



Flowing Towards Equilibrium: Inter-State Water Disputes

This editorial is based on “[An equitable and long-lasting way to resolve inter-state river water disputes](#)” which was published in Hindustan Times on 25/07/2023. It talks about the challenges related to inter-state water dispute resolution and how equitable sharing of resources can help in these resolving disputes.

For Prelims: [Inter-State Water Dispute](#), [Inter-State River Water Disputes \(ISRWD\) Act 1956](#), [Mahanadi Water Dispute](#), [Krishna Water Dispute](#), [Cauvery Water Dispute](#), Helsinki Rules 1966, Berlin Rules on Water Resources 2004

For Mains: Inter-State Water Dispute and Resolution

In a world grappling with the critical importance of water resources for sustenance and development, **equitable access to adequate water availability remains a pressing concern.**

In a diverse and populous country like India, [inter-state river water disputes](#) have been a recurring challenge, fuelling tensions among regions and impeding progress. These disputes are not limited to politics but also **frequently spill over into social life and discourse.** All this makes it necessary to find a lasting solution to an issue that causes delays in water resources utilisation, cost overruns, and at times, law and order problems.

The equitable sharing of river waters is not only essential for addressing the immediate needs of communities and agriculture but also crucial for fostering **harmonious interstate relations and sustainable growth.**

What is the Scenario of Inter-State Water Disputes in India?

- **States in Dispute and Rivers:**
 - Recently, the **Pennaiyar river dispute between Karnataka and Tamil Nadu** was in the news. This matter was followed by the [Mahadayi river dispute](#), a long-running water river dispute, between Karnataka and Goa.
 - Many other disputes such as the **Sutlej-Yamuna link canal**, [Krishna Water Dispute](#) (Andhra Pradesh, Telangana, Maharashtra and Karnataka), [Mahanadi Water Dispute](#) (Odisha and Chhattisgarh) and [Cauvery Water Dispute](#) (TN, Kerala, Karnataka and Puducherry) can be frequently seen in the news.
- **Constitutional Provisions related to Water:**
 - **State List** deals with water i.e., **water supply, irrigation, canal, drainage, embankments, water storage and hydro power.**
 - **Union List** empowers the **Union Govt to regulate/develop inter-state rivers/valleys** to the extent declared by Parliament.
 - As per **Article 262**, in case of **inter-state river water disputes (ISRWD)**, Parliament

may by law provide:

- For the adjudication of any dispute
- For distribution/control of waters of/in any inter-State river/valley
- That no court shall exercise jurisdiction in respect of any such dispute or complaint.

▪ **Inter-State Water Dispute (ISRWD) Act, 1956:** Under this act, the Centre **constitutes a tribunal to resolve ISRWDs** in case the disputed states are not able to resolve the issue by negotiations.

- It was **amended in 2002** to include the major recommendations of the [Sarkaria Commission](#).

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Tribunal	Year of Formation	States Involved	Current Status	Awards
Krishna Water Disputes Tribunal II	2004	Andhra Pradesh, Maharashtra, Telangana & Karnataka	Tribunal Term extended	Award given 2013. Some matters subjudice
Mahanadi Water Disputes Tribunal	2018	Chhattisgarh & Odisha	Tribunal Exists	Matter under adjudication
Mahadayi Water Disputes Tribunal	2010	Karnataka, Goa & Maharashtra	Tribunal Exists	Award given 2018. Some matters pending
Ravi & Beas Water Tribunal	1986	Rajasthan, Haryana & Punjab	Tribunal term extended	Matter subjudice
Vansadhara Water Disputes Tribunal	2010	Odisha & Andhra Pradesh	Tribunal dissolved 2022	Yet to be published

What are the Challenges in Effective Functioning of ISRWD Tribunals?

- **Challenges in Creation:** A tribunal is constituted for adjudication of ISRWDs **only if the Centre agrees**.
 - The **absence of water data** that is acceptable to all parties currently makes it difficult to even set up a baseline for adjudication.
- **Issues in Present Mechanism:** The present mechanism of these tribunals is characterised by **long delays and non-compliance with the award** of an ISRWD Tribunal.
 - Water disputes such as the Godavari and Cauvery disputes in India have faced long delays in resolution.
 - Moreover, **frequently, parties are not satisfied** with the award and **approach the Supreme Court**, leading to another round of litigation.
- **Lack of Scientific Touch:** A widely held view is that adjudication is not the way to settle ISRWD. Many such disputes don't involve questions of law but **involve matters falling in the domain of hydrology, environment, engineering**, agriculture, climate, sociology, and so on.
 - Therefore, another aspect that these tribunals lack is **dealing with the disputes in a scientific manner**.
- **Other Challenges to Resolving ISRWDs:**
 - There are often challenges in data sharing and **discrepancies in data between disputed states**.
 - **Political parties often politicise these disputes** making it difficult to approach the issue objectively and find consensus-based solutions.
 - The increasing demand for water due to **population growth, urbanisation, and industrialisation**, intensifies **competition among states for water resources**.
 - Water is a highly emotive issue; **Protests and public demonstrations can add pressure on authorities** to take a rigid stance, hindering resolution processes.

Are there any Set of Rules at Global Level to Resolve Water Disputes?

▪ Helsinki Rules 1966:

- Article IV of the widely followed Helsinki Rules (1966) stated on the issue of **equitable utilisation of the waters of an international drainage basin**.
- As per the rules, "Each basin State is entitled, within its territory, to a reasonable and equitable share in the beneficial uses of the waters of an international drainage basin".
- The Helsinki Rules was, however, limited in their scope to international drainage basins and connected groundwater sources.

▪ Berlin Rules on Water Resources 2004:

- These rules superseded the Helsinki Rules and **emphasised appropriate management of all freshwater sources within the nations**; climate-related issues; minimisation of environmental harm; preference to meet vital human needs, and the individual's right of access to adequate quantity of safe drinking water, among others.

▪ Note:

- The **Supreme Court invoked the principles of the Helsinki Rules and Berlin Rules** along with the **Campione Rules** (recognising the surface water-groundwater connection) while passing the **judgement in 2018 on the long-drawn Cauvery water dispute**, arising out of Cauvery Water Tribunal Award 2007.

How can Equitable Distribution of Resources Resolve ISRWDs?

▪ Understanding Equitable Use of Resources:

- A key factor in finding a lasting and acceptable solution is **fair, equitable and reasonable use of natural resources**.
 - However, given there is no clear definition of fair, equitable and reasonable use, implementation of this concept can be difficult.
 - Such a use can be typically determined by the **assessment of a number of factors** that depend on history, present circumstances, and social conditions in the regions of interest.
- The equitable shares are to be decided in such a way that each party derives the largest benefit by using water and should **cause the minimum harm to others**.

▪ Assistance from Helsinki Rules: The Helsinki Rules describe in detail the relevant factors to be considered:

- The first set of factors includes the **drainage area within each basin state, hydrology and climate in the basin**. They will determine basin water resources within each state.
- The second set of factors determines the **utilisation of water by each party and covers the past and current utilisation**, and the **population dependent on the waters** of the basin in each basin state.
- These factors are to be considered along with the **relative costs of meeting the needs by alternative means**.

▪ Adequate Water Data:

- Scientific determination of equitable distribution can be difficult due to insufficient availability of data.
- As embedded in Berlin Rules 2004, the **openness of information related to water resources is critical** to achieving equity.
 - Therefore, the Government should take steps to **collect all relevant water resource data, curate it, and make it open**.

▪ Best Practices for Maximum Benefits:

- States need to be incentivised and encouraged to **adopt best water use practices to derive the largest benefit** of equitably using water while minimising harm to others.
 - **Over-utilisation of groundwater should be discouraged** as it leads to decline in base flows in rivers.
- States should be encouraged to increase **water use efficiency in agricultural, industrial and domestic sectors**.

▪ Involvement of Local People:

- At present, **people, the final stakeholders, have no involvement** in dispute resolution since the tribunals hear only the official representatives of the litigating states.
 - A mechanism should be devised to **consider inputs from civil society in a transparent way.**
- Good governance in sustainable water management can be best achieved by **understanding gender gaps and addressing the specific barriers.**

Drishti Mains Question:

Discuss the key challenges in resolving inter-state water disputes and assess the importance of equitable use of water resources for addressing this issue.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Mains:

Q. Constitutional mechanisms to resolve the inter-state water disputes have failed to address and solve the problems. Is the failure due to structural or process inadequacy or both? Discuss. **(2013)**

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