

## Centre and State Powers over Water Resources

### Why in news?

Recently, Delhi Chief Minister urged Prime Minister Narendra Modi to solve the long-pending Sutlej-Yamuna Link Canal issue between Punjab and Haryana.

### What is the issue?

- States such as Tamil Nadu, Kerala and Karnataka have complained of inadequate disbursement of funds by Centre which has stalled important dam projects.
- States have often accused the Centre of taking over the credit for several developments achieved by State governments in their area.
- Subjects like electricity, water resources, law and order and finance have a power overlap between Centre and States leading to a tussle.

### What about the power of Centre and States over water?

- **Union list- Article 246** grants the Centre the exclusive power to make laws on the following subjects under List I of the Seventh Schedule.
- **State list-** The State legislature has exclusive power to make laws for such State on matters enumerated in List II in the Seventh Schedule.
- **Concurrent list-** The Parliament and the State legislature have power to make laws with respect to matters enumerated in List III in the Seventh Schedule.
- **Residuary powers- Article 248** states that Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.

| Water: Union List                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Water: State List                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Decide on shipping and navigation on inland and tidal waterways and on national waterways for vessels</li> <li>• Regulate training and education of mercantile marines by states and other agencies</li> <li>• Decide on goods, passengers by sea or national waterways via mechanically propelled vessels</li> <li>• Regulate and develop interstate rivers and river valleys</li> <li>• Decide on fishing and fisheries beyond territorial waters</li> </ul> | <ul style="list-style-type: none"> <li>• Develop roads, bridges, ferries, municipal tramways, ropeways and others on inland waterways in the State</li> <li>• Decide on water supply, irrigation, canals, drainage, embankments, water storage and water power</li> <li>• Taxes on goods and passengers carried by road/ inland waterways</li> <li>• Decide on shipping &amp; navigation on inland waterways via mechanically propelled vessels, carriage of passengers &amp; goods on such waters</li> </ul> |

*The Centre has listed 111 inland rivers as National Waterways in The National*

*Waterways Bill, 2015, empowering it to create laws on shipping and travel on the listed waterways.*

## **How are river disputes resolved?**

### **Inter-State River Water Dispute Act, 1956**

- Any State may request the Centre to refer an inter-State river dispute to a tribunal for adjudication.
- If the Centre feels that negotiations cannot settle the dispute, it may setup a **Water Disputes Tribunal** within 1 year of the complaint.
- The tribunal must decide on the dispute within 3 years, which may be extended by 2 years.
- If the matter is again referred to the Tribunal for further consideration, it must submit a report to the Centre within 1 year.
- All decisions of the Tribunal are **final and binding** and has the same force as an order of the Supreme Court.
- The Centre may create a scheme to give effect to the decision of the tribunal.
- It is also tasked with maintaining a data bank of each river basin in the country.

### **2019 Amendment Bill**

- An amendment to the 1956 Act was passed by the Lok Sabha in 2019 but is yet to get the Upper House's nod.
- The Bill dissolves all existing tribunals and transfers the ongoing disputes to the **Inter-State River Water Disputes Tribunal**.
- It constitutes a **Disputes Resolution Committee** for any river dispute to resolve the issue within 1 year, which may be extended by 6 months.
- Disputes unresolved by the committee will be sent to a Tribunal comprising of Central ministers/nominees and a Supreme court judge.
- Its decision will be final and binding.

# RESOLVE DISPUTES DIFFERENTLY

## PROPOSED LAW

### FIRST LEVEL

- Try to resolve it without Tribunal
- Set up Disputes Resolution Committee (DRC) by the Centre
- Members of the DRC will be taken from relevant fields
- Time limit to resolve dispute by DRC: Max. 18 months

### SECOND LEVEL

- To be referred to Tribunal if dispute remains unresolved
- There'll be single Tribunal with multiple Benches
- Tribunal will consist of chairperson,

vice-chairperson and maximum six members

- Chairperson will assign dispute to a Bench
- Chairperson, vice-chairperson and max. six members will be selected on recommendation of a selection committee (Selection committee consists of PM or his/her nominee; CJI or his/her nominee; Union law minister and Union Jal Shakti minister)

### TIME LIMIT: MAX. FOUR-AND-A-HALF YEARS

- Decision of the Bench will be final and binding on the states concerned

## PRESENT LAW

- A separate Tribunal has to be established for each inter-state river water disputes
- There is no time limit for adjudication by a Tribunal
- No upper age limit for chairperson or a member
- States can move Supreme Court if not accept awards of Tribunal

## TRIBUNALS FUNCTIONING UNDER PRESENT LAW

### TIME TAKEN

**Ravi-Beas** 33 years till now

STATES: PUNJAB, HARYANA AND RAJASTHAN

**Krishna** 15 years (sub-judice)

MAHARASHTRA, KARNATAKA, TELANGANA & AP

**Vansadhara** | 9 years (sub-judice)

ODISHA AND ANDHRA PRADESH

**Mahadayi** | 8 years till now

GOA, KARNATAKA AND MAHARASHTRA

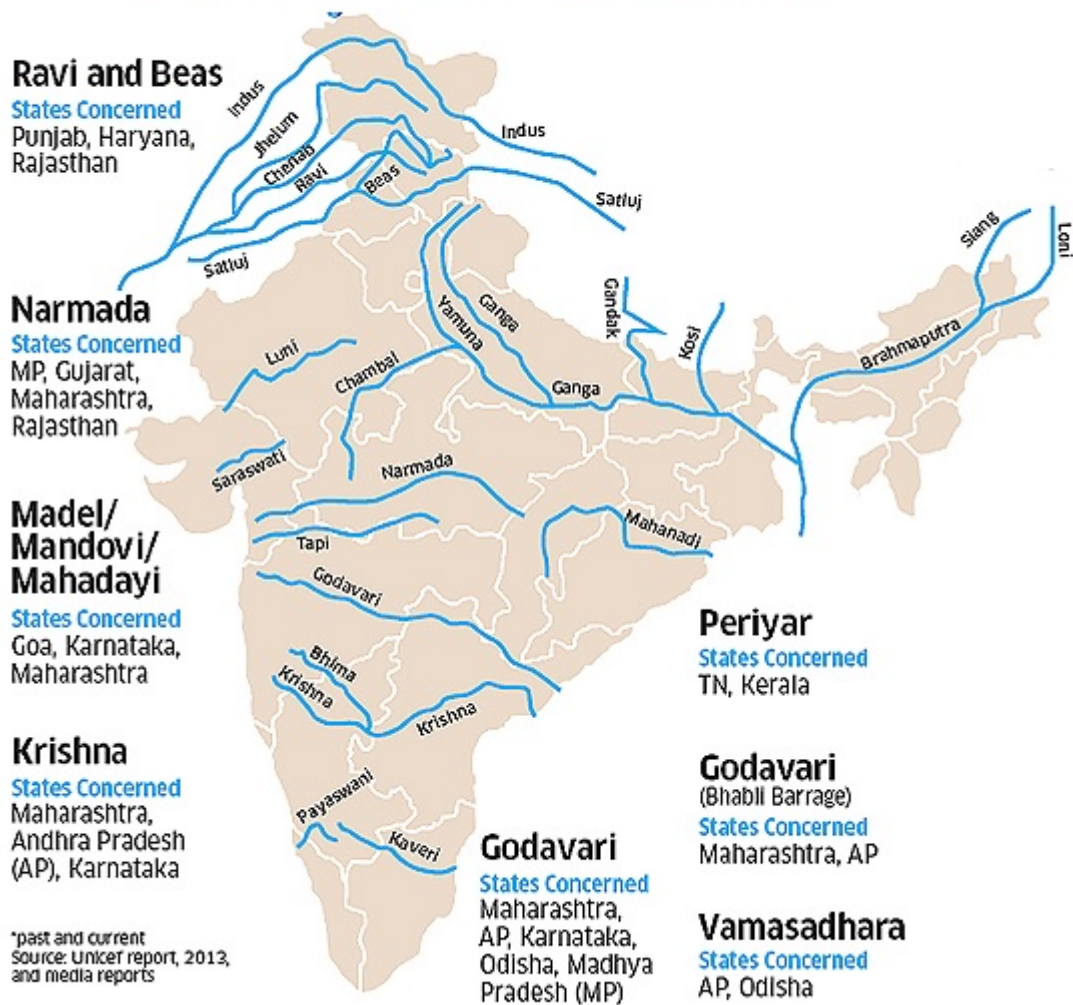
**Mahanadi** | 1 year till now

ODISHA AND CHHATTISGARH

## Which are India's major river disputes?

- **Cauvery dispute**- Karnataka and Tamil Nadu have been arguing over the Cauvery River water usage since 1924.
- Finally, in February 2018, the apex court reduced Tamil Nadu's allocation to 177.25 TMC from 192 TMC.
- **Sutlej-Yamuna Link Canal**- After the partition of Punjab in 1947, the rivers, Ravi and Beas was split among Rajasthan, undivided Punjab and Jammu and Kashmir.
- When Haryana was formed in 1966, a need arose to share the river water.
- Sutlej-Yamuna Link (SYL) Canal was flagged in 1982 and a Tribunal was set up to resolve the dispute.
- **Polavaram project dispute**- The Polavaram project was constructed in undivided Andhra Pradesh to direct Godavari waters to the Krishna river to share water with Karnataka and Maharashtra.
- Since the formation of Telangana in 2014, the project has been a bone of contention between the two States.

## Major Inter-State River Disputes



### What about the water issues at the State and local level?

- **Issues at State level-** Each State forms laws for water management to regulate water usage by industries, set rules for water treatment, set water tariffs and manage sewage water generated.
- Recently, the Allahabad High Court expressed displeasure over the apathy of the government departments in making the river Ganga pollution free in Uttar Pradesh.
- The courts have criticized the States for incompleteness of the National Mission for Clean Ganga (NMCG) projects.
- **Issues at Local level-** Providing tapped water to all rural and urban households falls under the purview of the civic bodies.
- The Centre's **Jal Jeevan Mission** aims to provide a functional household tap connection to every rural household by 2024, in collaboration with States and Union Territories.
- However large states like Jharkhand and Uttar Pradesh have only 23.04% and 17.54% households which have tap water connections.

*The right to clean drinking water has been read into the right to life under Article 21 of the constitution.*



## References

1. <https://www.thehindu.com/news/national/explained-water-centre-state-powers-river-disputes-laws-drinking-water-supply/article6589548ece?homepage=true>
2. <https://www.indiatoday.in/education-today/gk-current-affairs/story/seventh-schedule-state-union-and-concurrent-lists-explained-1872091-2021-11-01>

## Quick facts

### National Mission for Clean Ganga (NMCG)

- **NMCG**- NMCG was registered as a society in 2011 under the Societies Registration Act 1860.
- It acted as implementation arm of National Ganga River Basin Authority (NGRBA).
- NGRBA was later replaced with National Council for Rejuvenation, Protection and Management of River Ganga (referred as National Ganga Council).
- NMCG is managed by the Jal Shakti Ministry.
- Under the Environment (Protection) Amendment Act, 2016, the NMCG was given a two tier management structure — Governing Council and Executive Committee, at national, state and district levels.
- **Namami Gange project**- Under the NMCG, the Namami Gange project in 2014 was flagged with an outlay of Rs. 20,000 crores.
- Aimed at rejuvenating Ganga, it comprises of developing
  - Sewerage treatment infrastructure
  - River-front development
  - River-surface cleaning
  - Afforestation
  - Industrial effluent monitoring
  - Enhancing the river's bio-diversity
  - Developing Ganga Gram (villages on Ganga banks)
  - Raising public awareness