

Delhi can't Usurp Irrigation Projects of States

The Gazette Notification by Union
Minister for Jalashakti dated 15 July 2021 directing

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Andhra Pradesh and Telangana states to hand over all the irrigation projects on rivers Krishna and Godavari, including files, instruments, vehicles and staff to the centre appointed boards is against the federal structure of Indian Constitution, invasive of sovereignty of states, tramples upon the rights of the people in two states.

This unprecedented take over order also says that the states have to pay Rs 200 crore each to maintain these projects and pay any amount whenever the Boards demand, the states were asked to procure the sanctions and approvals from the Central department within six months (which period is already ended) and, if not, all those without sanction would be stopped even if thousands of crores of rupees were spent on them. If implemented it will create serious crisis in agriculture, water distribution, economy and impose heavy burden of debts on two states, while the ayacut which is already being irrigated also should be halted. It also breaks the drinking water supply to several towns and cities including capital city of Hyderabad.

This is far excessive than the enabling provisions of Andhra Pradesh Reorganization Act, 2014. Besides being illegal, it is also unconstitutional, because the centre usurps the executive power of states as per entry of 'water' under the (States) List II of the Constitution. Telangana Development forum and members of civil society demanded immediate withdrawal of this draconian Gazette Notification. At a round table conference on 5th March, 2022, 'Hyderabad Declaration' was made.

Hyderabad Declaration

1. Immediate withdrawal of the Gazette Notification issued by Jal Shakti Ministry on 15 July 2021 taking over all the irrigation and power projects on Krishna and Godavari rivers in Telangana and Andhra Pradesh. The notification is considered arbitrary and against the Constitution seriously undermining rights and interests of Telangana. It is also against the spirit of federalism, devolution of powers and in favour of concentration of powers in Centre.

2. Constitution of a new tribunal to allocate to Telangana its share of river waters.

3. The governments in the State and Centre should act swiftly as the new State of Telangana has lost almost eight years after its formation without fresh water allocation.

4. The State government should increase capacity to utilize the allocated share of river waters and demand increase in its share.

The MPs and MLAs should take up this issue aggressively in Parliament and Assembly and Legislative Council respectively.

Invasion on Autonomy of Telangana & AP

The Union Government, in the pretext of defining the jurisdiction of Krishna and Godavari River Management Boards, usurped all the rights and the entire administrative powers of the states. The devouring of the states' rights over the entire corpus of the irrigation projects—35 in Krishna Basin and 71 in Godavari area has come under severe criticism. Union has all the power to appoint Chairpersons to the boards and even engineers to these projects. The notification has disqualified the engineers of both the Telugu states to represent in these boards. Besides taking away complete control of two major rivers leaving the states zilch, the Gazette dictated states to deposit Rs. 400 crores with boards to maintain the projects. Additional funds, if required, have to be shelled down within a fortnight as and when the Board places the financial demands, as per this Gazette.

The notification rules that the two states have no power to give any order regarding the administration of the projects. They would follow the orders from the centre. The notification says: *"Plant, machinery, equipment and stores purchased or procured for and in connection with functions under the Act (Andhra Pradesh Reorganization Act, 2014), in regard to the operational projects or components over head works (barrages, dams, reservoirs, regulating structures), part of canal network and transmission lines shall come under the jurisdiction of GRMB and KRMB. In case of any doubt regarding the jurisdiction of KRMB or GRMB, the decision of the Union Government is final"*. The notification mandates that it is the duty of states to secure the necessary approvals and environmental sanctions from the centre within six months. If not approved, they should be stopped immediately, even if it affects the states' economies adversely. The irony is that it is the duty of the centre to give approvals, but it is not accountable, while the Telugu states are punished.

How did the centre acquire such blanket rights over the states? This is attributed to the Andhra Pradesh Reorganization Act, 2014. This Act provided to constitute the two River Management Boards and decide the jurisdiction of these Boards. These Boards were formed in 2014, but jurisdiction was not decided till this notification. Neither the Constitution of India nor the AP Reorganization Act supports this kind of order of the Centre to States to surrender all irrigation projects. Though Krishna and Godavari flows in other states also, the Centre did not mention about their projects.

Cause of Water Crisis

This invasive Gazette has the danger of stirring up a hornets' nest. It could create a water crisis for the 9 crore Telugu population too. Telangana State has taken up 9 projects. Four of them were almost completed. These projects could irrigate 36 lakhs 53 thousand acres. Already 7 lakhs 53 acres of ayacut was built under these major irrigation projects. In simple language, this order tells Telangana: *"You might have already spent*

Rs 37 thousand crores out of the total projected expenditure of Rs 70 thousand crores. Doesn't matter. You leave it to us and get lost".

Moreover, to continue the projects, each of the two states has to pay Rs. 200 crores through their noses. The projects yet to be approved by the centre will be stopped immediately. After spending a humongous amount of Rs. 37,000 crores, the projects are grabbed by the centre and these projects need not necessarily be continued.

Drinking Water to Hyderabad

The notification also could adversely affect drinking water supply to cities and towns including the capital city of Hyderabad. With the stoppage of these projects, 80 lakh people in 12 districts of Telangana will not get drinking water. Perhaps the Delhi rulers have to send water tankers for Hyderabad dwellers. The Telangana paid huge compensation to the farmers for acquiring 20,000 acres of land. What should the government do with these lands in case projects are abandoned? The Gazette has no answer to it.

Projects Stop Irrigating

Many projects, awaiting approval, have already spent Rs 28 thousand crores. Though unapproved, some projects were almost completed with Rs. 8734 crores irrigating 7.53 lakh acres. Gazette wants them to be closed.

For instance, Jawahar Nettempadu lift irrigation project, Koil Sagar lift irrigation, Mahatma Gandhi Kalwakurthy and AMRP lift irrigation were completed projects though not approved. Rs. 11 thousand crores were spent on these projects. Several lift irrigation projects like Palamuru Ranga Reddy, Sri Ramaraju Vidyasagar Dindi, Udyasamudram and Srisailam Left Canal Tunnel Project are under anvil. Rs. 28 crores were spent till now on these projects, and 43,872 acres of land was acquired.

'Water' is the state subject according to Entry 17 of the List II of the Constitution. While the center's jurisdiction is confined to interstate waters, it trespassed into states powers and watering down the spirit of the constitution. Federal character, a basic structure of the Constitution is insouciantly crippled.

The Inter State Dispute

Telangana People, over a half of the century, have been agitating for the inequitable distribution of water allocations from Krishna and Godavari rivers. Since the right to rise dispute about river water allocations is vested with the state government alone, as a sub-region Telangana could not question as per the law. Being a part of Andhra Pradesh State, Telangana was deprived of the legitimate right to redressal of its grievances before any fora. Telangana, without the status of a state, could not have gone for a tribunal over its demand for the justice in the justiciable allocation of river waters. Hence the demand for Telangana became a Constitutional necessity.

Injustice

When 70% of Krishna flowing in Telangana, why should it not get a minimum of 50% of the river water? Does this not violate the articles of 14 and 21 of Indian Constitution? The answer is, yes. In fact, there should be unequivocal reallocation of river waters of Krishna and Godavari among the two Telugu states. The Centre does not constitute a

tribunal to solve the dispute. They won't allow Telangana to construct the projects. Completed projects are sought to be disbanded. Delhi demands to stop the unfinished projects. Neither the Centre cares about the farmers would be deprived of water for irrigation nor does it care for the state people's need to get potable water.