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Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

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Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.



Dr. Rinu Saraswat

Associate Professor at School of Law, Apex University, Jaipur,
M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.

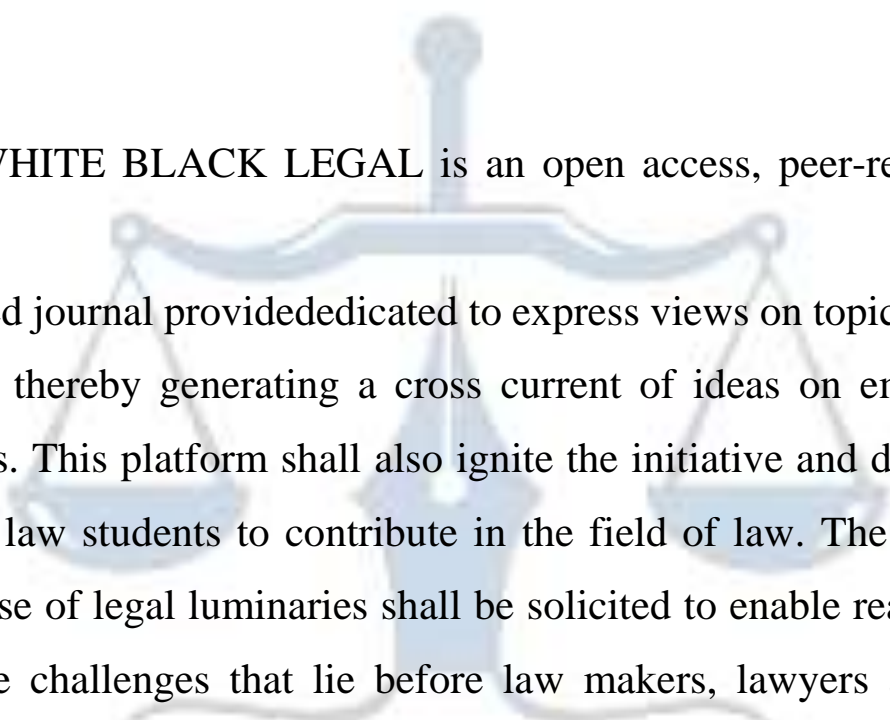


Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

NAVIGATING LEGAL FRAMEWORK AND CONFLICTS IN INTERSTATE RESOURCE DISPUTES IN INDIA

AUTHORED BY – D.VAISHNAVI, M.A., B.Ed., LL.B.¹

CO-AUTHOR - M. JENIFA, B.A., LL.B.²

CO-AUTHOR 2 - S. SOUNDHARYA, B.A., LL.B.³

ABSTRACT:

"It is said that water is life, and we know that water is a precious resource for human survival. Managing our water resources is critical for development and peace."

-Nelson Mandela

Interstate water disputes in India have emerged as a significant challenge due to the increasing demand for water, unequal distribution, and competing interests of riparian states. These conflicts often arise from divergent interpretations of water-sharing agreements, historical usage rights, and regional developmental priorities. Major disputes, such as those involving the Cauvery, Krishna, and Ravi-Beas rivers, highlight the complexities of managing shared water resources in a federal system. The legal framework governing such disputes includes Articles 262 of the Indian Constitution and the Inter-State Water Disputes Act, 1956⁴. While these mechanisms provide for the establishment of tribunals and judicial oversight. This paper examines the root causes and legal dimensions of interstate water disputes, emphasizing the principles of equitable utilization, sustainable development, and cooperative federalism. It also evaluates the efficacy of existing institutional frameworks and proposes measures for strengthening governance, including expedited dispute resolution, enhanced intergovernmental dialogue, and integrated water resource management strategies to ensure equitable and sustainable outcomes.

¹ I – LL.M.(Constitutional law and Human Rights), The Central Law, College, Salem – 08.

² I – LL.M.(Criminal Law and Criminal Administration), The Central Law, College, Salem – 08.

³ I – LL.M.(Constitutional law and Human Rights), The Central Law, College, Salem – 08.

⁴ *Interstate River Water Disputes Act, 1956*, Act No. 33 of 1956, Ministry of Law and Justice, Government of India.

Keywords:

Water disputes, Indian Constitution, federalism, tribunals, sustainable development, equitable utilization, cooperative federalism.

1. INTRODUCTION

India's federal structure presents unique challenges in managing shared natural resources among its states, with water being one of the most contentious. The growing demand for water, fuelled by population growth, agricultural needs, and industrial expansion, has intensified disputes between states over the allocation of river waters⁵. These conflicts arise from varying interpretations of historical water-sharing agreements, differing developmental priorities, and unequal access to water resources⁶. The lack of a unified and enforceable framework for managing shared waters further aggravates the problem.

Interstate water disputes transcend administrative and legal boundaries, intertwining with political, economic, and social concerns. High-conflicts involving the Cauvery, Krishna, and Ravi-Beas rivers, illustrate the pressing need for a balanced approach that upholds federal principles while promoting equitable and sustainable resource distribution. Although constitutional provisions and legal mechanisms exist to address these disputes, prolonged adjudication and enforcement challenges often escalate tensions.

2. HISTORICAL BACKGROUND OF WATER DISPUTES IN INDIA

Water disputes in India have a long-standing history shaped by its geographical diversity, colonial history, and evolving governance structures. Water has always been a critical resource, especially in a largely agrarian society where it plays a central role in irrigation, drinking, and industrial needs. These conflicts have been deeply influenced by historical shifts in water management systems, from traditional practices to centralized control under colonial rule, and later, challenges in the federal governance structure of post-independence India.

2.1 TRADITIONAL WATER MANAGEMENT SYSTEMS

Before British rule, water management in India was predominantly organized at the local level. Communities used traditional systems such as wells, tanks, and canals to store and distribute

⁵ Narain, V., & Rao, P. K. (2019). "India's Interstate Water Disputes: Moving Towards a Legal and Institutional Reform." *Asian Development Perspectives*, 10(2), 115–130.

⁶ Iyer, R. R. (2003). *Water: Perspectives, Issues, Concerns*. SAGE Publications.

water for irrigation and domestic purposes. These systems were often cooperative in nature, with local panchayats or village councils managing disputes and ensuring equitable distribution based on community needs⁷.

2.2 COLONIAL INFLUENCE ON WATER CONTROL (1858–1947)

British colonial rule significantly altered India's water governance. The British introduced large-scale irrigation projects to boost agricultural output and increase revenue from agriculture. Major irrigation systems like the Upper Ganga Canal and those in Punjab and Madras were constructed, changing the way water was managed and shared⁸. However, this top-down approach often disregarded local customs, leading to disputes between regions over access and control.

Several colonial-era agreements, such as the 1892 and 1924 treaties⁹ concerning the Cauvery River between the Madras Presidency and Mysore, became sources of future conflict. These agreements were designed to serve British administrative needs, favouring particular regions and creating imbalances that would later spark disputes post-independence¹⁰.

2.3 POST-INDEPENDENCE WATER DISPUTES (1947–PRESENT)

After India's independence in 1947, water disputes became more complex due to the reorganization of states based on linguistic lines and the federal structure of governance. Several major rivers, including the Cauvery, Krishna, Godavari, and Ravi-Beas, flow through multiple states, leading to recurring conflicts over their water distribution. The Indian Constitution grants states control over water resources, but rivers that cross state boundaries are subject to central authority, complicating matters further.

To address these interstate conflicts, the Indian government introduced the Inter-State Water Disputes Act 1956, which provided a legal framework for establishing tribunals to resolve water-sharing issues. Despite these legal mechanisms, disputes persisted, as seen in the

⁷ Agarwal, A., & Narain, S. (1997). *Dying Wisdom: Rise, Fall and Potential of India's Traditional Water Harvesting Systems*. Centre for Science and Environment.

⁸ Whitcombe, E. (1972). "Irrigation and Agricultural Development in India: Historical Perspectives." *The Journal of Development Studies*, 8(3), 287–303.

⁹ Government of India (1892). *Treaty Between the Madras Presidency and the State of Mysore Concerning the Cauvery River Water Distribution*. Government of India Archives, 1892.

¹⁰ D'Souza, R. (2006). *Colonialism, Environment and the Ideology of Development: The Case of the Irrigation System in Sindh*. Oxford University Press.

protracted Cauvery water dispute between Karnataka and Tamil Nadu, which traces its origins to colonial agreements. Similarly, the Krishna River dispute involved Maharashtra, Karnataka, and Andhra Pradesh (and later Telangana) over the allocation of river water amidst growing demands for irrigation and drinking water.

3. CONSTITUTION AND WATER RIGHTS

The Indian Constitution provides the foundation for managing water resources at both the state and national levels¹¹. Water, as a subject, is mentioned in:

- **Union List (List I, Seventh Schedule):** Under Entry 56, the Union has authority over regulations for the development of interstate rivers and river valleys. This allows the central government to intervene in disputes involving the flow of water across state boundaries.
- **State List (List II, Seventh Schedule):** Water, specifically in the context of its use for irrigation, drinking, and industry, is primarily a state subject under Entry 17 of the State List. States are responsible for managing and distributing water within their borders, but disputes arise when water resources are shared by multiple states.
- **Concurrent List (List III, Seventh Schedule):** In instances of water pollution and conservation, both the Union and States share responsibility (Entry 13).
- **Article 262(1):** Parliament may by law provide for the **adjudication of any dispute or complaint** with respect to the **use, distribution or control of the waters of**, in any inter-State River or river valley.
- **Article 262(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)

This division of authority between the Union and the States often leads to conflicts when states dispute the sharing of water from rivers that cross their borders.

3.1. The Inter-State Water Disputes Act, 1956

The **Inter-State Water Disputes Act**¹², 1956, is one of the primary legal frameworks designed to address water disputes between states. The Act provides for the establishment of tribunals to resolve disputes that arise over the sharing and management of water from interstate rivers.

¹¹ <https://legislative.gov.in/constitution-of-india/>

¹² *Interstate River Water Disputes Act, 1956*, Act No. 33 of 1956, Ministry of Law and Justice, Government of India.

The process under the Act involves the following steps:

The states involved cannot resolve their water-sharing issues through negotiation, the central government can form a tribunal to adjudicate the dispute. The tribunal's decision is final, but states can file appeals on specific grounds. Tribunals conduct hearings, gather evidence, and consider the claims of all parties involved before reaching a decision. The verdict typically includes a recommendation for the equitable distribution of water. While tribunal decisions are binding, enforcement can sometimes be problematic due to political opposition or the unwillingness of states to comply.

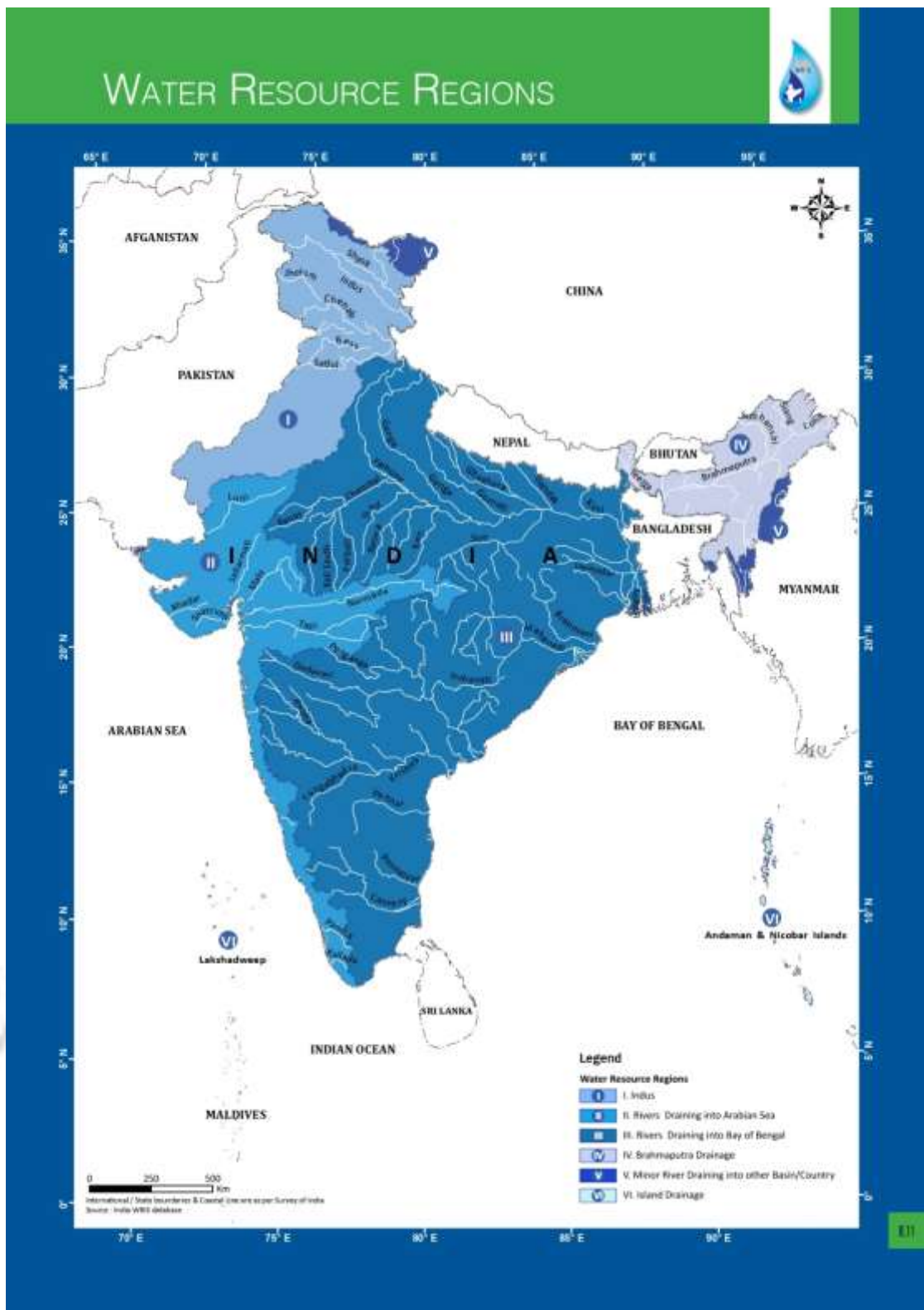
The Act was a significant step in providing a formal legal process for resolving disputes. However, the effectiveness of this mechanism has been criticized due to delays in the formation of tribunals, the long duration of proceedings, and challenges in implementing tribunal decisions.

4. INTER-STATE RIVER WATER RESOURCES

According to CWC India has 22 major river basins, with most rivers flowing across states.¹³ As river basins are shared resources, a coordinated approach between the states, with adequate involvement of the Centre, is necessary for the preservation, equitable distribution and sustainable utilisation of river water. Within India's federal political structure, inter-state disputes require the involvement of the Union government for a federal solution at two levels: between the states involved, and between the Centre and the states. However, interstate rivers in India have become sites of contestations, fuelled by conflicting perceptions of property rights, flawed economic instruments for food security, the lack of an integrated ecosystems approach, and the prevalence of reductionist hydrology for water resource development¹⁴. Such conflicts over the possession and control of river water have persisted since the inception of the Indian republic, with prolonged delays in resolution due to historical, institutional and political factors. In recent years, increasing water scarcity, a rapid rise in urban and rural demands for freshwater, and contentious political dynamics have further exacerbated the problem. See Annexure-1.

¹³ https://indiawris.gov.in/wiki/doku.php?id=river_basins

¹⁴ "Conflict over Cauvery Waters: Imperatives for Innovative Policy Options," ORF Monograph, September 2018, Observer Research Foundation



Source: River Basins Atlas of India¹⁵

¹⁵ India-WRIS.2012, River Basin Atlas of India, RRSC-West, NRSC, ISRO, Jodhpur, India.

5. MAJOR INTERSTATE RIVER WATER DISPUTES

India is home to several interstate river disputes due to its reliance on rivers for agriculture, drinking water, and industrial activities. These disputes often arise from conflicting demands between upstream and downstream states, complicated by geographic, demographic, and political factors.

The **Cauvery River Dispute**, one of the most prominent, involves Karnataka, Tamil Nadu, Kerala, and Puducherry. The conflict centers on the allocation of water, with Karnataka, the upper riparian state, seeking more control over usage for its agricultural needs, while Tamil Nadu, the lower riparian state, depends heavily on Cauvery's waters for irrigation and drinking purposes. Kerala and Puducherry also claim smaller shares of the river¹⁶.

Another significant conflict is the **Krishna River Dispute**, which involves Maharashtra, Karnataka, Andhra Pradesh, and Telangana. This dispute intensified after the bifurcation of Andhra Pradesh, with Telangana asserting its share. The debate centers on the equitable distribution of Krishna's waters for irrigation and drinking water.

Similarly, the **Godavari River Dispute** involves Maharashtra, Telangana, Andhra Pradesh, Chhattisgarh, and Odisha. Competing demands for water to support irrigation projects and hydroelectric power generation have led to disputes, particularly between Telangana and Andhra Pradesh¹⁷.

In eastern India, the **Mahanadi River Dispute** is a long-standing conflict between Odisha and Chhattisgarh. Odisha accuses Chhattisgarh of constructing dams and barrages that reduce water flow downstream, adversely affecting its agriculture and ecosystem. On the other hand, Chhattisgarh argues for its right to utilize the river for developmental projects¹⁸.

The **Vamsadhara River Dispute**, another case in this region, pits Odisha against Andhra Pradesh over water-sharing and Andhra Pradesh's construction projects on the river.

¹⁶ Report of the Cauvery Water Disputes Tribunal (2007).

¹⁷ Government of India. (1980). *Report of the Godavari Water Disputes Tribunal*. Ministry of Water Resources.

¹⁸ Panda, S. (2019). "Mahanadi Water Dispute: A Case for Inter-State Cooperation." *Economic and Political Weekly*, 54(25), 22–24.

The **Yamuna River Dispute**, affecting Delhi, Haryana, Uttar Pradesh, and Himachal Pradesh, centers on water allocation for drinking, irrigation, and industrial use. As the river flows through multiple states, disputes arise over pollution control and the division of its waters.

In northern India, the **Ravi-Beas Dispute** involves Punjab, Haryana, and Rajasthan. This conflict traces its roots to the reorganization of Punjab in 1966 and concerns the equitable distribution of water for irrigation and other purposes¹⁹.

The **Narmada River Dispute** is another major issue, involving Madhya Pradesh, Gujarat, Maharashtra, and Rajasthan. The debate focuses on sharing the river's waters for hydropower, drinking water, and irrigation. Despite the Narmada Water Disputes Tribunal's efforts, tensions persist.

In southern India, the **Periyar River Dispute** between Kerala and Tamil Nadu revolves around the Mullaperiyar Dam. Tamil Nadu relies on the dam for irrigation and drinking water, while Kerala raises concerns over its safety.

The **Mahadayi (Mandovi) River Dispute** involves Goa, Karnataka, and Maharashtra. Goa opposes Karnataka's plans to divert water for the Kalasa-Banduri project, citing potential ecological damage and reduced water availability for its population. These disputes highlight the complexities of managing shared water resources in India and emphasize the need for effective negotiation, equitable solutions, and sustainable water management strategies.

6. RESOLUTION MECHANISMS

State governments dominate the allocation of river waters. Since rivers cross state boundaries, disputes are inevitable. The Inter-State Water Disputes Act of 1956 was legislated to deal with conflicts, and included provisions for the establishment of tribunals to adjudicate where direct negotiations have failed. However, states have sometimes refused to accept the decisions of tribunals. Therefore, arbitration is not binding. Significantly, the courts have also been ignored on occasion. Finally, the center has sometimes intervened directly as well, but in the most intractable cases, such as the sharing of the Ravi-Beas waters among Haryana, Jammu and

¹⁹ Bhalla, G. S. (2000). "Ravi-Beas Dispute: Federal Challenges in Water Sharing." *Economic and Political Weekly*, 35(5), 45–48.

Kashmir, Rajasthan, and Punjab, central intervention, too, has been unsuccessful. An unambiguous institutional mechanism for settling inter-state water disputes does not exist. On the other hand, water disputes are sometimes settled. Economic analysis is necessary to illuminate whether and how water disputes get resolved in India²⁰

6.1 The River Boards Act, 1956

The **River Boards Act, 1956**²¹, was introduced to establish River Boards for the development and regulation of river systems. The Act allows for the creation of boards to coordinate the management of interstate rivers for their optimal utilization, such as for irrigation, power generation, and flood control.

The act to provide for the establishment of River Boards for the regulation and development of inter-state rivers and river valleys empowers the Central Government, on a request received in this behalf from a State Government or otherwise, by notification in the Official Gazette, to establish a River Board for advising the Governments interested in relation to such matters concerning the regulation or development of an inter-State River or river valley or any specified part thereof. However, this Act has rarely been used due to political reluctance and the lack of enforceable authority.

6.2 Inter-State River Water Disputes Act, 1956

The **Inter-State River Water Disputes Act, 1956** is a crucial law enacted by the Indian Parliament to address disputes over the allocation, control, and usage of waters from interstate rivers and their basins. It was established in alignment with **Article 262** of the Indian Constitution, which grants the Parliament authority to resolve conflicts related to interstate rivers. The provision also limits the jurisdiction of courts, including the Supreme Court, in such matters when legislation has been enacted.

The Act aims to create a structured framework to resolve disputes between states over sharing water resources. It seeks to ensure an equitable distribution of water while addressing competing demands and maintaining cooperation among states. The central government is empowered under the Act to mediate and provide mechanisms to resolve such disputes.

²⁰ Singh, S. (2017). "Prolonged Disputes and Federal Challenges in India." *Economic and Political Weekly*, 52(31), 20–23.

²¹ *The Rivers Board Act, 1956*, Act No. 49 of 1956, Ministry of Law and Justice, Government of India.

Notification of Disputes

When a state raises concerns regarding the use or control of an interstate river or its basin and negotiations fail, it can approach the central government²². If the central government deems the issue irresolvable through discussions, it can establish a tribunal to adjudicate the matter.²³

Constitution of Tribunals

The central government forms a tribunal to resolve the specific dispute. Tribunals are composed of a chairperson and members, usually serving or retired judges of the Supreme Court or High Courts²⁴.

Tribunal's Procedure and Powers

Tribunals function as civil courts under the **Code of Civil Procedure, 1908**, with the authority to:

- Summon witnesses.
- Request the production of documents.
- Examine evidence.

The tribunal investigates the dispute and submits its decision in the form of a report²⁵.

Binding Nature of Awards

The tribunal's decision, referred to as an award, is binding on all parties involved. These awards are treated as equivalent to the rulings of the Supreme Court and are typically not subject to further judicial review, except under rare and exceptional circumstances. The tribunal's decision is published in the **Official Gazette**, and the central government ensures that it is implemented.

The Act was amended in **2002** to enhance the efficiency of dispute resolution. Tribunals are required to deliver their verdicts within **three years**, with an option for a **two-year extension**. The central government must establish a tribunal within **one year** of receiving a formal request from a state.²⁶

²² Section 3 of Interstate River Water Disputes Act, 1956.

²³ Section 4 of the Act.

²⁴ Section 5 of the Interstate River Water Disputes Act, 1956..

²⁵ Section 9 of the Act.

²⁶ Section 16 of the Act.

6.3 TRIBUNALS

Tribunal	States Concerned	Date of Constitution	Current Status
Godavari Water Disputes Tribunal	Maharashtra, Andhra Pradesh, Karnataka, Madhya Pradesh, Orissa	April 1969	Report and decision given in July 1980.
Krishna Water Disputes Tribunal – I	Maharashtra, Andhra Pradesh, Karnataka,	April 1969	Report and decision given in May 1976.
Narmada Water Disputes Tribunal	Rajasthan, Madhya Pradesh, Gujarat, Maharashtra	October 1969	Report and decision given in December 1979. Narmada Control Authority (NCA) was constituted to implement the decision.
Ravi & Beas Water Tribunal	Punjab, Haryana, Rajasthan	April 1986	Report and decision given in April 1987. Further Report is pending.
Cauvery Water Disputes Tribunal	Kerala, Karnataka, Tamil Nadu, Puducherry	June 1990	Report and Decision given on 5 February 2007. Supreme Court modified the decision on 16 February 2018. The Cauvery Water Management Authority (CWMA) and Cauvery Water Regulation Committee (CWRC) were constituted to implement the modified decision.
Krishna Water Disputes Tribunal -II	Karnataka, Andhra Pradesh, Maharashtra, Telangana	April 2004	Report and decision given on 30 December 2010. SLPs filed pending in the Court. The term of the Tribunal has been extended after the bifurcation of Andhra Pradesh. The matter is under adjudication in the Tribunal.
Vansadhara Water Disputes Tribunal	Andhra Pradesh, Odisha	February 2010	Report and decision submitted on 13 September 2017. Further Report is pending.
Mahadayi Water Disputes Tribunal	Goa, Karnataka, Maharashtra	November 2010	Report and decision submitted on 14 August 2018. Further Report is pending.
Mahanadi Water Disputes Tribunal	Chhattisgarh, Odisha	March 2018	Under adjudication by the Tribunal. Report and decision are awaited.

Source: Central Water Commission.²⁷

Tribunals have been constituted under this legislation to address specific river disputes.²⁷

6.4 The National Water Policy, 2012

The **National Water Policy 2012** of India is a comprehensive framework aimed at addressing the country's water resource management challenges²⁸. It recognizes water as a vital and finite resource and advocates for its equitable allocation, prioritizing drinking water, followed by irrigation and industrial uses. The policy emphasizes the need for sustainable water use, encouraging efficient practices such as drip irrigation and promoting water conservation and the restoration of water bodies. It also stresses the importance of managing groundwater resources sustainably, particularly in regions facing over-exploitation.

The policy calls for the establishment of regulatory bodies like the National Water Regulatory Authority and supports the creation of state-level water management authorities to ensure

²⁷ <http://www.cwc.gov.in/sites/default/files/Annex-III.pdf>

²⁸ <https://jalshakti-wrd.gov.in/sites/default/files/NWP2012Eng.pdf>

effective governance. Furthermore, it highlights the importance of maintaining water quality through monitoring and controlling pollution, and encourages rainwater harvesting as a measure to tackle water scarcity. Key elements of the policy include:

- The promotion of water conservation, recycling, and efficiency in usage.
- Emphasis on equitable sharing of water between states and communities.
- The creation of institutional mechanisms for resolving water disputes, such as the setting up of permanent institutional frameworks for the management of interstate rivers.

6.4. Judicial Interventions and the Role of Courts

The Supreme Court and High Courts of India have played a critical role in adjudicating water disputes. They have interpreted the constitutional provisions related to water rights, federalism, and resource allocation. For instance, the **Supreme Court's role** in the Cauvery Water Dispute and its verdicts have often shaped the discourse on interstate water disputes. The judiciary has also stressed the need for **equitable distribution** of resources, including water, to ensure that the rights of all stakeholders are protected. The courts have been active in ensuring that legal frameworks are followed and that water-sharing agreements are honoured by the concerned states.

6.5. Environmental Laws and Water Management

Environmental laws such as the **Water (Prevention and Control of Pollution) Act 1974²⁹**, and the **Environment Protection Act 1986³⁰**, also indirectly impact water disputes. These laws focus on preventing water pollution, conserving water resources, and ensuring that industrial and agricultural activities do not cause harm to river ecosystems. In cases of water disputes, environmental concerns, such as pollution and degradation of river ecosystems, often become additional points of contention between states.

7. CASE ANALYSIS

In the case, **State of Rajasthan v. Union of India (1976)³¹** a dispute arose between Rajasthan and Punjab regarding the sharing of waters of the Ravi and Beas rivers. Rajasthan argued that

²⁹ Water (Prevention and Control of Pollution) Act, 1974, Act No. 6 of 1974, Ministry of Environment, Forest and Climate Change, Government of India.

³⁰ Environment (Protection) Act, 1986, Act No. 29 of 1986

³¹ *State of Rajasthan v. Union of India*, AIR 1977 SC 1361.

Punjab was not adhering to the water-sharing agreement, which led to reduced water availability in Rajasthan. This case revolved around the power of the central government to set up an interstate water disputes tribunal and the manner in which such disputes should be resolved.

The Supreme Court held that the central government had the authority to set up a tribunal to resolve interstate water disputes under the **Interstate Water Disputes Act, 1956**. It emphasized that the dispute must be adjudicated through such tribunals, which have the final say in matters concerning water-sharing among states. The Court also stressed the importance of a fair and equitable distribution of water, but it did not make a final determination on the actual water-sharing between the states in this case.

In the case, **Cauvery Water Dispute (1986-2018)**³² the dispute over the Cauvery River involves Karnataka, Tamil Nadu, Kerala, and Puducherry, with Tamil Nadu and Karnataka being the principal parties. The primary issue concerns the allocation of water from the river, especially during the dry season when water availability is limited. Tamil Nadu had long claimed that it was not receiving enough water from the Cauvery River to meet its agricultural needs, while Karnataka argued that the river's water should be shared in a way that supports its growing needs.

The **Cauvery Water Disputes Tribunal** was set up in 1990, and after a lengthy legal battle, the Tribunal's award was delivered in 2007, allocating the water between the states. However, this decision was contested by Karnataka, leading to further legal challenges. In 2018, the **Supreme Court** of India modified the Tribunal's award, reducing Tamil Nadu's share and increasing Karnataka's share, although the decision still left some issues unresolved, particularly regarding water release during the lean season. The judgment sparked protests, especially in Tamil Nadu, demonstrating the difficulty in balancing the interests of all parties. In the case, **Narmada Bachao Andolan v. Union of India (2000)**³³, The Narmada River flows through Gujarat, Madhya Pradesh, and Maharashtra. The case was primarily concerned with the construction of the **Sardar Sarovar Dam** on the Narmada River, which would provide water for irrigation, drinking, and power generation. However, the dam's construction led to

³² *Cauvery Water Disputes Tribunal*, (1990), and *Karnataka v. Tamil Nadu*, (2018) 6 SCC 1.

³³ *Narmada Bachao Andolan v. Union of India*, (2000) 10 SCC 664.

the displacement of thousands of people, particularly in Madhya Pradesh and Maharashtra. The main issue was the environmental impact of the dam and whether the states involved could ensure proper rehabilitation of displaced individuals while balancing the need for water resources.

The **Supreme Court** upheld the construction of the dam, recognizing its national importance. However, it also imposed strict conditions on the rehabilitation of displaced persons. The Court ruled that the project could proceed if adequate measures were taken for the welfare of the people who would be affected by the dam, which included ensuring that the displaced families were properly resettled.

In the case, **Sutlej-Yamuna Link Canal Dispute (2002)**³⁴, the **Sutlej-Yamuna Link (SYL) Canal** was meant to carry water from the Sutlej River in Punjab to Haryana. After the partition of Punjab in 1966, the two states signed an agreement regarding the distribution of river waters, but Punjab later refused to construct the SYL Canal, citing concerns over its impact on its own water supply. The dispute arose when Haryana demanded that Punjab fulfil its obligations under the 1981 agreement to construct the canal.

The **Supreme Court** directed Punjab to complete the construction of the SYL Canal. The Court also ordered that the water be shared as per the 1981 agreement, emphasizing the need for compliance with interstate agreements. The ruling reinforced the idea that states cannot unilaterally withdraw from agreements that affect the welfare of other states, especially in cases involving water resources.

The **Krishna River** is shared by Maharashtra, Karnataka, and Andhra Pradesh. The **Krishna Water Disputes (2004)**³⁵ dispute primarily revolves around the equitable sharing of the river's water for irrigation and drinking purposes. As all three states depend on the river, disagreements have arisen over the allocation of water, especially during drought periods. The legal issue here involved the establishment of an equitable formula for the distribution of Krishna River water among the states.

³⁴ *State of Haryana v. State of Punjab*, (2002) 3 SCC 119.

³⁵ *Krishna Water Disputes Tribunal Case*, (2004) 2 SCC 583.

In 2004, the **Krishna Water Disputes Tribunal (KWDT)** was formed. It issued an interim order for the sharing of water, but the final decision was not reached for years. In 2010, the Tribunal's final award allocated water among the three states. However, the issue remained contentious, and legal challenges continue to date.

The **Godavari River** is one of India's major rivers, flowing through Maharashtra, Telangana, Andhra Pradesh, and Odisha. The dispute arose over the fair sharing of the river's waters between these states. The key issue was the equitable allocation of water from the river, especially in light of increased agricultural demands in the states.

The **Godavari Water Disputes Tribunal**³⁶ was set up, which issued an award that allocated water between the concerned states. However, the judgment did not completely resolve the issue, and legal proceedings have continued as some states have objected to the allocation.

8. POLICIES OR SCHEMES BY GOVERNMENT

The Government of India has taken various steps in both preventing and solving Interstate River Water Disputes. These policies and schemes have been introduced for the betterment of people and on the notion to prevent the Interstate River Water Disputes. The following are the few policies and schemes introduced by Central Government under the tag **Jal Shakthi**.³⁷

- Dam Rehabilitation and Improvement Programme
- Development of Water Resources information system
- Atal Bhujal Yojana
- Research and Development Programme in Water Sector.
- National Hydrology Project
- Faralla Barrage Project
- Implementation of National Water Mission
- River Management Activities and works related to border area.
- Sutlej-Yamuna link canal
- Pancheshwar Multipurpose Project
- River Basin Management
- Ground Water Management and Regulation (GWMR)

³⁶ *Godavari Water Disputes Tribunal* (2004).

³⁷ <https://jalshakti-dowr.gov.in/schemes-programmes/>

9. SUGGESTIONS

There are few suggestions to control or prevent the Interstate River Water Disputes. **Integrated Water Resources Management (IWRM)** advocates for a comprehensive approach to water management, considering entire river basins rather than focusing solely on individual state allocations. This shift ensures that water resources are managed in a way that balances the needs of various stakeholders—including agriculture, industry, and communities—while maintaining ecological health³⁸.

A key aspect of IWRM is Stakeholder Participation, where all relevant groups, such as farmers, industries, local communities, and environmental organizations, are actively engaged in decision-making processes. This helps ensure that water-sharing agreements and management plans reflect the diverse interests and requirements of different sectors.

Incorporating **Eco-Centric Approaches** is essential for maintaining the ecological integrity of rivers. Implementing Ecological Flow Standards ensures that rivers have sufficient water flow to support their ecosystems, even as human demands for water are met. Protecting the health of river systems is fundamental for long-term sustainability.³⁹

Additionally, it is vital to enforce **Pollution Control and Conservation** measures to safeguard water quality. This includes addressing pollution from industrial, agricultural, and urban runoff, and adopting strategies to restore watershed areas and prevent over-extraction.

10. CONCLUSION

"A proper sharing of water will not only prevent conflicts but also foster regional unity and peace."

- **Dr. A.P.J. Abdul Kalam**

Interstate water disputes in India reflect the urgent need for effective governance and sustainable management of water resources amidst increasing scarcity and competing regional demands. These disputes emphasize the necessity of fair water-sharing agreements

³⁸ Global Water Partnership. (2000). *Integrated Water Resources Management*. GWP Technical Committee Background Paper.

³⁹ Tharme, R. E. (2003). "A Global Perspective on Environmental Flow Assessment." *River Research and Applications*, 19(5–6), 397–441.

that address developmental priorities while ensuring the protection of the environment. Water serves not only as a critical resource for agriculture, industry, and human sustenance but also as a cornerstone for maintaining ecological balance. Thus, resolving such conflicts requires integrating human and environmental considerations. Although legal frameworks like Articles 262 of the Constitution and the Inter-State Water Disputes Act, 1956, provide mechanisms to address disputes, their implementation often suffers from delays and inefficiencies. Reforms are required to streamline tribunal processes, ensure time-bound decisions, and establish monitoring systems to oversee compliance with water-sharing agreements.

Fostering cooperative federalism is essential to resolving conflicts effectively. Building trust and encouraging constructive dialogue among states can lead to agreements rooted in mutual understanding⁴⁰. Furthermore, adopting integrated water resource management practices, such as comprehensive river basin planning, efficient water use technologies, and sustainable practices like rainwater harvesting, can contribute to long-term solutions. Preservation of river ecosystems and restoration of natural flows are equally critical to safeguard biodiversity and ecological health.

In conclusion, addressing interstate water disputes requires recognizing water as a shared responsibility and a vital environmental resource. Integrating sustainable development goals with robust governance measures can help balance competing interests and environmental preservation. This holistic approach can pave the way for equitable water distribution, reduced conflicts, and a sustainable future for all stakeholders.

ANNEXURE - 1

Sl. No	Basin Code	Basin Name	Area (sq.km)
1	01	Indus (Up to border)	321289
2	2A	Ganga	861452
3	2B	Brahmaputra	194413

⁴⁰ Iyer, R. R. (2003). *Water: Perspectives, Issues, Concerns*. SAGE Publications.

4	2C	Barak and others	41723
5	03	Godavari	312812
6	04	Krishna	258948
7	05	Cauvery	81155
8	06	Subernarekha	29196
9	07	Brahmani and Baitarni	51822
10	08	Mahanadi	141589
1	09	Pennar	55213
12	10	Mahi	34842
13	11	Sabarmati	21674
14	12	Narmada	98796
15	13	Tapi	65145
16	14	West flowing rivers from Tapi to Tadri	55940
17	15	West flowing rivers from Tadri to Kanyakumari	56177
18	16	East flowing rivers between Mahanadi and Pennar	86643
19	17	East flowing rivers between Pennar and Kanyakumari	100139
20	18	West flowing rivers of Kutch and Saurashtra including Luni	321851
21	19	Area of inland drainage in Rajasthan	
22	20	Minor rivers draining into Myanmar & Bangladesh	36202

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- The Interstate River Disputes Act, 1956
- The Rivers Board Act, 1956
- The National River Policy, 2012

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- State of Rajasthan v. Union of India (1976)
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- Krishna Water Disputes Tribunal Case, (2004) 2 SCC 583
- State of Haryana v. State of Punjab, (2002) 3 SCC 119.

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