

## **IV SEM; GEOGRAPHY: GEO 402: POLITICAL GEOGRAPHY**

### **39.4. International and interstate water disputes in India.**

#### **Interstate Water Disputes in India:**

##### **Introduction:**

In India, 85% of the rivers are interstate and several costly disputes have arisen over the sharing of river water. India has 2.4% of the World's land, 18% of the world population but only 4% of the renewable water resource. If sufficient steps are not taken, the uneven water distribution will increase the possibility of water conflicts. Inter-state river water disputes hinder the cooperative federalism of our nation and provide parochial mindset making regional issues superior to national issues.

##### **Reasons behind the Conflicts:**

- 1) These conflicts have been aggravated by the redrawing of political boundaries after Indian independence from British colonial rule.
- 2) Disputes over smaller rivers over the sharing of project benefits and costs have been resolved through mutual discussions and negotiations. In the case of major rivers, interstate compacts have been reached.
- 3) Unsuccessful transboundary water resources management must consider the dimensions of potential conflict. The complexities within watersheds make managing water a complicated task.
- 4) The chances of mismanagement due to misunderstanding, mistrust or lack of information increase as a watershed crosses more administrative and conceptual boundaries.
- 5) Economically hostile actions that can lead to transboundary water conflicts include upstream actions that are perceived as creating negative impacts downstream.
- 6) Water security and human security questions: water answers life and death more than economy.
- 7) Tribunals were constituted to resolve the disputes but this proved to be a time-consuming process, often requiring many years to achieve real conflict resolution.

##### **Interstate river basin and conflict:**

Four cases of compacts in India over the rivers Krishna, Godavari, Narmada and Cauvery are briefly described below. These issues are briefly highlighted that to see to what extent the conflicts have actually been resolved.

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#### **The Godavari River**

The Godavari compact, the least contentious and easiest to resolve dispute, is mainly among the states Maharashtra, Andhra Pradesh, Madhya Pradesh (where the main river flows), Karnataka and Orissa (containing part of the catchment area). The Godavari Water Disputes Tribunal was constituted in 1969 for adjudication of various disputes. A water-sharing agreement already reached by the different states was endorsed by the tribunal in 1980, with an added stipulation that “each of the states concerned will be at liberty to divert any part of their share of the Godavari waters to any other basin”. Thus, though the conflict was “solved” by the states agreeing on shares of stream flow according to the earlier settlement, the externalities associated with the use of water by upper riparian states were ignored. Though the states agreed to have some joint projects, there was little incentive for cooperation since each state is allowed to do what it wants with the awarded water in its boundary. Again, the tribunal ducked the major issue of reallocation and gave no consideration to return flows from various patterns of use. This raises the question of the technical capabilities of the tribunals as currently constituted.

#### **The Krishna River case**

The Krishna basin involved Maharashtra, Karnataka and Andhra Pradesh. Karnataka and Andhra Pradesh are the lower riparian states on the Krishna River while Maharashtra is the upper riparian state. The negotiations concerned the utilization of the available waters and untapped surplus water for irrigation, power and domestic consumption from a number of single and multipurpose dam projects that the states had constructed. The Krishna Tribunal allocated waters among the states by applying the legal principle of “equitable apportionment” developed by Anglo-American jurisprudence (D'Souza 2004). Equitable apportionment is usually defined as “each basin is entitled within a territory to a reasonable and equitable share in the beneficial use of water in a basin” (D'Souza 2004).

In summary, as far as the Krishna case is concerned, the judicial tribunals have had extraordinary power in settling disputes, but settlements have frequently included approval of existing patterns of use by the states involved, with only surplus waters being reallocated. The application of “equitable apportionment” has taken the form of availability of reliable flow, protection of existing

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uses, occasional cost-benefit analysis and the preference of irrigation over power generation. The weighting of these factors remains unclear.

#### **The Narmada River**

A third important dispute, which is perhaps the most publicized and most emotional of all the water disputes in India, is the Narmada water dispute among the states of Madhya Pradesh, Maharashtra and Gujarat. The project has been extremely controversial because of the large population displaced by the reservoir, the failure to adequately compensate this population and the ignoring of alternatives that could have achieved the project objectives (Independent Review 1992) The Narmada Water Disputes Tribunal was constituted as early as 1969 but it required 10 years of deliberation before the tribunal issued its findings in December 1979. The tribunal determined the utilizable quantum of waters of the Narmada at the Sardar Sarovar dam site on the basis of 75% dependability and allocated the available water to the three states on the basis of equitable apportionment after protecting the existing demand for irrigation.

The tribunal's judgement was quite complete, covering water and power allocation, resettlement of displaced populations (though with inadequate compensation) and the distribution of project costs on the basis of benefits received. References to equitable apportionment remained vague though presumably manifested in the awards made. Failure of the planners and the tribunal to consider alternatives (tributary dams, conjunctive groundwater–surface water use, conservation in agriculture) led to high costs and inequitable treatment of the affected populations. Revisions of the judgement are not to be allowed until 45 years have passed.

#### **The Cauvery River**

A fourth example, perhaps the most contentious and acrimonious dispute by riparian states, concerns the re-sharing of the fully utilized waters of the Cauvery River between Karnataka and Tamil Nadu. Karnataka, the upper riparian state, claims rights to the water under the Harmon doctrine and reserves the right to determine how much it needs for more dams and how much it plans to divert for irrigation works along the river. Such a claim corresponds to the theory of “absolute territorial sovereignty” and is rejected by the law of international watercourses (Dombrowsky 2007, chapter 3). The lower riparian state, Tamil Nadu, argues that such a claim is

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against the acquired prescriptive rights (doctrine of prior appropriation 6 ) stemming from 1892 and 1924 agreements 7 of the pre-independence era relating to the use, distribution and control of the Cauvery waters (Iyer 2002). The Cauvery Tribunal established to resolve the dispute rightly ruled against the Harmon doctrine and ruled that the agreements of 1892 and 1924 remain valid, basing its decision once again on the principle of just and equitable apportionment. The tribunal concluded that upper riparian states shall not take any action that would affect historical scheduled deliveries to the lower riparian states.

#### **How to resolve Water Conflict:**

Subramanian, Brown, and Wolf (2012) have mentioned the way to approach to resolve a conflict:

**Capacity, knowledge and Misconception.** This is when parties fear that they will be at a disadvantage at the negotiating table. The risk manifests in two major ways: (1) parties have a perception of less negotiating capacity than others; or (2) parties have a perception that they do not have accurate information about the shared watercourse.

**Accountability and voice.** Decision makers fear that other basin countries, third parties, or the regional institution may not deliver benefits. Parties perceive that it is highly probable that the proposed institutional arrangement would not result in the flow of benefits, and are concerned that their party's interests would not be adequately considered in joint decision-making processes.

**Sovereignty and autonomy.** This risk involves sensing the danger that a sovereign's authority may be intruded upon in decision-making processes. It addresses both the desire to have control of its development goals, resources and infrastructure, and the right to make independent decisions.

**Equity and access.** Parties are acutely aware of ensuring fairness in any agreement, whether it involves specified water quantities and/or qualities, benefit flows, or project costs. Parties also want to ensure their entitlement to use the watercourse, which could mean the right to continue with historic uses, gaining access to a river that runs through (or originates in) its territory, and/or attaining benefits in proportion to its relative size in (or contribution to) the basin.

**Stability and support.** The final risk is an important one for all parties, but particularly for those that have diversified and powerful stakeholders. Parties consider the implementability of an agreement based on whether key stakeholders support or oppose the agreement and the positive or negative public image of the decision maker.

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So disputes must be resolved by dialogue and talks and the political opportunism must be avoided. The issue can be resolved by discussing the dispute in Inter-State Council which can be beneficial in providing a platform for the talks. Such disputes must be resolved as early as possible to ensure greater cooperation between the states.

#### **Reference**

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#### **NOTE:**

Dear Students, for now I am only sharing Interstate i.e. within India river basin water sharing issues and conflict focused on major disputed river basins. Rest International water conflict focusing on Indus, Ganga and Brahmaputra (special focus on Tista water sharing) river basins will be discussed and study materials will be shared.

Meanwhile, if you have any questions, feel free to ask me on: [kausikgeo@mail.vidyasagar.ac.in](mailto:kausikgeo@mail.vidyasagar.ac.in)