

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES
[ISSN 2581-5369]

Volume 8 | Issue 3
2025

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Inter-State River Disputes and the Indian Federal Order Constitutional Challenges and Political Realities

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ABSTRACT

India's federal structure is continually challenged by persistent interstate river water disputes, intersecting constitutional governance, political dynamics, and ecological imperatives. While constitutional provisions such as Article 262 and the Inter-State River Water Disputes Act (1956) establish adjudicatory frameworks, implementation is frequently hindered by political resistance, procedural delays, and insufficient enforcement. This paper examines constitutional and institutional mechanisms governing interstate water allocation through case analyses of the Cauvery, Krishna, and Sutlej-Yamuna Link disputes. Each case study highlights systemic tensions: judicial enforcement versus political resolve, equity in allocation versus historical entitlements, and cooperative versus adversarial federal dynamics. The Cauvery conflict demonstrates judicial intervention in enforcing tribunal rulings; the Krishna dispute reflects challenges from state reorganization and competing claims; and the SYL stalemate reveals judicial limitations amid entrenched political opposition. Through constitutional, statutory, and judicial analysis, the study argues that India's federal architecture, though institutionally sound, risks erosion without political consensus and timely compliance. It emphasizes the necessity of adaptive, participatory governance models for transboundary river management in evolving socio-ecological contexts. The paper concludes that resolution of interstate water disputes necessitates not only legal adjudication but also political maturity, ecological consideration, and institutional reforms to reinforce cooperative federal governance.

Keywords: *Interstate River Dispute, Federalism, Adjudication, Tribunals, Water Governance*

I. INTRODUCTION

India's federal governance framework is subject to a continual challenge arising from interstate river water allocation conflicts. The geographical distribution of 25 major river basins, predominantly traversing multiple state jurisdictions, has resulted in recurrent and contentious

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disagreements regarding equitable resource distribution.² These conflicts extend beyond technical hydrological allocation debates, constituting fundamental challenges to India's federal architecture. They generate intergovernmental tensions between constituent states while simultaneously testing the constitutional division of authority between central and regional governments. The socio-political gravity of such disputes is demonstrated through their extended temporal scope and escalatory potential, as evidenced by cases such as the Cauvery and Krishna Rivers conflicts. These protracted disagreements – persisting over multiple decades – have periodically manifested in civil unrest and violent conflict, revealing their capacity to exacerbate identity-based mobilization transcending regional boundaries.³ Escalating water scarcity and intensifying competing demands across urban-rural sectors have progressively transformed interstate water disputes into prolonged, politically charged conflicts.⁴ This trend has generated critical scrutiny regarding both the operational efficacy of India's institutionalized conflict resolution frameworks and the sustainability of intergovernmental cooperation within India's federal structure.

Academic engagement with interstate water disputes in India has expanded significantly, yielding a substantial corpus of interdisciplinary research across legal studies, political theory, policy analysis, and environmental governance. This paper undertakes a systematic integration of these scholarly perspectives to evaluate how river water conflicts structurally and functionally challenge India's federal model. Employing a comprehensive analytical framework, the analysis examines three dimensions: (1) constitutional provisions and legislative mechanisms governing interstate water allocation; (2) case studies of major water interstate water disputes and the institutional effectiveness of river water tribunals and judicial rulings in resolving them; and (3) the socio-political determinants that both instigate and impede dispute resolution processes.

II. CONSTITUTIONAL AND LEGAL FRAMEWORK FOR WATER SHARING

Federalism and Its Relevance to Natural Resource Management: Federal systems are institutionally defined by the constitutional allocation of jurisdictional competencies between a centralized national government and subnational entities. In Wheare's foundational

² Harish Salve, Interstate River Water Disputes, in *The Oxford Handbook of the Indian Constitution* 858 (Sujit Choudhry et al. eds., Oxford Univ. Press 2016).

³ Why Are Indian States Fighting Over Cauvery River?, REUTERS (Sept. 29, 2023, 9:00 AM), <https://www.reuters.com/world/india/why-are-indian-states-fighting-over-cauvery-river-2023-09-29/> (last visited Apr. 21, 2025).

⁴ Pyaralal Raghavan, There Has Not Been a Final Settlement on Any Interstate River Water Dispute Since 1980, TIMES OF INDIA, Sept. 7, 2016. There has not been a final settlement on any interstate river water dispute since 1980,

conceptualization, federalism prescribes a structural distribution of governance authority wherein each tier maintains operational independence and jurisdictional autonomy within constitutionally prescribed spheres of authority.⁵ Elazar identifies federalism's defining institutional characteristic as the calibrated interplay between collaborative and competitive dynamics among subnational jurisdictions. This structural duality facilitates adaptive governance mechanisms aimed at optimizing the stewardship of common-pool resources through negotiated intergovernmental arrangements.⁶

The governance of natural resources remains institutionally embedded within federal systems due to the transboundary nature of critical resources—including river basins, mineral deposits, and forest ecosystems—that span jurisdictional demarcations. Anderson emphasizes that the polycentric governance frameworks inherent to federal systems generate dual institutional imperatives: enabling coordinated management while navigating jurisdictional fragmentation across shared ecological systems.⁷ Similarly, Ostrom's theoretical framework posits that polycentric governance architectures—structurally analogous to federal arrangements—can optimize the sustainable governance of common-pool resources when operationalized through institutionalized rule structures, recursive coordination protocols, and adjudicative dispute resolution mechanisms.⁸

Constitutional Provisions Relating to Water Resources: The Indian Constitution expressly provides for the management and resolution of conflicts relating to water resources, primarily through Article 262. This provision empowers Parliament to legislate on adjudication processes for disputes related to the use, distribution, or control of waters of inter-state rivers or river valleys, explicitly excluding judicial jurisdiction.⁹ The Seventh Schedule further outlines the legislative responsibilities, granting states authority under Entry 17 of List II to manage water supplies, irrigation, drainage, and storage, while Entry 56 of List I empowers the Union to legislate on inter-state rivers to ensure integrated development and regulation across states. Thus, while states retain authority over local consumptive uses of water, the Union possesses overriding powers concerning issues that impact broader national or inter-state interests, thereby maintaining a constitutional equilibrium between regional autonomy and national integration.¹⁰

The River Boards Act, 1956, and the Inter-State River Water Disputes Act, 1956: The

⁵ K.C. Wheare, *Federal Government* 10 (Oxford Univ. Press 1963).

⁶ Daniel J. Elazar, *Exploring Federalism* (Univ. of Ala. Press 1991).

⁷ George Anderson, *Natural Resources in Federal and Devolved Countries* (Forum of Federations, May 2020).

⁸ Elinor Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action* 29–33 (Cambridge Univ. Press 1990).

⁹ Salve, *supra* note 1.

¹⁰ *Id.*

governance of inter-state rivers in India is structured through two statutory frameworks: the River Boards Act (1956) and the Inter-State River Water Disputes Act (IRWDA, 1956). Enacted under Entry 56 of the Union List, the River Boards Act institutionalizes advisory bodies to promote cooperative interstate management of shared river resources. These boards operate under a non-binding mandate, tasked with formulating integrated development plans for river basins, mediating interjurisdictional disputes, and advising states on collaborative resource allocation. Their role remains circumscribed to technical and procedural coordination, lacking enforcement authority to impose resolutions. The IRWDA complements this framework by establishing tribunals for adjudicating disputes unresolved through negotiation, reflecting a dual approach of facilitative advisory mechanisms and formal legal arbitration under India's constitutional water governance architecture.¹¹ However, due to practical and political constraints, these boards have seldom been constituted effectively, limiting their intended impact.¹² The IRWDA institutionalizes an adjudicative framework for resolving inter-state water conflicts following the breakdown of intergovernmental negotiations. Under its provisions, aggrieved state governments may petition the central government to initiate tribunal proceedings. These quasi-judicial bodies—chaired by sitting or retired Supreme Court justices nominated through consultation with the Chief Justice of India—exercise binding adjudicative authority. Upon gazetted publication, tribunal awards acquire enforceability equivalent to Supreme Court rulings under Article 141 of the Constitution, mandating compliance from contesting states.¹³ This statutory mechanism operationalizes constitutional federalism by substituting political bargaining with formalized legal arbitration in intractable disputes. A defining feature of the IRWDA is its statutory preclusion of judicial oversight, including Supreme Court jurisdiction, thereby prioritizing tribunal-based arbitration as the exclusive adjudicatory pathway.¹⁴ However, the legislation omits codification of substantive normative frameworks or distributive equity standards for tribunals, effectively vesting adjudicative bodies with broad discretionary authority over procedural modalities and distributive outcomes.¹⁵

Judicial Interpretations and Constitutional Implications: The Supreme Court has jurisprudentially defined the operational parameters of constitutional and statutory water governance frameworks through doctrinal interpretations in seminal rulings. In *Cauvery River*

¹¹ M.P. Jain, *Indian Constitutional Law* (8th ed. LexisNexis 2018).

¹² *Id.*

¹³ Inter-State River Water Disputes Act, No. 33 of 1956, § 6 (India).

¹⁴ Inter-State River Water Disputes Act, No. 33 of 1956, § 11 (India).

¹⁵ Jain & Jacob, *Centre-State Relations in Water Resources Development*, 12 J. Indian L. Inst. 1 (1970); Indian L. Inst., *Inter-State Water Disputes in India* (1971).

*Water Dispute (1993)*¹⁶, the Court institutionally structured Parliament's adjudicative primacy under Article 262, delineating a jurisprudential distinction between its dispute-resolution mandate and the Union's regulatory competencies under Entry 56 of the Union List. The Court jurisprudentially affirmed that subnational legislative authority is constitutionally barred from promulgating legislation contravening tribunal adjudications, reaffirming the doctrinal equivalence of IRWDA tribunal awards to Supreme Court rulings under Article 141 in enforceability and precedential authority.¹⁷ Such judicial pronouncements have reinforced the constitutional balance intended to prevent unilateral state actions that might undermine federally established adjudicatory processes.

In a similar case, the Supreme Court's ruling in the *Sutlej-Yamuna Link Canal Case*¹⁸ affirmed the constitutional imperative that interstate compacts retain binding legal validity. The Court further articulated its institutional mandate to ensure the adjudicative enforcement of interstate water-sharing accords, thereby operationalizing cooperative federalism through judicial oversight of intergovernmental pact compliance. This decision demonstrated the judiciary's willingness to uphold principles of cooperative federalism, especially when state-level political actions threatened to disrupt federally mediated agreements.

The Supreme Court's adjudicative engagement in the *Mullaperiyar Dam Dispute*¹⁹ entailed the resolution of multifaceted legal-technical conflicts spanning infrastructural safety governance, intergovernmental jurisdictional competences, and interstate federal relations.

The Court's rulings in these matters exemplify the jurisprudential equilibrium maintained between adherence to statutory tribunal jurisdictions and the assertion of constitutional review prerogatives aimed at safeguarding federal constitutional norms. This balancing doctrine becomes operationally critical in adjudicative contexts characterized by extraterritorial impacts of subnational governance measures or systemic threats to federal cohesion.²⁰

III. POLITICAL DYNAMICS AND CHALLENGES TO FEDERALISM

The persistence of interstate water disputes in India cannot be exhaustively attributed to institutional-legal frameworks. Instead, these conflicts are structurally embedded within political-economic contingencies, particularly asymmetric power relations between central and subnational governments, partisan electoral calculations, and subregional identity politics.

¹⁶ *In re Cauvery Water Disputes Tribunal*, AIR 1992 SC 522 (India).

¹⁷ *Id.*

¹⁸ *State of Haryana v. State of Punjab*, AIR 2002 SC 685 (India).

¹⁹ *State of Tamil Nadu v. State of Kerala*, 2014 SCC OnLine SC 432 (India).

²⁰ *Salve*, supra note 1.

These variables constitute critical determinants in both the emergence and perpetuation of such disputes. This analysis interrogates the recursive interplay between political contestations and hydrological conflicts, revealing their transformative impact on federal governance structures through the politicization of resource allocation and jurisdictional authority.

Centre-State Relations: India's federal system is often described as quasi-federal or as a union with a strong center. However, when it comes to water disputes, the Centre's role has traditionally been somewhat detached and reactive. The ambiguity inherent in India's federal water governance framework arises from unresolved jurisdictional tensions between state-level executive authority over territorial resources and the Union's constitutional mandate to regulate interstate rivers.²¹ These overlapping competencies remain inadequately delineated, creating institutional ambiguities. While the Union invoked Entry 56 to legislate the River Boards Act (1956) as a cooperative mechanism for interstate river management, the Act has remained non-operational since enactment. No river board or regulatory institution has been established under its provisions, rendering the Union's constitutional role under Entry 56 a de facto legislative vacancy. This statutory inertia underscores systemic deficiencies in reconciling federal hierarchies with collaborative resource governance.²² Scholarly analyses have framed this governance deficit as reflecting the central government's constitutional failure to operationalize its jurisdictional mandate under Entry 56, resulting in a structural abdication of inter-state coordination responsibilities.²³ Therefore, State governments have strategically exploited this institutional void through expanded jurisdictional assertions over water resources, frequently exercising unilateral resource management prerogatives.²⁴ This phenomenon can be conceptualized as *water subnationalism*, reflecting the operationalization of state-level sovereignty claims over transboundary hydrological assets.

The political alignment of federal and subnational governments structurally influences intergovernmental dispute dynamics as well.²⁵ When the federally dominant party maintains electoral alignment with a disputant state, conflict resolution frequently prioritizes informal intergovernmental bargaining mechanisms over formal institutional intervention. Conversely, executive bifurcation—wherein competing political factions hold power across governance

²¹ S. Chokkakula ed., *India's Water Federalism: New Perspectives for Public Policy* 3 (Asian Confluence & Hanns Seidel Found. India 2022).

²² *Id.*

²³ R.R. Iyer, Federalism and Water Resources, 29 *Econ. & Pol. Wkly.* 733 (1994).

²⁴ S. Chokkakula, A. Kapur & A. Singh, *Water and Federalism: Working with States for Water Security*, TREADS Working Paper, Centre for Policy Research (2021).

²⁵ K.K. Kailash, Conflicts over Water and Central Intervention: Why Politics Matters, in *India's Water Federalism: New Perspectives for Public Policy* 79, 79–89 (S. Chokkakula ed., Asian Confluence & Hanns Seidel Found. India 2022).

tiers—engenders perceptions of federal partiality, thereby constraining the Centre’s capacity to mediate impartially through constitutional adjudicative frameworks.²⁶ The *Cauvery River Dispute* exemplifies the cyclical impediment of adjudicative outcomes through partisan realignment between federal and riparian state governments. Specifically, alternating governance regimes in Karnataka (Congress-BJP oscillations) and Tamil Nadu (AIADMK-DMK dominance) have enabled successive Union administrations to strategically defer or attenuate compliance enforcement with tribunal awards, prioritizing electoral constituency management over constitutional adjudication imperatives. This instrumentalization of resource conflicts underscores a systemic vulnerability within India’s federal architecture: the subordination of constitutional resource governance mandates to transient electoral calculi, revealing the contingent nature of federal authority in interjurisdictional disputes.²⁷

Regionalism and Identity Politics: Interstate water disputes in India are often deeply interlinked with assertions of regional identity, reflecting water’s foundational role in agrarian economies. This nexus is reinforced by the socio-political construct of linguistically demarcated states, which function as cohesive units of cultural and territorial affiliation. The Cauvery River dispute exemplifies this dynamic, as the river holds both civilizational significance for Tamil communities and serves as the hydrological basis for Tamil Nadu’s agriculturally critical delta zone.²⁸ Within Karnataka’s socio-cultural landscape, the Kaveri River holds equivalent civilizational salience for the Mysuru cultural-geographic zone²⁹, transforming hydrological allocations into contested claims over sovereign resource entitlements rather than mere infrastructural resource distribution. Subnational political entities—irrespective of party affiliation—face constituent-driven imperatives to assert jurisdictional primacy over transboundary water shares, often framing negotiated allocations as existential threats to regional agroecological systems and cultural patrimony. Another example is the Sutlej-Yamuna Link. Punjab’s political ecosystem demonstrates cross-partisan consensus on opposing interstate hydrological allocations to Haryana, with major parties—Congress, Akali Dal, and Aam Aadmi Party (AAP)—adopting a uniform political stance against the Sutlej-Yamuna Link (SYL) canal. This issue has been transmuted into an ideological litmus test for safeguarding

²⁶ *Id.*

²⁷ Lakshmi Subramanian, *Cauvery Dispute: A Timeline of the Contentious Riparian Wrangle*, The Week (2018), <https://www.theweek.in/news/india/cauvery-water-dispute-timeline-of-events.html> (last visited Apr. 23, 2025).

²⁸ V. Sundararaju, *Cauvery: The River That the Tamils Thought Would Never Fail*, Down to Earth, <https://www.downtoearth.org.in/water/cauvery-the-river-that-the-tamils-thought-would-never-fail-64973> (last visited Apr. 23, 2025).

²⁹ *Developments in the 19th and 20th Centuries*, Gazetteer of Karnataka, <https://gazetteer.karnataka.gov.in/storage/pdf-files/pdf/Glimpses%20of%20Karnataka-2012/Chapter%206%20Developments%20in%20the%2019th%20and%2020th%20centuries.pdf> (last visited Apr. 23, 2025).

Punjabi resource sovereignty. In 2023, Chief Minister Bhagwant Mann (AAP) escalated this discourse through a public declaration of absolute hydrological non-sharing (“not a single drop”), rhetorically calibrated to resonate with subnational constituency anxieties over groundwater depletion and diminished hydrological flows in the Ravi-Beas basin.³⁰

Therefore, interstate water disputes in India underscore systemic tensions in federal resource governance, where hydrological allocation conflicts intersect with subnational identity politics and territorial sovereignty claims. Cases such as the Cauvery and Sutlej-Yamuna Link disputes reveal how linguistically demarcated states leverage cultural and agro-ecological narratives to resist adjudicative mandates, framing compliance as existential threats to regional livelihoods and heritage. Structural deficiencies—including jurisdictional ambiguities, non-operational cooperative mechanisms, and electoral politicization of tribunal processes—perpetuate intergovernmental distrust and entrench disputes. Addressing these challenges necessitates institutional reforms that harmonize constitutional frameworks with participatory governance models, integrating subnational ecological and sociopolitical imperatives into interstate negotiations to transcend zero-sum politicking.

Impact on Federalism: The protracted nature of interstate water disputes has precipitated discernible strains within India's federal architecture. While constitutional frameworks position the Union as a neutral arbiter tasked with ensuring equitable resource distribution through quasi-judicial adjudication, empirical evidence reveals strategic federal restraint driven by electoral calculus and asymmetric federal relations. Such politicized inaction undermines institutional trust, fostering intergovernmental credibility deficits. Subnational perceptions of federal partiality—whether through procedural delays or partisan alignment—exacerbate centrifugal tensions, revealing the fragility of cooperative federalism when institutional neutrality is perceived as contingent on transient political configurations. The Mahanadi River Basin dispute exemplifies intergovernmental credibility deficits, with Odisha alleging federal preferential treatment toward Chhattisgarh due to partisan alignment between central and state administrations.³¹ This perception arose from the Union's non-intervention in unilateral upstream infrastructural developments during periods of concurrent political authority, reinforcing critiques of federal adjudication as contingent on electoral congruity rather than constitutional neutrality. Irrespective of their empirical validity, such perceptions erode

³⁰ SC Pulls Up Punjab Govt for Not Constructing Its Part of SYL Canal, *The Indian Express*, SC pulls up Punjab govt for not constructing its part of SYL canal | Chandigarh News - The Indian Express (last visited Apr. 23, 2025).

³¹ Amava Bhattacharya, *Mahanadi Row Must Be Ended Politically, Not Legally*, *The Times of India* (May 13, 2018), <https://timesofindia.indiatimes.com/city/bhubaneswar/mahanadi-row-must-be-ended-politically-not-legally/articleshow/64144767.cms> (last visited Apr. 24, 2025).

collaborative governance norms. Prolonged disputes engender significant political capital expenditure, generating spillover effects that deteriorate intergovernmental relations and impede the realization of federal cooperative frameworks.

However, there are instances that demonstrate the operationalization of cooperative federalism through institutionalized inter-state negotiation frameworks. The Narmada Control Authority (NCA), established under the Narmada Water Disputes Tribunal Award, exemplifies this dynamic. Functioning as a multijurisdictional governance body comprising central and riparian state representatives³², the NCA facilitated incremental implementation of tribunal mandates during the 1990s.³³ Despite persistent interjurisdictional disagreements, its inclusive structure enabled sustained intergovernmental dialogue, permitting the phased execution of critical infrastructure projects such as the Sardar Sarovar Dam.³⁴ This case highlights the potential of constitutionally anchored, participatory institutions to mitigate federal resource conflicts through procedural continuity and shared decision-making. In another example, the Godavari River Basin dispute resolution under the 1979 tribunal award illustrates institutionalized intergovernmental bargaining, wherein riparian states—Maharashtra, Madhya Pradesh (now Chhattisgarh), and Andhra Pradesh—negotiated reciprocal territorial and hydrological concessions.³⁵ Maharashtra's agreement to territorial inundation for the Polavaram Dam's construction, contingent on compensatory resource entitlements³⁶, underscores the role of adjudicated frameworks in facilitating negotiated trade-offs between subnational jurisdictions. This case exemplifies how tribunal-mandated cooperation can operationalize federal resource-sharing principles through structured quid pro quo arrangements, balancing subnational sovereignty claims with collective infrastructural objectives.

These cases demonstrate that institutional mechanisms mandating sustained intergovernmental engagement can cultivate pragmatic cooperation among subnational entities. However, such frameworks predominantly operate as reactive, post-adjudicative constructs rather than being proactively institutionalized within pre-emptive governance structures.

³² Narmada Control Authority, *Composition and Functions*, <https://nca.gov.in/aboutus.htm#NCA%20Composition%20and%20Functions> (last visited Apr. 24, 2025).

³³ Narmada Control Authority, *Salient Features of NWDT Award*, <https://nca.gov.in/aboutus.htm#Salient%20Features%20of%20NWDT%20Award> (last visited Apr. 24, 2025).

³⁴ *Id.*

³⁵ *Godavari Water Disputes Tribunal: Further Report and the Report of the Godavari Water Disputes Tribunal*, vols. 1 & 2 (1979 & 1980).

³⁶ *Id.*

IV. CASE STUDIES OF MAJOR WATER DISPUTES: INSTITUTIONAL EFFECTIVENESS OF RIVER WATER TRIBUNALS AND JUDICIAL RULINGS

This analysis focuses on three interstate water conflicts that exemplify structural tensions within India's federal governance framework:

1. The **Cauvery River dispute** (Tamil Nadu, Karnataka, Kerala, Puducherry),
2. The **Krishna River conflict** (Andhra Pradesh, Telangana, Maharashtra, Karnataka),
3. The **Sutlej-Yamuna Link (SYL) canal dispute** (Punjab, Haryana, Rajasthan).

These cases illuminate recurrent institutional challenges and idiosyncratic complexities in transboundary water governance. By examining their legal trajectories and political negotiations, the study identifies patterns in adjudicative mechanisms, intergovernmental bargaining, and constitutional interpretations while demonstrating the temporal evolution of conflict-resolution strategies in India's federal system.

A. The Cauvery Dispute: Federal Mediation and Lingering Contestation

The allocation of Kaveri River waters has generated a protracted intergovernmental dispute between Tamil Nadu and Karnataka, originating in colonial-era accords (1892, 1924) between the Madras Presidency and Mysore Kingdom. The Kaveri River spans 802 km, with 44,000 km² of its basin area situated in Tamil Nadu and 32,000 km² within Karnataka, establishing hydrogeographic foundations for competing jurisdictional claims.³⁷ Hydrological data indicate an annual inflow of 425 Tmcft (12 km³) originating in Karnataka, contrasting with 252 Tmcft (7.1 km³) from Tamil Nadu.³⁸

Karnataka asserts its claim to a proportionate allocation of Kaveri River waters, citing contemporary hydrological data. The state contests the validity of pre-independence interstate agreements, alleging structural bias favoring the former Madras Presidency's hydrological entitlements, and advocates for basin-wide reapportionment grounded in equitable apportionment principles. Tamil Nadu counters by emphasizing its established agricultural dependence on current allocation patterns, having developed 12,000 km² of irrigated land. The state maintains that hydrological redistribution would destabilize agrarian economies

³⁷ Shivaraju Nagenhali, *Major River Disputes of Karnataka Special Reference to Kavery River Water Dispute: A Brief Study*, 5 *Int'l J. Res. Culture Soc'y* (Oct. 2021), <https://ijrcs.org/wp-content/uploads/IJRCS202110007.pdf>.

³⁸ Jyotika Sood, *The Paddy Compulsion, Down to Earth* (Oct. 31, 2012), <https://www.downtoearth.org.in/environment/the-paddy-compulsion-39317>.

supporting millions of agricultural workers.³⁹

Brief History of the dispute pre-independence and beyond: The 1892 and 1924 interstate agreements between Mysore (Karnataka) and Madras (Tamil Nadu) established frameworks for equitable water use in the Cauvery basin. The 1892 agreement governed multiple rivers, while the 1924 pact specifically regulated the Krishnarajasagar Dam's construction and irrigation expansion, mandating mutual consent for upstream projects to avoid diminishing downstream flows. It allocated reservoir capacities (e.g., 44,827 Mcft for Krishnarajasagar in Mysore; 93,500 Mcft for Mettur Dam in Madras) and capped irrigation areas (1.25 lakh acres in Mysore; 3.01 lakh acres in Madras). Clauses permitted Mysore to build tributary reservoirs up to 60% of Madras's capacities on specified rivers and allowed irrigation extensions via improved water efficiency. Certain clauses (10(iv)–(viii)) were revisable after 1974, contingent on mutual agreement and operational experience.⁴⁰

Karnataka's post-1974 construction of four reservoirs (Harangi, Kabini, Hemavathy, Suvarnavathy) with a combined capacity of 59.1 TMC and 13.25 lakh acres of irrigation contravened these agreements. These projects, initiated without Tamil Nadu's consent or central approvals (e.g., Planning Commission), violated clauses II and III (1892) and 10(vi)–(viii) and (xiv) (1924), which required prior consultation and rules to limit flow reductions to 5% during impounding. Karnataka's unilateral impounding from 1974 onward disregarded downstream needs, exceeding permissible irrigation limits and destabilizing Tamil Nadu's established water entitlements.⁴¹

Tamil Nadu raised concerns over Karnataka's (then Mysore) unilateral construction of reservoirs in the Cauvery basin, which contravened the 1892 and 1924 interstate agreements. In 1969, Tamil Nadu petitioned the Prime Minister to intervene, urging Karnataka to halt projects until interstate implications were resolved. The then Prime Minister acknowledged the need for mutual resolution and delegated mediation to the Ministry of Irrigation and Power. By September 1969, Tamil Nadu formally sought central intervention, warning that Karnataka's actions risked violating agreements and requesting arbitration to preempt unilateral fait accompli.⁴²

When Karnataka refused to honor agreements during a 1970 intergovernmental conference, Tamil Nadu invoked Section 3 of the Interstate Water Disputes Act (1956), formally requesting

³⁹ *Basin Report – Cauvery* (WRIS 2014), <https://web.archive.org/web/20161005020711/http://indiawris.gov.in/downloads/Cauvery%20Basin.pdf> (archived Oct. 5, 2016).

⁴⁰ *The Report of the Cauvery Water Disputes Tribunal with the Decision*, vol. I, at 5–9 (2007).

⁴¹ *Id.*

⁴² *Id.* at 6 - 11.

adjudication. Despite ongoing negotiations (including five meetings in 1970 and discussions chaired by the Central Water Commission), Karnataka's persistent non-compliance led Tamil Nadu to escalate its demand for tribunal referral. Kerala participated as a co-riparian state post-1956 reorganization, though negotiations remained deadlocked. Tamil Nadu's 1970 tribunal request underscored systemic failures in enforcing interstate water-sharing commitments, highlighting the limitations of political mediation in resolving entrenched federal resource conflicts.⁴³ In essence, Tamil Nadu sought to preserve existing water allocations (as per the agreements), while Karnataka pursued increased utilization of hydrological resources originating within its territorial jurisdiction.

Constitution of Cauvery Water Disputes Tribunal (CWDT): Despite 26 interministerial negotiations conducted between 1968 and 1990, the Kaveri River dispute remained unresolved. During this period, an interim regulatory framework was instituted for 15 years, under which Tamil Nadu recurrently petitioned for enhanced annual water allocations to meet the sustained agricultural demands of its delta region. In 1983, escalating tensions prompted the *Society for the Protection of Irrigation and Agricultural Rights of Tamil Nadu Farmers* to file a legal petition, urging adjudicative intervention through the establishment of the Cauvery Water Disputes Tribunal (CWDT) under constitutional provisions governing interstate water conflicts.⁴⁴

Interim Award of the Tribunal and reaction: In 1991, the Tribunal issued an interim award mandating Karnataka to ensure an annual flow of 205 TMC (thousand million cubic feet) to Tamil Nadu, calculated using a 10-year average (1980–1990), excluding drought and flood years. It also restricted Karnataka's irrigated land area to 1.12 million acres and stipulated monthly water release quotas. Karnataka rejected the award, leading to violent anti-Tamil riots and a state ordinance annulling the order, which the Supreme Court later invalidated, upholding the Tribunal's authority.⁴⁵

Subsequent monsoon failures in 1995 exacerbated tensions, as Karnataka struggled to meet interim obligations. Political mediation by the then Prime Minister resulted in reduced water releases, highlighting the limitations of adjudication in resolving entrenched disputes. In 1998, institutional mechanisms—the Cauvery River Authority (CRA) and Cauvery Monitoring Committee—were established to enforce tribunal directives and monitor compliance. These

⁴³ *Id.*

⁴⁴ Amit Ranjan, *Federalism and Inter-State River Water Disputes in India* 92–95 (Taylor & Francis, 2023), <https://doi.org/10.4324/9781003344063>.

⁴⁵ *The Cauvery Water Dispute*, Outlook India (Sept. 22, 2022), <https://www.outlookindia.com/national/the-cauvery-water-dispute-news-233817>.

bodies aimed to balance legal mandates with hydrological realities but underscored systemic challenges in reconciling federal water-sharing frameworks with regional socio-political imperatives.⁴⁶

Final Award and its aftermath: The Cauvery Water Disputes Tribunal (CWDT) issued its final award in 2007, allocating 740 TMC (thousand million cubic feet) of water across Tamil Nadu (419 TMC), Karnataka (270 TMC), Kerala (30 TMC), and Puducherry (7 TMC), with 10 TMC reserved for environmental flows and 4 TMC for natural outflows. Karnataka was directed to release 192 TMC annually to Tamil Nadu, supplemented by 25 TMC from intermediate rainfall, totaling 217 TMC. Tamil Nadu, in turn, allocated 7 TMC to Puducherry, resulting in a net receipt of 210 TMC from Karnataka—marginally exceeding the 1991 interim award of 205 TMC.⁴⁷

While Tamil Nadu broadly accepted the award as equitable, Karnataka contested it, citing insufficient allocation relative to growing agrarian demands. Protests erupted in Karnataka, reflecting public dissatisfaction and perceived economic repercussions. The state announced plans to file a revision petition within the mandated 90-day period, challenging the tribunal's decision as disproportionate. Puducherry and the central government endorsed the award, emphasizing compliance.⁴⁸ The divergent responses underscored persistent tensions in balancing legal adjudication with evolving regional water needs within India's federal framework.

Path to resolution: In August 2016, the Tamil Nadu government invoked judicial recourse, alleging a 50.0052 TMC (thousand million cubic feet) deficit in water releases from Karnataka's reservoirs, as mandated by the Cauvery Water Disputes Tribunal (CWDT). The state emphasized the urgency of augmenting flows to sustain *samba* rice cultivation, a critical agrarian activity. Karnataka contested the feasibility of additional releases, citing hydrological constraints due to insufficient monsoon precipitation, which had diminished reservoir capacities to approximately 50%.⁴⁹ On January 9, 2018, the Supreme Court of India (SC) announced its intent to issue a conclusive judgment within a one-month timeframe to adjudicate all pending litigation and resolve extant ambiguities in the matter.⁵⁰

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Cauvery Water Dispute: Six Key Points to Remember*, *The Economic Times* (Feb. 16, 2018), <https://economictimes.indiatimes.com/news/politics-and-nation/cauvery-water-dispute-six-key-points-to-remember/tamil-nadu-goes-to-the-supreme-court/slideshow/62946870.cms> (last visited April 26, 2025).

⁵⁰ *Cauvery Verdict in Four Weeks: Supreme Court*, *The Hindu* (Feb. 5, 2018), <https://www.thehindu.com/news/national/cauvery-verdict-in-four-weeks-supreme-court/article61495451.ece> (last

The Supreme Court pronounced its judgement on February 16, 2018. It upheld the Cauvery Water Disputes Tribunal's (CWDT) 2007 award allocating 740 TMC (thousand million cubic feet) of Cauvery River water at 50% dependability, with adjustments to address evolving needs. The allocation was revised as follows: Karnataka (284.75 TMC), Tamil Nadu (404.25 TMC), Kerala (30 TMC), Puducherry (7 TMC), environmental flows (10 TMC), and inevitable sea outflows (4 TMC). Karnataka's obligation to release 177.25 TMC annually to Tamil Nadu at Billigundulu was reaffirmed, with monthly quotas adjusted to reflect equitable sharing. The Court emphasized the primacy of drinking water needs, notably allocating additional water for Bengaluru's urban requirements despite its partial geographic inclusion in the basin, recognizing its socio-economic significance.⁵¹ The Court anchored its decision in principles of equitable apportionment under the Inter-State Water Disputes Act, 1956, rejecting Karnataka's contention that historical agreements (1892, 1924) rendered allocations inequitable. It endorsed the Tribunal's reliance on the Helsinki Rules (1966) for equitable utilization, stressing basin-wide needs over rigid historical entitlements. Trans-basin diversions were disallowed due to water scarcity, while groundwater use within Tamil Nadu's delta was excluded from allocations, as it was deemed replenished by Cauvery flows. The Court mandated the Central Government to establish a Regulatory Authority under Section 6A of the Act to enforce allocations, monitor compliance, and adapt release schedules over 15 years. This framework balances legal mandates with adaptive governance, prioritizing human needs and ecological sustainability while curtailing unilateral state actions.⁵²

Dispute continues: In August 2023, Tamil Nadu petitioned Karnataka to release 24,000 cubic feet per second (cusecs) of Cauvery River water daily, citing acute drought conditions threatening agricultural viability. Karnataka declined, citing insufficient reservoir capacities, prompting Tamil Nadu to seek adjudicative intervention; however, the Supreme Court abstained from issuing directives. Concurrently, protests emerged in Karnataka opposing further releases. In September 2023, the Cauvery Water Management Authority (CWMA) mandated Karnataka to provisionally release 5,000 cusecs daily for 15 days, after which Karnataka halted compliance.⁵³ Tamil Nadu subsequently initiated contempt proceedings against Karnataka in the Supreme Court, alleging non-adherence to regulatory directives, while Karnataka contested the CWMA's revised mandate of 3,000 cusecs until October 15, 2023. Karnataka's

visited April 26, 2025)

⁵¹ *State of Karnataka v. State of Tamil Nadu*, AIR ONLINE 2018 SC 626.

⁵² *Id.*

⁵³ *Cauvery Water Dispute: SC Refuses to Interfere with Panel's Decision; Karnataka Opp Calls It State Govt's Failure*, *The Indian Express* (Sept. 21, 2023), <https://indianexpress.com/article/india/cauvery-water-dispute-sc-refuses-to-interfere-with-orders-directing-karnataka-release-water-to-tn-8949698/> (last visited April 26, 2025).

administration justified its stance as a protective measure for its agrarian sector, emphasizing intra-state resource prioritization amid competing hydrological demands.⁵⁴

The Cauvery River dispute exemplifies systemic challenges in India's federal governance, particularly the limitations of adjudicative frameworks in resolving interstate water conflicts. Despite a binding tribunal award (2007) and subsequent Supreme Court rulings, recurring droughts (e.g., 2012–2013, 2016, 2023) have reignited tensions, with Karnataka citing hydrological scarcity and Tamil Nadu demanding releases to safeguard agriculture. Judicial interventions, such as the 2016 directive mandating Karnataka's compliance, have proven insufficient during distress years, as seen in 2023 when the Supreme Court deferred to the Cauvery Water Management Authority (CWMA), endorsing its technical allocation of 5,000 cusecs daily. This underscores a shift toward reliance on specialized bodies for crisis management, though political resistance persists. Karnataka's partial compliance with CWMA orders amid domestic protests highlights the fragility of federal oversight mechanisms, revealing gaps in institutional enforcement during hydrological emergencies.

The dispute further illustrates how electoral politics undermines cooperative federalism. Political parties in both states adopt inflexible stances to avoid electoral backlash, as evidenced by Tamil Nadu's outcry over the 2018 allocation reduction and Karnataka's framing of court-mandated releases as victories. States often defer accountability to judicial or technical bodies, avoiding bilateral negotiations for drought contingencies. The absence of pre-agreed, proportional sharing formulas during shortages reflects a trust deficit, necessitating centralized mediation through the CWMA—a body created via adjudication rather than mutual consensus. This reliance on top-down arbitration underscores the failure of horizontal federal dialogue, perpetuating cycles of conflict despite shared hydrological risks.

Finally, the conflict reveals tensions between legal authority and political legitimacy. While tribunal awards and court orders hold constitutional force under Article 262, compliance hinges on state political will, as seen in Karnataka's historical non-compliance and the Centre's intermittent interventions (e.g., President's Rule in 1991). The CWMA's establishment represents an institutional innovation, embedding central oversight into implementation. Critics argue this risks centralizing river governance, while proponents view it as a neutral arbiter essential for fairness. For enduring resolution, legislative institutionalization of such bodies

⁵⁴ Samridhi Thapliyal, *Explained: What Is the Cauvery Water Dispute, Why Is Karnataka Not Giving Water to Tamil Nadu?*, *The Economic Times* (Sept. 28, 2023), <https://economictimes.indiatimes.com/news/how-to/explained-what-is-the-cauvery-water-dispute-why-is-karnataka-not-giving-water-to-tamil-nadu/articleshow/103954029.cms> (last visited April 26, 2025).

could depoliticize enforcement, though this requires bipartisan acceptance. The Cauvery case underscores that legal frameworks alone cannot substitute for intergovernmental trust, emphasizing the need for adaptive, collaborative mechanisms to reconcile hydrological equity with federal autonomy.

B. The Krishna and Godavari Disputes: Reorganization and New Rivalries

The Krishna River disputes, alongside subordinate conflicts over the Godavari, exemplify the complexities of intergovernmental water allocation in the context of administrative state reorganization. The Krishna, one of India's longest rivers, traverses Maharashtra, Karnataka, Telangana, and Andhra Pradesh, with historical linkages to the former princely state of Hyderabad.⁵⁵ These conflicts underscore the challenges of recalibrating federal water-sharing frameworks to accommodate evolving political boundaries and jurisdictional claims post-statehood reorganizations.

Brief History of Dispute: Prior to the mid-19th century, water resource development in the Krishna Basin was limited to small-scale irrigation systems, with no major infrastructure. Significant projects began post-1855, including the Krishna Delta canals, Tata Hydrel Works, and others, yet water scarcity remained minimal due to low demand and centralized governance under British rule. Minor disputes, such as those over Tungabhadra waters, were resolved via agreements in 1892 and 1933. The Government of India Act (1935) devolved water management to provinces, prompting provisional inter-state agreements by 1944 to facilitate projects like the Tungabhadra Dam. Post-independence, the Krishna Basin fell within Bombay, Mysore, Hyderabad, and Madras states, which proposed large-scale projects (e.g., Koyna, Nagarjunasagar). A 1951 inter-state conference attempted to allocate Krishna waters for 25 years, but Mysore's refusal to ratify the agreement sowed legal ambiguities, exacerbated by territorial reorganizations under the States Reorganisation Act (1956).⁵⁶

The creation of Andhra Pradesh (1953) and revised state boundaries intensified competition for Krishna waters. By the 1960s, overlapping claims and uncoordinated projects (e.g., Srisailem, Koyna) led to disputes exceeding the basin's capacity. The Krishna Godavari Commission (1961–1962) identified supply-demand mismatches and proposed Godavari diversions, but technical and political disagreements persisted. Interim allocation attempts in 1963 failed, prompting Maharashtra and Mysore to demand tribunal adjudication. Despite federal efforts to

⁵⁵ *Krishna River*, *Encyclopædia Britannica*, <https://www.britannica.com/place/Krishna-River> (last visited April 27, 2025).

⁵⁶ *The Report and the Further Report of the Krishna Water Disputes Tribunal with the Decision*, vol. 1, at 1–3 (Gov't of India 1973), https://wrd.maharashtra.gov.in/Site/Upload/PDF/KWDT1_1973_1976.pdf (last visited April 27, 2025).

mediate, state recalcitrance and unresolved data on dependable flows necessitated referral to the Krishna Water Disputes Tribunal (KWDT) in 1969. Concurrently, post-reorganization disputes over Tungabhadra agreements and infrastructure management were incorporated into the tribunal's mandate, reflecting the systemic challenges of reconciling hydrological equity with evolving federal boundaries.⁵⁷

KWDT I Award: The first Krishna Water Disputes Tribunal (KWDT-I), headed by R.S. Bachawat, was constituted in 1969 and delivered its award in 1976, issued its final award in 1973, delineating water allocation among Maharashtra, Karnataka, and Andhra Pradesh (now Telangana and Andhra Pradesh). The award adopted *Scheme A*, which apportioned 2,060 TMC (thousand million cubic feet) of Krishna River water at 75% hydrological dependability, while *Scheme B*—proposing surplus water-sharing mechanisms—was excluded from binding enforcement. Following a three-year delay, the award was gazetted in 1976, formalizing its legal authority under Clause V of the tribunal's directives.⁵⁸

Under *Scheme A*, allocations were stratified as follows: Maharashtra (560 TMC), Karnataka (700 TMC), and Andhra Pradesh (800 TMC). Additionally, states were permitted regulated use of regeneration flows (25, 34, and 11 TMC respectively), contingent on time-bound utilization of allocated entitlements. Clause VII further institutionalized carryover storage provisions, enabling states to bank surplus yields exceeding 2,130 TMC (2,060 TMC base + regeneration flows) during high-inflow years for use in deficit periods. This framework ensured states could fully utilize allocated shares irrespective of annual variability, decoupling allocations from 75% dependability constraints and prioritizing adaptive resource management. The KWDT-I thus established a hybrid allocation model, balancing fixed entitlements with operational flexibility to address interannual hydrological fluctuations.⁵⁹

The Bachawat Tribunal's award remained in effect until May 31, 2000, with a provision permitting renegotiation of water allocations upon its expiration.⁶⁰ However no such review was taken up for more than 3 years after that.

KWDT II: The Second Krishna Water Disputes Tribunal (KWDT-II), constituted in 2004

⁵⁷ *Id.*

⁵⁸ *The Report and the Further Report of the Krishna Water Disputes Tribunal with the Decision*, vol. IV (Gov't of India 1976), <https://archive.org/details/KrishnaWaterDisputeTribunalAwardVolumeIV> (last visited April 27, 2025).

⁵⁹ *The Report and the Further Report of the Krishna Water Disputes Tribunal with the Decision*, vols. I & II (Gov't of India 1976), https://wrd.maharashtra.gov.in/Site/Upload/PDF/KWDT1_1973_1976.pdf (last visited April 27, 2025).

⁶⁰ *The Report and the Further Report of the Krishna Water Disputes Tribunal with the Decision*, vol. I, at 70 (Gov't of India 1973), https://wrd.maharashtra.gov.in/Site/Upload/PDF/KWDT1_1973_1976.pdf (last visited April 27, 2025).

under Justice Brijesh Kumar, delivered its verdict in 2010 to revise allocations based on updated hydrological assessments, increasing total basin flows and marginally adjusting state shares. However, implementation was disrupted by the 2014 bifurcation of Andhra Pradesh, which created Telangana as a new riparian entity. Telangana's formation introduced jurisdictional complexities, as the state encompasses significant Krishna Basin territories, including shared infrastructure such as Nagarjuna Sagar and Srisailem dams, previously managed jointly with residuary Andhra Pradesh. This administrative reorganization necessitated recalibration of inter-state water allocations, complicating the tribunal's adjudicative framework and underscoring the challenges of federal water governance amid shifting political boundaries.

The Second Krishna Water Disputes Tribunal (KWDT-II) delivered its draft verdict on December 31, 2010, allocating water shares based on 65% hydrological dependability derived from 47 years of flow data. The tribunal apportioned 1,001 TMC (thousand million cubic feet) to Andhra Pradesh, 911 TMC to Karnataka, and 666 TMC to Maharashtra.⁶¹ The award stipulated that subsequent reviews of allocations would occur post-2050, institutionalizing a long-term framework for inter-state water governance.⁶²

The Justice Brijesh Kumar Tribunal issued its final adjudication on November 29, 2013, largely upholding the draft allocations⁶³ while instituting minor revisions: Andhra Pradesh's share increased by 4 TMC (thousand million cubic feet) with a corresponding reduction for Karnataka. The tribunal reduced annual environmental flows and saltwater export provisions from 448 TMC to 171 TMC, reserving 16 TMC for minimum continuous environmental flows.⁶⁴ This reallocation freed 277 TMC for state utilization, prioritizing agricultural and developmental needs over ecological safeguards under the Krishna Water Disputes Tribunal-II (KWDT-II) framework.

Andhra Pradesh Reorganisation Act, 2014 and Telangana's demands: The Government of India extended the mandate of the Second Krishna Water Disputes Tribunal (KWDT-II) by two years, effective August 1, 2014, to adjudicate revised terms of reference under the Andhra

⁶¹ *The Report and the Further Report of the Krishna Water Disputes Tribunal with the Decision*, vol. I (Gov't of India 1976), <https://web.archive.org/web/20140630103244/http://wrmin.nic.in/writereaddata/Inter-StateWaterDisputes/KWDTReport9718468760.pdf> (archived June 30, 2014)(last visited April 27, 2025).

⁶² *Krishna Water Dispute Resolved: Andhra Pradesh Gets the Biggest Share*, NDTV (July 28, 2010), <https://www.ndtv.com/india-news/krishna-water-dispute-resolved-andhra-pradesh-gets-the-biggest-share-443472> (last visited April 27, 2025).

⁶³ *The Further Report of the Krishna Water Disputes Tribunal with the Decision*, vol. I (Gov't of India 2013), https://wrd.maharashtra.gov.in/Site/Upload/PDF/kwdt4_further_report_2013.pdf (last visited April 27, 2025).

⁶⁴ Andrew Keller, Jack Keller & David Seckler, *Integrated Water Resource Systems: Theory and Policy Implications* (Int'l Irrigation Mgmt. Inst. 1996), <https://ageconsearch.umn.edu/record/52730/>.

Pradesh Reorganisation Act, 2014.⁶⁵

Part IX of the Andhra Pradesh Reorganisation Act, 2014, also establishes institutional mechanisms for managing the Krishna River's water resources, emphasizing inter-state coordination and federal oversight. Central to this structure is the Apex Council, chaired by the Union Minister of Water Resources, with the Chief Ministers of Andhra Pradesh and Telangana as members. This body oversees the Godavari and Krishna River Management Boards, approves new river projects (contingent on technical appraisals), and mediates disputes through negotiation or referral to tribunals under the Inter-State River Water Disputes Act, 1956.⁶⁶

The River Management Boards (RMBs), headquartered in Telangana (Godavari) and Andhra Pradesh (Krishna), operate as autonomous entities under the Central Government. Their functions include regulating water and power distribution in accordance with tribunal awards and existing agreements, overseeing ongoing and new infrastructure projects, and evaluating proposals for new developments to ensure compliance with water-sharing mandates. Each Board comprises technical and administrative members from the successor states, a Central-appointed expert, and a Chief Engineer-level Secretary. Daily reservoir management is assisted by the Central Industrial Security Force.⁶⁷

Key provisions extend the Krishna Water Disputes Tribunal's mandate to allocate water project-specifically and establish protocols for deficits, ensuring binding adherence to prior tribunal awards.⁶⁸ The Polavaram Irrigation Project is designated a national project, with the Central Government assuming execution responsibility, including securing environmental and resettlement clearances. Telangana's consent for Polavaram is statutorily presumed.⁶⁹

Additionally, the Tungabhadra Board is reconstituted to include Andhra Pradesh and Telangana, maintaining oversight of canal water releases. The RMBs' jurisdiction spans critical infrastructure (e.g., dams, canals) as notified by the Central Government, with unresolved jurisdictional disputes escalated to federal authorities. Regulatory powers enable the Boards to formalize operational procedures, staff appointments, and administrative delegations. This framework balances state-specific needs with centralized governance to mitigate conflicts and promote sustainable resource use.⁷⁰

⁶⁵ *The Andhra Pradesh Reorganisation Act, 2014*, No. 6 of 2014, § 84, <https://web.archive.org/web/20140714204559/http://www.egazette.nic.in/WriteReadData/2014/159551.pdf> (archived July 14, 2014)(last visited on April 28, 2025).

⁶⁶ Andhra Pradesh Reorganisation Act, No. 6 of 2014, § 84 (India).

⁶⁷ *Id.* § 85.

⁶⁸ *Id.* § 89.

⁶⁹ *Id.* § 90.

⁷⁰ *Id.* § 91.

Following its establishment in 2014, Telangana petitioned the Central Government under the Inter-State River Water Disputes (ISRWD) Act, 1956, seeking a new tribunal to allocate Krishna River waters between itself and Andhra Pradesh, emphasizing its claim to an equitable share. The state's central argument hinged on its exclusion from the Second Krishna Water Disputes Tribunal (KWDT-II), necessitating a reallocation framework that accounted for its distinct hydrological needs, particularly in drought-prone regions.⁷¹

The Central Government initially interpreted Section 89 of the Andhra Pradesh Reorganisation Act, 2014, as authorizing KWDT-II to adjudicate water-sharing between the successor states, effectively treating it as a procedural referral. However, delays in formalizing this reference prompted Telangana to escalate the matter to the Supreme Court in 2015.⁷² Concurrently, Karnataka and Maharashtra contested the tribunal's expanded mandate, asserting that its jurisdiction should remain confined to resolving disputes solely between Andhra Pradesh and Telangana, rather than revisiting broader allocations involving all riparian states.⁷³

Responding to Telangana's formal request, the Union Government issued revised terms of reference to the Second Krishna Water Disputes Tribunal (KWDT-II), superseding its prior mandate to allocate unutilized KWDT-I water among all basin states. Under the updated October 2023 terms, such unallocated water is now designated for exclusive distribution between Telangana and Andhra Pradesh.⁷⁴

The Krishna River dispute underscores the challenges of federal water governance in the context of political reorganization. The bifurcation of Andhra Pradesh in 2014, which established Telangana as a new riparian state, reignited inter-state tensions over water allocations. While India's federal framework anticipated such contingencies through provisions in reorganization acts and extant tribunals like the Second Krishna Water Disputes Tribunal (KWDT-II), delays in formalizing references (2014–2023) exacerbated friction. Both Telangana and Andhra Pradesh engaged in unilateral infrastructure development, such as unapproved irrigation and hydropower projects, and contested each other's withdrawals through complaints to the Central

⁷¹ *Centre Approves Fresh ToR for Krishna River Tribunal*, *The New Indian Express* (Oct. 5, 2023), <https://www.newindianexpress.com/states/tehangana/2023/Oct/05/centre-approves-fresh-tor-for-krishna-river-tribunal-2620970.html> (last visited April 28, 2025).

⁷² *Id.*

⁷³ *Water Brings Telangana State and Andhra Pradesh Close*, *Deccan Chronicle* (Sept. 9, 2014), <https://web.archive.org/web/20140924151911/http://www.deccanchronicle.com/140909/nation-politics/article/water-brings-telangana-state-and-andhra-pradesh-close> (archived Sept. 24, 2014)(last visited April 28, 2025).

⁷⁴ Press Information Bureau, *Cabinet Approves Terms of Reference to Krishna Water Dispute Tribunal-II under Inter State River Water Disputes (ISRWD) Act, 1956 – Request from State of Telangana* (Oct. 4, 2023), <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1964110>.

Government. Escalations in 2021, including disputes over reservoir usage and canal operations, highlighted a competitive approach to resource allocation, necessitating federal adjudication to enforce binding protocols. The Central Government's initial reluctance to intervene—potentially due to political sensitivities—gave way to decisive action only after localized conflicts and judicial prodding, revealing systemic gaps in timely dispute resolution.

The dispute's complexity is compounded by its multi-state dimensions. Karnataka and Maharashtra, as upstream stakeholders, resist revisiting KWDT-II allocations, fearing reductions in their shares. This contrasts with the Godavari River, where finalized tribunal awards (1979) enabled administrative asset division post-reorganization. The Krishna's unresolved adjudication, interrupted by state bifurcation, illustrates the criticality of timing in water governance. KWDT-II's mandate now requires balancing Telangana's emergent claims against existing allocations, while avoiding destabilization of broader inter-state agreements. Legal clarity is paramount, as the tribunal must delineate whether reallocation is confined to Andhra Pradesh and Telangana or risks reopening disputes with upstream states.

The scenario underscores the interplay of legal and diplomatic mechanisms in federal resource management. A cooperative approach, involving all basin states in renegotiating shares to accommodate Telangana's needs without diluting others' entitlements, remains ideal. However, the current trajectory favors judicial resolution, reflecting the limitations of political negotiation. This case highlights the necessity for adaptive institutional frameworks that preemptively address post-reorganization equity, ensuring timely, evidence-based adjudication to mitigate conflict and promote sustainable resource use in multi-state river basins.

C. The Sutlej-Yamuna Link (SYL) Canal Dispute: State Defiance and Federal Authority

The Sutlej-Yamuna Link (SYL) canal dispute between Punjab and Haryana exemplifies a significant challenge to federal governance and constitutional authority in India. Originating from post-reorganization agreements mandating water transfers from Punjab's Sutlej-Beas basin to Haryana, the conflict intensified during Punjab's period of political turbulence (1980s–1990s), with the state persistently refusing to implement Supreme Court directives to construct the canal.⁷⁵ This defiance, spanning decades, underscores intersecting tensions of hydrological equity, regional identity, and legal obligation. Punjab's non-compliance with judicial and federal mandates raises critical questions regarding state sovereignty within India's federal

⁷⁵ I. Khurana, *Transboundary Disputes: Politics and Litigation Play Havoc*, 41 *Econ. & Pol. Wkly.* 608, 608–611 (2006).

structure, testing the enforceability of inter-state agreements and the judiciary's authority. The dispute highlights the fragility of cooperative federalism when subnational political imperatives conflict with constitutional adjudication, posing enduring challenges to resource-sharing mechanisms in contested river basins.

Brief History of Dispute: The 1947 partition of British India divided the Indus River system, with headwaters in India and downstream canals in Pakistan, sparking disputes over water access. Mediated by the World Bank, the 1960 Indus Waters Treaty allocated the eastern rivers (Ravi, Beas, Sutlej) exclusively to India and the western rivers (Indus, Jhelum, Chenab) to Pakistan, with a ten-year transition period (until 1970) for Pakistan to develop replacement infrastructure. During negotiations, India advanced projects like the Bhakra-Nangal Dam (1954) and Rajasthan's Indira Gandhi Canal (initiated in 1958) to utilize its allocated eastern river waters. Interstate agreements (1955) among Punjab, Rajasthan, and others facilitated collaborative infrastructure, including the Beas-Sutlej Link and Pong Dam, pooling eastern river waters to irrigate arid regions. The treaty resolved transboundary tensions while enabling India's development of large-scale irrigation and hydroelectric systems, formalizing a framework for basin management amid post-partition geopolitical complexities.⁷⁶

The 1966 bifurcation of Punjab into Punjab and Haryana necessitated structured mechanisms to manage shared water resources, particularly the Bhakra-Nangal and Beas Projects. The Punjab Reorganisation Act (1966) mandated joint administration of these projects, with rights and liabilities allocated proportionally between successor states. A *Bhakra Management Board* was established under Central oversight to regulate water distribution and power supply, ensuring adherence to pre-existing agreements and equitable resource-sharing. The Act further tasked the Central Government with completing the Beas Project, funded proportionally by Punjab, Haryana, and Rajasthan. Upon project completion, the Board was reconstituted as the *Bhakra Beas Management Board*, absorbing oversight of both projects. The framework prioritized centralized coordination for infrastructure maintenance, dispute resolution, and financial apportionment, embedding federal oversight to mitigate inter-state conflicts while preserving cooperative resource governance.⁷⁷

Bifurcation of Punjab ignited a protracted dispute over the allocation of 7.2 MAF (million acre-feet) of Ravi-Beas waters, originally assigned to composite Punjab under the 1955 agreement. Haryana claimed 4.8 MAF based on equitable distribution, while Punjab asserted exclusive

⁷⁶ *Report of the Ravi and Beas Waters Tribunal*, 18–20 (1987).

⁷⁷ *Id.* at 21–29.

rights, citing riparian status, control of headworks, and irrigation needs. Interim ad hoc allocations (1968) granted Haryana 35% and Punjab 65%, but unresolved tensions led to Central intervention. Expert committees (1971–1979) proposed varying shares, culminating in a 1976 Central order allocating 3.5 MAF each to Punjab and Haryana, with 0.2 MAF for Delhi, and mandating the Sutlej-Yamuna Link (SYL) Canal. Legal challenges by both states ensued until a 1981 inter-state agreement revised allocations to 4.22 MAF (Punjab), 3.5 MAF (Haryana), and 8.6 MAF (Rajasthan), contingent on Punjab completing the SYL Canal. Political shifts in Punjab led to the 1985 repudiation of this agreement, followed by the Punjab Settlement, underscoring the fragility of negotiated solutions amid competing claims and federal mediation.⁷⁸

Formation of Ravi and Beas Water Tribunal: The 1985 Punjab Accord, mediated between the central government and Punjab’s political leadership, established a tribunal under retired Supreme Court Justice V.B. Eradi to resolve inter-state water disputes over Ravi-Beas allocations. The tribunal’s mandate included quantifying existing water usage by Punjab, Haryana, and Rajasthan to determine surplus distribution, alongside stipulating the Sutlej-Yamuna Link (SYL) Canal’s completion by 1986 to facilitate downstream allocations. The accord affirmed protections for Punjab’s agricultural water needs, securing political endorsement of prior agreements (1976 Central notification, 1981 interstate pact).⁷⁹

Justice Eradi’s interim award (1986) allocated 5.00 million acre-feet (MAF) to Punjab and 3.83 MAF to Haryana, exceeding the calculated 6.6 MAF surplus by incorporating flows below rim stations—data collection points on the Ravi and Beas rivers.⁸⁰ Punjab contested the award in 1987, arguing it overestimated available surplus and underestimated existing agricultural usage. The state highlighted infrastructural constraints, noting the impracticality of storing rim station flows due to geopolitical restrictions near the Pakistan border.⁸¹

Aftermath of the award and Defiance of the Supreme Court: The Sutlej-Yamuna Link (SYL) Canal dispute escalated through prolonged judicial and federal interventions. Following adjournment of the Eradi Tribunal in 1988 due to regional instability, proceedings resumed in 1997 under Supreme Court directive. Persistent non-resolution prompted Haryana to seek judicial recourse, leading to a 2002 Supreme Court order mandating Punjab complete the SYL Canal within 12 months, with central oversight if unmet—a deadline Punjab missed seven times

⁷⁸ *Id.* at 30–31.

⁷⁹ Khurana, *supra* note 75.

⁸⁰ *Report of the Ravi and Beas Waters Tribunal*, 297–98 (1987).

⁸¹ Khurana, *supra* note 75.

by 2003. In 2004, the Court dismissed Punjab's jurisdictional challenge under Article 262, reaffirming federal authority to enforce interstate water agreements and directing central agencies to assume construction.⁸²

Concurrently, Rajasthan sought enforcement of its 1981 allocation, prompting the Bhakra-Beas Management Board to release water amid warnings of agrarian unrest. Punjab contested the 2004 directive, arguing tribunal exclusivity under constitutional provisions, while threatening unilateral water curtailment. Rajasthan's legislative resolution to secure its share further intensified tensions.⁸³

Following repeated Supreme Court directives (2002, 2004) mandating canal completion, Punjab unilaterally abrogated prior water-sharing agreements through the *Punjab Termination of Agreements Act (PTAA) 2004*, prompting presidential referral to the Supreme Court. Despite judicial proceedings initiated in 2016, Punjab's legislative assembly passed the *Sutlej Yamuna Link Canal Land (Transfer of Property Rights) Bill 2016*, returning acquired land to original owners—a move accompanied by public efforts to dismantle the canal. The Supreme Court intervened, declaring the PTAA unconstitutional in November 2016 and ordering status quo maintenance. Punjab's subsequent legislative resolutions (November 2016) rejected canal construction, demanded water royalties from Haryana and Rajasthan, and formalized land reversion, intensifying interstate discord.⁸⁴

The dispute's politicization escalated ahead of Punjab's 2017 elections, with Haryana asserting claims based on historical agreements and Punjab invoking riparian principles. Competing assertions risked destabilizing regional harmony, particularly in Punjab, a border state. Judicial oversight and federal mediation remained critical to managing tensions, underscoring systemic challenges in reconciling constitutional mandates with state-led unilateralism in interstate resource governance.⁸⁵

Current Scenario: Despite judicial mandates favoring Haryana, Punjab's noncompliance with the Sutlej-Yamuna Link (SYL) Canal construction persisted. In 2016, the Punjab government, under Akali Dal-BJP leadership, symbolically dismantling constructed canal sections and reallocated acquired land to farmers, rendering the project unfeasible. The Supreme Court intervened, suspending these actions and appointing the Union Government in 2017 as

⁸² *Id.*

⁸³ *Id.*

⁸⁴ R.S. Ghuman, *Water Use Scenario in Punjab: Beyond the Sutlej—Yamuna Link Canal*, 52 Econ. & Pol. Wkly. 34, 34–37 (2017).

⁸⁵ *Id.*

custodian to oversee canal completion.⁸⁶ Progress remained negligible, prompting continued judicial oversight. In October 2023, the Court reaffirmed the binding nature of its 2002 decree, directing the Union to survey Punjab's canal alignment and stressing compliance despite "political ramifications."⁸⁷

While the Central Government convened inter-state dialogues to resolve the impasse, Punjab maintains that hydrological realities—including ecological shifts and groundwater depletion—nullify surplus water availability, necessitating re-evaluation of prior allocations.

The Sutlej-Yamuna Link (SYL) Canal dispute represents a critical test of federal authority in India, exposing tensions between constitutional mandates and political pragmatism. Punjab's persistent noncompliance with Supreme Court directives—rooted in assertions of popular opposition and hydrological precarity—threatens to undermine the enforceability of inter-state adjudication. Legally, Punjab's defiance challenges the rule of law, as states risk invoking similar claims to evade judicial mandates. Politically, Punjab's leadership frames compliance as untenable amid farmer anxieties over water scarcity, creating a deadlock between legal obligations and electoral imperatives. While constitutional mechanisms like Articles 256/257 or Article 356 offer theoretical pathways for federal enforcement, their application risks exacerbating regional tensions, prompting the Centre to prioritize negotiation over coercion. Haryana's frustration, despite judicial validation of its claims, underscores systemic inefficiencies in reconciling rights with implementation.

The dispute further highlights how evolving environmental and geopolitical realities complicate legacy agreements. Punjab argues that altered hydrological conditions—climate variability, groundwater depletion, and upstream usage under the Indus Waters Treaty—invalidate the 1981 allocation framework, necessitating renegotiation. Haryana dismisses this as pretextual, advocating strict adherence to existing mandates. Recent Supreme Court interventions emphasize cooperative federalism, urging Punjab to engage in federally mediated solutions while authorizing the Centre to survey canal alignments as a prelude to potential unilateral execution. Proposals for financial compensation or alternative water-sharing mechanisms remain speculative, reflecting the absence of political consensus. The SYL impasse illustrates broader federal governance challenges: judicial clarity alone cannot resolve disputes without institutional mechanisms for political buy-in and adaptive resource management. Unlike the

⁸⁶ *SC Pulls up Punjab Govt for Not Constructing Its Part of SYL Canal*, Indian Express (Oct. 4, 2023), <https://indianexpress.com/article/cities/chandigarh/sc-pulls-up-punjab-govt-for-not-constructing-its-part-of-syl-canal-8960590/>.

⁸⁷ *Id.*

Cauvery dispute, where cooperative frameworks enabled partial compliance, SYL's stagnation underscores the necessity of preemptive consensus-building to prevent inter-state conflicts from reaching irreconcilable thresholds. The Centre's current mediation efforts, while incremental, signal a shift from adversarial litigation to collaborative negotiation—a crucial recalibration for sustaining federal cohesion amid competing regional claims.

V. CONCLUSION

Inter-state river water disputes in India reveal systemic tensions between legal frameworks and political imperatives within a federal democracy. The constitutional adjudicatory regime under Article 262 and the Inter-State River Water Disputes Act, 1956, has proven insufficient to address delays, enforce compliance, or adapt to evolving hydrological and political realities. Judicial interventions, exemplified by the Supreme Court's reassertion of authority in disputes like Cauvery and SYL, underscore the limitations of tribunals and the necessity of institutional reforms. Proposed measures—such as a permanent tribunal and enforceable implementation bodies—aim to streamline adjudication, yet their efficacy hinges on political cooperation. The politicization of water-sharing, driven by electoral incentives and competitive federalism, exacerbates inter-state rivalries, undermining cooperative resource governance. Central mediation, while critical, demands impartiality and assertiveness to balance state autonomy with constitutional obligations, moving beyond historical non-interventionism that allowed conflicts to escalate.

Case analyses demonstrate that sustainable resolution requires adaptive frameworks integrating legal clarity with collaborative governance. The Cauvery dispute highlights the value of joint river management institutions, while the Krishna-Telangana reorganization underscores the need for flexible allocation mechanisms to accommodate geopolitical shifts. The SYL impasse exemplifies the fragility of enforcement, where judicial mandates falter without political consensus. Future strategies must prioritize incentivized compliance, such as linking fiscal grants to cooperative outcomes, and institutionalizing periodic reviews to address ecological and demand changes. India's federal system must transcend adversarial interstate dynamics, fostering partnership-oriented approaches to transform water from a divisive resource into a shared foundation for equitable development. Only through such structural and normative recalibration can India achieve sustainable water security while preserving the integrity of its federal democracy.

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