

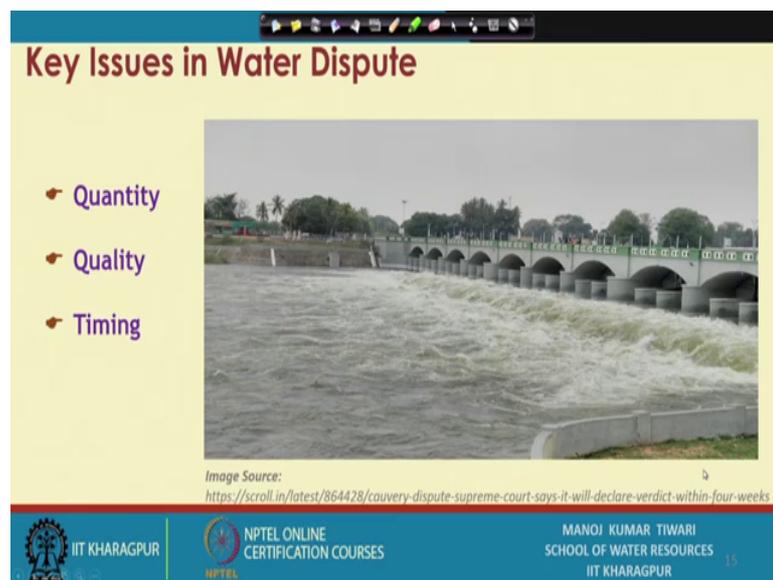
**Water Economics and Governance**  
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**Lecture – 55**

**Water Dispute Management: Interstate and Interstate Water Disputes**

Hello friends, continuing from the previous week when we were discussing the various reason for water disputes. This session we will be talking about the a few other aspects of disputes, what are their prime sources of the conflicts that arises and the different scale and different levels of the dispute and like interstate dispute and interstate disputes; this is what we are going to discuss in this session.

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The slide is titled "Key Issues in Water Dispute" and features a photograph of a dam with water flowing through its spillways. To the left of the image, there is a list of three key issues: Quantity, Quality, and Timing. Below the image, there is a small text box with the source: "Image Source: https://scroll.in/latest/864428/cauvery-dispute-supreme-court-says-it-will-declare-verdict-within-four-weeks". The slide footer contains the logos of IIT Kharagpur and NPTEL, along with the name of the professor, Manoj Kumar Tiwari, and his affiliation with the School of Water Resources at IIT Kharagpur.

To begin with the key issues in water dispute if we see; so there are three key issues. There is a issue of quantity, issue of quality, and issue of timing. Now, how these three issues generate dispute, if you see. So, let us say quantity issue of course, if our major interstate water disputes are more related to the quantity of water and at times even timing of the water. So, if a state or a reason or a sector is not getting the appropriate quantity of water or the needed quantity of water is not being allocated, so it may lead to basically a conflict.

We have ample examples all the interstate river basins Kaveri dispute, then we have Krishna water disputes, all those disputes are essentially in a broader sense if you see ; so

are disputes on the quantity of water means appropriate quantity of water are not being made available to lower riparian states so, that they can utilize that water for their irrigation purpose or for subsequent other allocations.

The quality issue creates a different kind of dispute ok. The dispute related to the quality is primarily, because of the poor quality; we have examples in terms of the poor water quality in the river Ganga, river Yamuna or many other rivers for that matter we have issues related to the poor water quality in the lakes. So, creates a local level of dispute in a urban set up ok. Then the even the groundwater quality you can lead a lot of dispute, because if we see that the sector is being arsenic poisoning or various other contamination reaching to the groundwater again creates that sort of disputes ah.

We were discussing example of the Kerala in some earlier session, where the groundwater has been polluted in the almost entire two districts with the pesticide Endo Sulfon. So, those sort of issues again may create dispute, although the scale of dispute due to quality is much smaller as opposed to the quantity; the reason being if quality issue can be tackled or has to be tackled generally locally, because water if water is available it is in the hand of local administration or it is under the local authority, which needs to basically ensure the safe water supplies.

So, the treatment purification and all that comes at a local scale and if there are issues related to that. So, people or the public environment, stakeholders participation can made things aware to the authorities and appropriate decision or intervention could be taken at the local level.

However, the dispute related to the quantity are far more bigger, because many times we deal with the trans boundary rivers, the rivers that cross the different state or that cross the different nations. So, in such cases, if the water is being retained at the upper upstream states or upstream nations it is not in fact, being made available to the downstream parties, in that case the dispute turns much bigger, because of the water itself is not being made available and further the scale of the involvement, because here the states might be involved or the two nations might be involved so the scale of involvement also often are much bigger.

The timing is another factor let us say two states come under agreement that ok; this particular state a has to release this much of water to state b in a river, which is

intersecting the state a and state b. Now state a being on the upper part, what if it let us say releases the most of the major share of water in the monsoon period, when there is a high flow, but in the dry weather season when there is a lot of requirement it does not mean that criteria.

So, here more than the quantity it becomes the timing also means at what time these the agreed upon quantity is being supplied. So, there is issue there is a case of timing that water has to be made available at the time of requirement at the time, when the uses the demand from their sectors are higher.

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**Water Disputes on Different Levels**

Local / Regional / National / Continental / Global

- Among farmers
- Between industries and villagers
- Among cities, towns and villages
- Within state departments
- Between government and public
- Between States
- Between Nations



Image Source: <http://creofire.com/water-wars/>

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Now, if we look at the water dispute on different levels. So, water dispute again can actually vary from a very small level local level many times we call that micro level disputes. So, it can actually be as small as local level to as large as global level disputes.

So, we have we can have local level dispute, regional level dispute, national level dispute, or continental level dispute when the two different nations are let us say fighting for water in a continent or in a the door sort of catchment are much larger global level disputes.

These disputes could be among farmers means let us say for irrigation water; the one particular village is getting a say good amount of water for irrigation, while other village is being made deprived of the irrigation facilities. So, in such case among a set or group

of farmers or among the two villages farmers in the two villages or two punchayath's for that matter say; there has there can be some disputes over the water, it could be canal water, it could be pumped water, it could be some shared pool or shared lake those kind of stuff.

So, there can be disputes over those things there can be disputes between industries and villages. So, that again can be for timing more server timing for quantity or for quality purpose. So, if let us say industries are not getting water or villagers are basically being deprived of their basic water needs for the water supply to industries.

So, there can be a protest against industries, this can create a dispute or industry pumping; let us a lot of ground water and as a result groundwater is depleting ; so there again can be public opinion against the industries or alternatively let us say industry is releasing it is wastewater it is affluent into the river bodies or into the soil, which is actually causing damage to the environment damage to the water environment, aquatic environment or damage to the soils may reduce fertility and those kind of things.

So, in such cases also there are likely to be the disputes, there could be disputes among cities, towns and villages over variety of issue over sharing of water, over pollution, over the even within a city. Let us say we can have a dispute over sectoral allocation, which sector is getting how much water in a city; one sector is consuming more water or getting more water another sector is not getting that water or it could be based the dispute could be in fact, involve multiple stakeholders also a times.

So, in such cases in such scenarios, we can have dispute again between very small parties. Then we can have dispute within the state departments ok. You have again a shared resource, irrigation, department is willing to use that resource for irrigation purpose, public health engineering department is willing to use that resource for public supply purpose, public utility purpose, then some other government agency may come up with a scheme that I want to basically use this canal for navigation purpose. So, this much of flow has to be basically maintained in the canal as if flows are those kind of thing.

So, there has to be like, pollution related disputes also. So, public health engineering department, which is responsible for managing the pollution at different different levels

may not be precisely; let us say, if they are putting sewage into a river or into a canal or into a lake, which is further being used for irrigation purpose.

So, we the irrigation department can set through objection over the public health engineering department, that why it is being done. So, there is a possibility of dispute arising within the state departments also that way. There is a possibility of disputes between government and public ok. So, we have seen lot of development projects attract this kind of disputes, where public is comes in the opposition of such project primarily, because of the rehabilitation and issues.

So, the for a development project; if there is a land requirement, public people has to be rehabilitated. So, they have to be moved and there comes the public protest against such project. Now, government is have invested in that project is willing to go ahead with that project, but there is a public protest. So, this kind of dispute creates between the dispute between government and public.

The disputes could be within the state between the states. So, there are ample examples for this for all interstate rivers, there is many of the interstate rivers, there are disputes over the water sharing between these states ok. There is Kaveri dispute Krishna dispute; so that is that kinds of variety of disputes are there; and it could be within nations also over the trans boundary rivers, which cut across multiple nations. So, the disputes between nations we will discuss in the next week, but we will try to see the Interstate and intrastate disputes in this particular week.

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**Water Disputes in India**

- Micro-level disputes
- Intra-state disputes
- Inter-state disputes
- Dispute with neighbouring nations

Image Source: <http://yris.yira.org/essays/2115>

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So, what are disputes in India, particularly focusing on to the India; we can have micro level disputes. So, as we were discussing various or different types of disputes many of them will actually come under the micro level disputes. So, in India if you see we have thousands and thousands of micro level disputes ok. How these micro level dispute arises; it can actually be at a let us say village level somebody's not letting some villagers use a well or water source can lead to a dispute. We were giving the example of industries polluting sources can lead us in dispute between villagers and industries. So, all those sort of small disputes are in fact, micro level disputes.

Intrastate disputes will also incorporate disputes within the department and within the sort of cities and towns within a state, whatever are the disputes related to water within a state will fall under the intra state dispute category. And the approaches to resolution of these disputes again are under the jurisdiction mainly under the jurisdiction of the state itself.

The main cause of concern in terms of water disputes are the interstate disputes. So, in India, the main cause of concerns are interstate disputes and to some extent, then dispute with the development activities also ok. Those are the major type or major reason of major bother for the nation in terms of water disputes within the country.

Of course, there are disputes with the neighboring nations also some of those disputes ah, but if we are focusing the disputes in India or primarily water related disputes in India.

So, the most talks about most talked about water disputes, we will come under the interstate dispute category and of course, there are some disputes as per the like development related activities dispute related to the development related activities.

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**Water Disputes Resolution**

- **Micro-level disputes and Intra-state disputes**  
Resolution at local (Panchayat, Block or District Administration) or state level
- **Inter-state disputes**  
Resolution at State and Center level through water dispute tribunal
- **Dispute with neighbouring nations**  
Through international agreements or water treaties

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Now, how do we resolve these disputes? So, for resolution of water disputes the micro level disputes or intrastate disputes; the resolution is typically done at local or state level. So, if there is let us say if; dispute arises between let us say two communities or between two villages or between industry and community village city; so those kind of disputes all the micro level disputes or the intrastate dispute are resolved basically by the local or state level authorities as far as possible with the discussion primarily.

So, like panchayat can have a decision on to the water dispute over village scale or let us say in a panchayat there are 4, 5 villages and if there is a dispute over the villages within a panchayat; a panchayat can state and take the decision over through the resolution of the dispute or a location of the water or right to water or those kind of thing can be dealt at a panchayat level itself ok.

Or at times it goes higher in a block level, if there are different panchayats involved. So, it can actually go to the block level or for that matter district administration level. So, when this disputes move towards block level or district administration level the higher and higher authorities will be actually involved that way, but still at a district level

dispute within industry or within; dispute with the industry and a village can be solved by that district administration ok.

The district magistrate can basically invite the parties and set through a resolution as a representative of the government. Of course, the resolutions are being done by panchayat or block or district administration as a representative of the government.

The political system and also be involved at the resolution of disputes and many times these disputes are resolved by the sort of in interim arbitrator and or discussion ok. At larger level disputes between; let us say to the states or some let us say for between two cities and those kind of thing, if there are larger level of disputes or disputes between two different departments.

So, if there are dispute between two different departments, so those kind of disputes can actually go up to the state level for arbitration or for discussion and specific communities can be set up. However, there is no as such specific regulation, because in our constitution when we say that; water is under the jurisdiction of state or the most of the water related services are under the jurisdiction of state. For interstate rivers we have a specific constitutional provision, but for such small or micro level or interest rate disputes, we do not have constitutional provisional provisions.

In a few states in water policy there has been some state water policies there has been a mention of the disputes, but largely these are solved amicably by the discussion involvement of the this thing and further, if there are issues the judiciary system is involved in such cases anyone can go to the judiciary against the government, against the panchayat or against the whoseever is the decision maker the parties, which do not satisfy with this can; obviously, go to the judiciary systems.

So, that is on to the resolution of the smaller level disputes ok. The micro level or intra intrastate disputes, then we have interstate disputes where resolution is done at state and center level ok. Generally this resolution can be done through discussion or through a basically common agreement agreeing to a common approach ; however, many times we see that state, because they are more inclined towards their own interest they do not consider the what are the situations in the other state and that leads to the larger disputes and such disputes if the states are not agreeing to a common solution, then it is referred to the dispute tribunals, water dispute tribunals, which can take care of this. These

tribunals are set up under specific set scheme and we will be talking about this in detail in the next session.

Then there are disputes with the nations neighboring nations. So, these are generally taken care through international agreements or water treaties whatsoever are there, and then there is a another mechanism moving to the international courts and these things moreover the international water relations will cover and study in the next weeks part. So, this session will and here and in the next session, we will be talking about the constitutional provisions to solve the basically interstate water disputes.

Thank you.