



Polavaram- Banakacherla Project Dispute

For Prelims: [Krishna-Godavari water-sharing issues](#), Inter-State River Water Disputes, [Sarkaria Commission](#),

For Mains: Inter State Relations, Inter-State River Water Disputes, issues related to Sharing of water Resources.

[Source: IE](#)

Why in News?

The Central Government has decided to constitute a **high-level committee** to resolve the conflict between **Andhra Pradesh (AP) and Telangana** over the proposed **Polavaram-Banakacherla Link Project (PBLP)** and other [Krishna-Godavari water-sharing issues](#).

What is Polavaram-Banakacherla Link Project?

Polavaram-Banakacherla Link Project:

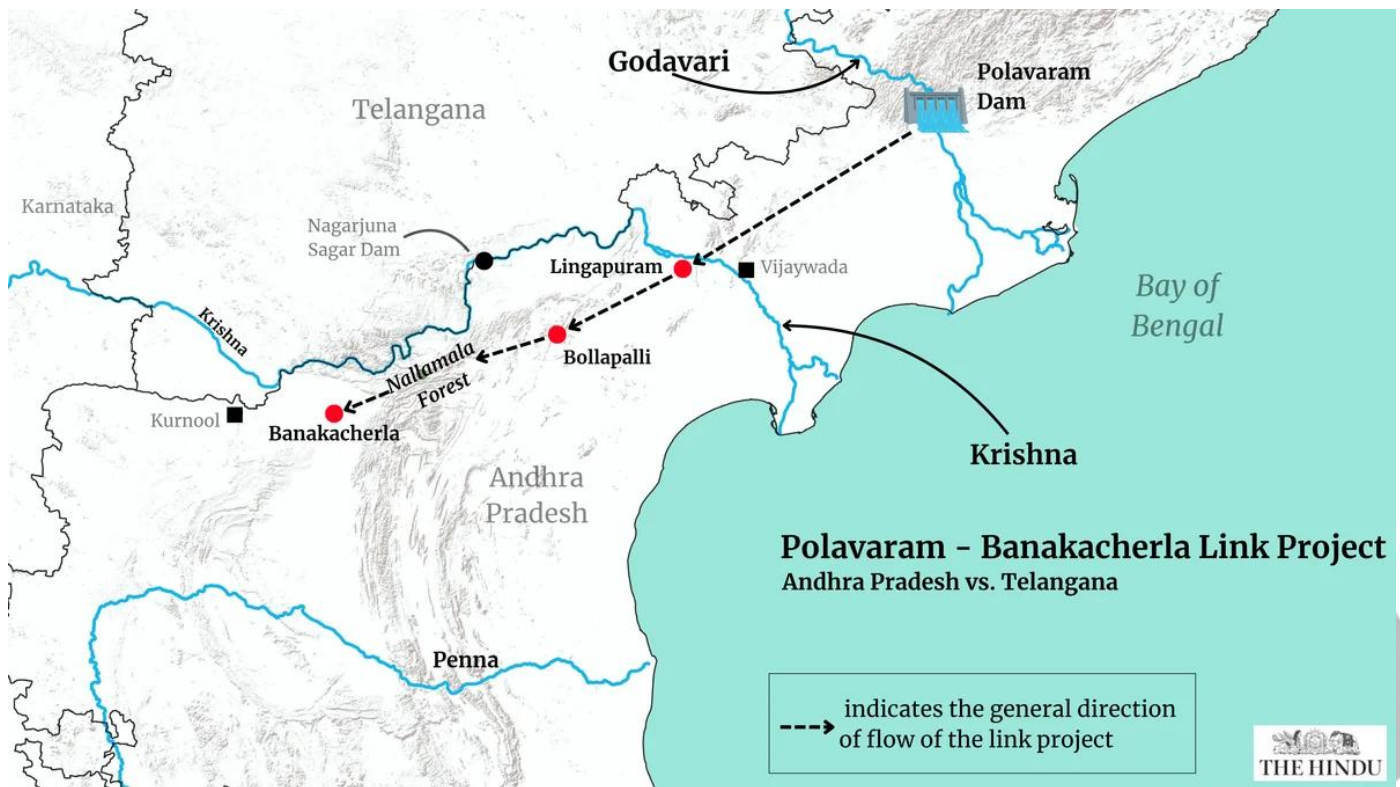
- **Objective:** The project aims to **address water scarcity** in the **drought-prone Rayalaseema region** by diverting **200 TMC** of surplus **Godavari floodwaters** to the **Krishna and Penna river basins**.
- **Water Transfer Mechanism:** Water will be drawn from the **Polavaram Dam**, pass through the **Prakasam Barrage**, lifted to the **Bollapalli reservoir**, and tunneled under the **Nallamala forest** to the **Banakacherla reservoir in Rayalaseema**.
- **Significance:** The PBLP will **enhance irrigation**, **ensure drinking water supply**, and **promote agricultural sustainability**, improving **water security and livelihoods** in southern Andhra Pradesh.

Key Challenges Related to the Project

- **Alleged Violation of 2014 Act:** Telangana claims Andhra Pradesh violated the **Andhra Pradesh Reorganisation Act, 2014**, which mandates **prior approval from the Apex Council, Krishna River Management Board (KRMB), and Central Water Commission (CWC)** for any **new inter-state river projects**.
- **Disputed Surplus Water Claims:** Telangana disputes Andhra Pradesh's claim of **200 TMC "surplus"** Godavari floodwaters, stating that the **allocation has not been adjudicated or approved by any competent authority or tribunal**.
- **Environmental Concerns & Pending Clearances:** While the Polavaram Project received an **Environmental Clearance in 2005**, the Expert Appraisal Committee (EAC) noted the **need for fresh environmental scrutiny and Central Water Commission (CWC) consultation** due to **submergence disputes with Odisha and Chhattisgarh**.
- **Unauthorised Inter-Basin Diversion:** Telangana objects to the **diversion of Godavari waters**

into the Krishna basin without mutual consent, warning it could **reduce water availability** for its projects.

- **Breach of Cooperative Federalism:** Telangana views Andhra Pradesh's **unilateral actions as a breach of cooperative federalism**, bypassing essential consensus mechanisms for managing shared river resources.



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

- **Constitutional Provisions:**
 - **Article 262** empowers **Parliament** to enact laws for the **adjudication of disputes** related to the **use, distribution, or control of inter-state river waters**.
 - **Article 262(1):** Allows Parliament to provide a legal mechanism for such adjudication.
 - **Article 262(2):** Permits Parliament to **bar the jurisdiction of the Supreme Court and other courts** over these disputes.
 - **Entry 17, State List (List II):** Grants states control over water-related subjects like irrigation, canals, drainage, water supply, and hydropower.
 - **Entry 56, Union List (List I):** Empowers the Union Government to regulate and develop **inter-state rivers and river valleys** in the **public interest**, as declared by Parliament.
- **Statutory Provisions:**
 - **River Boards Act, 1956:** Empowers the Central Government to establish **River Boards**, in consultation with states, for the coordinated development and management of inter-state rivers and valleys. **However, no River Board has been constituted under this Act so far.**
 - **Inter-State Water Disputes Act, 1956:** Provides a **legal framework for resolving disputes** between states over inter-state river waters. The process includes:
 - **Initial negotiation** by the Centre with concerned states.
 - If unresolved, a **Water Disputes Tribunal is constituted**, whose **award is final and binding**.
 - The **tribunal's decision cannot be challenged in courts**, though procedural or functional lapses may be reviewed judicially.
 - The act 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**.
- **Role of Supreme Court:** Though **Article 262(2)** bars the **Supreme Court and other courts'** jurisdiction over inter-state water disputes, the **Supreme Court** has intervened in **related matters** (under **Article 136**), such as interpreting or implementing **tribunal awards**.
 - **Eg: Mahadayi Water Dispute (2018)**, **SC settled water allocation between Karnataka, Goa, and Maharashtra**, and directed implementation of the tribunal award.

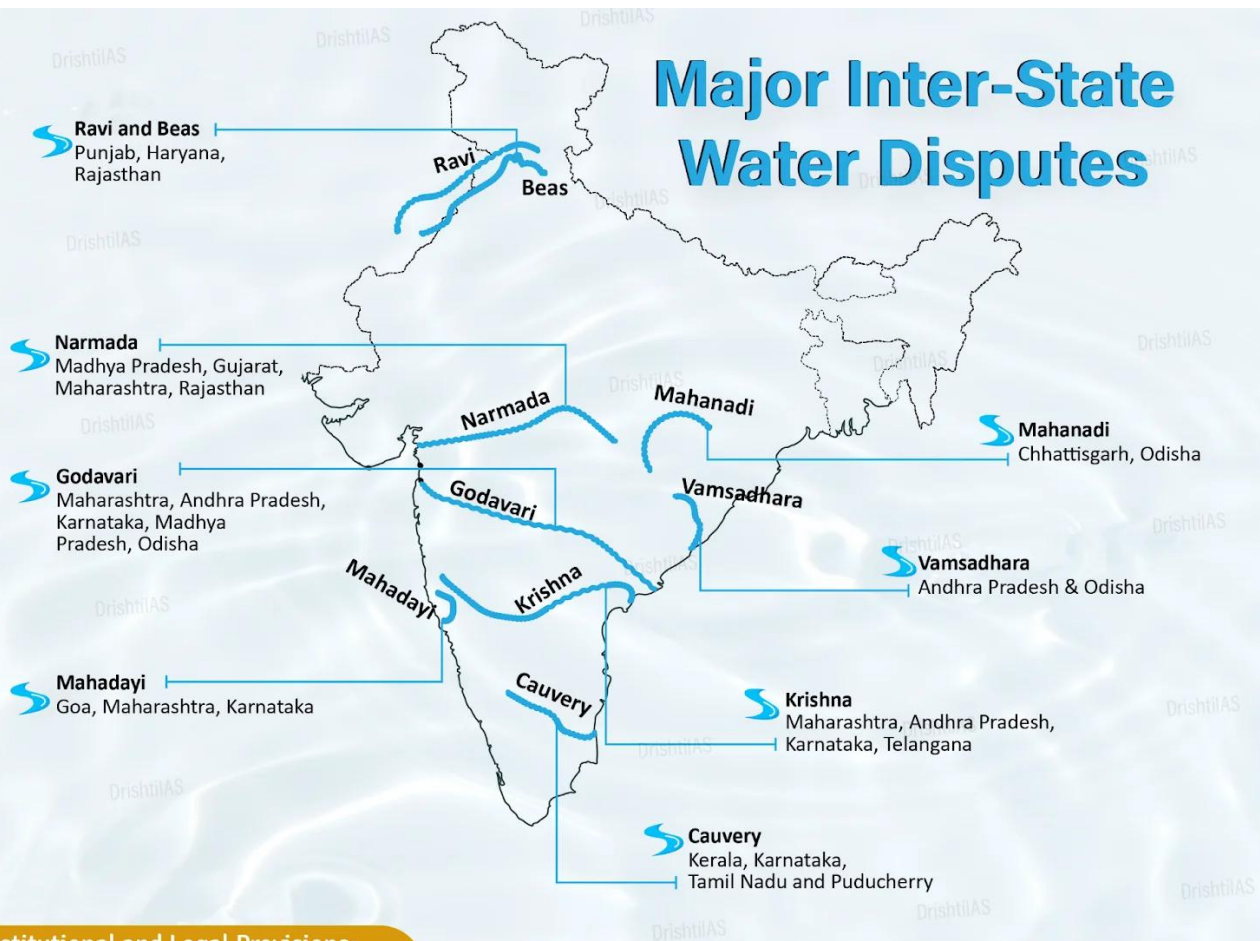
What are the Key Issues Related to Inter-State Water Disputes?

- **Delayed Tribunal Awards:** Tribunals often take **decades to resolve disputes** (e.g., Cauvery, Krishna). Also **absence of time-bound mechanisms for adjudication** and implementation hampers early resolution. **Eg:** Cauvery Tribunal (1990–2007): 17-year delay in final verdict.
- **Lack of Credible and Real-Time Data:** Disputes often rest on **conflicting data** from states, as there is **no independent basin authority to validate claims**. **Eg:** Mahanadi dispute (Odisha vs. Chhattisgarh) over unverified water flow data.
- **Judicial Overlap Despite Article 262:** Despite the bar on Supreme Court jurisdiction under Article 262, states often approach the Court under Articles 131/136, leading to legal ambiguity and parallel proceedings.
- **Weak enforcement:** Tribunal awards **need central notification to become binding**, but enforcement is often delayed or politically stalled.

What Measures Should be Taken to Effectively Resolve Inter-State Water Disputes?

- **Time-Bound Adjudication:** Amend **Inter-State River Water Disputes Act, 1956** to **fix timelines** for adjudication of disputes and establish a **permanent tribunal** with technical experts.
- **Reliable Data & River Basin Authority:** Set up an **independent river basin organization** for **transparent, real-time water data** to prevent disputes based on conflicting claims.
- **Promote Cooperative Federalism:** Encourage pre-litigation **inter-state negotiations** and utilize platforms like the **Inter-State Council** to build trust and consensus.

Major Inter-State Water Disputes



Constitutional and Legal Provisions:

- **Article 262:** Provides for adjudication of interstate water disputes. Under this, parliament enacted two laws: The River Boards Act, 1956 & the ISWD Act, 1956
- **The River Boards Act, 1956:** Establishment of river boards for the regulation of inter-state rivers
- **The ISWD Act, 1956:** Central government establish a temporary tribunal to resolve water disputes between two or more states
[Amended in 2002; Mandated a 1 year time frame to set up the water disputes tribunal and a 3 year time frame to give a decision (**Sarkaria Commission**)]
- **State List (Entry 17):** Deals with water
- **Union List (Entry 56):** Parliament has the authority to regulate and develop inter-State rivers and river valleys if it's deemed necessary for the public interest



Drishti Mains Question:

Despite constitutional provisions and institutional mechanisms, inter-state river water disputes continue to persist in India. Discuss the limitations of the Inter-State River Water Disputes Act, 1956 and suggest reforms.

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)

