COURTS, STATES AND RIVERS: THE LEGAL MAZE OF INDIA'S WATER WARS

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I. INTRODUCTION

Water, the lifeline of civilizations, remains one of India's most contested and finite natural resources. With only 4% of the world's freshwater resources to support nearly 18% of the global population, India's rivers have become the arteries of economic development, agricultural sustenance, and human survival. Yet, these very rivers often turn into fault lines of discord, as multiple states vie for their share in an increasingly stressed hydrological landscape.

In India, inter-state water disputes are fast emerging as a serious national problem. In spite of the fact that India is not among the world's most severely water stressed countries, there are the areas which are being declared as water deficient. This is due to the uneven distribution of water resources both spatially and temporarily. The north and east are water rich while the west and south are water deficient.

India has 25 major river basins, with most rivers flowing across states. As river basins are shared resources, a coordinated approach between the states, with adequate involvement of the Centre, is necessary for the preservation, equitable distribution and sustainable utilization of river water. Within India's federal political structure, inter-state disputes require the involvement of the Union government for a federal solution at two levels: between the states involved, and between the Centre and the states.

Beyond the legal and political disputes, ecology is an important but frequently overlooked factor. Rivers are dynamic ecosystems that preserve the ecological balance of entire regions, replenish groundwater, and support biodiversity. The current method of settling interstate water disputes, however, is primarily focused on issues of fair distribution and pays little attention to long-term sustainability or the condition of the river basin.

In light of this, the article aims to investigate the legal difficulties that arise when settling interstate water disputes in India.

II. MAJOR INTER-STATE WATER DISPUTES: CASE STUDIES

1

Table 10.1: Inter-state Water Conflicts in India

Basin/River/Dam	*States Involved*	*Cause of Dispute*	*Mode of Settlement*	*Current Status*
Ravi-Beas	Punjab, Haryana, Rajasthan, Delhi	• Sharing of surplus river water after reorganisation of state • Punjab's insistence on the application of doctrine of 'absolute territorial sovereignty' in distribution of inter-state rivers	Adjudication through Tribunal (constituted in 1986-report given in 1987)	Award given but not yet notified in the official gazette and the stalemate continues
Narmada	Gujarat, Maharashtra, Rajasthan, Madhya Pradesh	• Sharing of waters after reorganisation of states • Construction of Navagam dam, Punasa dam and Bargi project • Height of Sardar Sarovar Project	Adjudication by Tribunal (1969–1979)	Award given and dispute settled
Godavari	Andhra Pradesh, Karnataka, Maharashtra, Madhya Pradesh, Orissa	• Sharing and utilisation of the untapped surplus river water among the states after the reorganisation of states • Submergence of territories due to Pochampad, Inchampalli, Swarna and Suddavagu irrigation projects	Mutual negotiations and bilateral and tripartite agreements ratified by the Tribunal (1969–1980)	Final award given and the dispute settled
Krishna	Andhra Pradesh, Karnataka, Maharashtra	• Sharing and utilisation of the untapped surplus river water among the states after the reorganisation of states • Telugu Ganga project and the Almatti dam	Initially through negotiation mediated by the central government but final resolution through adjudication by tribunal (1969–1976)	• Award given, dispute settled but fresh dispute of Almatti dam • Review of the Tribunal award in May 2000.

1. The Cauvery River Dispute

One of India's most bitter interstate water disputes, involving Karnataka, Tamil Nadu, Kerala, and Puducherry, has long revolved around the Cauvery River. The conflict stems from colonial-era agreements made in 1892 and 1924. The dispute intensified after independence when Tamil Nadu (downstream) and Karnataka (upstream) both sought larger shares to satisfy their growing demands for drinking water and irrigation.

The Cauvery waters have been the subject of decades of litigation. The Cauvery Water Disputes Tribunal (CWDT) was established in 1990 and rendered its last decision in 2007. However, the Supreme Court intervened several times as a result of implementation disputes. The Court's historic 2018 ruling increased Karnataka's share while decreasing Tamil Nadu's,[2] and it

[1] Hemant Kumar Padhiari and Vishwa Ballabh, "Inter-state Water Disputes and the Governance Challenge"
[2] State of Tamil Nadu v. State of Karnataka & Ors. (Cauvery Dispute) (2018) 4 SCC 1.

mandated the establishment of the Cauvery Water Management Authority to guarantee adherence.

In addition to the legal disputes, there has been a significant ecological impact. The Cauvery delta, a rich agricultural area that also sustains a variety of ecosystems, is in danger due to over-extraction and seasonal depletion. Millions of people rely on the river for their livelihoods, and its flow has become more unpredictable, impacting biodiversity.

2. The Krishna-Godavari Dispute

The water-sharing matrix is intricate and politically delicate because the Krishna and Godavari river basins collectively encompass multiple states, including Maharashtra, Karnataka, Andhra Pradesh, and Telangana. Although distinct tribunals were established for every river, Telangana's establishment in 2014 created additional challenges because it inherited claims from Andhra Pradesh, which remained undivided.

The amount that each state can take for urban water supply, irrigation, and power generation has been the subject of legal disputes. Disagreements over surplus flows and project clearances persist despite numerous tribunal awards, such as the Bachawat Award (Krishna I) and the Brijesh Kumar Tribunal (Krishna II), which have attempted to resolve these claims. Ecologically, massive damming and diversion have changed natural flow patterns, impacting delta ecosystems and causing problems like saline intrusion and fish habitat loss in the Krishna and Godavari deltas, areas vital to coastal stability and food security.

3. The Yamuna River Dispute

The state of Haryana Delhi, Uttar Pradesh, Rajasthan, and Himachal Pradesh all claim the waters of the Yamuna. The average flow of the river was divided among these states by the Yamuna Water Agreement of 1994. However, the National Capital Region's rapidly growing population has made this allocation more contentious.

Pollution and over-extraction pose major ecological hazards. Due to Delhi's over-reliance on the Yamuna for drinking water and untreated sewage inflows, some of its sections rank among the most polluted in the country. The reduced flow and declining water quality have affected the river's floodplain, biodiversity, and groundwater recharge capacity.

Despite numerous monitoring committees and Supreme Court orders, effective implementation is still lacking. The Yamuna's situation highlights the contradiction between the legal frameworks for allocation and the ecological need to maintain river health.

4. The Satluj-Yamuna Link (SYL) Canal Dispute

One of Punjab and Haryana's longest-running water disputes is the SYL Canal. The project, which was intended to give Haryana access to its portion of the Ravi-Beas river waters, has been stuck in legal and political snags for many years.

Punjab has maintained that it doesn't have enough water and that building the canal would endanger the livelihoods of its farmers. However, Haryana argues that it is being denied its fair share in violation of earlier agreements and Supreme Court rulings.

The conflict illustrates the boundaries of the rule of law when politics gets involved. The ecological effects of uncontrolled extraction, declining river flows, and wetland loss in the Punjab region, on the other hand, highlight the necessity of both legal resolution and sustainable water management.

III. LEGAL CHALLENGES IN RESOLVING DISPUTES

Despite an elaborate constitutional and statutory framework, the resolution of inter-state water disputes in India continues to face deep-rooted legal and institutional challenges.

The adjudication delay is one of the main obstacles. Final awards from tribunals established under the Inter-State Water Disputes Act of 1956 frequently take decades to render. For example, it took more than 16 years (1990–2007) for the Cauvery Water Disputes Tribunal (CWDT) to reach a decision, and more than 30 years for the Ravi-Beas Tribunal to reach a resolution. Delays like these worsen tensions on the ground and undermine process trust.[3] Implementation is still controversial even after awards are made; states routinely contest tribunal orders, which results in drawn-out Supreme Court cases. The very purpose of Article 262 of the Constitution, which was to avoid drawn-out legal disputes, is defeated by this lack of finality.

[3] Cullet, P. (2007). Water Law in India: Overview of Existing Framework and Proposed Reforms. IELRC Working Paper,

Resolution is made more difficult by federal tensions. The Union's role under Entry 56 and Article 262 becomes vital when rivers flow across borders, even though water is primarily a State List subject (Entry 17). This frequently leads to a struggle between states claiming their sovereign rights and the Center's duty to guarantee fair distribution. In the SYL Canal dispute, where Punjab's legislative action nullified agreements with Haryana,[4] resulting in a legal standoff, political considerations frequently take precedence over ecological sustainability.

The difficulties are exacerbated by judicial restrictions. Complex hydrological data, climatic fluctuations, and changing catchment conditions are all challenges that courts and tribunals must overcome. In instances such as State of Karnataka v. State of Andhra Pradesh (2000),[5] the Supreme Court itself has admitted its lack of technical knowledge. Although expert committees have been established, they lack the ability to monitor continuously and manage adaptively, which is crucial for rivers with yearly fluctuations in flow.

The legal system frequently overlooks ecological issues. The allocation of quantum shares is the main focus of current laws and tribunals, which fail to sufficiently account for the ecological flow requirements of the river. For instance, even though it is acknowledged in the National Water Policy, 2012, the idea of environmental flows—the minimal amount of water required to maintain ecosystems—is still poorly applied in many tribunal awards (MoWR, 2012).[6]

Lastly, integrated basin management is lacking. India's strategy is still disjointed; instead of treating entire river basins as a single ecological unit, it handles conflicts on a state-by-state or river-by-river basis. This contrasts sharply with models that support basin-wide, integrated management, such as the EU Water Framework Directive or the Murray-Darling Basin Authority (Australia).[7] Legal remedies run the risk of being short-term band-aid fixes that ignore the underlying causes of conflict and ecological degradation in the absence of such a comprehensive approach.

A paradigm shift towards river basin governance that strikes a balance between state interests and ecological sustainability, as well as time-bound adjudication and enforceable awards, are

[4] Punjab State of v. Haryana State (SYL Canal Dispute), (2004) 1 SCC 123.
[5] State of Karnataka v. State of Andhra Pradesh (2000) 3 SCC 59
[6] Ministry of Water Resources (MoWR). (2012). *National Water Policy.*
[7] Bandyopadhyay, Jayanta & Perveen, Shama. (2008). "Interlinking of Rivers in India: Assessing the Justifications." *Economic and Political Weekly*, 43(50).

all urgently needed, as these legal challenges demonstrate.

IV. ECOLOGICAL IMPLICATIONS OF DISPUTES

The ecological costs of this disjointed approach are usually disregarded, even though legal disputes frequently center on who gets how much water. Aquifers have been depleted, river stretches have dried up, and biodiversity has drastically decreased as a result of over-extraction to satisfy rival states' demands. For example, the over-drawn water in the Cauvery basin has caused the degraded fertile delta and salinity intrusion, putting local agriculture and livelihoods at risk.

Pollution and inadequate management exacerbate the problem. In their rush to secure allocations, states often fail to consider the minimal ecological flows needed to sustain riverine ecosystems. The Yamuna River serves as an example of this; despite its allocations, unchecked sewage inflow and industrial waste have turned it poisonous, putting human health and aquatic life in jeopardy.

Climate change adds another level of complexity. Because of erratic monsoons and variable rainfall patterns, historical flow data is unreliable, casting doubt on water-sharing agreements. Conflicts during droughts have been made worse by longer periods of stress on rivers that once supported abundant seasonal flows. These components highlight the need for an adaptable legal framework that can take sustainability principles into account and respond to changing hydrological conditions.

If interstate water governance doesn't change to balance ecological constraints and human needs, India could push its rivers past their point of recovery.

V. EMERGING JUDICIAL AND POLICY TRENDS

India's judiciary has become more involved in mediation and compliance monitoring as a result of its recognition of the limitations of the traditional tribunal system. For example, the Supreme Court has occasionally established expert committees and special benches to make sure states follow tribunal rulings. The Court is moving toward evidence-based decision-making with its insistence on using scientific reports, such as those from the National Water Informatics Centre

(NWIC).[8]

To address the decades-long delays in the system, the Inter-State River Water Disputes (Amendment) Bill, 2019 calls for a single, permanent tribunal with several benches and more stringent dispute resolution deadlines.[9]

Crucially, India's ecological jurisprudence is also changing. Courts have broadened the application of sustainable development principles and started to acknowledge the right to water as an inherent component of the right to life under Article 21. Notably, the Supreme Court stayed the Uttarakhand High Court's 2017 ruling that the Ganga and Yamuna rivers were living beings with legal rights. These actions highlight a developing judicial awareness that legal remedies need to be in line with ecological realities.

VI. WAY FORWARD: TOWARDS SUSTAINABLE AND EQUITABLE RESOLUTION

A fundamental change to integrated river basin management (IRBM) is necessary to settle India's interstate water disputes. IRBM treats the entire basin as a single ecological unit, balancing human needs with the river's ability to regenerate, rather than seeing rivers as separate commodities. A crucial first step is to fortify river boards and give them actual decision-making power.

Additionally, legal mechanisms need to be strengthened. Tribunals ought to provide rulings in a condensed amount of time, supported by strong oversight and enforcement systems. Sharing transparent and up-to-date information on river flows and usage will foster confidence between states and lessen misinformation-based disputes.

The important thing is to encourage collaboration instead of conflict. States that implement conservation measures and lower pollution loads can receive incentives from the Center. In order to ensure that decisions reflect ground realities and support ecological flows, local communities and civil society should have a significant say in water governance.

[8] National Water Informatics Centre (NWIC), https://nwic.gov.in/newsletters/2024/apr-june/flipbook.pdf.
[9] Ministry of Jal Shakti. (2019). *Inter-State River Water Disputes (Amendment) Bill, 2019*, https://prsindia.org/billtrack/the-inter-state-river-water-disputes-amendment-bill-2019.

Gaining knowledge from international best practices, like the EU's Water Framework Directive, the Indus Waters Treaty's dispute resolution process, or the Mekong River Commission's joint management model, can be beneficial. These instances demonstrate how human and ecological needs can be better met when nations and areas place a higher priority on basin-level planning and group stewardship.

A sustainable water future will depend on how well India can align its federal structure, legal systems, and ecological imperatives to ensure its rivers flow healthy and shared fairly.

VII. CONCLUSION

The twin challenges of ensuring equitable distribution and protecting riverine ecosystems are brought to light by India's interstate water disputes. The ongoing disputes show that, in spite of a strong constitutional framework and numerous court rulings, our current systems are frequently reactive, disjointed, and inadequately sensitive to ecological realities.

Moving forward requires a change to cooperative federalism based on environmental sustainability, scientific evidence, and trust. Laws must change to allow for speedier, legally binding decisions while incorporating environmental concerns into all phases of the decision-making process. In the face of climate change, community engagement, basin-wide planning, and adaptive governance must become the rule rather than the exception.

In the end, India's rivers are dynamic living systems that support millions of people, not merely political borders or financial resources. A secure and resilient future requires striking a balance between ecological imperatives and interstate interests.

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4. Hemant Kumar Padhiari and Vishwa Ballabh, *"Inter-state Water Disputes and the Governance Challenge"*

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