

“On 129th Birth Anniversary of Babasaheb Dr. B.R. Ambedkar – 14th April 2020”

Dr. Ambedkar’s Vision and Policy on River Waters

Dr. D.K. Verma

Professor & Director (Research, Extension & Training)

Dr. B. R. Ambedkar University of Social Sciences

Dr. Ambedkar Nagar (Mhow, M.P.)

Dr. Ambedkar was a great visionary of the betterment of humanity and sustainable development. He was very much aware of the importance of natural resources for the sustainable development of society. He knew it better and had a clear vision of such policy. He considered water resources as common human property with no provincial barriers. In fact, environmental resources observe no political boundaries. And if political boundaries made for them then problems arise. Dr. Ambedkar had a very clear perception about the community or joint-ownership of water resources across the land. He considered them as property to be shared by all to the best advantage.

His vision becomes clear from his address to the representatives of Centre, Bengal and Bihar Governments in Bengal Secretariat in Calcutta on 3rd January, 1945 (Dr. Babasaheb Ambedkar Writings and Speeches, Vol. 10, 1992: Dr. Ambedkar as member of the Governor General’s Executive Council, 1942-46, Education Department, Government of Maharashtra, p 220) :

“The Government of India is very much alive to the disadvantages from the present state of affairs and wishes to take steps to evolve a policy which will utilize the water resources of the country to the best advantage of everybody and to put our water resources to the purpose which they are made to serve in other countries”

Not only he was concerned with the water resources for national development, Dr. Ambedkar explicitly and implicitly emphasized that water resources were the concern of Central Government and not that of Provincial Governments. He made particular reference to one of the recommendations of Damodar River Flood Control Committee appointed by the Government of Bengal in 1944 :

“ During the course of discussion it was felt by the committee that it will be an advantage in the solution of flood control and soil conservation problems if forests and rivers of India are made the concern of the Central Government”.

Dr. Ambedkar considered that since water resources observe no political boundaries and were often found in more than one province, they could not be subjected to provincial boundaries. The present water wars on rivers, are in fact the result of such policy only where rivers are kept in both the Union and State lists. At the Damodar Valley Scheme Conference at Calcutta in 1945, Dr. Ambedkar said that:

“... we have not taken sufficient account of the fact that there is no difference between railways and waterways and if railways cannot be subjected to provincial boundaries neither can waterways at any rate those that flow from province to province.

Our Constitution has provisions for waterways without a clear cut policy. Article 262 of the Constitution specifically deals with the disputes relating to Waters. The article specifies that : (1) Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of waters of , or in, any inter-State river or river valley. (2) Notwithstanding anything in this

Constitution, Parliament may by law provide that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint as is referred to in clause (1).

In exercise of the power conferred by this article, the Parliament has enacted the Inter-State Water Disputes Act, 1956. Section 4 (1) of this Act provides that when, on receipt of a request from any State Government, the Central Government is of the opinion that the water dispute cannot be settled by negotiations, The Central Government shall constitute a Water Dispute Tribunal for the adjudication of that dispute.

Under the Seventh Schedule (Article 246) of our Constitution, water is taken care of under Entries 56 and 97 of Union List and 14, and 18 of State List. Entry 56 of List I is wide enough to include the use, distribution and allocation of the waters of inter-State rivers. Under entries 14, and 17, of List II, the State legislation can legislate with respect to all waters within its territory, but so far as inter-State rivers flowing through the State is concerned, the power of the State Legislation is subjected to Entry 56 of List I.

In other words, the Constitutional position on water dispute is that the State Legislature's powers relating to regulation and development of inter-State waters shall be exercisable only so long so far the control over their regulation and development has not been taken over by a law of Parliament passed under the Entry 56 of List I.

In spite of this, a re- thinking shall be required to review the Constitution with regard to water. Our past experiences show that existing Constitutional provisions are not sufficient and efficient to handle inter-State and Center-State issues related with

waters. Indiscriminate exploitation of ground water has resulted in lowering of water table in several States. In the coming future, it will be difficult to cope with the water problems and it is also said that the next world war will be fought on water !

Dr. Ambedkar had envisioned this, as he said:

..The disadvantages of this error are many and obvious. To give one illustration, a province needs electricity and wishes to utilize its water resources for the purpose but it cannot do so because the point at which water can be dammed lies in another province which being agricultural does not need electricity and has no interest in it, or money to finance the project, and would not allow the needy province to use the site. Complain as much as we like, a province can take such an unfriendly attitude and justify in the name of provincial autonomy”.

Hence, for securing environmental justice to Indian society in general and weaker sections in particular, there is an urgent and immediate need that not only the water but all basic life sustaining resources in the country should be distributed equally and to the best advantage of all, as envisaged by Dr. Ambedkar in his policy on water.

The unity in diversity of our country will be strengthened, if a uniform policy for life sustaining basic resources is adopted. Recurring floods and droughts have become unmanageable and can be tackled by adopting a uniform, integrated and coordinated policy, which can only be designed, implemented and ensured by the Central Government.

Dr. Ambedkar considered water as property to be shared by all to the best advantage. His policy to treat water particularly inter-State water ways (rivers) as a matter of concern for the Center like railways and not that of Province, is the solution to current inter-State conflict over waters like that between Karnataka and Tamil Nadu, and Madhya Pradesh and Gujarat. Therefore, Dr. Ambedkar was of the opinion that :

‘it is wrong to think water in excessive quantity is an evil. Water can never be so excessive as to be evil. Man suffers more from lack of water than from excess of it. The trouble is that nature is not only niggardly in amount of water it gives, it is also erratic in its distribution alternating between drought and storm. But this cannot alter the fact that water is wealth. Water being wealth of the people and its distribution being uncertain, the correct approach is not to complain against the nature but to conserve the water’.

<

All basic life sustaining natural resources should be declared and treated as National Resources ensuring equal distribution and accessibility to all the citizens. There should be only one policy (National Policy) for water and in that regard for all life sustaining resources and also there should be only one agency (Central with due representation from all States and Union Territories) to implement, regulate and monitor the distribution and accessibility to such resources to the best advantage of all.
