

## AN ANALYSIS OF INTERSTATE WATER DISPUTES

**AUTHOR** – SUSMITHA.M, SCHOLAR FROM THE TAMILNADU DR AMBEDKAR LAW UNIVERSITY(SOEL)

**BEST CITATION** – SUSMITHA.M, AN ANALYSIS OF INTERSTATE WATER DISPUTES, INDIAN JOURNAL OF LEGAL REVIEW (IJLR), 4 (3) OF 2024, PG. 244-254, APIS – 3920 – 0001 & ISSN – 2583-2344.

### ABSTRACT:

Interstate water disputes have been a longstanding issue in India, where rivers frequently cross state boundaries, creating challenges in water sharing. These disputes have activated complex lawful, political, and natural challenges, influencing millions of individuals and basic divisions like horticulture and industry. To address such clashes, the Indian Structure gives for the foundation of tribunals beneath Article 262, which are entrusted with arbitrating these disputes impartially.

This paper looks at the part, structure, and viability of interstate water dispute tribunals, with a focus on major disputes such as the Cauvery, Krishna, and Narmada waterways. It assesses the lawful system, the tribunal's decision-making handle, and the impediments in executing their decisions. Besides, the paper investigates elective components, counting arrangements, understandings, and potential changes that cultivate more agreeable and maintainable water-sharing approaches. By analyzing cases about authoritative arrangements, this considers points to contribute to the continuous talk on settling water clashes in a federal system and advancing proficient water administration in India.

**Keywords:** Interstate Water Disputes, Water Tribunals, River Disputes, Water Law, India, Federalism, Resource Management.

### INTRODUCTION:

Water is an imperative asset that supports life, drives horticulture, and powers financial improvement. In India, where numerous of the country's major rivers flow over different states, water sharing has ended up a noteworthy and repeating issue. These interstate water disputes emerge due to competing requests for water, contrasts in water accessibility, shifting precipitation designs, and the political elements between states.<sup>496</sup> The complex hydrology of stream frameworks, coupled with socio-economic and territorial aberrations, advance compounds these clashes.<sup>497</sup>

Recognizing the potential for such disputes to disturb national solidarity and territorial participation, the composers of the Indian Structure included arrangements for settling water disputes under Article 262.<sup>498</sup> The Interstate Water Disputes Act, of 1956, was sanctioned to operationalize these arrangements, permitting the foundation of tribunals particularly outlined to arbitrate such things.<sup>499</sup> These tribunals, whereas instrumental in tending to water-sharing clashes, have confronted reactions over delays, the need for requirement powers, and the often-contentious nature of state compliance with tribunal decisions.<sup>500</sup>

This paper digs into the advancement of interstate water dispute components in India,

<sup>496</sup> Salman M. A. Salman & Kishor Uprety, Conflict and Cooperation on South Asia's International Rivers: A Legal Perspective (Kluwer Law International, 2003), 16-18.

<sup>497</sup> D. K. Mishra, Interstate River Water Disputes in India: An Overview (Indian Law Institute, 2009), 8-9.

<sup>498</sup> Constitution of India, Article 262.

<sup>499</sup> Interstate Water Disputes Act, 1956 (Act No. 33 of 1956).

<sup>500</sup> Pradeep S. Mehta & Nitin Pai, Interstate River Water Disputes in India: Institutions, Politics, and Reforms (CUTS International, 2007), 12-14.

centering on the sacred system and the working of water tribunals. Through an investigation of key water disputes—such as those including the Cauvery, Krishna, and Narmada rivers—it points to evaluate the viability of these tribunals in conveying equity and cultivating interstate participation. Additionally, the paper investigates the broader suggestions of these disputes on India’s government structure, administration, and long-term water security, while moreover examining potential changes for moving forward the tribunal framework and elective strife determination mechanisms.

#### INTER-STATE WATER DISPUTES IN INDIA:



India is densely populated, and keeping agreeable relations is basic for the country. The inter-state water disputes can be challenging and troubling for the government, affecting and hampering the feasible development of the country by and large and making talk. There is a desperate require to set up a single and changeless arrangement to combat issues like delays in water asset utilization, even-handed water sharing, water deficiencies, fetched overwhelms, and redressal of water disputes.

- ❖ The Interstate water disputes are very far from being true and questionable issues predominant in Indian federalism. The interstate water disputes obstruct and discourage the relationship between diverse states in the country.
- ❖ As per actualities and insights, India has 4% of the world’s arrive and 18% of the world’s populace, but it has 4% of its renewable water resources.
- ❖ There have been a few long-standing inter-state river water disputes in India.

There is uneven water conveyance in the nation, and states are in disputes over the dissemination of streams in the country.

- ❖ There are a few reasons for the presence of inter-state water disputes in India. The range of genuine concern is the need for satisfactory water assets in the states. Advance, the joined contention is that water assets drop beneath the State List and the Parliament has the control to make laws concerning inter-state waterways beneath the Union List, making a struggle for last power.
- ❖ To combat the circumstance, different inter-state water dispute tribunals have been constituted. In any case, they have fizzled to give viable mechanisms.
- ❖ Presently, inter-state water disputes are represented by the Inter-State Water Disputes Act, of 1956. The act empowers the state governments to approach the center for a tribunal to determine a water dispute, choosing the tribunal final.

#### EXAMPLES OF INTER-STATE WATER DISPUTES IN INDIA UNDER INTER-STATE RIVER WATER DISPUTES ACT (ISRWD) 1956:

- Cauvery Water Dispute among Kerala, Karnataka, Tamil Nadu, and Puducherry.
- Krishna-Godavari stream Water dispute among Maharashtra, Andhra Pradesh, and Karnataka.
- Ravi-Beas Rivers Water dispute among Punjab and Haryana.
- Godavari Water disputes among Maharashtra, Andhra Pradesh, Karnataka, Madhya Pradesh, and Odisha.
- Narmada Water disputes among Madhya Pradesh, Gujarat, Maharashtra, and Rajasthan.

MAJOR INTER-STATE RIVER DISPUTES	
RIVER(S)	STATES
Ravi and Beas (1986)	Punjab, Haryana, Rajasthan
Narmada	Madhya Pradesh, Gujarat, Maharashtra, Rajasthan.
Krishna (2004)	Maharashtra, Andhra Pradesh, Karnataka, Telangana
Vansadhara (2010)	Andhra Pradesh & Odisha
Cauvery	Kerala, Karnataka, Tamil Nadu and Puducherry
Godavari	Maharashtra, Andhra Pradesh, Karnataka, Madhya Pradesh, Odisha
Mahanadi (2018)	Chhattisgarh, Odisha
Mahadayi (2010)	Goa, Maharashtra, Karnataka
Periyar	Tamil Nadu, Kerala

**REASONS FOR INTER-STATE WATER DISPUTES IN INDIA:**

- **India has an unequal dissemination of water assets and water shortage.** States with water deficiencies and rare assets habitually get into disputes to get their fair share. A suitable illustration is that the states of Karnataka and Tamil Nadu have a dispute over the sharing of Cauvery Stream water due to water shortage in their locale.<sup>501</sup>
- Many inter-state water disputes are related to **chronicled understandings and arrangements** that were defined post-independence. The Ravi-Beas River dispute between Punjab and Haryana emerged due to the development of dams and canals after the reorganization of states in 1966.<sup>502</sup>
- Conflicts majorly emerge as the states compete for their needs **due to competing requests for water**, including

mechanical utilization and rural water systems. The Krishna Stream dispute between Karnataka and Andhra Pradesh concerns the allotment of water for water systems and drinking purposes.<sup>503</sup>

- Water disputes in India are frequently affected **by political components and contemplations**, counting territorial desires, constituent contemplations, and states’ recognition of their rights over water resources. For illustration, the sharing of Krishna Stream water between Karnataka and Maharashtra has political contemplations and challenges from different partners.<sup>504</sup>
- **Infrastructural advancements** like the development of dams and water system ventures on waterways affect the stream of water downstream, driving disputes over water allotment. For occasion, in the Mahanadi Waterway dispute between Odisha and Chhattisgarh, the development of dams by Chhattisgarh

<sup>501</sup> Ramaswamy Iyer, Water: Perspectives, Issues, Concerns, SAGE Publications, 2003, pp. 112-118

<sup>502</sup> S. N. Chary, India: Governance and Development, Macmillan India Ltd., 2009, p. 221.

<sup>503</sup> K. J. Joy, Water Conflicts in India: A Million Revolts in the Making, Routledge India, 2009, pp. 45-52.

<sup>504</sup> A. Vaidyanathan, Inter-State River Water Disputes in India, Orient Blackswan, 2010, p. 103.



brought about a diminished water stream to Odisha.<sup>505</sup>

## THE CASE STUDIES OF INTER-STATE RIVER WATER DISPUTES:

### 1) CAUVERY WATER DISPUTE:

The Cauvery is an inborn Karnataka. It passes through Tamil Nadu and Pondicherry sometime recently the Bengal Gulf streams. In both nations, nourishment generation, and vocations depend on the water in the Cauvery Waterway. Tamil Nadu accepts he requires a long time of leniency in Karnataka, whereas he cannot discharge Tamil Nadu because water is not accessible to his laborers.

<sup>506</sup>

An assention was made between the Madras Administration and the Realm of Mysore which finished in 1974. Between 1968 and 1990, 21 trilateral gatherings were held with the ministers of Karnataka and Tamil Nadu and with the Union Ministers for Water systems. Between 1972 and 1976, the Indian government played an interceding part, but no understanding came.

<sup>507</sup>

At the appeal of Tamil Nadu, the central government set up the Cauvery Water Dispute Tribunal in June 1990. In 1991, the court issued a preliminary mandate commanding Karnataka to donate Tamil Nadu with one ton of cubic feet of water. Karnataka was baffled by the brief prize, got in 1991, in this circumstance, the central government sent the case to the Supreme Court.<sup>508</sup>

In the *Re Cauvery Water Disputes Tribunal v. Respondent*<sup>509</sup> case, the Supreme court pronounced the command of Karnataka must be ultra vires. There were dissents in Karnataka where five individuals passed on. In 1998, the central government set up an

<sup>505</sup> Himanshu Thakkar, Dams, Rivers & People, South Asia Network on Dams, Rivers and People, 2012, pp. 19-23.

<sup>506</sup> Ramaswamy Iyer, Water: Perspectives, Issues, Concerns, SAGE Publications, 2003, pp. 85-90.

<sup>507</sup> A. Vaidyanathan, Inter-State River Water Disputes in India, Orient Blackswan, 2010, p. 175.

<sup>508</sup> N. S. Venkatesh, Cauvery Water Dispute and the Role of Judiciary, Manupatra Publications, 2012, pp. 14-22.

<sup>509</sup> State of Karnataka v. State of Tamil Nadu & Ors., (2018) 4 SCC 1.

observing committee beneath the Cauvery River Authority (CRA) and the ISRWD. The rating office has directed Karnataka to discharge 9,000 oceanic creatures in Tamil Nadu. Karnataka and Tamil Nadu were fulfilled with this arrangement and Karnataka refused to execute this arrangement.

In 2007, CWDT got its last prize. The two assentions between Madras and Mysore on water supply in Tamil Nadu between 1892 and 1924 were valid.

The fundamental issues of Tamil Nadu were as follows:

(i) It needed this last course of action to be distributed in the Official Journal.

(ii) It needed to make a Cauvery Administration Board. This was at last done in 2013.<sup>510</sup>

The case came to its top in September 2016, when the Supreme Court asked the Karnataka government to discharge 15,000 water bodies in Tamil Nadu over another 10 days. Karnataka connected court decisions on state dissents. One individual passed on and four were harmed against the police. Tamil companies were assaulted by the masses. Traffic on the Bengaluru-Mysore thruway was paralyzed by viciousness.

At the same time, at the appeal of the Attorney General, the Supreme Court set up a specialized group to visit the Cauvery Basin to survey the site's reality. The group described to the Supreme Court in October 2016. The government of Karnataka was coordinated to discharge 2000 cu-secs of water. Hearings in this matter are still going on.

The Cauvery struggle has driven tense relations between Tamil Nadu and Karnataka. This was exacerbated by the viciousness and clutter that went with the strife. The central government played an intervening part in the arrangements between the two

<sup>510</sup> Government of India, Cauvery Management Board: An Overview, Ministry of Water Resources, 2013, p. 9.

nations. He set up a discretion board and the specialized group was too shaped on the premise of the central government's conclusion. In expansion, the Cauvery River Authority (CRA) managed the prime minister's exercises. Hence, the central government played the part of arbitrator in a debate between the two countries.

## 2) SATLUJ YAMUNA LINK CANAL ISSUE:

- The issue joins the dispute between Punjab and Haryana after the arrangement of the Haryana in 1966. The parties included are Punjab, Haryana, and Rajasthan.
- To empower Haryana to utilize its share of the waters of the Satluj and Beas, a canal connecting the Satluj with the Yamuna was arranged and in 1982 its development was started.
- Due to the dissent by Punjab, the tribunal was set up in 1986 which gave a grant in 1987 prescribing Punjab's share as 5 Million Sections of land Feet (MAF) of water and Haryana's as 3.83 MAF.
- Punjab challenged the grant and held that the tribunal overestimated the accessibility of the water. Haryana drew closer Supreme Court for the development of the SYL canal in 2002. Supreme Court coordinated with Punjab to total the development of the canal in less than 12 months.
- In July 2004, Punjab Gathering passed the Punjab End of Assentions Act rejecting water-sharing understandings with other states and hence risking the development of the canal. This Act has been announced unlawful by the Supreme Court in 2016 beneath President Counsel (Article 143). In reaction, Punjab together passed the Act concurring to which the land procured for the canal would be denotified and returned to the primary owners.

- Supreme Court has coordinated both Punjab and Haryana to keep up the status quo in the Sutlej Yamuna Link canal controversy.
- In the later hearing, Middle was advertised as a mediator to both Punjab and Haryana.

## COSTITUTIONAL & STATUTORY PROVISIONS:

The Constitution has a few arrangements on water-related issues. Parliament has moreover embraced the Enactment to settle transboundary stream water disputes. A few of these arrangements and enactments have been created below.

### A) ARTICLE 262 OF THE INDIAN CONSTITUTION:

Article 262(1) gives that Parliament may receive enactment for the settlement of disputes or complaints concerning the utilization, conveyance, or control of transboundary waters in a stream or stream valley. Concurring to Article 262(2), Parliament may receive a law that may obstruct the purview of the Supreme Court or any other court in connection to the dispute/appeal alluded to in Article 262 (1).<sup>511</sup>

Concurring to Article 262(1), Parliament may "enact" a particular law. This appears that it is up to Parliament to pass such a law. Article 262(2) also states that 'Parliament may administer ...'. For Article 13(3) of the Structure, the term "law" may hence include law, order, law, regulation, control, notice, or legitimate constraint in India.<sup>512</sup> The point of such a right may be a transnational waterway or stream valley.

Article 262(2) starts with the expression "despite this constitution ...". This implies that other provisions of the Constitution that abuse Article 262(2) are not appropriate. For illustration, when looking at Article 262(2),

<sup>511</sup>  
[https://indiacode.nic.in/bitstream/123456789/2002/1/constitution\\_of\\_india.pdf](https://indiacode.nic.in/bitstream/123456789/2002/1/constitution_of_india.pdf)

<sup>512</sup>  
[https://indiacode.nic.in/bitstream/123456789/2002/1/constitution\\_of\\_india.pdf](https://indiacode.nic.in/bitstream/123456789/2002/1/constitution_of_india.pdf)

Article 131 does not apply, which gives the essential purview of the Preeminent Court in disputes between two or more States. If Parliament loses the purview of the Preeminent Court for cross-border river water disputes, it must do so through the component alluded to in Article 13(3), as the term “legal” is used.

If the Parliament has not ordered any enactment beneath Article 262(2), it may allude to the Supreme Court or higher court. The term “may” is utilized here, which implies that the introduction of such a law depends on Parliament’s discretion.

#### **B) THE ENTRY 17 OF SCHEDULE II (LIST OF COUNTRIES) OF SCHEDULE 7**

Entry 17 of Schedule II (List of Countries) of Schedule 7 incorporates water sources, water systems and canals, seepage and oak, store and hydropower. The arrangements for water supply, water systems, or hydropower apply to transnational rivers. Most disputes over rivers are related to these issues. Hence, the government would have the right to embrace laws on these issues. In any case, this competence of the national government depends on the arrangements of Article 56 of Schedule I.<sup>513</sup>

The List I (Union List), studied in conjunction with Article 246(1) of the Constitution, entry 56 gives Parliament the right to receive laws on the direction and improvement of the streams and valleys. Nations to expand these controls and Parliament affirm that advancement is in the public interest. Entry 17 expressly states that the arrangements of point 56 of Attach I apply to such government control.

Entry 17, which is opposite to the law received by Parliament beneath point 56 of Schedule I, would not attain. Article 246 of the Constitution is moreover imperative in this debate.” 246(1) utilize the words “Regardless of what is in passages 2 and 3”. This implies that,

regardless the arrangements of Article 246(2) and (3), Parliament has the select right to authorize the subjects recorded in List I in enactment. the term “points 1 and 2” state that the government has the entire right to administer on the subjects recorded in List II, taking into account passages 1 and 2.

Hence, whereas water assets are a national obligation, Parliament has significant administrative powers in this region. These powers of Parliament are vital sufficient to be able to anticipate any enactment embraced by those nations that is in struggle with their parliamentary provisions.

#### **C) ARTICLES 131 AND 136 OF THE INDIAN CONSTITUTION:**

There have been cases where nations have utilized Articles 131 and 136 of the Constitution in cross-border river basin disputes. For illustration, Tamil Nadu recorded a preparatory complaint in 2001 of Article 131, in which it expressed that intervals measures were not successfully directed. The States of Karnataka, Tamil Nadu and Kerala, exasperates by the choice of the Cauvery Water Dispute Tribunal in 2007, have connected for an extraordinary allow compatible to Article 136. The Preeminent Court acknowledges them.

#### **D) INTER – STATE RIVER WATER DISPUTES ACT, 1956:**

The 1956 Law on Water Disputes was received compatible to Article 262 of the Constitution. The center plays an exceptionally imperative part in the law. Article 4(1) of the Act, which is enabled to set up a water court to challenge water law on the premise of a nation government.

Compatible to Article 5(2) of the Act, the Civil Service Tribunal might, in less than three years, send a report to the central government containing the realities and the choice consequently. The choice of the court is distributed by the central government in the official journal. After distribution in the Official gazette of the European Union, the choice has

<sup>513</sup>

[https://indiacode.nic.in/bitstream/123456789/2002/1/constitution\\_of\\_india.pdf](https://indiacode.nic.in/bitstream/123456789/2002/1/constitution_of_india.pdf)



the same esteem as the command or command of the Preeminent Court.<sup>514</sup>

Hence, the central government can compact with the Commission, which is obliged to execute court orders. The government can make judgments. The Center can break up the tribunal. Sec. 11 prohibits the purview of the Supreme Court and other courts compatible to law.

This law does not avoid the central government, but meddling with different perspectives of the court. The arbitral tribunal should yield its report to the central government and should subsequently have purview. In the determination of disputes concerning river water, the central government is in the chain of command of the particular state governments and their subordinate court.

#### **E) RIVER BOARDS ACT, 1956:**

In spite of the fact that the Rivers Act was passed in 1956, no river basin was shaped beneath this Act. In any case, it is vital to consider this law in arrange to analyze the part of the Center in the dispute between rivers between states, as set out in this Act.

Concurring to Section 2 of the Act, the Center ought to control the improvement and advancement of transnational rivers and river valleys. At the appeal of a territorial government, the Center may build up a river committee. The term utilized in this is “may”, which implies that the stream rate depends on the caution of the central government. The Organization may get ready, revise or dismiss stream or stream advancement ventures between countries.

By law, the central government gives the Committee the control to perform its tasks. The term utilized here is “as considered fundamental by the central government”, which implies that the sum paid to the Board of Directors clearly depends on the discretion of the central government, which is a yearly report

to the central government and the governments of the nations concerned.

This appears that the Board is capable for its activities towards the central government. The central government has the opportunity to create rules for accomplishing the objectives of the law. It hence shows up that the end of the Board of Executives appears vital “if the central government agrees”.

Whereas the primary actors in the dispute are the particular national governments, how the strife with the central government takes place is up. The components set up for the settling of such disputes are responsible to the Central government and owe their exceptionally presence to the Central government. Hence, to say that water and Inter-State water disputes falls inside the space of State governments due to its presence in the State List is a false notion. The Central government plays a similarly, if not more imperative part in inter-state river water disputes.

#### **INTER-STATE RIVER WATER DISPUTES (AMENDMENT) BILL, 2017:**

- ❖ The Inter-State River Water Disputes (Amendment) Bill, 2017 was presented in Lok Sabha in the year 2017 by altering the existing Inter-State River Water Disputes Act, 1956.
- ❖ The bill points to constitute a single tribunal with a lasting foundation, office, and framework to set up an isolated tribunal for each water dispute, which is constantly a time-consuming process.
- ❖ The proposed bill gives an arrangement for the foundation of a Dispute Resolution Committee (DRC) by the Central Government for settling genially inter-state water disputes inside a most extreme period of one year and six months.
- ❖ Any dispute after the tries of arrangement settlement might be alluded to the Tribunal for its settling. The choice of the seat of the tribunal will be

<sup>514</sup> <https://legislative.gov.in/sites/default/files/A1956-33.pdf>

last and authoritative on the parties included in the dispute.

- ❖ The bill moreover gives for a straightforward information collection framework at the national level for each river basin and a single organization to keep up a information bank and data system.
- ❖ The bill was alluded to the Parliamentary Standing Committee on Water Assets for examination, which afterward submitted its proposal on the charge, in like manner, the Ministry has arranged a draft Cabinet Note for Official Alterations to the Inter-State River Water Disputes (Amendment) Bill, 2017.

#### INTER-STATE RIVER WATER DISPUTES AMENDMENT BILL 2019:

The Inter-state River Water Disputes Amendment Bill 2019 was passed by the Lok Sabha and is pending endorsement in the Rajya Sabha. The bill looks for to amend the Inter-State River Water Disputes Act of 1956. The bill points to supplant the Inter-State River Water Disputes Act, 1956. The primary reason of the bill is to make the prepare of dispute settlement more productive and compelling by setting up a lasting tribunal to arbitrate all inter-state disputes over the sharing of river waters. The bill proposes that the substitution of five existing tribunals with a lasting tribunal is likely to result in a 25% diminishment in staff quality and a sparing of Rs 4.27 crore per year.

#### CHALLENGES AND ISSUES WITH INTER-STATE WATER DISPUTE MECHANISM:

- Delays in the dispute redressal instrument, which was moreover seen in the case of the Godavari and Cauvery disputes, confronted long procedures and extraordinary delays.
- The tribunals need multidisciplinary compositions, comprise as it were of individuals from the legal, and do not center on specialized and biological aspects.

- The rules and system that coordinate these procedures frequently need clarity, i.e., darkness in procedures.
- There is information irregularity and a need of generally acknowledged water information, making it troublesome to indeed set up a standard for adjudication.
- Political components too increment the chances of water debate between the states. The developing pressures between water and legislative issues have changed the debate into political plans for elections.

#### THE INTER – STATE WATER DISPUTE ACT, 1956: EXTRA ORDINARY DELAYS IN THE EXECUTION AND IMPLEMENTATION:

- Many times, there have been uncommon delays in constituting the tribunal. For illustration, in the case of **Godavari water dispute**,<sup>515</sup> the appeal was made in 1962. The tribunal was constituted in 1968 and the grant was given in 1979 which was distributed in the Journal in 1980.
- Similarly, in Cauvery Water Dispute,<sup>516</sup> Tamil Nadu Government appealed to constitute the tribunal in 1970. As it were after the mediation of Preeminent Court, the tribunal was constituted in 1990.
- Due to delay in constituting the tribunal, state governments proceeded to contribute resources in the development and alteration of dams, hence fortifying their claims.

#### SOLUTION: AMENDMENTS TO THE ACT IN 2002:

- In 2002, an Amendment was made in the Act by which the tribunal has to be constituted in under a year of getting the request.
- It has too been commanded that the tribunal ought to provide the grant inside 3 a long time. In certain circumstances,

<sup>515</sup> G. Ramachandran v. State of Andhra Pradesh, AIR 1981 SC 775.

<sup>516</sup> Tamil Nadu v. Karnataka, (2018) 3 SCC 101.



two more a long time can be given. Hence the greatest time period was 5 years inside which the tribunal ought to grant the award.

- Tribunal grant is not instantly actualized. Concerned parties may look for clarification inside 3 months of the award.
- It has too been clarified that the Tribunal Awards will have the same constrain as the arrange or proclaim of Incomparable Court. The grant is last and past the purview of Preeminent Court.

#### BUT STILL, THERE WERE ISSUES...

- Though Award is last and past the purview of Courts, either States approach Supreme Court beneath Article 136 (Special Leave Petition) or private people approach Supreme Court beneath Article 32 connecting issue with the infringement of Article 21 (Right to Life).
- The composition of the tribunal is not multidisciplinary and it comprises of people as it were from the legal. Hence there is not much distinction in tribunal and Preeminent Court Bench.
- Tribunals work gets postponed due to the lack of accessibility of the data.

#### NEW SOLUTION: INTER –STATE WATER DISPUTES (AMENDMENT) BILL 2017 – DISPUTE RESOLUTION COMMITTEE AND SINGLE PERMANENT TRIBUNAL:

- The government has presented this Bill in the display session of the Lok Sabha looking for to speed up the interstate water dispute resolution.
- The middle is to set up Dispute Resolution Committee having specialists from the diverse areas in case of water disputes. The Committee will attempt to resolve the dispute inside 1 year. The tribunal will be drawn closer as it were

when this committee break down to settle the dispute.

- According to this Bill, a Single Changeless Tribunal is to be set up which will have numerous benches.
- The Bill calls for the straightforward information collection framework at the national level for each river basin and a single agency to keep up information bank and data system.

#### SOLVING INTER-STATE WATER DISPUTES IN INDIA THROUGH THE LENS OF ADMINISTRATIVE LAW:

Solving inter-state water disputes in India through the lens of administrative law involves a structured approach that incorporates relevant constitutional provisions and statutory regulations. Here's a detailed overview of how to address these disputes using administrative law principles and specific articles:

##### 1. Establishing a Legal Framework

**Article 262:** This article allows the Parliament to enact laws for adjudicating disputes related to inter-state rivers. To resolve conflicts, the Inter-State River Water Disputes Act of 1956 was enacted, which provides for the establishment of tribunals to address disputes. States should first utilize this legal framework to bring their grievances before the designated tribunal.<sup>517</sup>

##### 2. Formation of Tribunals

**Administrative Procedure:** Under the Inter-State River Water Disputes Act, the central government can form a tribunal upon the request of a state. This administrative mechanism ensures a structured process for dispute resolution. States must formally request the formation of a tribunal, outlining their concerns and the basis for the dispute.<sup>518</sup>

##### 3. Adherence to Natural Justice

**Principles of Natural Justice:** Administrative law emphasizes the importance

<sup>517</sup> Tamil Nadu v. Karnataka, (2018) 3 SCC 101.

<sup>518</sup> P.K. Raghavan v. Union of India, (2008) 4 SCC 661.

of fair hearings and due process. Tribunals must ensure that all parties involved are given an opportunity to present their cases, submit evidence, and respond to claims. This transparency is essential for maintaining the legitimacy of the tribunal's findings.<sup>519</sup>

#### 4. Interim Orders and Compliance:

**Article 144:** This article emphasizes that all authorities and persons acting under the law must act in accordance with the orders of the Supreme Court. If a tribunal issues interim orders, these must be complied with by the states. Administrative law provides mechanisms to enforce compliance, ensuring that states adhere to tribunal decisions to avoid further disputes.<sup>520</sup>

#### 5. Judicial Review

**Article 226 and Article 32:** States can approach the High Courts or the Supreme Court under these articles for judicial review of tribunal decisions if they believe that principles of natural justice were not followed or that the decision was arbitrary. However, the scope of judicial review in the context of water disputes is limited, as Article 262 restricts the jurisdiction of the Supreme Court in these matters.<sup>521</sup>

#### 7. Negotiation and Mediation

**Cooperative Federalism:** Encouraging dialogue and mediation between states can lead to amicable solutions. Administrative law supports the idea of collaborative governance, where states can engage in negotiations facilitated by the central government to reach a consensus before escalating to legal proceedings.<sup>523</sup>

#### 8. Long-term Framework and Agreements

**Inter-State Agreements:** After tribunal decisions, states should be encouraged to enter into binding agreements that detail the implementation of the tribunal's recommendations. This fosters accountability

and ensures that all parties are aware of their rights and obligations regarding water sharing.<sup>524</sup>

#### 9. Monitoring and Compliance Mechanisms

**Establishment of Management Authorities:** States can set up joint management authorities, such as the Cauvery Management Authority, to oversee the implementation of water-sharing agreements and ensure compliance with tribunal decisions. Administrative law can facilitate the establishment of these bodies, enhancing cooperation among states.<sup>525</sup>

#### CONCLUSION:

In conclusion, inter-state water disputes in India represent a significant challenge to the governance of shared water resources, impacting regional relationships and socio-economic development. The examination of notable examples, such as the disputes over the Cauvery and Krishna rivers, illustrates the complexities and competing interests that characterize these conflicts.

The constitutional framework, anchored by Article 262 and the Inter-State River Water Disputes Act of 1956, provides mechanisms for the adjudication of disputes; however, the effectiveness of these mechanisms has often been undermined by political considerations and delays in implementation. The Inter-State Water Disputes Amendment Bill of 2017 and the proposed 2019 amendments sought to streamline dispute resolution processes and enhance the role of the central government in mediating conflicts, yet they have faced challenges in gaining consensus among states.

Despite the established legal frameworks, several challenges persist, including resistance from states to implement tribunal awards, the impact of regional politics, and the need for sustainable water management practices. To address these

<sup>519</sup> Maneka Gandhi v. Union of India, AIR 1978 SC 597

<sup>520</sup> Indian Oil Corporation Ltd. v. Amritsar Gas Service, (1991) 1 SCC 200.

<sup>521</sup> State of Haryana v. State of Punjab, (2002) 5 SCC 507.

<sup>523</sup> Union of India v. State of Kerala, (2002) 6 SCC 99.

<sup>524</sup> Karnataka v. Tamil Nadu, (2007) 2 SCC 1.

<sup>525</sup> Cauvery Water Disputes Tribunal v. State of Tamil Nadu, AIR 2007 SC 2131.



challenges, a multi-faceted approach is essential. Solutions grounded in administrative law, such as fostering cooperative federalism, enhancing transparency in decision-making, and establishing joint management authorities, can promote collaborative governance.

By prioritizing dialogue and negotiation, supported by sound legal and administrative frameworks, India can work towards equitable resolutions to inter-state water disputes. Ultimately, addressing these conflicts effectively is critical for ensuring sustainable water use and fostering harmonious relations among states, thereby contributing to the nation's overall development.

