



INDIAN JOURNAL OF
LEGAL REVIEW

VOLUME 4 AND ISSUE 3 OF 2024

INSTITUTE OF LEGAL EDUCATION



INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Free and Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 4 and Issue 3 of 2024 (Access Full Issue on – <https://ijlr.iledu.in/volume-4-and-issue-3-of-2024/>)

Publisher

Prasanna S,

Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@iledu.in / Chairman@iledu.in



© Institute of Legal Education

Copyright Disclaimer: All rights are reserved with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://ijlr.iledu.in/terms-and-condition/>

ANALYSIS ON THE INTER- STATE WATER DISPUTES

AUTHOR – K.L. SUBARANJANA, STUDENTS AT SCHOOL OF EXCELLENCE IN LAW, THE TAMILNADU DR. AMBEDKAR LAW UNIVERSITY, CHENNAI

BEST CITATION – K.L. SUBARANJANA, ANALYSIS ON THE INTER- STATE WATER DISPUTES, INDIAN JOURNAL OF LEGAL REVIEW (IJLR), 4 (3) OF 2024, PG. 356-359, APIS – 3920 – 0001 & ISSN – 2583-2344.

ABSTRACT

Water is the needed source for all purposes in the world. There are certain steps that is need to be taken to preserve and consume for the future. In today's generation the water is a medium which creates many problems and disputes in the society. This article says about the current and the past disputes among the countries related to water. These disputes needs to be solved to develop a friendly relationship among the countries. This article helps you to give a better understanding about the political scam regarding water that is being in practice since years. this article highlights the disputes which are already being solved by the government of Tamil Nadu. It also explains about the flaws that are associated with the Tamil Nadu government regarding the issues related to water. This article explains about the procedure that needs to be carried out for solving the disputes related to the water. there are certain constitutional provisions that are being formed by the framers of the constitution related to the water disputes in the society. there are certain agreements which are made that helped for solving the interstate water disputes. Water scarcity is the main problem that is prevailing in the society which needs to be prevented for the betterment of the future.

INTRODUCTION

Interstate water disputes occurs mainly by the reason of not having a friendly relationship between the countries and using the resources of water lavishly not thinking about the future. So the framers of the constitution had made certain constitutional provisions related to water. The reason why the interstate disputes related to water will be discussed below. The Tamil Nadu government is taking the adequate and proper steps for solving this disputes but it is insufficient. Article 262 of the Indian constitution gives the power and authority to deal with the disputes and problems related to water resources there are two laws that are passed under article 262 such as riverboard act of 1956 and interstate water disputes act 1956.⁶⁵⁶The Indian parliament had passed the riverboards act for the development of river valleys. The next act i.e. interstate water disputes act has been passed to setup tribunals

for resolving water disputes. There was a historical and major issue involving water resources in multiple states and in multiple rivers such as Cauvery river, Godavari river, Mahadayi river, Sutlej river which has occurred in the states of Karnataka, Tamil Nadu , Kerela, Andhra Pradesh, Madhya Pradesh, Odisha, Maharashtra, Punjab and Haryana. The central government had appointed various tribunals for resolving these Inter water state disputes.

CAUVERY RIVER DISPUTE

Cauvery river which is also known as 'Ponni' in Tamil which rises on the Bramahagiri hills of the western ghats in south western Karnataka state through the states of Karnataka and Tamil Nadu which flows and drains into the bay of Bengal through Pondicherry. This dispute involves three states and one union territory. This dispute had taken place 150 years which occur due to the two agreements of arbitration in 1892 and 1924 between the madras presidency and Mysore. This dispute is based on the principle that the

⁶⁵⁶ Interstate Water Disputes Act, 1956: A Critical Analysis: By A. Singh, 2012.

upper riparian state must obtain the consent of lower riparian state for any construction activity. The main idea of the dispute began in 1974 when the Karnataka started diverting water without the consent of Tamil Nadu. Cauvery water disputes tribunal (CWDT) was formed in 1990 to deal with this dispute. ⁶⁵⁷CWDT issued its final award in February 2007 specifying water allocations among the four states in the Cauvery basin considering the total availability of 740 TMC in a normal year. The central government has formed the Cauvery water management scheme in June 2018 for prevention of further water disputes in Cauvery river.

GODHAVARI RIVER DISPUTES

Godavari river disputes is a on going issues which occurs between the state of Telangana and Andhra Pradesh over the Polavaram dam. This dispute occur in the states of Andhra Pradesh , Chhattisgarh, Karnataka, Madhya Pradesh, Maharashtra and Odisha . The history of this dispute began due to the territorial changes that occurred in that area. There was also increasing demand for the water the main problem is that the Maharashtra government had diverted water at Koyna which has resulted in the adverse fall of agriculture in Karnataka and Andhra Pradesh. The tribunal for this dispute was established in the year 1969 by the government of India which is known as Godavari water disputes tribunal(GWDT) which was headed by Justice Bachawat. The tribunal had given the right to use the Godavari river up to a certain level for every state. After this dispute being solved, the above mentioned states had entered into individual agreements which was incorporated by GWDT. The ongoing issue about Godavari river is that the state of Telengana fears the dam will submerged villages in its Khammam district.

MAHADAYI WATER DISPUTE:

This water dispute had occurred in the states of Karnataka, goa and

Maharashtra which deals with the allocation of water from the Mahadei river. This river is originated in the western ghats. this dispute is an ongoing dispute and the governments of the above mentioned states have different approaches related to how to share water. The state of Karnataka had diverted the tributaries to the Malaprabha river for the purpose of providing drinking water to the northeastern part of Karnataka. This state of goa had a concern about how it will impact in the water flow ecology and agriculture. Maharashtra state is proposed to construct a dam near Viridi village in order to improve the water flow. The Mahadaya water disputes tribunal(MWDT) was established in the year 2002 for resolving this dispute. The tribunal allocated water for consumption but Karnataka government is not satisfied with the decision taken by the tribunal and they go for appeal to the supreme court. The Mhadei Bachao Andolan has filled a stay order in supreme court against some of the Karnataka's water diversion projects. This dispute had became a landmark political issue where the opposition leaders criticized the government for not solving the problem.

SUTLEJ YAMUNA LINK(SYL) CANAL DISPUTE:

This dispute is almost known to all people which will be studied by us about the Sutlej river in our schooling days. It is a water sharing dispute between Punjab and Haryana for the construction of the canal that will connect a Sutlej and Yamuna rivers. The main route cause of this tribunal had taken place in the Indus water treaty 1966 and a water sharing agreement which was made in 1981. The treaty provides the freedom to India for using the Ravi, Beas and Sutlej rivers without any restrictions. State of Haryana was created from Punjab in the year 1966 where the state of Punjab refused to share the Ravi and Beas rivers with the new state. The above mentioned states had reached an agreement for the redistribution of water in 1981. In 2004 the congress government had passed the Punjab termination of agreement act under the leadership by captain Amarinder Singh which

⁶⁵⁷ Cauvery Interstate Water Dispute: The Unsolved Dispute by Sajal Nidhi Bara

had annulled all the interstate agreement for sharing the Ravi and Beas rivers.

KRISHNA WATER DISPUTE :

This dispute deals with the equal distribution of water from the Krishna river in the states of Maharashtra , Telangana, Karnataka and Andhra Pradesh. The main problem of the dispute arises due to the difference of needs historical disagreements and the changes in political and administrative landscape. The river of Krishna originates in the state Maharashtra and flows through Karnataka ,Telangana and Andhra Pradesh before emptying into the bay of Bengal. The states of Maharashtra, Karnataka and Andhra Pradesh contribute 26.8%, 43.8% and 29.4% of the river basin. There were two tribunals that are formed for resolving this dispute in the year of 1969 and 1976. KWDT in 1969 was formed to resolve disputes between Maharashtra , Karnataka and old Andhra Pradesh. The final verdict was submitted to the government in 1976. The next tribunal was established in 2004 to resolve the disputes between the above mentioned states. KWDT-II is based on the recommendations regarding water availability state demands and other factors the final order of KWDT-II is not yet provided by the central government. Applications had been filed by the state of Maharashtra and Karnataka to modify the tribunals 2011 interim order.

MAHANADI RIVER DISPUTE:

There was a bone of contention in the sharing of water between the states of Odisha and Chhattisgarh involved in the Mahanadi river. In this dispute the Odisha says that the Chhattisgarh has been constructing dams in the Mahanadi river without consent of Odisha. The reason why Odisha government is challenging the Chhattisgarh government as this construction would affect the flow of river downstream and also affect the drinking water supply. It also result in the irrigation facilities which adversely affect the interest of the farmers of Odisha. The Chhattisgarh utilizes the excess of the equitable

share of water of Mahanadi in more quantity. The dams and other projects made by the state of Chhattisgarh impact the flow of water in the Hirakud reservoir which is a lifeline for a many in the state. The Mahanadi water disputes tribunal (MWDT) was formed in 2018 to resolve the dispute between Odisha and Maharashtra over the Mahanadi river. This tribunal was headed by supreme court judge justice A. M. Khanwillkar. the tribunal was asked to submit the report by December 2025.

RAVI AND BEAS WATER DISPUTE:

This water dispute occurred between the states of Punjab, Haryana and Rajasthan . This contentious issue had occurred in 1966 where Punjab opposed sharing the waters with Haryana. The states are majorly dependent on irrigation for agriculture which is mainly grain due to uncertainty of rainfall. Ravi and Beas water tribunal (RBWT) was setup to verify the matters and adjudicate the dispute this tribunal had verified the amount of water that was claimed by each state. The tribunal gave the decision that Punjab would receive 5.00 MAF, Haryana would receive 3.83 MAF, Rajasthan would receive 8.60 MAF , Jammu and Kashmir would receive 0.65 MAF And Delhi would receive 0.20 MAF. The deadline for the RBWT's report has been extended multiple times most recently to August 2025.

VANSADHARA WATER DISPUTES:

This water dispute is a conflict involving the states of Andhra Pradesh and Odisha over the Vansadhara river. This dispute arose at the centers of sharing water at the Gotta barrage and Katragada. The Andhra Pradesh had a plan to build the Neradi bridge and link the Nagavali and Vansadhara rivers. The Vansadhara water disputes tribunal was formed in 2010 . In 2019 a complaint was filed by the Odisha with the supreme court which is still pending. The tribunal issued an interim order to establish a three member protem supervisory flow management and regulation committee to implement its order. In 2014 the Odisha

government filed a special leave to appeal with regard to tribunals 2013 judgement.

CONCLUSION:

As we earlier said water is the precious resource of the country it needs to be protected. There are many disputes that had occurred in the past years and still now also it is occurring. Even though the tribunals were appointed for solving the disputes, the conflict for the water resource is still in practice. The reason for this is that the government are taking the steps but they are not sufficient and ineffective. These disputes not only can be prevented by the government but also can be prevented by the younger generations. Here a question arise how a youngster can prevent water dispute? It can be prevented by them by investing in the technologies that can reduce waste water and improve irrigation in this modernized world there are many updated technologies that can be adopted such as rain water harvesting and drip irrigation. The ground water is a one which is the basis for every water resources that need to be established by new ground water levels. Desalinization methods needs to be implemented and designed for expanding and increasing the water availability. Minimum river flow requirements should be imposed by enacting laws and regulations. A permanent forum should be created for the stake holders discuss water sharing disputes. there should be a proactive cooperation among the states. Water conservation should be educated to the public by launching public awareness campaigns. Water conservation efforts should be made united by the people. Interest of the parties should be compatible by making an agreement which results in prevention of water dispute.

REFERENCES:

Books

- Dr. J.N. Pandey. Constitutional Law of India, 60th ed., Central Law Agency.
- M P Jain Constitutional Law, Seventh Edition., Volume I Lexis Nexis.

Journals

- Department of Water Resources, River Development and Ganga Rejuvenation
- JAWRA Journal of the American Water Resources Association

Articles

- Inter State Water Disputes Act 1956: A Critical Analysis: by A. Singh, 2012.
- Cauvery Inter State Water Dispute: The Unsolved Dispute by Sajal Nidhi Bara
- Inter – State Water Disputes: A Case Study Of India By Sid Gautam JAWRA