

India has many **river basins** running through the nation and most of these traverses **more than one state which leads to conflicts** regarding the use and distribution of water. The Inter-State River Water Disputes has been among the **most contentious issues** for Indian federalism even today and many Inter-State Water Disputes Tribunals have been constituted but each had their own issues. In this article, we will discuss the **Cauvery Water Dispute** and all the aspects related to it. This is an important topic for the Prelims and Main exam of UPSC.

## **Cauvery Water Dispute: Background; Constitutional Provisions; Supreme Court Judgement; Issues and Way Forward**

### **What is the Cauvery water dispute?**

The Cauvery water dispute is a Water sharing dispute **between Karnataka and Tamil Nadu since British Raj**. Many districts in both states are dependent on the Cauvery River for irrigation while the city of Bengaluru gets its water mostly from this river. In its 2018 verdict, the Apex court increased Karnataka's share of the Cauvery water than what was awarded by the Cauvery Water Disputes Tribunal in February 2007.

### **Background:**

- In order to understand the issue one has to go back to 1892. The Cauvery water sharing **dispute began in 1892 between the Madras Presidency** under the British Raj and the princely state of **Mysore** because the two regions could not agree over how to divide the water between themselves.
- After Tamil Nadu's appeal in 1986 to constitute a tribunal for solving the issue under the Inter-State Water Disputes Act 1956, the Union government formed the **Cauvery Water Disputes Tribunal (CWDT) in 1990**.
- It was **adjudicated by** the Cauvery Water Disputes Tribunal (**CWDT) in 2007**.
- **Both** Tamil Nadu and Karnataka **challenged** the order of the Tribunal.
- The Supreme court reserved its order in 2017.

### **Constitutional Provisions for interstate water disputes:**

- **Article 262(1)** provides that the Parliament may by law provide for the adjudication of any dispute related to any inter-State river or river valley.
- Article 262(2) empowers the Parliament to provide that neither the Supreme Court nor any other court shall exercise their jurisdiction in respect of any such disputes or complaints. The Interstate River Water Disputes Act 1956 (IRWD Act, 1956) was enacted under Article 262 of the Constitution of India.
- Seventh Schedule:
  1. Entry 17 of State List: Water i.e. water supplies, irrigation and canals, drainage, water storage and water power subject to entry 56 of the Union List
  2. Entry 56 of the Union List: Regulation and development of the inter-State rivers and river valleys.

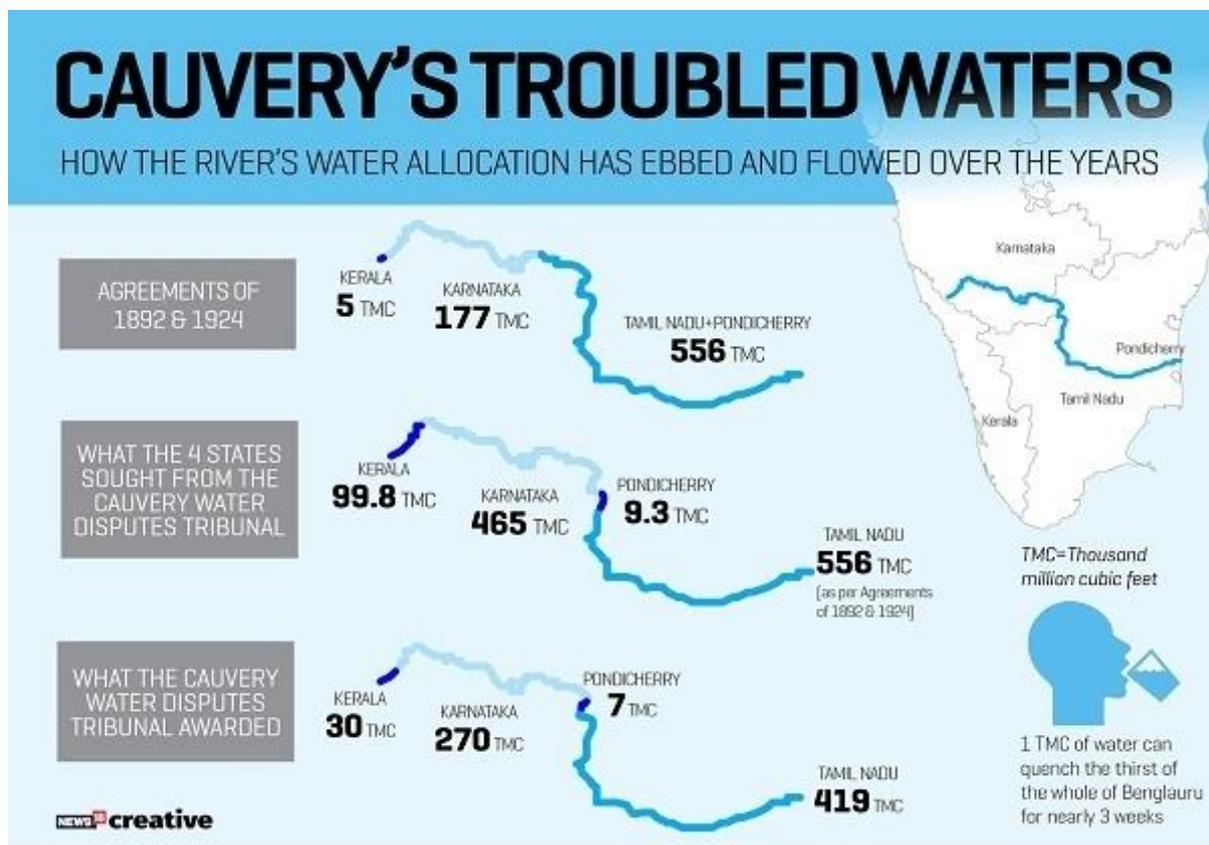
### **Supreme Court Judgment of 2018:**



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- The Supreme Court pronounced its verdict on the sharing of Cauvery water among Tamil Nadu, Puducherry, Karnataka, and Kerala and declared **Cauvery a “national asset”**. It upheld the **principle of equality** of inter-State river water among riparian States.
- The judgment concluded that **Cauvery Water Disputes Tribunal (CWDT)** did not take into account Tamil Nadu's stock of an “empirical” 20 TMC of groundwater and **Karnataka is “entitled to marginal relief”** Hence the apex court reduced the allocation of Cauvery River water from Karnataka to Tamil Nadu.
- This meant a **reduction of 14.75 TMC of Cauvery water to Tamil Nadu** from the earlier 192 TMC as Awarded by the tribunal and this change will be adjusted from the Biligundlu site. Karnataka will release only 177.25 TMC of Cauvery water from the Billigundlu site to the Mettur dam in Tamil Nadu.
- The Court gave the Centre six weeks to frame a scheme to make sure that the final decisions are implemented and also directed the formation of the **Cauvery Management Board (CMB)**. CMB to act as an inter-state forum which will have the responsibility to ensure the implementation of orders of the CWDT and will be under the control of the Ministry of Water Resources (now Ministry of Jal Shakti).



### Cauvery Water Management Scheme, 2018 :

The Center established the **Cauvery Water Management Authority (CWMA)** and the **Cauvery Water Regulation Committee (CWRC)**.

- CWMA is a permanent body and will be to regulate and control Cauvery water releases with the assistance of the Cauvery Water Regulation Committee.

- **CWRC** acts as a **technical arm** and it will ensure the implementation of the final Award by periodically collecting data regarding levels, inflows, storages, and release of water.

### The Interstate River Water Disputes Act, 1956 (IRWD Act):

- The IRWD Act confers power upon the union government to constitute tribunals to resolve Interstate River Water Disputes.
- It also excludes the jurisdiction of the Supreme Court over such disputes.
- The union government has constituted eight Tribunals under the Inter-State River Water Dispute Act

### Issues with the present Inter-State River Water Dispute Act, 1956:

- A Separate Tribunal for each Inter-State River Water Dispute has to be established.
- Delay in securing settlement of such disputes as tribunals like Cauvery and Ravi Beas has been in existence for more than 30 years.
- There is no time limit for adjudication and delay happens at the stage of the constitution of tribunals as well. No adequate machinery to enforce the award of the Tribunal.
- Lack of uniform standards could be applied in resolving such disputes and Lack of adequate resources both physical and human to assess the facts of the case.
- Issue of finality as when the Tribunal holding against any Party, that Party is quick to seek redressal in the Supreme Court. Only three out of eight Tribunals awards were accepted by the States.

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

- **Dispute Resolution Committee (DRC)** will be established by the Central Government to resolve the dispute amicably by negotiations **within one year** (extendable by six months) and submit its report to the central government. If a dispute will not be settled by the DRC, then the central government will refer it to the Inter-State River Water Disputes Tribunal.
- **Establishment of a Single Inter-State River Water Disputes Tribunal** by the Central Government with multiple benches. All existing Tribunals will be dissolved, and the disputes pending before such existing Tribunals will be transferred to the new Tribunal.
- The proposed Tribunal must give its verdict on the dispute **within a timeline of two years**, which may be extended by **another year**.
- The decision of the Tribunal will be **final and binding**. The bill will also remove the requirement of publication of the decision in the official gazette in the original Act. It also makes mandatory for the Central Government to make a scheme to give effect to the decision of the Tribunal.
- **Data Collection and maintenance of a databank** at the national level for each river basin by an agency to be appointed and authorized by the central government.

### Way forward:

- Declaration of **Rivers as National Property** as done by SC in Cauvery Verdict may reduce the tendency of states. **Water disputes** need to be **depoliticised** and not be made an emotional issue linked with regional pride.



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- **Inter-State Council (ISC)** can play a crucial role in facilitating dialogue & discussion towards resolving conflicts.
- **Bringing water into the concurrent list** as recommended by **Mihir shah report** and supported by a parliamentary Standing Committee on Water Resources.
- **Scientific management of crop patterns** by bringing out a policy that promotes water-efficient crops and varieties in water scarce areas.
- **Interlinking of rivers** can also help in the adequate distribution of river water in the basin areas.
- There is a requirement for a permanent mechanism to solve water disputes between states without seeking recourse to the judiciary.
- Enacting the Inter-State River Water **Disputes (Amendment) Bill, 2019** may also help in streamlining the procedure for resolving such disputes.
- Practice the **concept of 4Rs** (Reduce, Reuse, Recycle, Recover) for water management to achieve goal 6 of the SDGs (Ensure access to water and sanitation for all).
- Following National Water Policy which emphasised rational use of water and conservation of water sources. Urban water management in cities like Bengaluru should incorporate conservation of wetlands along with appropriate sewage treatment.

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