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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