



## National Water Policy of India: Comparative Study of Cauvery and Ganges River Water Dispute

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**Abstract:** *This article basically highlights the importance of water scarcity along with role played by National Water Policy of India - dealing with policies related to water management. Evolution of the policy and the changes that it has undergone with passage of time and situation is something which is also discussed. Further, this article also tries to explain the disputes related to river water in context of Inter-State River Water Dispute Act. The comparative analysis of two major water disputes – Cauvery and Ganges River Water Disputes is also discussed. Cauvery River Water dispute basically deals with the conflict between southern states of India especially Tamil Nadu and Karnataka over the sharing of Cauvery River Water. On the other hand, Ganges River Water Dispute basically deals with the conflict between India and Bangladesh over sharing of Ganges River – this case is responsible to explain the river water dispute in international lens.*

**Keywords:** National Water Policy, Water Management, Inter-State River Water Dispute Act, Cauvery River Water Dispute, Ganges River Water Dispute, Tamil Nadu, Karnataka, India, and Bangladesh.

### Introduction

Public Policy basically deals with the policies made by the government to address several issues in the country. The policies symbolize the demands, needs, wishes and aspirations of the citizens of nation to deal with the problem and betterment of the state in general. There are various types of policies implemented to cater to the needs and welfare of the citizens as far as India is concerned. One such important policy which can be emphasized is the National Water Policy in India.

In the contemporary time, water is characterized as one of the crucial aspects when it comes to bringing in a kind of new paradigm and policy formulation. (Bandyopadhyay 2009) Large parts of India are facing water crisis despite of having plenty of rivers and their tributaries. It is emerging as a matter of concern and hence the National Water Policy of India tries to pitch in certain policies as far as water management is concerned.

National Water Policy is basically a public policy which is formulated and dealt by Ministry of Water Resources of Government of India, and aims to tackle the problem of water scarcity and optimum utilization of water resource across the nation. It can be stated as a body dealing with the issues of water management in a broader sense. The first policy of this kind was implemented in the year 1987. After that is underwent certain situational changes first in 2002,



then in the year 2012.

The need for a National Water Policy in India is due to various reasons like maintaining ecological balance along with environment protection keeping in mind while making various individual and irrigation and multi-purpose projects. Also, to deal with certain irrigational problems like soil salinity and water-logging. Question of equitable distribution of water as far as idea of social justice is concerned. To cover such related aspects there was a need for policy formulation dealing with scientific water resource management and conservation. (National Water Policy 1987)

There were certain changes made in 2002 as far as the national water policy in India is concerned. Some of its provisions are, firstly, that the policy should be totally governed by a national perspective. Second, scientific statistical tools should be used to store and manage data related to water allocation and management at both the national and state levels. Third, both conventional and non-conventional water conservation techniques must be promoted. Fourthly, creation of an appropriate river basin & fifthly, prioritize drinking water over any other water usage. Sixth, water resource development projects should be designed with the underprivileged in mind. Other provisions include the adoption of a participatory approach, the role of private organizations, prioritizing drought-prone areas, intensifying training and conducting research as far as water resource development is concerned. (Government of India, 2011)

Again, in the year 2012, the National Water Policy of India underwent certain changes that were missed in the related prior discussion in 2002. Now, the discussions were based on questioning the 'privatization of water resource' – as it was something which should be part of public domain as it is a basic necessity for survival. Privatization of water was blamed to be non-inclusive in nature and disregarded the vulnerable and marginalised section of the society. It was believed that people with maximum purchasing power could access the water and others had to still face challenge. Hence, the notion of equitable distribution was hampered. The concluding remark of the 2012 discussion was to basically not consider water resource as a domain for the private but should be considered as a domain of public. (Pradhan 2020)

Water as a resource is scarce and thereby becomes crucial in development planning of public policy. The aspects to manage, conserve, utilize and develop this highly important resource is something that the National Water Policy of India is still trying to achieve to its fullest. The policy is undergoing changes as per the situation of availability and implementing scientific as well as conventional strategies to conserve it. As, it is clearly evident from the discussions made above that how important water resource is, hence it is quite understandable that the conflicts related to it are bound to happen.

### **River Water Disputes in India**

Disputes over river water in India are bound to happen. Each state has its own justification in terms of the distribution of water and why they should be prioritized over the others. Economic growth of a particular state is dependent upon its availability and utilization of water resource as water becomes an important raw material for both industrial sector as well as agricultural sector. Water is also very essential for other projects like hydropower, navigation, and recreation.

Drinking water is something which is placed at the top when it comes to prioritizing the



activities and other projects. Every state aspires to be a state with minimum level of water scarcity and every citizen can have accessibility as far as drinking water is concerned. Rivers become the primary source for fresh drinking water and hence it also becomes a problem for its equitable and just distribution. Although India is gifted with so many rivers, but still, it has 4 per cent of renewable water resources with 2.6% of world's land area. National Water Policy of India seeks address such inequalities in best possible ways by the provisions and features it has listed. (K.M Singh 2000)

There is an Act which was passed by the Parliament of India, known as the Interstate River Water Dispute Act (IRWD) 1956, under Article 262 of the Indian Constitution, dealing with resolution measures of use, control and distribution of an interstate river or river valley. An important conceptual framework related to interstate river water dispute is basically how the actions of a downstream state is affecting the action of an upstream state and vice-a-versa.

It is believed that in the hydrological process that occurs in the upper part have direct influence on the lower area or the downstream. Construction of multipurpose projects like dams in the downstream areas can have an implication in the upstream state as far as distribution of river water is concerned. In the same way, upstream states can also create problems to the downstream state by storing it for various purposes and thereby disturbing the natural flow of the river with respect to quantity, quality, and time in the downstream state. (Moellenkamp 2007)

The IRWD Act has been enshrined with various provisions which can help to resolve these problems that might occur between 2 or more states. The resolution is solved via body of Tribunal. The Tribunal is not only responsible with dealing with the issue raised by the concerned state but also with other related aspects like flood control, water quality deterioration, water pollution, effects of climate change etc.

The body of Tribunal was added to the IRWD Act in the year 2019 by the Minister of Jal Shakti – Mr. Gajendra Singh Shekhawat. The composition of the Tribunal comprises of a Chairperson, Vice- Chairperson, three expert and three judicial members. As far as time frame is concerned, the Tribunal under this act, it must give the decision within three years, which can be extended up to two more years. It is also stated in the act that the Tribunal's decision must be published by the central government in official gazette. Also, the central government will have the power to implement a new scheme according to the decision made by the Tribunal. Central government shall also appoint an agency to maintain the record and data of every river basin of India. (The Inter State River Water Disputes (Amendment) Bill 2019)

Let us try to analyse two major case studies related to river water dispute of Cauvery and Ganges River, as far as, the Indian context is concerned.

### **Cauvery River Water Dispute**

The dispute is related to the just allotment of Cauvery River water in the South Indian States especially Karnataka and Tamil Nadu. Before independence, the dispute was regulated by the agreements of 1892 and 1924 between the princely state of Mysore and Madras presidency. These agreements basically restricted Mysore (now Karnataka) to construct Krishnarajsagar Dam across the Cauvery River and allowed the Madras (now Tamil Nadu) to construct the Mettur Dam. (Outlook 2022)



But after independence, the state of Karnataka demanded its due share of river water stating the earlier agreements to be biased towards the Madras presidency and hence was not justified so to say. The demand was based on the idea of 'equitable sharing of the rivers.' Another problem that arose after independence was that due to reorganization of states, now Kerala and Puducherry also became part of this dispute and started demanding their equal share. Gradually the dispute started to emerge as one of the main issues and concern related to sharing of river water and just allocation of natural resource.

If we look at Karnataka, the basic argument lies that during the water scarcity crisis, a downstream state i.e., Tamil Nadu cannot claim inadequacy in upstream areas. As far as property rights over Cauvery River water are concerned, the state of Karnataka can only discharge waters to Tamil Nadu if there is enough to meet their own needs. On the other hand, if we look at Tamil Nadu, it claims that the long agricultural and irrigated areas of the state are always in a constant risk of water inadequacy as it is totally dependent on the Cauvery River. The state of Tamil Nadu also claims that the agreements made prior to the independence should still be considered as it is relevant in today's context also. (Nilanjan Gosh 2018)

The Cauvery River Water Dispute has been a very sensitive agenda especially for the common masses of both the states which sometimes lead to tension of regional supremacy between them. It is important to understand that the river is vital for both the states, for Karnataka it is essential as it is a crucial source of drinking water and, for Tamil Nadu, as mentioned above, the farmers are dependent on it for the purpose of agriculture.

An important argument put by various scholars in the field of geography and other related discipline is that the share of water resource of Cauvery in Karnataka is 53%, while the same in Tamil Nadu is 30%, as far as geographical borders of both the state is concerned. But when it comes to river basin area, then Tamil Nadu has a share of 54% and Karnataka on the other hand has 42%. Considering these facts, Karnataka holds more rights over the river water, as Cauvery is originated also from this state itself and only 53% share is with the state. (Jagran Josh 2019)

The Cauvery River Water dispute has undergone various agreements and resolution schemes. In the year 1972, in accordance with the prior agreement of 1924 – the Central government appointed a 'Fact- Finding Committee' which stated that Tamil Nadu to use 566 TMC (Thousand million cubes) and Karnataka to use 177 TMC. In 1990, the Supreme Court asked the Centre to create a separate wing which will be dealing with the water dispute of Cauvery River specifically under the guidelines and provisions of the National Water Policy of India and the IRWD. The wing that was created was – Cauvery Water Dispute Tribunal (CWDT). The wing was operational in the year 2007.

Under CWDT, Tamil Nadu was given 419 TMC, Karnataka was given 270 TMC, Kerala was given 30 TMC, and Puducherry was given 7 TMC. Also, it reserved 10 TMC for environment purposes and 4 TMC for inevitable outlets in the sea. In 2012, under the leadership of Prime Minister Manmohan Singh, Karnataka was asked to release 9000 cusecs of water daily to Tamil Nadu, but Karnataka failed to do so. This led to Tamil Nadu to again approach the SC to release water from Karnataka. Finally, the government of Karnataka respected the orders and released the required amount of water to Tamil Nadu which further led to violent protest in the state of Karnataka. In 2016, the Tamil Nadu government again went to the SC for solving the existing



dispute. SC asked Karnataka to release 15000 cusecs of water daily to the neighbouring states- which was later reduced to 12000 cusecs after proper reviewing of the previous order.

In the year 2018, SC reduced the distribution of Cauvery River for Tamil Nadu from 192 TMC to 177.25 TMC annually, which was to be released from Billigundulu to Mettur. SC also asked to setup Cauvery Management Board (CMB) for the purpose of reducing the conflict related to the distribution of river water. On 1<sup>st</sup> June 2018, the Centre asked the SC to create Cauvery Water Management Authority for further search for solutions to resolve the River Water Dispute. (Nilanjan Ghosh 2018)

### **Ganges River Water Dispute**

Another existing dispute which has been a major conflict between India and Bangladesh is the Ganges River Water Dispute. It has also been a long history of conflict for almost past 35 years. There has been several agreements, bilateral treaties, and other related policy formulations by both the nations to solve the dispute. It has been found that nearly 1/3<sup>rd</sup> of the area of Bangladesh is totally dependent on the Ganges River. Various activities like agriculture, fishing and navigation are dependent on the equitable distribution of Ganges River. (Roy 2008)

The main factor of dispute over the distribution of Ganges River between the two nations is related to the diversion of the river. The river starts to branch away from its distributary the Bhagirathi River and then merges into Hoogly River in Kolkata port. The Farakka Barrage, which is built about 10kms from the Bangladesh border, is responsible for diverting some portion of the water to the Hoogly River rather than entering Bangladesh. This becomes the major concern and issue for Bangladesh, as far as just and equitable distribution of Ganges River water is concerned between the two countries.

The basic motive of the construction of Farakka Barrage was to save the Kolkata port from silting but this resulted to widespread and devastated effects of water crisis especially in the southwestern part of Bangladesh. The issue first came into the light in the year 1951, where the government of (then) Pakistan brought the attention to India regarding the ill-effects and repercussions of the project they are planning to make can have on Pakistan during that time. India responded by stating that the project was still under investigation and Pakistan's concern regarding the repercussions were merely hypothetical. (Banglapedia; National Encyclopedia of Bangladesh 2021)

In the year 1974, joint declaration between India and Bangladesh was constituted to resolve the conflict over the Ganges River. An interim agreement was also released in 1975 – wherein it allowed India to operate feeder canals in the Farakka Barrage for short period. With the assassination of Sheikh Mujibur Rahman in Bangladesh in the year 1975, India decided to withdraw all forms of negotiations over this dispute in 1976. Then the issue was silent for long period of time, but due to protest made by Bangladesh in international bodies like United Nations, both the nations decided to come together to form certain agreements.

In the year 1977, the then Prime Minister of India – Morarji Desai and the then President of Bangladesh – Ziaur Rahman signed a 5- year treaty which expired in the year 1982 without any renewal. Bangladesh also tried to highlight this issue in international domain by discussing it in United Nation General Assembly and South Asian Association for Regional Cooperation (SAARC). But all these attempts were not fruitful enough to permanently solve the dispute of



Ganges River Water between India and Bangladesh.

The year 1996 can be termed as the ‘final breakthrough’ of the Ganges River water dispute between India and Bangladesh. In this year, both the nations finally negotiated after round of negotiations and agreements to solve this problem and come to concrete solution to end this dispute. The leaders from both the countries decided to come to a consensus regarding this issue. In this year, foreign ministers of both the countries decided to form a Joint Committee with experts related to water and natural resources to understand, analyse and find desirable solutions to the problem. In November, the Committee decided to share just equitable water from Ganges to Bangladesh before the onset of next dry season. The role played by Mr. Jyoti Basu, the then Chief Minister of the state of West Bengal was also quite commendable in this respect. His frequent visit to Bangladesh and recommendations to the Committee helped the negotiations to get into pace. Finally, both the nations met at the capital of India to sign a 30-year comprehensive treaty on December 12, 1996 – which also permitted Bangladesh to construct barrages and other irrigation projects to ultimate preserve the environment, natural and economic resources. (Pandey 2012)

### **Comparative Analysis**

The two case studies discussed above are of different nature yet share some commonality and similarity. The major difference between the Cauvery and Ganges River Disputes is that the former is a domestic conflict among the states of Southern India and the latter is an international conflict among two nations of South Asia. As far as National Water Policy of India is concerned, both the disputes had to follow the guidelines, rules and regulations coming under it. Also, the regulations made by Inter River Water Dispute Act of India plays a major role, especially in the Cauvery River Water dispute and the United Nations along with some other international players were responsible for playing an influencing role and acting as a nudge towards resolving the conflict over the Ganges River between India and Bangladesh.

When we look at the Cauvery River dispute, the major actors include the state of Karnataka and Tamil Nadu, eventually other states also become part of this dispute like Kerala and Puducherry. The dispute is majorly due the construction of Krishnarajsagar Dam over Cauvery River which disrupts the just equilibrium of water share between these states. On the other hand, when we look at Ganges River water dispute, the dispute includes actors – India and Bangladesh. The reason for dispute is construction of Farakka Barrage across Ganges which is nearly 10kms from Bangladesh borders. The notable analysis that could be identified is that the construction of Multipurpose Projects should be done keeping in mind various environmental, social, and political consequences.

Another important aspect, which has been already mentioned earlier is that the rules, regulations, and provisions made by various domestic and international actors in the field of especially natural resources (like water) should be technically implemented and checked as it can have a direct implication on the ecology and improper functioning and implementation by such actors may lead to disrupt of the ecology in general. So, there is more of an environmental angle associated to it followed by social and political angle. When we look at Cauvery River Water dispute – it is still not a completely resolved dispute and both Tamil Nadu and Karnataka are looking for common space for consensus, negotiations and understanding. The Ganges River



Water dispute, on the other hand, has been able to create a treaty of understanding and negotiations between India and Bangladesh.

The lesson that the states of Karnataka and Tamil Nadu can take from actors of Ganges River water dispute is that to look for a way forward rather than being stuck on a regional approach. Inducement of cooperation and coordination rather than creating conflict is the ultimate solution to resolve the existing dispute. The solutions created must be sustainable and economically viable, which many scholars suggest as – Planning at Basin Level, as far as river water dispute is concerned.

Although, Ganges River Water disputed got its final breakthrough from the treaty so established in the year 1996, still India has been a target for various criticisms, as far as this dispute is concerned. India has been criticised for neglecting the differences of dependency of river Ganges between both the regions, India is some way or the other has also ignored the consequences of farmers in Bangladesh, and lastly India being a dominant actor has always tried to maintain the status quo even in the negotiation treaty of 1996. Hence, the treaty has also been stated as an ambiguous due to above mentioned reasons.

### **Conclusion**

Water is one of the most precious natural resources, which is scarce and hence requires a lot of attention as far as conservation of prevention of it is concerned. Public policies related to it are something that needs to be a focal point in contemporary times. India has successfully implemented the National Water Policy aiming to tackle the problem of water scarcity in large sense. So scarce is this resource, that dispute over it is something which is bound to happen domestically as well as internationally.

India has also successfully able to establish an Act for the same known as Inter-State River Water Dispute Act aiming to solve the problem of just and equitable distribution of river water among different states within India. Cauvery River Water dispute is something which is domestic to India and gives a clear example of how the regulations of Inter-State River Water Dispute Act along with the norms of National Water Policy of India operates together to solve the existing dispute between the southern states of India.

As far as, the Ganges River Water Dispute is concerned, it is an international dispute between the states of India and Bangladesh over the sharing of Ganges River. Although the norms and regulations of IRWD Act does not comply to International Water Disputes but it some way or the other influenced to reduce the tension between the two nations. In this case, a separate Joint Committee was made to come to mutual understanding which is influenced by water policies and conflict resolution policies of both the nations as well as international bodies like United Nations. Despite various criticisms, the 1996 treaty has been successful enough to resolve the existing dispute related to sharing of Ganges River water between the nations.



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