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# UNIT 13 INTER-STATE DISPUTES: WATER AND TERRITORIAL BOUNDARIES

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## Structure

- 13.1 Introduction
- 13.2 Water Disputes
  - 13.2.1 Uneven Availability of Water
  - 13.2.2 River Basins
  - 13.2.3 Politics of Water Disputes
- 13.3 The Boundary Disputes
  - 13.3.1 A Colonial Legacy
  - 13.3.2 Territorial Issue in the Post-Colonial Period
  - 13.3.3 The Belgaun Dispute: An Example
- 13.5 Summary
- 13.6 Exercises

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## 13.1 INTRODUCTION

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The inter-state relations in India run along the lines of both conflict and cooperation. The specifics of each case depend on the nature of constitutional provisions regarding these relations, attitudes of the institutions involved, concerned leaderships and political circumstances. There are disputes among Indian states over sharing of a natural resource like water and over boundaries. The disputes have resulted in violent clashes between states on several occasions. Their failure or success in handling the disputes is indicative of functioning of the Indian federalism. In this unit, you are going to study two types of disputes involving more two or more states.

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## 13.2 WATER DISPUTES

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Water is one of the most important requirements of human beings. It is used for multi-purposes – drinking, cleanliness, agriculture and industries. Its shortage or absence can lead to disputes in society. Its unequal distribution among states can disturb the federal relations. Water disputes arising from the need in agriculture for irrigation has had the most effective political expression in our country. Before discussing the cases of water disputes, it is relevant to discuss the unevenness of water availability and the river basin in India.

### 13.2.1 Uneven Availability of Water

India is considered rich in terms of annual rainfall and total water resources available at the national level. However, the uneven distribution of the resource causes regional and temporal

shortages. India's average annual rainfall, about 4000 billion cubic meters (BCM) is unevenly distributed, both spatially as well as temporally. The annual per capita utilisable resource availability varies from 18,417 cubic meters in the Brahmaputra Valley to as low as 180 cubic meters in the Sabarmati Basin. Even in the Ganga Basin, the annual per capita availability of water varies from 740 cubic meters (cu m) in the Yamuna to 3,379 cum in the Gandak. Levels of precipitation vary from 100 mm annually in western Rajasthan to over 9,000 mm in the north-eastern state of Meghalaya. With 75 percent of the rainfall occurring over the four monsoon months and the other 1000 BCM spread over the remaining eight months, the Indian rivers carry 90 percent of the water between June and November. Thus, only 10 per cent of the river flow is available during the other six month. India can, however, boast of a good network of rivers flowing through different parts and sustaining the economy.

### **13.2.2 River Basins**

The country's rivers have been classified as Himalayan, peninsular, coastal and inland-drainage basin rivers. Himalayan rivers are snow fed and maintain a high to medium rate of flow throughout the year. The heavy annual average rainfall levels in the Himalayan catchment areas further add to their rates of flow. During the monsoon months of June to September, the catchment areas are prone to flooding. The volume of the rain-fed peninsular rivers also increases. Coastal streams, especially in the west, are short and episodic. Rivers of the inland system, centered in western Rajasthan state, are few and frequently disappear in years of scant rainfall. The majority of the rivers flow through broad, shallow valleys and drain into the Bay of Bengal.

River basin as a unit of understanding the river flow through different states provides a scientific approach. The basin area is the extent of the area from where water may be expected in the river. It includes tributaries and even drains. Indian rivers have been divided into three categories depending on basin area. Major rivers are those rivers whose basin area is 20,000 square km. or more. The river basin areas in between 2,000 and 20,000 square kilometers are grouped as medium rivers and the rest are minor rivers. Major river basins are 13 in number and as a group they cover 80 per cent of the population and 85 per cent of total river discharge. Three major rivers i.e. the Ganga, the Brahmaputra and the Indus are snow-fed rivers, originating in the Himalayas. The other ten rivers originate either in Central India or in the peninsular regions. These rivers are Godavari, Krishna, Pennar, Mahanadi, Cauvery, Narmada, Tapi, Brahmani, Mahi and Sabarmati. The medium river basins are forty-five in number while the minor river basins are fifty five. Thus, the 113 river basins ranging from major to medium to minor based on their basin areas transcend different political boundaries. The increasing needs of water in different parts of India to meet varied demands especially in the arid and the semi-arid regions have given boost to large inter basin transfers in the last few decades. Accordingly, many schemes of large-scale water transfer projects (interlink proposals) have been planned and some of them implemented. There have been cases of hydro-animosity amongst different states and communities as the users are many while the supply is limited.

Harnessing the waters of the major rivers that flow through different states is therefore, an issue of great concern. Issues of flood control, drought prevention, hydroelectric power generation, job creation and environmental quality provide a common plank for debate as the states grapple with the political realities, of altering the flow of various rivers. The rapid increase in the country's population accompanied by the growth of agriculture, rapid urbanisation, economic growth and improved access to basic services has resulted in an increase in the demand for water. The

spatial and temporal variations give rise to shortages in some regions. The Western Plains, the Kachchh region and some pockets in the Northern plains face an acute water shortage. The widening gap between demand and supply has led to a substantial increase in the share of groundwater consumption by the urban, agricultural and domestic sectors. The quality of water sources is threatened because of inadequate provisions for the treatment of wastewater. Therefore, the gap between availability and supply has led to provocation and ensuing discords due to the diversion of waters from riparian states to the non-riparian states.

Several water tribunals have been formed and judgments pronounced in many river basin disputes but solutions have been few. In the case of Cauvery, the problem has persisted for more than a century. There are also many court cases pending at local levels as regards the uses of water, and this affects the livelihoods of many.

### **13.2.3 Politics of Water disputes**

Resolution of water disputes depends largely on political considerations. Out of the several water disputes in India, we will focus on the Cauvery Water, Ravi-Beas and Satlaj-Yamuna Canal Link disputes. In resolving these disputes, the political leaderships of the concerned states, the centre, and the courts are involved. Yet they remain unresolved. The failure of negotiations has led to the appointment of authorities and tribunals innumerable. But even the awards of the tribunals have not been respected by one or the other parties involved in the disputes. According to scholars like Alan Richards and Nirvikar Singh the most important reason for this is the merely advisory nature of various water authorities. Water remains virtually a state subject vide entry 17 in the State List. The centre has not utilised its authority to legislate on this matter vide entry 56 in the Union List according to Article 262 of the Constitution. While the Ravi-Beas and Satlej-Yamuna Canal Link remain unresolved, there are cases which have been resolved. Alan Richards and Nirvikar Singh attribute the main reason for their resolution to negotiations. The tribunals in this case proved ineffective. But regarding the Cauvery Water dispute and the Ravi-Beas water dispute both the negotiations and the tribunals proved ineffective.

Besides the ineffective awards of the tribunals, the centre's unwillingness to utilise entry 17 in the Union List according to Article 262 of the Constitution to legislate on water disputes, political considerations are the major hindrances in resolving them. The possibility of resolution of the issue is viewed in a contradictory manner. While one state considers it advantageous to it the other sees its interests, as against its interests. The political parties even within the same state view matters in the light of repercussions on their political support base. These parties may disagree on all other major issues, yet share a common stance on the concerned water dispute. They apprehend that taking a contrary stance might push their political support to their political rival. As pointed out by some scholars, the state political leaders can even defy their national leaders and the advice of the court in this matter. For them their political support is more important. For example, the political leadership in Punjab passed an Act in 2004 against the completion of the Satlej-Yamuna Canal Link. It was to be completed within one year. Haryana challenged the decision in the Supreme Court. The latter decreed for a Presidential reference. The matter is still unresolved.

Any inter-state water dispute has its repercussions on the politics and people in neighbouring states. It has ethnic implications. As some linguistic and ethnic groups live within states which have disputes over the sharing of water, these ethnic groups also get drawn into violent riots. In

1992 the Cauvery water dispute between Tamil Nadu and Karnataka led to anti-Tamil riots in Tamil Nadu. This had further repercussion in the state politics of the two states. While the Tamil groups demanded protection of their ethnic and linguistic identities, the Karnataka political leadership in general opposed giving water to Tamil Nadu. They said that there was no surplus water that could be given to Tamil Nadu.

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## 13.3 THE BOUNDARY DISPUTES

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In this unit, so far you have read how and why water, a vital natural resource, has been a cause of major disputes between some states of the Indian Union. Now, you will read about territorial boundaries as a source of conflict among certain states of our country.

You might have, during the course of your studies, come across references about the longstanding tension between the states of Maharashtra and Karnataka over the rightful ownership of the district of Belgaun, between Punjab and Haryana over the Abohar-Fazilka Tehsil or about several such cases involving two or more states. Infact, the creation of certain new states in the last few years—Uttaranchal, Jharkhand and Chhattisgarh for instance—was partly a recognition of the longstanding problem of contesting territorial boundaries. The issue is complex and vexed and its roots can be traced to India’s colonial past.

### 13.3.1 A Colonial Legacy

India, as we known it today, has traversed a chequered path from ancient times. The boundaries of its constituent geographical units have been continually changing. However, till the advent of the British it was not really a nation-state, as the term is understood and the frequent changes in territorial limits did not amount to much. The British, in pursuance of their own colonial agenda, set about defining and redefining geographical limits and this created problems, the lingering effects of which can be felt till today. These effects can be felt even internationally. For example, India’s boundary disputes with Pakistan, China and Bangladesh.

This was essentially because our colonial masters were guided primarily by the consideration of *facile governance* and towards this end, they focused on administrative aspects rather than linguistic/cultural etc. unification. The result was a mismatch between people’s personal identities and the territories they inhabited. It was left to the central government of free India to rectify the damage caused by the British colonialists’ sectarianism and short sightedness.

### 13.3.2 Territorial Issue in the Post-Colonial Period

The central legislature – the Parliament – was empowered by the constitution ‘to create new states or merge old states or parts of such states or alter their boundaries in future’. It may interest you to know that even during the tenure of the Constituent Assembly the specially created and convened body to draft free India’s constitution—demands had been raised for a linguistic reorganisation of states, the assumption being that linguistic commonality is an index of a common culture and thus, states created on the basis of a common/unifying language would be more homogenous and thus, conducive to effective governance. However, at that time, the founding fathers of the Constitution had postponed the demand for a linguistic reconfiguration on the ground that the newly formed country might plunge into chaos and turmoil. But soon after independence, the government of Jawaharlal Nehru – India’s first Prime-Minister- changed tacks. Possibly, it felt that there was no other way out.

Thus, it had to cope with the agitation for an Andhra state. According to the Linguistic Provinces Commission, the demand first raised in the coastal regions of Andhra had become “a passion” and “ceased to be a matter of reason”. Immediately after the First General Election (1951-52), the Andhra Pradesh Provincial Congress Committee (APCC) had passed a resolution for the creation of a separate Telugu speaking state. The then Madras state also came in the picture and the State Congress Committee there endorsed the creation of the proposed new state. Initially, the Central Government under Nehru tried to checkmate this demand, but the death of Potli Sriramulu, a venerable Andhra Congress leader who went on a fast into death precipitated matters. Finally, in 1953 a new and separate Andhra state was formed by carving out the Telugu speaking areas of the erstwhile bi-lingual Madras state.

The creation of Andhra gave a fillip to the demand for a further linguistic reorganisation of states and the government ended up setting a three member States Reorganisation Commission in 1953 to look into the whole question of altering old/creating new state boundaries. The Commission submitted its report in 1955 and its major recommendation was the creation of new states in the South of the country. In 1956, the States Reorganisation Act was passed. However, consequent to the passing of this act, no really new state was created as such. What actually happened was the integration of several formerly princely states on the basis of language. For instance, the new state of Andhra Pradesh was a coming together of the erstwhile Part B State of Hyderabad and the old Andhra state. Similarly, the new state of Karnataka was an amalgamation of the old Part B Mysore state and territories transferred from the former Madras and Bombay states.

But from the 1960s onwards, the process of creation of new states got going. Thus, in 1960 itself the state of Bombay was partitioned to create the new states of Maharashtra and Gujarat. Similarly, in 1966 the new state of Punjab was created.

We have already mentioned about the creation of the new states of Uttaranchal, Chhattisgarh and Jharkhand in recent times. It is important to mention here that during the period, the north-eastern part of the country also underwent a major reorganisation. Thus, in 1963 the state of Nagaland and in 1972, the state of Meghalaya were created.

The demand for the creation of new states has not ceased in post-independence India. Demand for a separate Vidarbha state has been a longstanding demand of an influential section of populace in Maharashtra, but has not been conceded so far. Similarly, though the demand for a separate hill state of Uttaranchal gained fruition, a similar demand for a separate state of Western U.P. (Harit Pradesh) has not been legitimised so far. As we mentioned before in this unit, territorial reconfiguration has been a complicated issue. And even when given a concrete shape, it has not been an answer to every citizen’s aspirations. To cite a very prominent example, though the newly created state of Andhra Pradesh brought together the Telugu speaking people dispersed in different parts of South India, the new state since its inception has faced the problem of prolonged agitation for another new state of Telangana. Similarly the creation of new states in the North-East has not resolved territorial disputes. The demand of Nagas to bring Nagas of three different states into a single “Nagalim” is among such examples. A look at a well known case relating to the dispute between Maharashtra and Karnataka over Belgaun, may throw some light on the vexed question of altering/creating territorial boundaries.



### 13.3.3 An Example Belgaun Dispute: An Example

The district of Belgaun is currently located in the state of Karnataka (North-West) and borders Maharashtra as well as Goa. Approximately, 20% of the local populace is of Maharashtrian origin. Atul Kohli observes “the issue of whether or not the areas with Marathi pluralities, especially the town of Belgaun, should be transferred from Karnataka to Maharashtra continues to be one of the central political issues in this district”.

The roots of the Marathi-Kannadiga conflict over the district of Belgaun-as with many such conflicts - are directly attributable to the linguistic reorganisation of states in India after independence. Belgaun district consists of a mixed population of Marathi and Kannada speakers. After the formation of Maharashtra state, some parts where Kannada was spoken got transferred to Karnataka, but some Marathi speaking pockets were also transferred to Karnataka. Belgaun is one such district which has a population of Marathi and Kannada speakers. The cause of these displaced Maharashtrians has been spearheaded for more than four decades by the Maharashtra Ekikaran Samiti (MES). It has stood for transferring selected Marathi dominated areas of Belgaun (especially the town of Belgaun) to Maharashtra. The case of the MES is based on two premises:

- i) Language and ethnicity – the criteria for the reorganisation of states.
- ii) Alleged or real discrimination against Marathis in education and employment (particularly government service).

The Kannadigas, especially those resident of Belgaun Town, lay claims to the area on historical grounds. Mainly, that the town of Belgaun had always been an intrinsic part of a district that was chiefly Kannada speaking.

A third and no less significant factor in the longstanding conflict has been the political compromise effected by the then central government. That is, some Kannada speaking districts of the old Hyderabad state were given to the new state of Andhra Pradesh in exchange for Belgaun being given to Karnataka.

Thus, as Atul Kohli has remarked “the MES’s argument on linguistic grounds, the argument of Kannadigas on historical precedent, and the national decision based on political considerations all combined to set up the basic matrix within which the conflict has evolved”.

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## 13.5 SUMMARY

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To sum up, sharing of water and territories are among the contentious issues between two or more states. The reorganisation of states left several issues concerning the states unresolved. The politicisation of these issues further compounds the problem. If one state is willing to a solution, the other disagrees. Competitive politics becomes one of the principal factors in deciding about the issues in the dispute. So far as the water disputes are concerned, negotiations and arbitration are the two devices to solve them. When negotiations fail, various water bodies or tribunals are set up. But the awards of the tribunals are ineffective, as the tribunals are only advisory bodies. However, in some cases the disputes have been settled. These have been through negotiations, not tribunals. Regarding territorial disputes, what you have studied in this

unit about the conflict between Maharashtra and Karnataka over Belgaun is true of almost all the inter-state boundary disputes in our country. The issue can be worked upon if all the concerned parties desist from petty politicking and cheap populism. Currently, however, this seems a tall order.

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## **13.6 EXERCISES**

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- 1) Contextualise the water and territorial disputes in relation to federalism in India.
- 2) Analyse the factors for the persistence of inter-state water disputes.
- 3) Write a note on inter-state territorial disputes.