



Inter-State Water Dispute

For Prelims: [Inter-State Water Dispute](#), [Inter-State River Water Disputes \(ISRWD\) Act 1956](#), [Mahanadi Water Disputes Tribunal](#), [Mahanadi River](#).

For Mains: Inter-State Water Dispute and Resolution.

Why in News?

Odisha has complained to the Ministry of **Jal Shakti** under the [Inter-State River Water Disputes \(ISRWD\) Act 1956](#) accusing Chhattisgarh of misleading the [Mahanadi Water Disputes Tribunal \(MWDT\)](#) by releasing water in [Mahanadi river](#) in the Non-Monsoon Season.

- The MWDT was formed in March 2018. The tribunal has been asked to submit its report by December 2025 by the Ministry of Jal Shakti.
- There is **no inter-state agreement between Odisha and Chhattisgarh** regarding Mahanadi basin water allocation.

What is the Concern of Odisha?

- Chhattisgarh has opened 20 gates at **Kalma Barrage** through which 1,000-1,500 cusecs of water is flowing into Mahanadi's low catchment area during the non-monsoon season.
- **Chhattisgarh's reluctance to release water during non-monsoon seasons** has often resulted in the non-availability of water in the lower catchment of Mahanadi.
 - **This also affects the Rabi crops and aggravates the drinking problem in Odisha.**
- However, this time Chhattisgarh has released water without any intimation, which raised concerns over its management of **Mahanadi River water**.
 - The state faced flood in upper catchment during monsoon and thus, opened gates without any intimation to Odisha.

What are the Inter-State River Disputes in India?

- **About:**
 - The Inter-State River Water Disputes are **one of the most contentious issues** in Indian federalism today.
 - The recent cases of the [Krishna Water Dispute](#), [Cauvery Water Dispute](#) and the Satluj Yamuna Link Canal are some examples.
 - Various **Inter-State Water Disputes Tribunals have been constituted so far, but they had their own problems.**
- **Constitutional Provisions:**
 - **Entry 17 of the State List** deals with water i.e., water supply, irrigation, canal, drainage, embankments, water storage and hydro power.
 - **Entry 56 of the Union List empowers the Union Government** for the **regulation and development of inter-state rivers and river valleys** to the extent declared by Parliament to be expedient in the public interest.

- **According to Article 262**, in case of disputes relating to waters:
 - **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.
 - Parliament may, by law, provide **that neither the Supreme Court nor any other court shall exercise jurisdiction** in respect of any such dispute or complaint as mentioned above.

What is the Mechanism for Inter-State River Water Disputes Resolution?

- **As per Article 262**, the Parliament has enacted the following:
 - **River Board Act, 1956:** This empowered the Gol to **establish Boards for Interstate Rivers and river valleys** in consultation with State Governments. To date, **no river board has been created.**
 - **Inter-State Water Dispute Act, 1956:** In case, if a particular state or states approach the Centre **for the constitution of the tribunal**, the Central Government should try to resolve the matter by consultation among the aggrieved states. In case, **if it does not work, then it may constitute the tribunal.**
 - **Note:** Supreme Court shall not question the Award or formula given by tribunal, but it can question the working of the tribunal.
- The **Inter-State Water Dispute Act, 1956** was amended in 2002, to include the major **recommendations of the Sarkaria Commission.**
 - The amendments mandated a **one-year time frame to set up the water disputes tribunal** and also a **3-year time frame to give a decision.**

Tribunal	Year of Formation	States Involved	Current Status	Awards
Krishna Water Disputes Tribunal II	2004	Andhra Pradesh, Maharashtra, Telangana & Karnataka	Tribunal Term extended	Award given 2013. Some matters subjudice
Mahanadi Water Disputes Tribunal	2018	Chhattisgarh & Odisha	Tribunal Exists	Matter under adjudication
Mahadayi Water Disputes Tribunal	2010	Karnataka, Goa & Maharashtra	Tribunal Exists	Award given 2018. Some matters pending
Ravi & Beas Water Tribunal	1986	Rajasthan, Haryana & Punjab	Tribunal term extended	Matter subjudice
Vansadhara Water Disputes Tribunal	2010	Odisha & Andhra Pradesh	Tribunal dissolved 2022	Yet to be published

What are the Issues with Interstate Water Dispute Tribunals?

- **Protracted proceedings and extreme delays** in dispute resolution. Water disputes such as the **Godavari and Cauvery disputes in India have faced long delays in resolution.**
- **Opacity** in the institutional **framework and guidelines** that define these proceedings; and ensuring compliance.
- The **composition of the tribunal is not multidisciplinary**, and it consists of persons only from the judiciary.
- The **absence of water data that is acceptable to all parties** currently makes it difficult to even set up a baseline for adjudication.
- The **growing nexus between water and politics** has **transformed the disputes into turfs of vote bank politics.**
 - This politicisation has led to increasing defiance by states, extended litigations and subversion of resolution mechanisms.

What Measures can be taken to Resolve Water Disputes?

- Bring **Inter-state water disputes under [interstate council](#)** constructed by the president under **article 263 and need for consensus-based decision making.**
- **States must be motivated for water use efficiency** in every domain and **water harvesting and water recharging to reduce the demand** on river water and in situ water source.
- **Need of a single water management agency for both ground and surface water** on scientific basis and also for technical advice on union, river basin, state and district level for water conservation and water management.
- **Tribunals must be fast track**, technical and also have a verdict enforceable mechanism in a time bound manner.
- A **central repository of water data** is necessary for informed decision making. It is important for the **central government to take a more active role in resolving inter-state water disputes.**

UPSC Civil Services Examination, Previous Year Question (PYQ)

Mains

Q. Constitutional mechanisms to resolve the inter-state water disputes have failed to address and solve the problems. Is the failure due to structural or process inadequacy or both? Discuss. **(2013)**

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