

CWMA under Jal Shakti Ministry - Opposition

What is the issue?

- The Centre, by way of a notification, officially brought the Cauvery Water Management Authority (CWMA) under the Jal Shakti Ministry.
- Several political parties, especially the Opposition, and some farmers' associations in Tamil Nadu have expressed concerns over this.

What is the Jal Shakti Ministry?

- It was formed at the Union in May 2019, by merging the Ministry of Water Resources and the Ministry of Drinking Water and Sanitation.
- It was to deal with all water, sanitation and irrigation-related issues.
- With this, the erstwhile water resources ministry has been brought under Jal Shakti ministry as a department.
- The management boards of all rivers like Godavari, Krishna and Narmada, were functioning under the erstwhile water resources ministry.
- With a notification on April 24, 2020, the following were brought under the Jal Shakti Ministry:
 - i. National Water Informatics Centre
 - ii. North Eastern Regional Institute of Water and Land Management
 - iii. Krishna River Management Board
 - iv. Godavari River Management Board
 - v. Cauvery Water Management Authority (CWMA)

What is the Cauvery Water Management Authority?

- The CWMA was formed following the instructions of the Supreme Court in February 2018.
- The Court had instructed the then water resources ministry to frame a scheme under section 6A of the Inter-State Water Disputes Act, 1956.
- The court insisted that a water sharing scheme be framed by the Centre and its order implemented through the authority.
- [The court's order rejected outrightly the discretionary powers of the Centre that argued that framing of a scheme was not mandatory.]
- Accordingly, the Central government notified the Cauvery Water Management Scheme on June 1, 2018.
- The CWMA was formed as a quasi-judicial authority by the Centre, with its

own powers like an independent body.

- This was to implement the water-sharing award of the Cauvery Water Dispute Tribunal.
- The water sharing was to be carried out as modified by the Supreme Court earlier in 2018.
- [CWMA comprises of a Chairman, a secretary and eight members.
- The salary of the Chairman and others is divided among the basin states - 40% each for Karnataka and Tamil Nadu, 15% for Kerala, and 5% for Puducherry]

Why is the Centre's move opposed?

- While the other inter-state river dispute boards (Narmada, Krishna, Godavari) were directly set up by the ministry, the CWMA was set up with the instructions of the Supreme Court.
- Also, between June 2018-May 2019, there was no public notification on the CWMA being designated as an organisation under the Union Ministry of Water Resources.
- The Centre's present move will erode the autonomy and dilute the powers of the authority, and reduce it to a "puppet" of the Centre.
- The whole idea of being an independent body will be sidelined.
- The member states, particularly Tamil Nadu, being a lower riparian state, might not be able to represent their rights.
- The move is also seen as yet another assault on the federal structure.

What are the counter-arguments?

- The CWMA, a body corporate, has been working all along under the Water Resources Ministry.
- Even in the case of its predecessor, the Cauvery River Authority (1998-2013), the Water Resources Ministry had the administrative control.
- [It has the Prime Minister as the Chairman and Chief Ministers of the basin States as Members.]
- In fact, the CWMA has had only a part-time head, the Chairman of the Central Water Commission (CWC), attached to the Ministry.
- Besides, there are eight inter-State river water boards under the Jal Shakti Ministry.
- The formalisation of the CWMA's status corrects an apparent lapse on the Ministry's part and addresses administrative issues.
- Apart from meeting the procedural requirement, the notification does not, in any way, alter the character, functions or powers of the CWMA.

What are the other long-felt concerns?

- Successive governments at the Centre have been wary of acting decisively on this dispute, other than under the orders of the Supreme Court.
- This is due to the fear of alienating voters in one of the States involved.
- If there is anything the Centre can be blamed for, it is the way the CWMA functions.
- Even 2 years after its formation, the Authority does not have a full-fledged Chairman.
- The Centre would do well to act, at least now, in making the CWMA fully operational, when the southwest monsoon is about to set in.

Source: The Hindu, The Week

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