

Inter-state Water Disputes in India

Interstate water disputes arise when there is a dispute between two or more states on the use, distribution and control of rivers flowing in two or more states. When the concerned states cannot resolve disputes through negotiations then the Central Government constitutes a water dispute tribunal for resolving the water dispute.

To resolve such disputes and provide for the adjudication of disputes related to water of the inter-state river and river valleys, the Inter-State River Water Disputes (ISRWD) Act, 1956 was passed in the parliament.

What is Water Dispute Resolution?

All the major river basins and some among the medium river basins are of inter-state nature. As the development of projects by one state on an inter-state river may affect the interests of other basin states, inter-state differences arise with regard to the use, distribution and control of waters of inter-state river basins.

Agreements on inter-State rivers

The first step to resolving inter-state water disputes in mutual discussions and negotiations. The states or parties involved can mutually negotiate on the terms and conditions and form an agreement.

In case, these negotiations do not work out, the next initiative is taken by the government, under the Inter-State River Water Disputes Act, 1956. Then comes the Inter-state Water Disputes Tribunals in India into force. The active tribunals in the country include:

Tribunal	Year of formation	States involved
Krishna Water Disputes Tribunal II	2004	Andhra Pradesh, Maharashtra, Telangana & Karnataka
Mahanadi Water Disputes Tribunal	2018	Chhattisgarh & Odisha
Mahadayi Water Disputes Tribunal	2010	Karnataka, Goa & Maharashtra
Ravi & Beas Water Tribunal	1986	Rajasthan, Haryana & Punjab
Vansadhara Water Disputes Tribunal	2010	Odisha & Andhra Pradesh

Constitutional Provisions for Inter-state Water Disputes

Article 246 of the Constitution deals with the subject matter of laws to be made by the Parliament and by the

Legislatures of the States.

Discussed below are the laws and the provisions under the Indian Constitution for inter-state water disputes:

- Issues related to water supplies, irrigation and canals, drainage and embankments, water storage and water power are mentioned under **Entry 17 of State List**
- The regulation and development of inter-State rivers and river valleys for the interest of the public falls under **Entry 56 of the Union List**. This provision empowers the Union government
- **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, or 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).”

What is the Inter-State River Water Disputes Act, 1956?

The Interstate River Water Disputes Act, 1956 was enacted under Article 262 of the Constitution of India. to resolve the water disputes that would arise in the use, control and distribution of an interstate river or river valley.

Over the years many amendments have been made in this Act to further simplify and ease out the agreements and settlements between the related states.

Inter-State River Water Disputes (Amendment) Bill, 2019

The latest amendment to this Act was introduced in Lok Sabha on July 25, 2019. **It will further streamline the adjudication of inter-State river water disputes.** The Bill seeks to amend the Inter-State River Water Disputes Act, 1956 with a view to streamline the adjudication of inter-state river water disputes and make the present institutional architecture robust.

Conclusion

The main motive behind having constitutional remedies for resolving water disputes is to avoid any kind of inter-state contention and disagreements.

With the latest amendments, the adjudication of water disputes can be speeded up. The idea of constituting a single tribunal with different benches along with fixation of strict timelines for adjudication will result in expeditious resolution of disputes relating to inter-state rivers.

The Centre’s proposal to set up an agency alongside the tribunal, that will collect and process data on river waters can be the right step in this direction.

All these measures will streamline the process of resolving such inter-state water disputes in the country.