

CONTENTS

	PAGE
Table of Cases	xi

CHAPTER I

CENTRE-STATE RELATIONS IN WATER RESOURCES DEVELOPMENT

A. Introduction	1
B. Constitutional Position	2
C. Centre-State Relations in Operation	7
(I) Technical Advice and Assistance and Coordination ..	7
(a) Ministry of Irrigation and Power	8
(b) The Central Water and Power Commission ..	9
(c) Central Board of Irrigation and Power .. .	9
(II) Central Financial Assistance to the States	9
(III) Control Boards	13
D. Interstate Conflict and Cooperation in River Development	19
E. Conclusion	21
Appendix	22

CHAPTER II

A SURVEY OF THE SELECTED INTERSTATE RIVER DISPUTES IN INDIA

1. The Krishna and Godavari River Water Dispute	27
(I) History of the Dispute : Water Resources Development in the Two Basins up to the Commencement of the First Five Year Plan, 1951	28
(II) After 1951	29
(III) The Main Issues Arising out of the Krishna and Godavari Dispute	34
(IV) Inter-Linking of the Godavari and The Krishna Rivers: Diversion of Waters from the Godavari Basin to the Krishna Basin	35

2. The Narmada River Waters Dispute	37
3. Musakhand Dam Project	41
4. Bajaj Sagar Dam Project	42
5. The Cauvery River Water Dispute	44
6. The Tungabhadra Dispute	49
7. The Palar River Water Dispute	52
8. Punjab-Haryana-Rajasthan River Water Dispute: The Beas Project	54

CHAPTER III

LEGAL POSITION IN OTHER FEDERAL COUNTRIES

1. Interstate River Water Disputes in the United States ..	57
A. Extent of Federal and State Power over Water Resources	57
(I) Extent of Federal Power	57
(II) Scope of State Power	60
B. Machinery and Principles for Settlement of Interstate River Water Disputes	62
(I) Judicial	62
(II) Interstate Compacts	62
C. Some Instances of Interstate River Compacts in the U.S.A.	65
(I) Colorado River Compact, 1922	65
(II) Upper Colorado River Basin Compact, 1948 ..	67
(III) Other Compacts	69
(IV) General Observations	70
D. Other Administrative Methods for Solving Interstate River Basin Problems	71
(I) Basin Authorities : Tennessee Valley Authority ..	72
(II) Coordinating Basin Commissions and Committees	73
(a) Interagency Basin Committees	73
(b) Federal-State River Basin Commissions ..	74
2. Interstate River Water Disputes in Australia	77
A. Constitutional Provisions	77
(I) The Interstate Commission	78
(II) The High Court of Australia	79
B. The Murray River Dispute and Interstate Compact ..	79
C. The Snowy Mountains Authority	84
3. Interstate River Water Disputes in Canada	85

CHAPTER IV

**PRINCIPLES OF INTERNATIONAL LAW GOVERNING
INTERNATIONAL RIVERS**

A.	Nature of International Disputes	92
B.	International Theories with Regard to the Sharing of International Rivers	93
	(I) Territorial Sovereignty Theory	94
	(II) Natural Water Flow Theory	95
	(III) Equitable Utilization and Community of Interest Theories	96

CHAPTER V

**RECOMMENDATIONS : METHODS AND MACHINERY
FOR SETTLING INTERSTATE WATER DISPUTES**

	Different Modes of Settling Disputes	112
A.	Advantages of Agreement and Limitations of Judicial Settlement	112
	(I) Provisions of the Inter-State Water Disputes Act and Experience of Other Federations	115
	(II) Expert Investigating Agencies	119
	(III) Agency to Administer and Implement Agreements ..	122
	(IV) River Boards as Instruments of Interstate Cooperation	124
	(V) Legal Formalities for Agreements between the States ..	127
B.	Adjudication through a Tribunal	130
	(I) Merits of Adjudication through a Tribunal	130
	(II) Provisions of the Inter-State River Water Disputes Act Regarding Adjudication by a Tribunal	132
	(III) Fixation of Time-Limit for Referring Dispute to the Tribunal	135
	(IV) Question of Composition of the Tribunal	135
	(V) Question of Publication of the Decision of the Tribunal	139
	(VI) Question of Fixing Time-Limit for the Decision of the Tribunal	140
	(VII) Provision for a Joint Commission or Board	140
	(VIII) Question of Awarding Costs by the Tribunal	141
	(IX) Question of Judicial Review in Interstate Water Disputes	141
	(X) Enforcement of the Award Given by a Tribunal	141
	(XI) Question of Fixing Time Limit for Reviewing the Awards of a Tribunal	142

(XII) Integration of Adjudication Machinery provided under the River Boards Act with that provided under the Inter-State Water Disputes Act	142
C. Amendment of the Definition of "Water Dispute"	144
(I) Voluntary Arbitration	144
(II) Disputes about Sharing the Benefits and the Costs of Joint Projects	144
(III) Other Matters Relating to the Definition of a Water Dispute	145
D. The Term "State Government" to include Union Territories	146
E. Summary of the Recommendations	146

CHAPTER VI

RECOMMENDATIONS : SUBSTANTIVE PRINCIPLES IN RELATION TO INTERSTATE WATER DISPUTES

A. Principles for Determining the Respective Shares of the Riparian States	150
(I) Definition of an Interstate River	150
(II) Different Theories	151
(a) Doctrine of Riparian Rights	151
(b) Territorial Sovereignty Theory : Harmon Doctrine	152
(c) The Doctrine of Prior Appropriation	153
(d) The Doctrine of Equitable Apportionment	154
B. The Question of Payment of Compensation	171
C. The Question of Sharing of Costs and Benefits in Joint Projects	173
Index	175

Maps

1. Krishna-Godavari River Basin
2. Narmada River Basin
3. Mahi River Basin
4. Cauvery River Basin
5. Tungabhadra River Basin
6. Chambal River Basin
7. Parambikulam-Aliyar River Basin