

## EDITORIAL ANALYSIS

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### The Telangana- A.P. water dispute

- Source: THE HINDU

**Context:** The nagging dispute over the water share of the **Krishna river** between **Andhra Pradesh (A.P.) and Telangana** remains unresolved, even nine years after the bifurcation of the combined State.

#### Origin of the Krishna water dispute

- The dispute dates back to the formation of Andhra Pradesh in November, 1956.
- Before the formation of Andhra Pradesh, four senior leaders each from different regions of Andhra, including the Rayalaseema Region and the Telangana region, signed a Gentlemen's Agreement on February 20, 1956.
- Among others, one of the provisions of the agreement was the protection of Telangana's interests and needs with respect to the utilisation of water resources with equitable distribution based on treaties followed globally.
- However, the focus of the combined dispensation with respect to irrigation facilities was on Andhra, which already had systems developed by the British at the cost of in-basin drought-prone areas in Telangana — a fact which was argued by the leaders of the latter region from the beginning.

#### Bachawat Tribunal (KWDT-I)

- In 1969, the **Bachawat Tribunal (KWDT-I)** was constituted to settle the dispute around water share among the riparian States of Maharashtra, Karnataka and Andhra Pradesh.
- The Tribunal allocated 811 tmcft dependable water to Andhra Pradesh. The A.P. government later apportioned it in the 512:299 tmcft ratio between Andhra and Telangana, respectively, based on the command area developed or utilisation mechanism established by then.
- The Tribunal had also recommended taking the **Tungabhadra Dam** ( a part of the Krishna Basin) water to the drought-prone Mahabubnagar area of Telangana.

- However, this was not followed through, giving birth to discontent among the people.
- Telangana had time and again reiterated how it had been meted out with injustice in Andhra Pradesh when it came to the matter of distributing water resources.

## Recent Developments in Telangana-Andhra Pradesh Water Dispute

- Chief Justice of India offered to send a water dispute case filed by Andhra Pradesh against Telangana for mediation while saying that the people of the two southern States were “brothers” and should not even “dream” of doing harm to each other.
- The case concerned Andhra Pradesh’s petition accusing Telangana of depriving its people of their legitimate share of water for drinking and irrigation.
- A recent point of friction is led by the Telangana government’s notification that aims to generate hydel power up to 100% installed capacity which may result in a lack of water for the people of Andhra Pradesh (feared by the AP government)

## Arrangement for water sharing after the bifurcation

- There is no mention of water shares in the Andhra Pradesh Reorganisation Act, 2014, since the KWDT-I Award, which was still in force, had not made any region-wise allocation.
- At a meeting convened by the then Ministry of Water Resources in 2015, the two States had agreed for sharing water in the 34:66 (Telangana:A.P.) ratio as an ad hoc arrangement with the minutes clearly specifying that it has to be reviewed every year.
- The arrangement in the Act was only for the management of water resources by setting up two Boards, the **Krishna River Management Board (KRMB)** and the **Godavari River Management Board (GRMB)**.
- Unable to convince the member States, the river Board has referred the matter to the Ministry of Jal Shakti (MoJS).

## Centre's stand

The Centre has convened two meetings of the Apex Council comprising the Union Minister and Chief Ministers of Telangana and A.P. in 2016 and 2020 without making any attempt to deal with the issue.

Following a suggestion made by the MoJS in 2020, Telangana has withdrawn its petition over the issue in the Supreme Court as the Ministry had assured to refer the matter of water shares to a Tribunal.

However, the Centre has been sitting over the issue for over two years now even as the two States continue to spar over the matter day in and day out.

## Telangana's Stand

Citing international treaties and agreements on river water sharing, Telangana argues that it should receive a minimum of 70% of the 811 tmcft allocation based on basin parameters. Furthermore, Telangana highlights how Andhra Pradesh has been diverting approximately 300 tmcft of water from fluoride-affected and drought-prone areas within the Telangana basin to regions outside the basin.

## Andhra Pradesh's Stand

On the other hand, Andhra Pradesh also asserts its claim for a higher share of water to **safeguard the interests of previously developed command areas**. Andhra Pradesh accuses Telangana of :-

Refusing to follow decisions taken on river water management in the Apex Council constituted under the Andhra Pradesh Reorganisation Act of 2014.

Ignoring the directions of Krishna River Management Board (KRMB) constituted under the 2014 Act and the Central government

## Constitutional provisions about Inter-state river water disputes

- Important constitutional articles regarding Inter-state water dispute are discussed below-

### Article 262:

- provides for the adjudication of inter-state water disputes. It says that-
- 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.
- The Parliament has enacted two laws, the River Boards Act (1956) and the Inter-State Water Disputes Act (1956).

### Entry 56 of Union List:

- The regulation and development of inter-state rivers and river valleys to the extent declared by Parliament to be expedient in the public interest

## What are the Issues with Interstate Water Dispute Tribunals?

**Protracted proceedings and extreme delays** in dispute resolution. Water disputes such as the **Godavari and Cauvery disputes in India** have faced long delays in resolution.

**Opacity** in the institutional **framework and guidelines** that define these proceedings; and ensuring compliance.

The **composition of the tribunal is not multidisciplinary**, and it consists of persons only from the judiciary.

The growing nexus between **water and politics** has transformed the disputes into **turfs of vote bank politics**.

The **absence of water data that is acceptable to all parties** currently makes it difficult to even set up a baseline for adjudication.

## Way Forward

- The water disputes can be solved or balanced only by having a **permanent tribunal** established with appellate jurisdiction of the Supreme Court established over the tribunal's decision.
- The immediate target of any Constitutional Government should be amendment to **Article 262** and amendment to Inter-State Water Disputes Act and its implementation at the equal note.
- It is time that we all should rethink our strategy about water management, not just within states, but at the national level keeping the water scenario in the next 30 years.
- The channels of communication need to be improved desperately, in order to gain a consensus.
- The mechanism must improve in a manner that the body created by the Centre must adequately represent the states to protect their interests.