Centre and State Powers over Water Resources

Why in news?

Recently, Delhi Chief Minister urged Prime Minister Narendra Modi to solve the long-pending Sutlej-Yamuna Link Canal issue between Punjab and Haryana.

What is the issue?

- States such as Tamil Nadu, Kerala and Karnataka have complained of inadequate disbursal of funds by Centre which has stalled important dam projects.
- States have often accused the Centre of taking over the credit for several developments achieved by State governments in their area.
- Subjects like electricity, water resources, law and order and finance have a power overlap between Centre and States leading to a tussle.

What about the power of Centre and States over water?

- **Union list**- **Article 246** grants the Centre the exclusive power to make laws on the following subjects under List I of the Seventh Schedule.
- **State list**- The State legislature has exclusive power to make laws for such State on matters enumerated in List II in the Seventh Schedule.
- **Concurrent list**- The Parliament and the State legislature have power to make laws with respect to matters enumerated in List III in the Seventh Schedule.
- **Residuary powers**- **Article 248** states that Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.

Water: Union List	Water: State List

• Decide on shipping and navigation on inland and tidal waterways and on national waterways for vessels • Regulate training and education of mercantile marines by states and other agencies • Decide on goods, passengers by sea or national waterways via mechanically propelled vessels • Regulate and develop interstate rivers and river valleys • Decide on fishing and fisheries beyond territorial waters	• Develop roads, bridges, ferries, municipal tramways, ropeways and others on inland waterways in the State • Decide on water supply, irrigation, canals, drainage, embankments, water storage and water power • Taxes on goods and passengers carried by road/ inland waterways • Decide on shipping & navigation on inland waterways via mechanically propelled vessels, carriage of passengers & goods on such waters

The Centre has listed 111 inland rivers as National Waterways in The National Waterways Bill, 2015, empowering it to create laws on shipping and travel on the listed waterways.

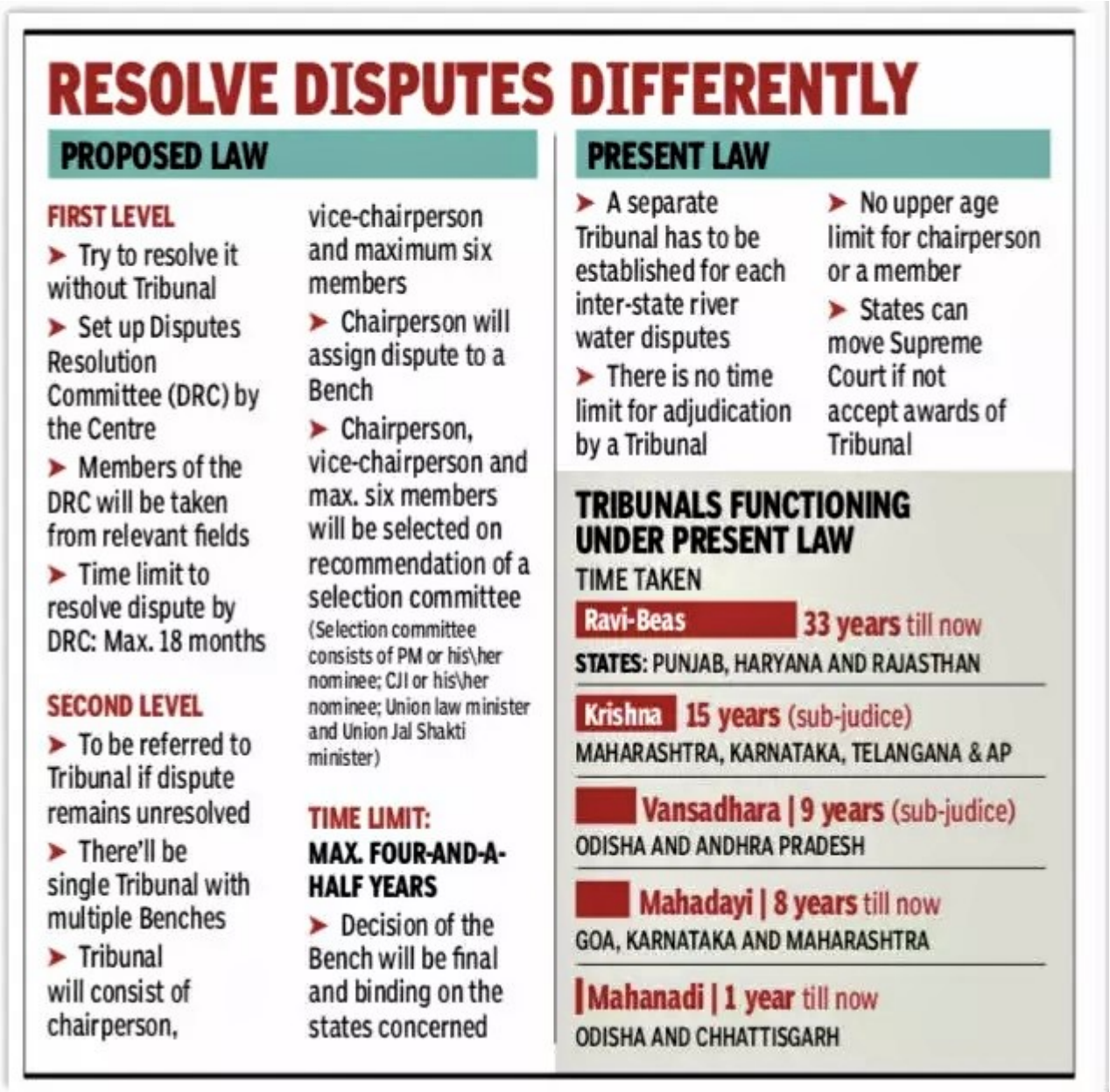
How are river disputes resolved?

Inter-State River Water Dispute Act, 1956

- Any State may request the Centre to refer an inter-State river dispute to a tribunal for adjudication.
- If the Centre feels that negotiations cannot settle the dispute, it may setup a **Water Disputes Tribunal** within 1 year of the complaint.
- The tribunal must decide on the dispute within 3 years, which may be extended by 2 years.
- If the matter is again referred to the Tribunal for further consideration, it must submit a report to the Centre within 1 year.
- All decisions of the Tribunal are **final and binding** and has the same force as an order of the Supreme Court.
- The Centre may create a scheme to give effect to the decision of the tribunal.
- It is also tasked with maintaining a data bank of each river basin in the country.

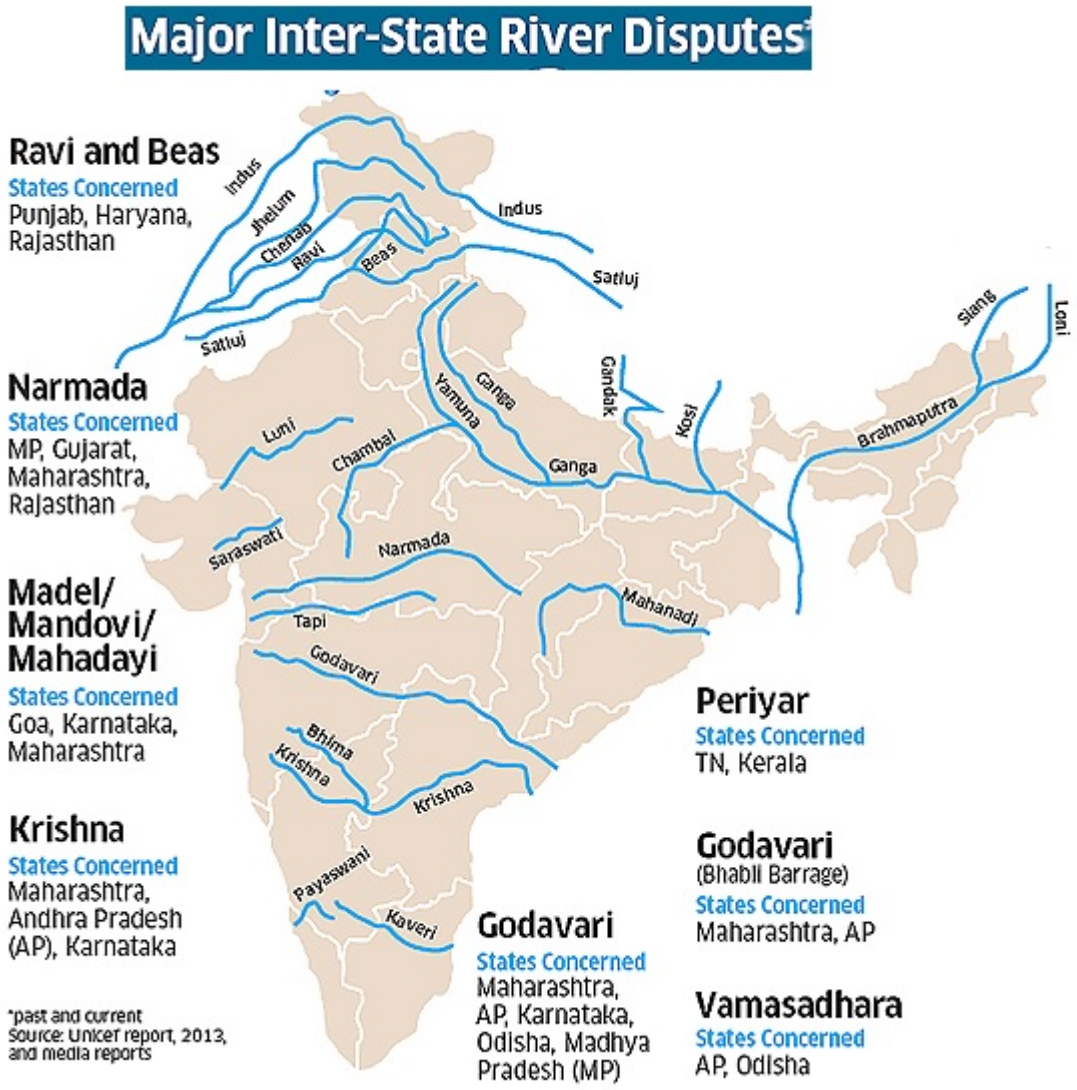
2019 Amendment Bill

- An amendment to the 1956 Act was passed by the Lok Sabha in 2019 but is yet to get the Upper House's nod.
- The Bill dissolves all existing tribunals and transfers the ongoing disputes to the **Inter-State River Water Disputes Tribunal**.
- It constitutes a **Disputes Resolution Committee** for any river dispute to resolve the issue within 1 year, which may be extended by 6 months.
- Disputes unresolved by the committee will be sent to a Tribunal comprising of Central ministers/nominees and a Supreme court judge.
- Its decision will be final and binding.



Which are India's major river disputes?

- **Cauvery dispute-** Karnataka and Tamil Nadu have been arguing over the Cauvery River water usage since 1924.
- Finally, in February 2018, the apex court reduced Tamil Nadu's allocation to 177.25 TMC from 192 TMC.
- **Sutlej-Yamuna Link Canal-** After the partition of Punjab in 1947, the rivers, Ravi and Beas was split among Rajasthan, undivided Punjab and Jammu and Kashmir.
- When Haryana was formed in 1966, a need arose to share the river water.
- Sutlej-Yamuna Link (SYL) Canal was flagged in 1982 and a Tribunal was set up to resolve the dispute.
- **Polavaram project dispute**- The Polavaram project was constructed in undivided Andhra Pradesh to direct Godavari waters to the Krishna river to share water with Karnataka and Maharashtra.
- Since the formation of Telangana in 2014, the project has been a bone of contention between the two States.



What about the water issues at the State and local level?

- **Issues at State level**- Each State forms laws for water management to regulate water usage by industries, set rules for water treatment, set water tariffs and manage sewage water generated.
- Recently, the Allahabad High Court expressed displeasure over the apathy of the government departments in making the river Ganga pollution free in Uttar Pradesh.
- The courts have criticized the States for incompletion of the National Mission for Clean Ganga (NMCG) projects.
- **Issues at Local level-** Providing tapped water to all rural and urban households falls under the purview of the civic bodies.
- The Centre's **Jal Jeevan Mission** aims to provide a functional household tap connection to every rural household by 2024, in collaboration with States and Union Territories.
- However large states like Jharkhand and Uttar Pradesh have only 23.04% and 17.54% households which have tap water connections.

The right to clean drinking water has been read into the right to life under Article 21 of the constitution.

References

1. https://www.thehindu.com/news/national/explained-water-centre-state-powers-river-disputes-laws-drinking-water-supply/article6589548ece?homepage=true
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Quick facts

National Mission for Clean Ganga (NMCG)

- **NMCG**- NMCG was registered as a society in 2011 under the Societies Registration Act 1860.
- It acted as implementation arm of National Ganga River Basin Authority (NGRBA).
- NGRBA was later replaced with National Council for Rejuvenation, Protection and Management of River Ganga (referred as National Ganga Council).
- NMCG is managed by the Jal Shakti Ministry.
- Under the Environment (Protection) Amendment Act, 2016, the NMCG was given a two tier management structure — Governing Council and Executive Committee, at national, state and district levels.
- **Namami Gange project**- Under the NMCG, the Namami Gange project in 2014 was flagged with an outlay of Rs. 20,000 crores.
- Aimed at rejuvenating Ganga, it comprises of developing
    - Sewerage treatment infrastructure
    - River-front development
    - River-surface cleaning
    - Afforestation
    - Industrial effluent monitoring
    - Enhancing the river's bio-diversity
    - Developing Ganga Gram (villages on Ganga banks)
    - Raising public awareness

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