River water dispute

Part of: GS-II- Governance  (PT-MAINS-PERSONALITY TEST)

Recently, the Union government has decided to take the stock of water utilisation from the Krishna and Godavari rivers following the filing of complaints against each other by Telangana and Andhra Pradesh governments.

Water Dispute:

Telangana and Andhra Pradesh share stretches of the Krishna and the Godavari and own their tributaries.

Both states have proposed several new projects without getting clearance from the river boards, the Central Water Commission and the Apex Council, as mandated by the Andhra Pradesh Reorganisation Act, 2014.

Imp Points

- The Apex Council comprises the Union Water Resources Minister and the Chief Ministers of Telangana and Andhra Pradesh.
- The Andhra Pradesh government’s proposal to increase the utilisation of the Krishna water from a section of the river above the Srisailam Reservoir led to the Telangana government filing a complaint against Andhra Pradesh.
- The Srisailam reservoir is constructed across the Krishna River in Andhra Pradesh. It is located in the Nallamala hills.
- The Andhra Pradesh government retaliated with its own complaints saying that Palamuru-Rangareddy, Dindi Lift Irrigation Schemes on the Krishna river and Kaleshwaram, Tupakulagudem schemes and a few barrages proposed across the Godavari are all new projects.

Krishna Water Dispute Tribunal:

Two tribunals have been constituted to resolve the disputes of the Krishna water.

Andhra Pradesh has countered the second Krishna Water Dispute Tribunal (KWDT) order issued by Justice Brijesh Kumar in 2010.

The Brijesh Kumar Tribunal has allocated 81 thousand million cubic feet (tmcft) of surplus water to Maharashtra, 177 tmcft to Karnataka and only 196 tmcft to Andhra Pradesh.

After the creation of Telangana as a separate state in 2014, Andhra Pradesh is asking to include Telangana as a separate party at the KWDT and that the allocation of Krishna waters be reworked among four states, instead of three.

It has challenged the order of the Brijesh Kumar Tribunal in the Supreme Court.
Godavari River

- **Source:** Godavari river rises from Trimbakeshwar near Nasik in Maharashtra and flows for a length of about 1465 km before outfalling into the Bay of Bengal.
- **Drainage Basin:** The Godavari basin extends over states of Maharashtra, Telangana, Andhra Pradesh, Chhattisgarh and Odisha in addition to smaller parts in Madhya Pradesh, Karnataka and Union territory of Puducherry.
- **Tributaries:** Pravara, Purna, Manjra, Penganga, Wardha, Wainganga, Pranhita (combined flow of Wainganga, Penganga, Wardha), Indravati, Maner and the Sabri

Krishna River

- **Source:** It originates near Mahabaleshwar (Satara) in Maharashtra. It is the second biggest river in peninsular India after the Godavari River.
- **Drainage:** It runs from four states Maharashtra (303 km), North Karnataka (480 km) and the rest of its 1300 km journey in Telangana and Andhra Pradesh before it empties into the Bay of Bengal.
- **Tributaries:** Tungabhadra, Mallaprabha, Koyna, Bhima, Ghataprabha, Yerla, Warna, Dindi, Musi and Dudhganga.

Godavari Water Dispute Tribunal:

- The **Godavari Water Dispute Tribunal headed by Justice Bachawat** was constituted by the Government in April, 1969.
- The **tribunal was tasked to look after the dispute over Godavari river** between Andhra Pradesh, Madhya Pradesh, Chhattisgarh, Odisha, and Karnataka over the sharing of the Godavari river water.
- The Bachawat Tribunal gave its final award in 1980.
- Accordingly, each State was free to utilise the flow in Godavari and its tributaries up to a certain level.
- Thus, Andhra Pradesh decided to divert 80 tmcft of Godavari water from Polavaram to Krishna river, upstream of Vijayawada, so that it could be shared with Karnataka and Maharashtra.
- Once Telangana came into existence in 2014, the **Godavari water and, more specifically, the Polavaram project became the bone of contention** between Telangana and Andhra Pradesh.
- While the project will take care of the irrigation needs of the Godavari districts of Andhra Pradesh, Telangana fears it would submerge many villages in its Khammam district.
- Odisha too has expressed its reservations over the Polavaram dam's design.

Union Government’s Move:

It has asked the Krishna and Godavari River Management Boards to procure the details of the irrigation projects on these rivers, including from Maharashtra and Karnataka and submit them to the Centre in a month. The main objective of the exercise appears to be to assess whether surplus water will be available for the new projects in Telangana and Andhra Pradesh, in the light of the disputes.
Inter-State Water Disputes

- Article 262 of the Constitution provides for the adjudication of inter-state water disputes.
- Under this, Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution and control of waters of any inter-state river and river valley.
- Parliament may also provide that neither the Supreme Court nor any other court is to exercise jurisdiction in respect of any such dispute or complaint.
- The Parliament has enacted the two laws, the River Boards Act (1956) and the Inter-State Water Disputes Act (1956).
- The River Boards Act provides for the establishment of river boards by the Central government for the regulation and development of inter-state river and river valleys.
- A River Board is established on the request of state governments concerned to advise them.
- The Inter-State Water Disputes Act empowers the Central government to set up an ad hoc tribunal for the adjudication of a dispute between two or more states in relation to the waters of an inter-state river or river valley.
- The decision of the tribunal is final and binding on the parties to the dispute.
- Neither the Supreme Court nor any other court is to have jurisdiction in respect of any water dispute which may be referred to such a tribunal under this Act.

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

- The Inter-State River Water Disputes (Amendment) Bill, 2019 was introduced in Lok Sabha on July 25, 2019 by the Minister of Jal Shakti, Mr. Gajendra Singh Shekhawat. It amends the Inter-State River Water Disputes Act, 1956. The Act provides for the adjudication of disputes relating to waters of inter-state rivers and river valleys.
- Under the Act, a state government may request the central government to refer an inter-state river dispute to a Tribunal for adjudication. If the central government is of the opinion that the dispute cannot be settled through negotiations, it is required to set up a Water Disputes Tribunal for adjudication of the dispute, within a year of receiving such a complaint. The Bill seeks to replace this mechanism.
- Disputes Resolution Committee: Under the Bill, when a state puts in a request regarding any water dispute, the central government will set up a Disputes Resolution Committee (DRC), to resolve the dispute amicably. The DRC will comprise of a Chairperson, and experts with at least 15 years of experience in relevant sectors, to be nominated by the central government. It will also comprise one member from each state (at Joint Secretary level), who are party to the dispute, to be nominated by the concerned state government.
- The DRC will seek to resolve the dispute through negotiations, within one year (extendable by six months), and submit its report to the central government. If a dispute cannot be settled by the DRC, the central government will refer it to the Inter-State River Water Disputes Tribunal. Such referral must be made within three months from the receipt of the report from the DRC.
- Tribunal: The central government will set up an Inter-State River Water Disputes Tribunal, for the adjudication of water disputes. This Tribunal can have multiple benches. All existing Tribunals will be dissolved, and the water disputes pending adjudication before such existing Tribunals will be transferred to the new Tribunal.
• **Composition of the Tribunal:** The Tribunal will consist of a Chairperson, Vice-Chairperson, three judicial members, and three expert members. They will be appointed by the central government on the recommendation of a Selection Committee. Each Tribunal Bench will consist of a Chairperson or Vice-Chairperson, a judicial member, and an expert member. The central government may also appoint two experts serving in the Central Water Engineering Service as assessors to advise the Bench in its proceedings. The assessor should not be from the state which is a party to the dispute.

• **Time frames:** Under the Act, the Tribunal must give its decision within three years, which may be extended by two years. Under the Bill, the proposed Tribunal must give its decision on the dispute within two years, which may be extended by another year.

• **Under the Act,** if the matter is again referred to the Tribunal by a state for further consideration, the Tribunal must submit its report to the central government within a period of one year. This period can be extended by the central government. The Bill amends this to specify that such extension may be up to a maximum of six months.

• **Decision of the Tribunal:** Under the Act, the decision of the Tribunal must be published by the central government in the official gazette. This decision has the same force as that of an order of the Supreme Court. The Bill removes the requirement of such publication. It adds that the decision of the Bench of the Tribunal will be final and binding on the parties involved in the dispute. The Act provided that the central government may make a scheme to give effect to the decision of the Tribunal. The Bill is making it mandatory for the central government to make such scheme.

• **Data bank:** Under the Act, the central government maintains a data bank and information system at the national level for each river basin. The Bill provides that the central government will appoint or authorise an agency to maintain such data bank.