
Water Rights and Allocation

The ownership of water does not vest in an individual but in the state. The Government reserves the right to allocate water to ensure equitable distribution, efficient development and use, and to address poverty. The Government can redirect its use during periods of droughts, floods, cyclones, and other natural and man-made disasters, such as contamination of groundwater aquifers that threaten public health and the ecological integrity. Allocation rules will be the formal mechanism for deciding who gets water, for what purpose(s), how much, at what time, for how long, and under what circumstances water use may be curtailed. Rules for water allocation will be developed for in-stream needs (ecological, water quality, salinity control, fisheries and navigation) during low-flow periods; for off-stream withdrawal (irrigation, municipal and industrial, power), and for groundwater recharge and abstraction. Allocation for non-consumptive use (e.g. navigation) would imply ensuring minimum levels in water bodies used for that purpose.

Henceforth, the policy of the Government to regulate the use of water, where required, will be exercised in the following manner:

- a. The Government will exercise its water allocation power in identified scarcity zones on the basis of specified priorities.
- b. In general, the priority for allocating water during critical periods in the water shortage zones will be in the following order: domestic and municipal uses, non-consumptive uses (e.g. navigation, fisheries and wild-life), sustenance of the river regime, and other consumptive and non-consumptive uses such as irrigation, industry, environment, salinity management, and recreation. The above order of priority could however be changed on specific socio-economic criteria of an area by local bodies through local consensus.
- c. For sustaining rechargeable shallow groundwater aquifers, the Government will regulate the extraction of water in the identified scarcity zones with full public knowledge.
- d. Specific drought monitoring and contingency plans will be prepared for each region experiencing recurrent seasonal shortages of water with due consideration to conjunctive use of rainwater, surface water and ground water and alternative ways of satisfying demand. The contingency plan will include action to limit the use of groundwater according to priorities. Appropriate provisions of law should be made to protect specific users' rights in these extreme cases.
- e. The Government may empower the local government or any local body it deems fit, to exercise its right to allocate water in scarcity zones during periods of severe drought, and it will monitor the water regime and enforcement of the regulations through specifically designed mechanisms.
- f. The Government may confer water rights on private and community bodies to provide secure, defensible and enforceable ownership rights to ground water and surface water for attracting private investment.

In specifying surface water rights, the minimum requirement of stream-flow for maintaining the conveyance channel will be ensured