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# State of water bodies and existing policies and laws in India

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# Land and water wars



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- Current 'wars' over land, but next big struggle is over water
  - The allocation-reallocation of water from agriculture to industry and urban areas; between urban and industry
  - Water is needed for new growth
  - Not considered. Or discussed

# Skirmishes

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Nirma: Gujarat

People vs cement plant

Sompeta/Kakrapalli: AP

People vs thermal power  
projects

EIA clearance given: Waterbody  
taken over

# Encroached lake bed and catchment

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# Polluted lakes



# Policies to save the waterbodies in India

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National water policy formulated in 1997 and revised in 2002: **Talks only about revival of traditional systems**

Ministry of Environment and Forests has developed the National Wetland Conservation Programme in 1983 for conservation of lakes and other waterbodies

Since most of the lakes are in urban areas and face more threats of pollution and encroachment, the ministry developed a separate programme in 2001 called National Lake Conservation Plan to conserve the urban lakes. Few states developed State Level Conservation Plan

**Loopholes in NLCP: 351.99 crores have been released by the centre till the end of March 2011 and only eighteen lakes have been revived**

# Policies to save the waterbodies in India

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- The National Conservation Strategy and Policy Statement on Environment and Development (1992)
- National Project for Repair, Renovation & Restoration (RRR) of waterbodies directly linked to agriculture (2005)
- Regional plan-2021, National Capital Region (NCR) (2005)
- National Water Mission under National Action Plan on Climate Change (2009)

**The Comptroller and Auditor General's (CAG) report 2011 says that the Ministry of Environment and Forest has so far not undertaken any inventory of lakes**

# Multiple agencies for lakes and catchments

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The controlling and management agencies for the waterbodies and their conflicting interests is the main cause of degradation of waterbodies.

Creation of an single apex authority in place of different lake owning agency is very essential.

**Karnataka, Madhya Pradesh, Manipur, Orissa, Jammu and Kashmir and Uttarakhand have come up with apex authorities**



# Legal battles to save the lakes: Common features

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- The cases have been filed in the face of water shortage and government apathy.
- They are responses to encroachment or government-authorized changes in the use of the land of the lakes or their catchment areas.
- Several petitioners faced resistance, even threats, from land and real estate developers with political connections.
- Although water policies talk about protection of water-bodies, there is no clear framework to ensure that lakes are not protected.
- There are not clear laws to protect urban waterbodies and their catchment.
- Corruption charges on agencies responsible for protection.
- Multiple agencies without clear mandate in terms of role and responsibilities

# Points for the protection of waterbodies

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- Ownership of the waterbodies
- List mapping and earmarkings of the waterbodies on ground in the city
- Map and work on ground the buffer zone around the waterbodies
- Map and work on ground the catchment and channels feeding the waterbodies and precautions to be taken.
- Lack of information sharing about the legal framework for the protection of the waterbodies for key stakeholders.

# New law for the protection of wetlands



Ministry of Environment and Forests (MOEF) issued a rule for conservation and management of wetlands called the Wetlands (Management and Conservation) Rules, 2010.

# Missing points

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- The involvement of the stakeholders and other citizens near the waterbodies has been ignored.
- No clarification on the traditional rights
- The way by which the stakeholders would approach the wetland authority in case the state fails to identify a threatened waterbody is not clear.
- The rule does not mention about a well defined penalty for the people who do not abide by these rules.
- The new rule prohibits any entry of untreated sewage into the wetlands — but it is not mentioned how wetlands like East Kolkata wetlands which helps in treating the waste water —will be categorised.
- No mention on capacity building and preparing inventory or mapping in general



# Churning still water

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**The protection of waterbodies and their catchment is only half the story. The real challenge lies in ensuring that these bodies are supplied unpolluted rainwater, that is, they are recharged.**

# Lake warriors in Kolkata

