

# WATER DISPUTES

## 13.1 INTRODUCTION

The inter-state relations in India run along the lines of both conflict and cooperation. The specifics of each case depend on the nature of constitutional provisions regarding these relations, attitudes of the institutions involved, concerned leaderships and political circumstances. There are disputes among Indian states over sharing of a natural resource like water and over boundaries. The disputes have resulted in violent clashes between states on several occasions. Their failure or success in handling the disputes is indicative of functioning of the Indian federalism. In this unit, you are going to study two types of disputes involving more two or more states.

## 13.2 WATER DISPUTES

Water is one of the most important requirements of human beings. It is used for multi-purposes – drinking, cleanliness, agriculture and industries. Its shortage or absence can lead to disputes in society. Its unequal distribution among states can disturb the federal relations. Water disputes arising from the need in agriculture for irrigation has had the most effective political expression in our country. Before discussing the cases of water disputes, it is relevant to discuss the unevenness of water availability and the river basin in India.

13.2.1 Uneven Availability of Water India is considered rich in terms of annual rainfall and total water resources available at the national level. However, the uneven distribution of the resource causes regional and temporal shortages. India's average annual rainfall, about 4000 billion cubic meters (BCM) is unevenly distributed, both spatially as well as temporally. The annual per capita utilisable resource availability varies from 18,417 cubic meters in the Brahmaputra Valley to as low as 180 cubic meters in the Sabarmati Basin. Even in the Ganga Basin, the annual per capita availability of water varies from 740 cubic meters (cu m) in the Yamuna to 3,379 cum in the Gandak. Levels of precipitation vary from 100 mm annually in western Rajasthan to over 9,000 mm in the north-eastern state of Meghalaya. With 75 percent of the rainfall occurring over the four monsoon months and the other 1000 BCM spread over the remaining eight months, the Indian rivers carry 90 percent of the water between June and November. Thus, only 10 per cent of the river flow is available during the other six months. India can, however, boast of a good network of rivers flowing through different parts and sustaining the economy.

13.2.2 River Basins The country's rivers have been classified as Himalayan, peninsular, coastal and inland-drainage basin rivers. Himalayan rivers are snow fed and maintain a high to medium rate of flow throughout the year. The heavy annual average rainfall levels in the Himalayan catchment areas further add to their rates of flow.

During the monsoon months of June to September, the catchment areas are prone to flooding. The volume of the rain-fed peninsular rivers also increases. Coastal streams, especially in the west, are short and episodic. Rivers of the inland system, centered in western Rajasthan state, are few and frequently disappear in years of scant rainfall. The majority of the rivers flow through broad, shallow valleys and drain into the Bay of Bengal. River basin as a unit of understanding the river flow through different states provides a scientific approach. The basin area is the extent of the area from where water may be expected in the river. It includes tributaries and even drains. Indian rivers have been divided into three categories depending on basin area. Major rivers are those rivers whose basin area is 20,000 square km. or more. The river basin areas in between 2,000 and 20,000 square kilometers are grouped as medium rivers and the rest are minor rivers. Major river basins are 13 in number and as a group they cover 80 per cent of the population and 85 per cent of total river discharge.

Three major rivers i.e. the Ganga, the Brahmaputra and the Indus are snow-fed rivers, originating in the Himalayas. The other ten rivers originate either in Central India or in the peninsular regions. These rivers are Godavari, Krishna, Pennar, Mahanadi, Cauvery, Narmada, Tapi, Brahmani, Mahi and Sabarmati. The medium river basins are forty-five in number while the minor river basins are fifty five.

Thus, the 113 river basins ranging from major to medium to minor based on their basin areas transcend different political boundaries. The increasing needs of water in different parts of India to meet varied demands especially in the arid and the semi-arid regions have given boost to large inter basin transfers in the last few decades. Accordingly, many schemes of large-scale water transfer projects (interlink proposals) have been planned and some of them implemented. There have been cases of hydro-animosity amongst different states and communities as the users are many while the supply is limited.

Harnessing the waters of the major rivers that flow through different states is therefore, an issue of great concern. Issues of flood control, drought prevention, hydroelectric power generation, job creation and environmental quality provide a common plank for debate as the states grapple with the political realities, of altering the flow of various rivers. The rapid increase in the country's population accompanied by the growth of agriculture, rapid urbanisation, economic growth and improved access to basic services has resulted in an increase in the demand for water. The spatial and temporal variations give rise to shortages in some regions.

The Western Plains, the Kachchh region and some pockets in the Northern plains face an acute water shortage. The widening gap between demand and supply has led to a substantial increase in the share of groundwater consumption by the urban, agricultural and domestic sectors. The quality of water sources is threatened because of inadequate provisions for the treatment of wastewater. Therefore, the gap between availability and supply has led to provocation and ensuing discords due to the diversion of waters from riparian states to the non-riparian states. Several water tribunals have been formed and judgments pronounced in many river basin disputes but solutions have been few. In the case of Cauvery, the problem has persisted for more than a century. There are also many court cases pending at local levels as regards the uses of water, and this affects the livelihoods of many.

13.2.3 Politics of Water disputes Resolution of water disputes depends largely on political considerations. Out of the several water disputes in India, we will focus on the Cauvery Water, Ravi-Beas and Satlaj-Yamuna Canal Link disputes. In resolving these disputes, the political leaderships of the concerned states, the centre, and the courts are involved. Yet they remain unresolved. The failure of negotiations has led to the appointment of authorities and tribunals innumerable. But even the awards of the tribunals have not been respected by one or the other parties involved in the disputes. According to scholars like Alan Richards and Nirvikar Singh the most important reason for this is the merely advisory nature of various water authorities. Water remains virtually a state subject vide entry 17 in the State List.

The centre has not utilised its authority to legislate on this matter vide entry 56 in the Union List according to Article 262 of the Constitution. While the Ravi-Beas and Satlaj –Yamuna Canal Link remain unresolved, there are cases which have been resolved. Alan Richards and Nirvikar Singh attribute the main reason for their resolution to negotiations. The tribunals in this case proved ineffective. But regarding the Cauvery Water dispute and the Ravi-Beas water dispute both the negotiations and the tribunals proved ineffective. Besides the ineffective awards of the tribunals, the centre's unwillingness to utilise entry 17 in the Union List according to Article 262 of the Constitution to legislate on water disputes, political considerations are the major hindrances in resolving them. The possibility of resolution of the issue is viewed in a contradictory manner. While one state considers it advantageous to it the other sees its interests, as against its interests.

The political parties even within the same state view matters in the light of repercussions on their political support base. These parties may disagree on all other major issues, yet share a common stance on the concerned water dispute. They apprehend that taking a contrary stance might push their political support to their political rival. As pointed out by some scholars, the state political leaders can even defy their national leaders and the advice of the court in this matter. For them their political support is more

important. For example, the political leadership in Punjab passed an Act in 2004 against the completion of the Satlej-Yamuna Canal Link. It was to be completed within one year. Haryana challenged the decision in the Supreme Court. The latter decreed for a Presidential reference. The matter is still unresolved.

Any inter-state water dispute has its repercussions on the politics and people in neighbouring states. It has ethnic implications. As some linguistic and ethnic groups live within states which have disputes over the sharing of water, these ethnic groups also get drawn into violent riots. In 1992 the Cauvery water dispute between Tamil Nadu and Karnataka led to anti-Tamil riots in Tamil Nadu. This had further repercussion in the state politics of the two states. While the Tamil groups demanded protection of their ethnic and linguistic identities, the Karnataka political leadership in general opposed giving water to Tamil Nadu. They said that there was no surplus water that could be given to Tamil Nadu.

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