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Inter-State Water Dispute Vis-À-Vis the Role of Central Government in Efficient Adjudication

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Abstract

Water is the primary source of living for all humans. It is required for all kinds of activities ranging from domestic to industrial purposes. In India, rivers are the major sources of water and fulfil almost all needs in every aspect. As rivers in India flow through different states, it becomes a matter of dispute for various states through which the river flows. Disputes are related to the usage of water and its distribution thereof. The Constitutional framework has not been unambiguous totally and in various instances courts had to interfere to adjudicate the matter but unfortunately, the roles of the judicial organs of the state are also very limited and the complete authority lies with the government and thus the matter remain ambiguous.

This paper is an attempt to provide the constitutional mechanisms through which interstate water disputes in India can be regulated. Parliament is exclusively empowered to regulate this issue. In this paper, we have analysed the ways Parliament has till now taken up this matter. We have discussed the judicial doctrines and have emphasised that instead judiciary applying this doctrine, the Central Government should itself become proactive to apply this doctrine and provide an easy solution to this problem. We have also discussed the scope and requirements of various legislations till now formulated by Parliament to address this issue. At last, we have provided the way forward and suggestions that the Central Government can imbibe to deal with this issue effectively.

Keywords: mechanisms, Parliament, Central Government, ambiguous, authority

Introduction

Because large areas of India are relatively arid, mechanisms for allocating scarce water are critically important to the welfare of the country's citizens.[1] Water is essential in several ways including its requirement for health (e.g. clean drinking water), agriculture (e.g., irrigation), and industry (e.g. hydroelectric power). In India, due to extreme dependence upon monsoon for agriculture and an array of population living in rural areas, a major chunk of water requirements for domestic and agricultural purposes are filled by natural sources of water like ponds, kunds, lakes, rivers etc. The State is endowed with an irrefutable duty to the development of citizens and the nation. Conflict begins to surface when the State too starts to harness these water bodies and channelize water for various developmental activities, thereby restricting or regulating its use for the citizens. Because India is a federal democracy, and because rivers cross state boundaries, every State Government from whose territory these rivers flow, desires to harness the water and utilize it for its optimal use. This creates several conflicts concerning the sharing of water resources among various states. Therefore, since independence, constructing efficient and

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equitable mechanisms for allocating river flows has long been an important legal and constitutional issue.[2] India being a union of states, imperatively endows the duty of managing and resolving the disputes relating to water upon the Central Government and to ensure that utmost justifiable distribution of water resources is made. Secondly, India being a federal country, the role of the Central Government becomes even more crucial to settle such disputes.

Need For Regulation Of Water Resources

Disputes relating to water in India need closer and continued attention. Some of the essential reasons that require the Central Government to continuously act as a watchdog for the existing disputes between states relating to the sharing of water resources are as follows:

Significance of Water

Water is the most important natural resource without which no current Government can satisfy the needs of development. Our ancient great civilisations eg: the Egyptian civilisation (on the Nile), the Mesopotamian civilisation (on the Tigris and the Euphrates), the Indian civilisation (on the Indus) and the Chinese civilisation (on the Hwange He) etc have all evolved, developed and prospered on the banks of the river. Agriculture is best suited for the soils in the river basin. River water is the source of so many economic activities like fisheries, arid cultivation, water mineral mining, recreation, industrial requirements etc. Rivers too are associated with mythological beliefs and carry cultural and religious significance. No State for this reason wants to lose any share of any accruable interest out of water resources. In the Indian context, this aspect becomes still more important, because over 85 per cent of Indian territory lies within its major and medium inter-State rivers.[3] India has 14 major rivers,[4] which are all inter-state rivers. Therefore, it becomes an obligation upon the central Government to monitor the water resources between the states.

Past Experience

Indian history in connection with the resolution of inter-state water disputes has been a failure on several fronts. It is not easy to say whether this is due to the nature of the disputes, political factors or inadequacy of the constitutional provisions on the subject,[5] which has resulted in the emergence of a law and order situation, intervention of the Supreme Court and several and regular rounds of negotiations between the affected states. The role of central Government has till now been extremely bleak and inactive to provide any substantial, permanent and effective solution to this problem. Therefore, this subject does seem to require a separate study.

Threat to Co-operative Federalism

Under the Constitutional scheme, it has been explicitly provided that in matters connecting to inter-state water disputes, the legislative power of the Parliament is supreme to the judicial power in this matter. Therefore, the parliament overrides to a certain extent any judicial intervention directly in this matter. Even after that Parliament has till now been unable to provide any solution and satisfactory solution to this problem and states have often approached Constitutional courts to settle this dispute. Several states are in a legal battle on this issue and that has resulted in constrained relations between states, foul play of politics and several charges upon the central government for nepotism and delay of matters for political gains. This certainly poses a greater threat to the concept of Cooperative federalism that has been envisaged as a prospective end for governance by the constitution makers.

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[3]C.V.J. Varma, Foreword to Valsalan.
[4]Valsalan, pages 11-12, para 2.3, 2
[5]*Ibid.*

The legal provisions – further action needed

Thirdly, there is a prima facie need for considering the matter afresh. As Setalvad has observed,[6] "The tribunals appointed under the Inter-State Water Disputes Act to adjudicate upon them have so far produced no results. We know from the experience of other countries, how long-drawn-out and expensive these adjudications can be; and our country cannot afford either the expense or the long delays. Our Constitution-makers, anticipating such situations, have provided ample power to the Union to enable it to deal with them. Why should not the Union, it is asked, exercise its powers of legislation under Entry 56 of List 1, which empowers it to legislate for the regulation and development of inter-state rivers and river valleys, to the extent, to which such regulation and development under the control of the State is declared by Parliament by law to be expedient in the public interest? Such action by the Union, it is urged, will have the advantage of ensuring a quick solution of these disputes arrived at from the national perspective".[7]

History & The Constitutional Provisions

Water is a precious natural resource and has become a subject of national importance. In India, major water bodies flow between two or more states so it becomes a subject matter of dispute between the states about the volume of water to be shared, its management, control and proper utilisation. Since the development of various sectors like the agricultural sector and the industrial sector, the requirements for water supply have increased which has led to the dispute between the states since early nineties. The government has been concerned about the increasing interstate disputes so it has framed various laws and regulations to control and manage the water supply from these natural water bodies between the states. In 1919, before the independence when the Indian economy was wholly based on the agricultural sector then by the Government of India Act, 1919 irrigation was made the subject matter of the provincial government which had the power to legislate on that subject provided that the union or the central government had the power to legislate on the subject when there is any dispute between the states or for the interest of two or more states. Then came the Government of India Act, 1935 (Provincial List, Entry 19) which placed irrigation within the sole jurisdiction of the Provinces and sections 130 to 133 of the Act of 1935 made detailed provisions as to inter-provincial, etc., further the disputes concerning water where any Province or State whose interests were perpetually affected in respect of water supplies from a natural source, owing to the action of another Province or State, could complain to the Governor General.[8] Based on this act the draft Indian Constitution was prepared which contained Articles 239-242 corresponding with sections 130 to 133 of the Act of 1935, dealing with the interstate water disputes. In the Constitutional Assembly Debates, Dr. B. R. Ambedkar emphasised that a separate institution should be constituted which should look over to the proper utilisation and distribution of the water and this led to the insertion of Article 242A in the constitution which is the present Article 262.

We got the Constitution of India on 26th November 1949, wherein various provisions are incorporated dealing with the disputes relating to waters and these are Articles 262, 263, 131, 136, 143(1) and Entry 17 of List II (State List) which is subject to Entry 56 of List I (Union List). Entry 17 of List II empowers the state to legislate on the subject of water but this entry is subject to Entry 56 of List I which gives power to the central government to legislate, regulate and develop interstate rivers for the public interest.

Entry 17 of List II (State List): "Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power, subject to the provisions of Entry 56 of List I."[9]

Entry 56 of List I (Union List): "Regulation and development of inter-State rivers and river valleys, to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest."[10]

[6]http://lawmin.nic.in/ncrwc/finalreport/v2b3-6.htm A Background Paper on Article 262 and Inter water disputes.
[7]*Ibid*
[8]Bakshi P.M., A background paper on Article 262and inter-state disputes relating to water.
[9]The Constitution of India.

Furthermore, Article 262 of the Constitution empowers the parliament to make laws for adjudication of disputes between the states about the use, distribution or control of the water body and the parliament can even by law restrict the jurisdiction of the Supreme Court or any other court in the said matter.

Article 262: Adjudication of disputes relating to waters of inter-state rivers or river valleys.-

1) **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.**
2) **Notwithstanding anything in this Constitution, 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 is referred to in clause (1).**[11]

The rationale behind giving so much power to the union is that water is an important subject matter for the agrarian economy as of ours, a huge quantity of water is required to boost the agricultural sector and for the development of the state or the Indian economy so to avoid the dominance of one state over the other or to prevent the states for misusing the water resource for their self-interest, so these vide powers are given to the union. However, it has been criticised that the union has not exercised its powers. As documented by Iyer (1994), parliament has not made much use of Entry 56, various River Authorities have been proposed, but not legislated or established as bodies vested with powers of management instead, river boards with only advisory powers have been created.[12] As a result, the state governments dominate the distribution and utilisation of the river waters due to which the dispute between the states is inevitable. But the constitution always provides a check on these powers of the state government by the union which is acting as the guardian of the other states to protect their rights and interests. The federal structure of the constitution gives power in the hands of the state to legislate on the said subject matter under the state list but the predominance is given to the strong centre which is always there to keep these powers of the states within limits. The ownership rights over the rivers flowing interstate are not vested with the states but rather with the union which is required to monitor the use of water and utilise it for the national interest. The states with the permission of the union are allowed to use the water for beneficial use but no state can utilise the interstate water in a way that would adversely affect the interest of the neighbouring state for ensuring that the rights are well protected, the framers of the constitution have incorporated various mechanisms for the dispute resolution in the constitution of India. Under Article 263, the president has the authority to establish an interstate council in the public interest to resolve disputes between the states. Additionally, the central government through the president has the power to approach the Supreme Court under its advisory jurisdiction under Article 143(1) to seek advice on the interstate dispute. Moreover, under Articles 131 and 136 the matters about the water disputes can be brought forward to the Supreme Court to decide on the matter. However the constitution cannot itself come forward to protect the rights of the state, to resolve the dispute, it is the duty of the parliament or rather the union government to step into the matter, to take effective steps to protect the rights of the people and to maintain equality between the states in our country which is federal with the strong centre. Therefore the state and union governments both enjoy internal sovereignty within their field and the centre interferes in the matter when there are conflicts between the two states.

Enactments Relating To The Regulation Of Inter-State Water Disputes

Exercising the powers conferred by Article 262, Parliament has enacted several legislations that currently address the problem of inter-state water disputes. Under these legislations, various policies, frameworks and provisions are laid down that through different mechanisms try to not only provide a remedy for interstate water disputes but also emphasise the development of various river banks, catchment areas and valleys so that an effective and proper utilisation of water resources can take place.

[10]The Constitution of India.
[11]The Constitution of India.
[12]Richards Alan & Singh Nirvikar, Inter-State Water Disputes in India: Institutions and Policies, Department of Environmental Studies & Department of Economics, University of California, Santa Cruz, USA, October 2001.

The Inter-State Water Disputes Act, 1956

Pursuant to the power conferred by the Constitution (article 262), the first legislation that the Parliament enacted to address this issue was the Inter-State Water Disputes Act, 1956. Its main features can be thus summarised:

(a) A State Government or two or more state governments which have a water dispute with another State Government or two or more state governments, may furnish the question of a dispute with all details to the Central Government and request the Central Government to constitute a tribunal and refer the dispute to it for adjudication.

(b) The Central Government, if after hearing the dispute and taking all other factors from both side into consideration is of the opinion that the dispute cannot be settled by negotiation, shall then constitute a tribunal especially for this purpose and then refer the dispute to it.

(c) The Act itself provides for the detailed composition of the Tribunal. It shall consist of a Chairman, and two other members, nominated by the Chief Justice of India from the bench of Judges of the Supreme Court.

(e) On the reference being made by the Central Government, the Tribunal takes up cognizance of the matter referred to it, conducts a detailed investigation and may require the parties to the dispute to make representations by way of memos and thereafter the tribunal makes its report, embodying its decision. The decision of the tribunal is to be published and is final.

(f) Jurisdiction of the Supreme Court and other courts for all those issues that arise out of the dispute referred to the tribunal and that are pending adjudication before the tribunal is barred.

(g) The Central Government may before or after the passing of the order of the tribunal, frame scheme, providing for all matters necessary to give effect to the decision of the Tribunal. Under the said scheme, the Central Government is also empowered to establish an authority for enforcing the order of the tribunal.

The River Boards Act 1956

(a) The River Boards Act, 1956, provides for the establishment of River Boards. Under the said Act, these boards will work for the regulation and development of inter-state rivers and river valleys. Where any State requests or even otherwise, the Central Government may establish a Board. Now, these boards will advise the concerned Government, in relation to such matters concerning the regulation or development of an inter-State river or river valley (or any specified part) as may be notified by the Central Government.[13]

(c) The Board composition shall be as such as the Central Government deems fit to appoint. They must be persons having special knowledge and experience in irrigation, electrical engineering, flood control, navigation, water conservation, soil conservation, administration or finance.[14]

(d) Functions of the Board are specifically provided in section 13 of the Act. A few of them include conservation of the water resources of the inter-state river, schemes for irrigation and drainage, development of hydro-electric power, schemes for flood control, promotion of navigation, control of soil erosion etc.[15] The board however discharges all advisory functions.

(e) By section 14(3), the Board is directed to consult all the Governments concerned and to secure their agreement, as far as possible. Thereafter, by section 15, the Board is empowered to frame schemes, obtain comments of the interested Governments and finalise a scheme. [Section 15(4)] But the schemes do not seem to have a mandatory force.

[13]http://lawmin.nic.in/ncrwc/finalreport/v2b3-6.htm A Background Paper on Article 262 and Inter water disputes.
[14]River Boards Act, 1956
[15]Section 13, River Boards Act, 1956.

National Water Policy, 1987

The board is formulated under the Ministry of Water Resource to regulate the development and planning of water and Section 21 of this water policy deals with the distribution of water amongst the states. The policy as a whole stress the need for overall development and judicious management of water resources. The policy emphasises much more on the participatory approach rather than the mandatory approach. This national water policy of 1987 was amended in 2012, and as a result of this amendment now the board emphasises on development of water bodies by giving them the status of 'economic good'.[16]

The centre has created two more bodies namely National Water Development Agency and Resources Development Council to promote river-water development. The former is a non-statutory body with all State irrigation ministers as its members. The functions of the agency are to carry out surveys, investigations and studies for the development of the peninsular river, a component of the national water plan. The agency is to promote the optimum utilization of the country's resources.[17] This envisages the use of surplus water from all rivers in the country. The other body with the Prime Minister as its Chairman and all state Chief Ministers as members speculates upon the effective utilisation of water resources.[18]

Doctrines Relating To Adjudication Of Inter-State Water Dispute

In the field of water dispute which has been going on since time immemorial between various countries, states etc, various doctrines have gradually evolved through various judicial pronouncements and have been continued since then. Many of the doctrines have existed only for a very short duration and are no more being followed due to its irrationality, unreasonableness or the change in the surrounding circumstances and some of them have recently evolved and have proved to be a successful measure to solve various disputes about the water. Some of the doctrines are discussed below:

- **Doctrine of Riparian Rights:** The doctrine originated in the East and governs the use of surface water. This doctrine means that whosoever owns the land as the border of the water body has the right to use the water (i.e.) the water belongs to them. Here the ownership of the water body is not with the land owner but there exists only a right to use the water. The land owner's right to use the water is well recognised and duly enforced provided they have to exercise this right without affecting others' riparian rights. Thus, only people who own land appurtenant to a watercourse can access and use that water and the riparian landowners can use that water only on the parcels of land adjacent to such watercourse.[19] This doctrine was initially governed by the doctrine of natural flow but now we have moved from natural flow to reasonable use. Under the natural flow doctrine, a riparian may take all the water he or she requires "for domestic or natural uses," even if doing so drains the entire water source.[20] Secondly, under reasonable use, the landowner is permitted to use the water but only concerning the other's riparian rights. The landowner is allowed to use the water that passes by his property only in a beneficial manner without hampering others' rights or interests.

- **Doctrine of Prior Appropriation:** This doctrine is applicable in the western states where the prior user of the water is given priority rights. It uses the principle of "first in time, first in right," which means the first person to put water to a beneficial use is granted a right to continue that use without interference from those using it later.[21]

[16]Neerjs Girnani, Inter State Water Disputes. Available at: **http://www.lawctopus.com/academike/inter-state-river-water-disputes.**
[17]Ibid.
[18] Neerjs Girnani, Inter State Water Disputes. Available at: http://www.lawctopus.com/academike/inter-state-river-water-disputes
[19]Babcock M. Hope, Reserved Indian Water Rights in Riparian Jurisdictions: Water, Water Everywhere, Perhaps Some Drops for Us, Georgetown University Law Centre.
[20]Babcock M. Hope, Reserved Indian Water Rights in Riparian Jurisdictions: Water, Water Everywhere, Perhaps Some Drops for Us, Georgetown University Law Centre.
[21]The argument for the prior appropriation doctrine to allocate water in the Western U.S., Family Farm Alliance, September 2015.

It does not mean that the other users are deprived of using the water. The other users can use the water only the priority is given to the first-in-time user but in the case of scarcity, the prior user solely has the right to use the water. This right of the priority user is under the supervision of the state. The state can take this right anytime when the water is misused, wasted or employed for non-beneficial uses. In some countries, this principle is considered to be creating inequality so in countries like the US, there exists a doctrine of equality which is in opposition to this doctrine.

- **Doctrine of Territorial Sovereignty:** The doctrine is also called the doctrine of absolute sovereignty or the Harmon doctrine. This doctrine propounds that each state is a sovereign entity in itself and hence is entitled to utilise the rivers and other natural resources falling within its territories in whatever way it desires, irrespective of the consequences of such use on the neighbouring states.[22] The origin of this doctrine can be traced back to 1895 when US Attorney General Harmon while deciding the dispute about the rights of the USA over the Rio Grande River opined that the USA being an upper stream riparian does not have any responsibility towards the downward stream riparian. It is not duty-bound to ensure that there is a regular supply of water and that the water reaches good quality (i.e.) the water goes in good quantity and quality. In general terms, according to this theory, the riparian state can do whatever it is pleased to do, with waters flowing in its territory without regard to its effects upon the rights of the other co-riparian.[23] Hundred years have passed since this doctrine was first applied but now this doctrine is considered to be most notorious among all the other doctrines and is considered to be irrational and unjust so it is no more applicable now.

- **Doctrine of Community of Interest:** This theory is considered to be the most effective theory and if it is implemented in its fullest sense then it is supposed to bring wonders to the world. This doctrine is oppose to the doctrine of the territorial sovereignty and treats the water resource as one integrated unites. The water body is not treated differently as per the state where it flows. According to the theory of community of interest, a river passing through several States is one unit and should be treated, as such, for securing the maximum utilization of its waters.[24] The interest of the community as a whole is paramount and for which the entire water body is considered to be one unit and the water is to be shared and utilised among all in a reasonable manner and for the benefit of all. The application of this doctrine is increasing nowadays as this doctrine is rational and more appealing. It is a common consensus that the water is the natural resource and it should be shared by all. This doctrine has negated the limited territorial sovereignty doctrine. The Kosi Project between India and Nepal is the best example of the success and application of the doctrine of community of interest.

- **Doctrine of Equitable Apportionment:** This doctrine is considered to be just, reasonable and the principle of equity is applied here within. According to the doctrine the water should be shared by all the states in a just and equitable manner. It is based on equity, fairness and norms of distributive justice in which the interests of every contestant country are taken into consideration.[25] This doctrine is considered to be the umbrella doctrine as it encompasses all the doctrines pertaining to the water and focuses on the equitable distribution of water. The UN Convention on the law of non navigational uses of international watercourses has laid down various principles and policies to be followed to determine the equitable distribution of the water. The doctrine has usually been described as a doctrine of federal common law that governs disputes between States concerning their rights to use the water of an interstate stream, suggesting that its postulates transcend and leave unaffected the water laws of the competing states.[26] Therefore it is always recommended that this doctrine should be emphasised whenever a question pertaining to the interstate water dispute arise.

[22]Singh A. and Gosain A.K., Resolving conflicts over transboundary watercourses: An Indian perspective.
[23]Rao Srinivasa Dodda, Inter-state Water Disputes in India: Constitutional and Statutory Provisions.
[24]Bakshi P.M., A background paper on Article 262and inter-state disputes relating to water.
[25]International Watercourses Law and Its Application in South Asia.
[26]Simms A. Richard, Equitable apportionment- priorities and new uses.

Tentative Proposals And Suggestions: Future Role Of Central Government

Tribunal Settlement of Dispute in itself a Problem

The Tribunals constituted under Article 262 of the Constitution, read with the Inter-State Water Disputes Act, 1956, have failed miserably to give any satisfying and conclusive solution to the existing dispute. States party to such disputes hardly have any sense of satisfaction about the mode and mechanism by which such disputes are resolved. This is because of several reasons:

Firstly, as with other judicial proceedings in this country, the proceedings before the Tribunals too consume a large time of the litigant States. Under Article 262 and the said legislation, the Tribunal is granted full control and autonomy over this matter, therefore it must focus more on the ways to address the complexities and technicalities of the issues in the political heat of the matter.

Secondly, going by the already adjudicated matters, it is found that the awards of the tribunals are often bulky as the tribunal itself follows the conventional matter of adjudication, spending time in disusing the substantive law doctrines and secondly the awards are vague in certain situations as well as deprived of foreseeable future speculations and contingencies. When such contingencies happen, the litigants have to again approach the tribunal for seek directions.

Thirdly, the history of water disputes in India has revealed that whenever the parties to the disputes have volunteered to reach to a settlement through negotiation, the situation has been better and more satisfactory, than when the award has been imposed by the tribunal which is found to be unsatisfactory for the states to comply with.

In this connection, one is reminded of what the Supreme Court of the United States said in a leading judgment relating to water disputes.[27] *"The reason for judicial caution in adjudicating the relative rights of States in such cases is that, while we have jurisdiction over such disputes, they involve the interests of quasi sovereigns, present complicated and delicate questions and due to the possibility of future change of conditions, necessitate expert administration, rather than judicial imposition of a hard and fast rule. We say of this case, as the court has said of inter-State differences of like nature, that such mutual accommodation and agreement should, if possible, be the medium of settlement, instead of invocation of our adjudicatory power."*[28]

Less Litigation and more Negotiation

Section 4(1) of the Inter-State Water Disputes Act, 1956 mandates compulsory negotiation of the dispute. A tribunal shall only be constituted only when negotiation fails. Formation of tribunal confirms the fact that the dispute in question is severe and cannot be compromised by way of understanding. Therefore, the entire political and judicial adversary takes place. Moreover, as discussed earlier, a tribunal adjudication consumes a fairly long time of the states which is not suggestive in today's time.

Jurisdiction of courts barred

The jurisdiction of the Supreme Court and all other courts should be barred in respect of the matters related to such dispute. Limited jurisdiction for ancillary disputes shall be given.

Enactment of a Substantive law by Parliament

It is high time when a Parliamentary legislation should be enacted, to lay down the substantive law for addressing and resolving such disputes. With the various adjudications and evolution of various doctrines, the doctrine of equitable apportionment seems to be acceptable. Though situational, it has also proven to be vague but by and

[27] *Colorado Vs. Kansas*, (1943) 320 US 383

[28] *Colorado Vs. Kansas*, (1943) 320 US 383

large, by incorporating certain important criteria, its vagueness can also be removed. If such possibilities are materialized, then the water disputes can be resolved more efficiently and in less time. Its vagueness could be removed, to a large extent, by specifying some of the important criteria.

Conclusion

In summary, current Indian water-dispute settlement mechanisms are ambiguous and opaque as a cooperative bargaining framework suggests that water can be shared efficiently, with compensating transfers as necessary, if initial water rights are well-defined, and if institutions to facilitate and implement cooperative agreements are in place but in India the mechanism is totally a failure.[29] The history of the interstate disputes and the present disputes shows that despite of so many legislations the union government is at complete failure to prevent or to effectively handle the water disputes. In India which is union of states as envisaged under Article 1 of the Constitution, where centre is strong, which is vested with the sole powers, excluding the jurisdiction of the court to interfere in the said matter, here the duty and responsibility lies solely on the shoulder of the union government to ensure that the water is utilised in an efficient manner between the states and to maintain equality among the states. But the central government has proved to be at default, due to its reckless behaviour, continuous ignorance on such an important subject the dispute between the states still persists which is hampering the cooperative federalism model of the country. The states are fighting among themselves for the protection of their rights due to the absence of centre for their rescue due to which one state is dominating another as happening in the Cauvery water dispute this in turn negatively affecting the federal structure of the country.

[29]Richards Alan & Singh Nirvikar, Inter State Water Disputes in India: Institutions and Policies, Department of Environmental Studies & Department of Economics, University of California, Santa Cruz, USA, October 2001.