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**DAILY EDITORIAL
ANALYSIS**

TOPIC

Regulation of Water Sector In India

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REGULATION OF WATER SECTOR IN INDIA

In Context

- Many countries have set up an independent water regulatory authority (WRA), and a decentralised system of water governance with the government playing the role of a facilitator.

About the regulation of water resources

- Water is the lifeline of civilizations and Regulating the water sector in India is not just about managing a resource; it's about safeguarding the health and well-being of its people and the environment.
- It requires a concerted effort from all levels of government, industry, and society to create a sustainable and just water future.
- The regulation of the water sector in India is a complex task involving multiple stakeholders, from government bodies to local communities.
- The right to clean drinking water has been recognized by the courts as part of the right to life under Article 21 of the Constitution of India.

Steps of India

- In India, several policy initiatives in recent years have been taken for introducing independent regulation in the water sector.
- The **National Water Policy (NWP) 2012** strongly encourages the establishment of “autonomous” water regulatory authorities for fair pricing of water uses, and for cost recovery
- The **14th Finance Commission (2015)** also recommended that States should consider setting up statutory water regulatory authorities so that the pricing of water for domestic, irrigation and other uses can be determined independently and in a judicious manner.
- **Maharashtra is the first State to enact the Water Regulatory Authority Act** in 2005 and followed by 11 other States — Arunachal Pradesh (2006), Uttar Pradesh (2008), Andhra Pradesh (2009), Jammu & Kashmir (2010), Kerala (through ordinance, 2012), Gujarat (through notification, 2012), Punjab (2020), Haryana (2020), Telangana (2009), Uttarakhand (2013), and Jharkhand (2014).

Issues and Concerns

- There is no **uniform approach in adopting water regulatory framework** in India, and each State has enacted the WRA legislation independently.
- There is also **no transparent process** for selection of the members of WRA across States.
- There is **bureaucratic predominance** for the chairman's post in the WRA.
- Minimum attention has been given to ensure **transparency of the regulatory process**, accountability of the regulator, and facilitating participation of stakeholders of the water sector
- Many core functions for independent regulation in the water sector have also not **been adopted by the States**.
- The current regulatory framework does not also ensure a balance between “market based” approach and “government's social commitment
- There is **no model central legislation** in the water sector as we have seen in the electricity sector.
- There is **no consensus across States** even on the model regulatory framework as framed by the erstwhile Planning Commission
 - ◆ Unfortunately, only four States, — Maharashtra, Haryana, Punjab and J&K — have a Water Regulatory Authority

Suggestions and Way Forward

- The enactment of non-uniform water regulatory legislation by various States shows that there is a **need for enacting a draft model Bill on the subject.**
- The **Centre should evolve a consensus** to develop a model Bill after due consultation with the key water sector players including States and other stakeholders
 - ♦ the model Bill should **specify various functions of WRA**, and also deal, with its autonomy, accountability, powers, relationship with government
 - ♦ In the case of autonomy, there **should be provisions on transparent selection** of regulators, qualification and disqualification of members, commercial employment of members, tenures of members, reappointment of members, transparent removal of members, power to hire best experts by regulator, and existence of Regulatory Fund.
- There should be a **State Water Resource Council**, the highest policy making body, whose policy functions should deal with overall water sector management
- Once the model regulatory framework is agreed to at all levels including States,
 - ♦ there is a **need to enact a central legislation before its adoption by the States.**
 - ♦ Since water is a State subject, framing a central legislation will require taking recourse to **Article 249 or 252 of the Constitution for its consideration by Parliament.**

Mains Practice Question

- Q. A large number of Indians face high to extreme water stress. In light of this statement ,What innovative approaches can be implemented in water regulatory policies to ensure sustainable usage and equitable distribution among all stakeholders?

