approach in solving these issues simultaneously.

Among these, there is a demonstrated history of inability of the government to tackle such issues. The said ministry has gone through a large volume of chopping and cutting that it has stymied the ability of the ministry to solve these issues or at least work on them.

V. CONCLUSION

At a time when the country is in dire need to conserve the existing resources it has; the government is making all efforts to ensure there is judicious and smart use of our Natural Resources. With the creation of this Ministry, there is a new found confidence that we would be able to tackle the problem at hand. The government has changed its approach this time round, instead of the government being the sole party responsible in this endeavour, they have included the common man, the citizens also. It is now a collective effort to tackle the problem at hand.

While all these steps show that the government is focusing in the right direction, there is still more that should have been done considering the magnitude of the problem at hand. With a lack of focused targets and priorities, the objectives lack the right impetus to achieve the goals. Also, with the misguided statements about budget allocation and ministry being overburdened with many pre-existing issues, it is going to be a herculean task to overcome the problem at hand.
