

Guidelines for assessment of water availability for non-irrigation uses as approved by Chairman, CWC in Nov, 2012 (mostly Thermal power and industrial)

1.0 Background

Project proposals framed by State Governments/ NTPC/ private developers for developing up thermal projects are received in CWC seeking concurrence for water availability requirements for these projects. These proposals are either received through CEA or directly in CWC on advice of CEA. Some project proposals seeking CWC concurrence for water availability for domestic water use and industrial water use are also received.

2.0 CWC Mandate

2.1 Irrigation/ Multi-purpose Projects

The State Governments frame their proposals for development of water resources of their State through major and medium irrigation/ multi-purpose projects and approaching the Planning Commission for allocation of plan funds. As per the directives of Planning Commission, all such project proposals are required to be appraised by CWC to assess their technical feasibility and economic viability. The net availability of water at the project location, taking into consideration the gross yield and the share of the co-basin States depending upon any award/ agreement or otherwise is invariably examined in CWC as part of the technical appraisal.

2.2 Thermal/ Industrial/ Drinking Water Schemes.

2.2.1 As per the Guidelines of CEA for 'Formulation of Project Reports for Power Projects - October, 2002' for according economic clearance of thermal projects by CEA, the following certificates are required:

- (i) Water availability certificate from State Irrigation Department (this is required if the project draws fresh water from canal, reservoir etc.). However, if utilisation from ground water is envisaged, clearance from State Ground Water Authority/Board.
- (ii) Clearance of Ministry of Water Resources/ Central Water Commission or Central Ground Water Authority as the case may be. In case of inter-state/ country aspects, necessary clearance from concerned authority.

Even prior to above guidelines of CEA, CEA had been sending the project proposals for concurrence of CWC in respect of water availability for thermal projects.

2.2.2 CWC has been carrying out appraisal of water availability aspects of Thermal Projects on request of CEA since long. However, from the old records maintained by PAO, it transpires that except for MoWR's specific instructions in respect of Ganga Basin, in view of allocation of Sone waters and international treaty with Bangladesh, there are no general instructions to CWC from MoWR for this work.

2.3 Inter-Sectoral allocation

2.3.1 With increase in population and industrialization. The demand from sectors like energy, municipality, industries etc. is increasing at a fast pace. With increased water demand from various sectors, inter-sectoral conflicts are apprehended among different stakeholders e.g. industry versus agriculture; all human needs versus environment; etc. There is no legal mechanism to resolve such disputes.

National Water Policy - 2002 laid down the allocation priorities. Whereas drinking water is stipulated as first charge in any available waters as per the policy, States are free to decide their own priorities and make allocation of their share of water resources as per their requirement. However, there are no guidelines in National Water Policy for inter-sectoral allocations. CWC has no mandate to intervene in addressing issues arising out of inter-sectoral demands/priorities.

3.0 Points for Consideration

3.1 Concurrence/ no objection of MoWR/ CWC to the water allocation made by the State Government for thermal projects/ industries can be construed that CWC is a party to the inter- sectoral water allocation made by the State Government, which may have some repercussions at a later date. However, it may be pointed out that a clearance from CWC is required even if there is no inter- state/ country angle. Actually, the guidelines mentioned at 2.2.1 are CEA guidelines and CWC should be under no obligation to follow these, if CWC has no mandate to make such allocations. The role of CWC, therefore, should be limited to appraisal of the proposal to ensure that inter-state/ international issues are taken care of and water is available at the point of withdrawal.

3.2 A systematic approach as below is proposed to be adopted for appraisal of such proposals.

- a. Assessment of availability/ source
- b. Interstate issues/ international issues, if any
- c. Impact on committed utilizations if irrigation water diverted for non-irrigation uses

3.2.1 (a) Assessment of the availability/ source of water & (b) Inter-State aspects/international aspects - The issues involved are somewhat inter-related. In case water allocation for the proposed project is made by the State Government by withdrawal from main river stem or its tributaries, following scenario emerges –

- (i) Share of State decided by a Tribunal/Valid Agreement
- (ii) Share of State not decided by a Tribunal/Valid Agreement

Following procedure is proposed to be adopted:

(i) Share of State decided by a Tribunal/ Valid Agreement - The examination in such cases to be limited to ensuring that provision for non-irrigation uses as contemplated in the Master Plan of the State Government is not exceeded. In case the existing Master Plan of the State Government does not have sufficient provision for non-irrigation uses; as State Governments are

responsible to develop their water resources for different purposes as per their priorities, a fresh master plan from the State Government will be sought, which is to include the total allocation made for thermal projects/ industries/ drinking water schemes etc. beside irrigation/ multi-purpose projects. The State Govt. has to certify that total provision for thermal/ industries/ drinking water etc. made in the master plan includes provision for the proposed project.

(ii) **Share of State not decided by a Tribunal/ Valid Agreement** – Assessment of water availability in the river at the withdrawal point, as made by the State government will be sought. As the water requirement of such projects is relatively small, detailed analysis by Hydrology Dte. is not considered necessary. However, views of Hydrology Dte. will be obtained. No objection as per para 3.3 below can then be given with the rider that as and when some agreement is reached with the other co-basin States, the allocation for the proposed project will be counted against the share of the concerned State.

3.2.2 (c) Impact on committed utilizations if irrigation water diverted for non-irrigation uses - As discussed above, the water demand of all the sectors is on the rise. Though the water use from the approved projects is the prerogative of the State Government which they have to decide as per their priorities, the diversion of water from already committed irrigation use to non-agricultural uses has to be considered taking into account its likely impact on the availability of water for existing command. The State Government shall be asked to look into this aspect and issue their concurrence to the fresh water demand. Based on the inputs /data provided by the project developer issued by respective State Govt., CWC, will examine the matter in totality from overall technical & Inter-state considerations & will issue concurrence accordingly

(i) The State Govt. is to take measure to ensure that shortfall in irrigation supply due to diversion of water from approved project shall be duly offset by ground water exploitation (if possibility exists) or through better water management (efficiency improvement)/ saving through lining of existing unlined canal etc.

(ii) The total water used by the State Government from the existing project will be limited to already approved utilisation or as per the existing agreement with the co-basin State, if any.

3.3 On appraisal, if found acceptable, it is proposed that hereafter, CWC convey following:

"CWC has no objection to the withdrawal of water from, for the proposed project. However this clearance may not be taken as approval of the CWC for allocation of MCM of water for industrial use."

3.4 For projects located in Ganga Basin, as the final clearance is given by MoWR, the proposal after examination are proposed to be sent to Ganga Wing, MoWR by Chief Engineer (IMO), CWC. For project proposals of other basins, the Chief Engineer (IMO) shall issue necessary concurrence with the approval of Member (WP&P), CWC.