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## On Krishna and Godavari River Management boards

### **Context:**

The Union Ministry of Jal Shakti sent a notification on the jurisdiction of the Krishna and Godavari River Management Boards over projects and assets in the fields of irrigation and hydropower.

### **Relevance:**

GS-II: Polity and Governance (Constitutional Provisions, Tribunals, Inter-State relations, Functions & responsibilities of the Union and the States, Issues and challenges of federal structure), GS-I: Geography (Water sources)

### **Dimensions of the Article:**

1. About the tussle between Andhra Pradesh and Telangana
2. Major Inter-State River Disputes in India
3. Active River Water Dispute Tribunals in India
4. Constitutional and legal provisions related to water disputes
5. Issues with Interstate Water Dispute Tribunals

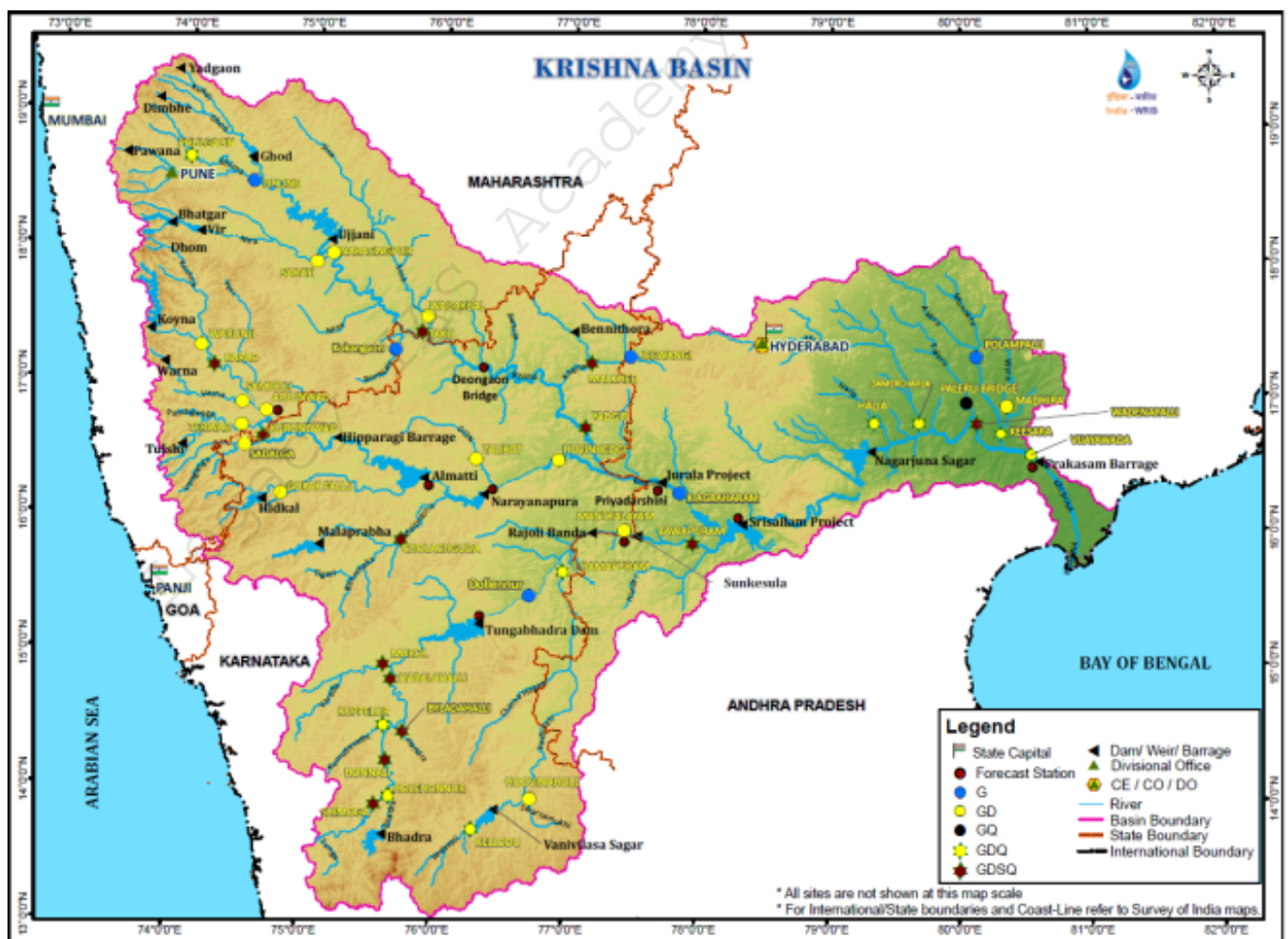
### **About the tussle between Andhra Pradesh and Telangana**

- The States of Andhra Pradesh and Telangana have been locked in a battle of sorts over the utilisation of Krishna water, with Andhra Pradesh proposing a few projects and in turn, Telangana coming up with half-a-dozen projects of its own.
- Both States have their own justification to pursue new water and power projects as



several areas await economic development.

- Rayalaseema is a dry region and it was grievances over poor utilisation of the two rivers in then undivided Andhra Pradesh that was a factor that led to the bifurcation.
- At the same time, the two States should instead focus on water and energy conservation and improving the efficiency of irrigation schemes and hydel reservoirs.
- Telangana had held the view that the notification should flow from finalisation by a tribunal on Krishna water sharing by the two States that would enlarge the scope of reference of the existing Krishna Water Dispute Tribunal (KWDT)-II. Telangana had even moved the Supreme Court but the Centre said it would consider Telangana's request only if it withdrew its petition which it did.



**The latest notification on the matter**

- The two river boards can now administer, regulate, operate and maintain 36 projects in the Krishna Basin and 71 in the Godavari to ensure judicious water use in Andhra Pradesh and Telangana.



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- The arrangement is expected to leave the working of Water Resources or Irrigation Department in the States intact.
  - The Centre must now see to it that the empowered Boards function in a fair manner, as the Union government's decision will be final with regard to matters concerning jurisdiction of the two bodies.

## Major Inter-State River Disputes in India

| River (s)     | States   |
|---------------|--|
| Ravi and Beas | Punjab, Haryana, Rajasthan                                     |
| Narmada       | Madhya Pradesh, Gujarat, Maharashtra, Rajasthan                |
| Krishna       | Maharashtra, Andhra Pradesh, Karnataka, Telangana              |
| Vamsadhara    | Andhra Pradesh & Odisha  |
| Cauvery       | Kerala, Karnataka, Tamil Nadu and Puducherry                   |
| Godavari      | Maharashtra, Andhra Pradesh, Karnataka, Madhya Pradesh, Odisha |
| Mahanadi      | Chhattisgarh, Odisha   |
| Mahadayi      | Goa, Maharashtra, Karnataka                                    |
| Periyar       | Tamil Nadu, Kerala   |

## Active River Water Dispute Tribunals in India

- Krishna Water Disputes Tribunal II (2004) – Karnataka, Telangana, Andhra Pradesh, Maharashtra
- Mahanadi Water Disputes Tribunal (2018) – Odisha & Chattisgarh
- Mahadayi Water Disputes Tribunal (2010) – Goa, Karnataka, Maharashtra
- Ravi & Beas Water Tribunal (1986) – Punjab, Haryana, Rajasthan
- Vansadhara Water Disputes Tribunal (2010) – Andhra Pradesh & Odisha.

## Constitutional and legal provisions related to water disputes

- Article 262(1) provides that Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter State river or river valley.



- Article 262(2) empowers Parliament with the power to provide by law that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint.
- Under Article 262, two acts were enacted:
  - River Boards Act 1956: It was enacted with a declaration that centre should take control of regulation and development of Inter-state rivers and river valleys in public interest. However, not a single river board has been constituted so far.
  - The Interstate River Water Disputes Act, 1956 (IRWD Act) confers a power upon union government to constitute tribunals to resolve such disputes. It also excludes jurisdiction of Supreme Court over such disputes.
- Despite Article 262, the Supreme Court does have jurisdiction to adjudicate water disputes, provided that the parties first go to water tribunal and then if they feel that the order is not satisfactory only then they can approach supreme Court under article 136.
- The article 136 gives discretion to allow leave to appeal against order, decree, judgment passed by any Court or tribunal in India.

## Issues with Interstate Water Dispute Tribunals

- Interstate Water Dispute Tribunals are riddled with Protracted proceedings and extreme delays in dispute resolution. For example, the Cauvery Water Disputes Tribunal, constituted in 1990, gave its final award in 2007.
- Interstate Water dispute tribunals also have opacity in the institutional framework and guidelines that define these proceedings and ensure compliance.
- There is no time limit for adjudication. In fact, delay happens at the stage of constitution of tribunals as well.
- Though award is final and beyond the jurisdiction of Courts, either States can approach Supreme Court under Article 136 (Special Leave Petition) under Article 32 linking issue with the violation of Article 21 (Right to Life). In the event the Tribunal holding against any Party, that Party is quick to seek redressal in the Supreme Court. Only three out of eight Tribunals have given awards accepted by the States.
- The composition of the tribunal is not multidisciplinary and it consists of persons only from the judiciary.
- No provision for an adequate machinery to enforce the award of the Tribunal.
- Lack of uniform standards- which could be applied in resolving such disputes.
- Lack of adequate resources- both physical and human, to objectively assess the facts of the case.
- Lack of retirement or term- mentioned for the chairman of the tribunals.
- The absence of authoritative water data that is acceptable to all parties currently makes it difficult to even set up a baseline for adjudication.
- The shift in tribunals' approach, from deliberative to adversarial, aids extended litigation and politicisation of water-sharing disputes.
- The growing nexus between water and politics have transformed the disputes into turfs of vote bank politics.



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-Source: *The Hindu*

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