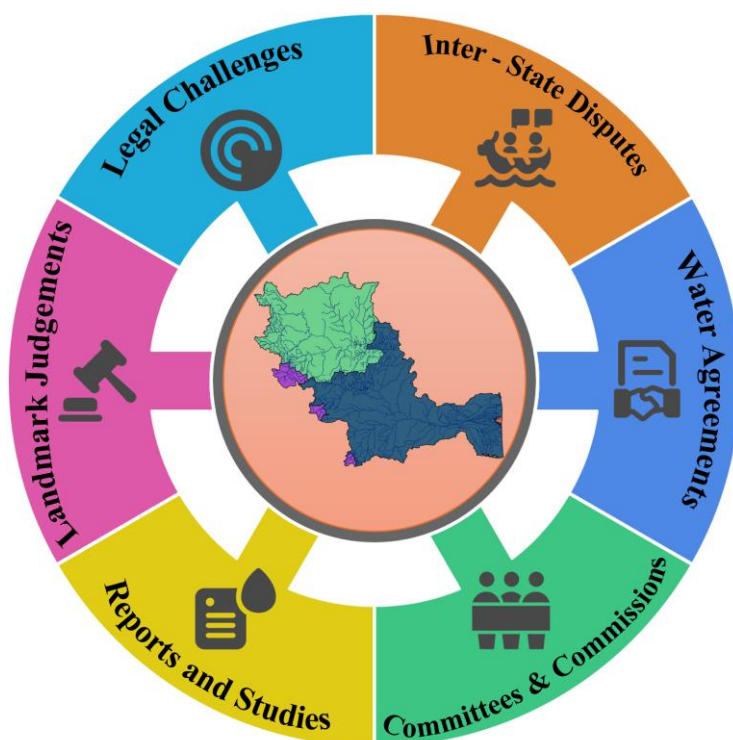




National River Conservation Directorate
Ministry of Jal Shakti,
Department of Water Resources,
River Development and Ganga Rejuvenation
Government of India

Legal Constraints Report

Cauvery River Basin



March 2025



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Legal Constraints Report

Cauvery River Basin



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The National River Conservation Directorate, functioning under the Department of Water Resources, River Development and Ganga Rejuvenation, and Ministry of Jal Shakti providing financial assistance to the State Government for conservation of rivers under the Centrally Sponsored Schemes of ‘National River Conservation Plan (NRCP)’. National River Conservation Plan to the State Governments/ local bodies to set up infrastructure for pollution abatement of rivers in identified polluted river stretches based on proposals received from the State Governments/ local bodies.

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The Centre for Cauvery River Basin Management Studies (cCauvery) is a Brain Trust dedicated to River Science and River Basin Management. Established in 2024 by IISc Bengaluru and NIT Tiruchirappalli, under the supervision of cGanga at IIT Kanpur, the centre serves as a knowledge wing of the National River Conservation Directorate (NRCD). cCauvery is committed to restoring and conserving the Cauvery River and its resources through the collation of information and knowledge, research and development, planning, monitoring, education, advocacy, and stakeholder engagement.

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Acknowledgment

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Disclaimer

This report is a preliminary version prepared as part of the ongoing Condition Assessment and Management Plan (CAMP) project. The analyses, interpretations and data presented in the report are subject to further validation and revision. Certain datasets or assessments may contain provisional or incomplete information, which will be updated and refined in the final version of the report after comprehensive review and verification.

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Preface

In an era of unprecedented environmental change, understanding our rivers and their ecosystems has never been more critical. This report aims to provide a comprehensive overview of our rivers, highlighting their importance, current health, and the challenges they face. As we explore the various facets of river systems, we aim to equip readers with the knowledge necessary to appreciate and protect these vital waterways.

Throughout the following pages, you will find an in-depth analysis of the principles and practices that support healthy river ecosystems. Our team of experts has meticulously compiled data, case studies, and testimonials to illustrate the significant impact of rivers on both natural environments and human communities. By sharing these insights, we hope to inspire and empower our readers to engage in river conservation efforts.

This report is not merely a collection of statistics and theories; it is a call to action. We urge all stakeholders to recognize the value of our rivers and to take proactive steps to ensure their preservation. Whether you are an environmental professional, a policy maker, or simply someone who cares about our planet, this guide is designed to support you in your efforts to protect our rivers.

We extend our heartfelt gratitude to the numerous contributors who have generously shared their stories and expertise. Their invaluable input has enriched this report, making it a beacon of knowledge and a practical resource for all who read it. It is our hope that this report will serve as a catalyst for positive environmental action, fostering a culture of stewardship that benefits both current and future generations.

As you delve into this overview of our rivers, we invite you to embrace the opportunities and challenges that lie ahead. Together, we can ensure that our rivers continue to thrive and sustain life for generations to come.

Centres for Cauvery River Basin
Management Studies (cCauvery)
IISc Bengaluru (Lead Institute), NIT Tiruchirappalli (Fellow Institute)

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Abbreviations and Acronyms

ATREE	Ashoka Trust for Research in Ecology and the Environment
CPR	Centre for Policy Research
CRA	Cauvery River Authority
CRB	Cauvery River Basin
CMC	Cauvery Monitoring Committee
CWC	Central Water Commission
CWMA	Cauvery Water Management Authority
CWMI	Composite Water Management Index
CWRC	Cauvery Water Regulation Committee
KRS	Krishna Raja Sagara
CWDT	Cauvery Water Disputes Tribunal
TMC	Thousand Million Cubic
CWRC	Cauvery Water Regulation Committee
SCC	Supreme Court Cases

Continuation of Abbreviations and Acronyms
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1. Introduction

The governance of inter-state river basins in India presents complex legal and administrative challenges, particularly in regions marked by competing demands and historical grievances. Among them, the Cauvery River Basin (CRB) stands out as one of the most protracted and emotionally charged water disputes in India's centralised structure. Stretching across the states of Karnataka, Tamil Nadu, Kerala, and the Union Territory of Puducherry, the river is a vital lifeline for agriculture, drinking water, and ecological sustainability.

However, the lack of a coherent and enforceable legal framework for inter-state water sharing has often led to disputes, litigation, and periodic unrest. These legal complexities are rooted in colonial-era agreements, ambiguous constitutional provisions, jurisdictional overlaps, and institutional weaknesses. Over the decades, various legal instruments, from tribunal awards to Supreme Court rulings, have attempted to clarify water-sharing entitlements, but challenges persist in implementation and inter-governmental coordination.

This report provides a comprehensive analysis of the legal constraints in managing the CRB, exploring the interplay of inter-state disputes, historical agreements, institutional mechanisms, and judicial interventions. The aim is to identify the key legal barriers and propose actionable recommendations to foster cooperative and sustainable water governance.

2. Understanding legal constraints

Legal constraints in the context of inter-state river governance refer to the limitations imposed by existing laws, judicial precedents, institutional frameworks, and administrative practices that hinder effective and equitable water management. In the case of CRB, these constraints are both structural and procedural, and can be categorized into the following key dimensions:

2.1. Constitutional ambiguity

The Indian Constitution assigns water to the State List (Entry 17, List II), allowing states to manage water resources within their territories. However, for inter-state rivers, Entry 56 of the Union List (List I) empowers Parliament to regulate and develop these rivers "in the public interest." This duality has led to a jurisdictional vacuum, where both the centre and the states are empowered, but mechanisms for cooperation are weak or unclear (Constitution of India, Seventh Schedule, Entry 17 (State List) & Entry 56 (Union List)).

2.2. Outdated and disputed agreements

The 1892 and 1924 agreements between the erstwhile Madras Presidency and the Kingdom of Mysore were framed during the colonial era, without democratic representation. Although these agreements formed the basis for water-sharing arrangements, post-independence states like Karnataka have questioned their validity, claiming that they no longer reflect current needs or realities.

2.3. Delayed and ineffective institutional response

The Inter-State River Water Disputes Act, 1956 provides the legal foundation for resolving river disputes through tribunals. However, in practice, tribunals have taken decades to deliver

verdicts, and their awards often lack robust enforcement mechanisms. The Cauvery Water Disputes Tribunal (CWDT), for instance, took 17 years (1990-2007) to issue a final award, which continued to face political resistance and non-compliance.

2.4. Lack of binding enforcement

Even after the Supreme Court upheld the CWDT's award (with slight modifications) in 2018, implementation remained patchy. The absence of penalties for non-compliance and lack of an independent regulatory authority with enforcement powers has made these legal pronouncements more symbolic than effective. The Supreme Court vide its orders dated the 16th February, 2018 and the 18th May, 2018 has delivered final judgement in the Civil Appeals No. 2453 of 2007, 2454 of 2007, 2456 of 2007 filed by States of Tamil Nadu, Karnataka and Kerala against the award of CWDT on the allocation of water to them, and the award of CWDT has now merged with the judgement of the Supreme Court dated the 16th February, 2018. The Central Government is satisfied that no further reference to the Tribunal in the matter would be necessary. Therefore CWDT has been dissolved vide Notification No. S.O. 3465(E) dated 16th July 2018 (PIB, 2018).

2.5. Federal tensions and political constraints

Federalism in India is both cooperative and competitive. In the Cauvery case, electoral politics and regional interests often override legal mandates. This political dimension influences states' willingness to comply with tribunal orders or participate in joint institutions like the CWMA.

3. Inter-state disputes

The Cauvery River water dispute is one of the most prominent and enduring inter-state river disputes in India. It involves Karnataka, Tamil Nadu, Kerala, and the Union Territory of Puducherry, each of which has competing claims over the river's waters. While the core dispute is between Karnataka (upper riparian) and Tamil Nadu (lower riparian), Kerala and Puducherry also assert rights for domestic, agricultural, and industrial water use.

3.1. Historical roots of the dispute

The origin of the dispute can be traced back to the 1892 and 1924 agreements between the Madras Presidency and the Kingdom of Mysore under British rule.

- a. 1892 Agreement:** Regulated upstream irrigation works in Mysore and required prior consent from Madras.
- b. 1924 Agreement:** Valid for 50 years, this agreement allowed Mysore to construct the Krishnaraja Sagar Dam and specified the amount of water to be allowed downstream to Tamil Nadu.

Post-independence, these agreements were challenged by Karnataka, which argued that they were colonial and restrictive, particularly considering the growing water needs of its own population and agriculture sector.

3.2. Major flashpoints

3.2.1. Construction of reservoirs

Karnataka's construction of large reservoirs, especially the Harangi, Kabini, and Hemavati dams, led to Tamil Nadu accusing it of unilaterally reducing water flow, in violation of the 1924 agreement.

3.2.2. Failure of Negotiations

Several attempts were made between the 1970s and 1990s to resolve the issue through political negotiations and bilateral meetings. However, these failed to reach consensus, prompting Tamil Nadu to approach the Central Government under the Inter-State River Water Disputes Act, 1956.

3.2.3. Tribunal Formation

In 1990, the CWDT was constituted by the Government of India under Section 4 of the Inter-State River Water Disputes Act. The Tribunal was tasked with assessing claims and delivering a binding water-sharing formula.

3.3. Tribunal's interim and final awards

3.3.1. Interim Award (1991)

The Tribunal directed Karnataka to release 205 TMC annually to Tamil Nadu. Karnataka's initial refusal led to significant unrest, protests, and even loss of life.

3.3.2. Final Award (2007)

After 17 years of hearings and reviews, the CWDT allocated water as Table 1 (Tribunal, C.W.D., 2007).

Table 1. CWDT allocated water to states

State	Share of water
Tamil Nadu	419 TMC
Karnataka	270 TMC
Kerala	30 TMC
Puducherry	7 TMC
Environmental Protection	10 TMC
Inevitable escaping to sea	4 TMC

3.4. Supreme Court intervention (2018)

The CWDT's final award was challenged by all four states in the Supreme Court. In February 2018, the Court delivered a landmark judgment that upheld the Tribunal's award with some modifications:

- a) Karnataka was awarded an additional 14.75 TMC of water, reducing Tamil Nadu's share accordingly.
- b) The Court also directed the Central Government to form the CWMA and Cauvery Water Regulation Committee (CWRC) for implementation and monitoring.

3.5. Non-compliance and recurring tensions

Despite legal clarity, implementation of the Supreme Court's directives has often been marred by:

- a) Delayed water releases during deficit years.
- b) Conflicting monsoon impacts, leading to varied interpretations of "normal year" and "distress year".
- c) Political mobilization around water sharing, often during election cycles.
- d) Protests and strikes, especially in Karnataka and Tamil Nadu, whenever one state's interests are perceived to be threatened.

3.6. Role of the central government

The central government has often been criticized for delays in notifying tribunal awards, and for a perceived lack of neutrality. While the Supreme Court has tried to nudge the Centre into action, inter-state water disputes like Cauvery expose the limitations of India's current legal and federal mechanisms for dispute resolution.

The inter-state dispute over the Cauvery River illustrates the persistent inadequacies in India's legal and institutional apparatus for managing transboundary water conflicts. Even with tribunal awards and apex court judgments, non-compliance, political brinkmanship, and the absence of timely central action continue to exacerbate tensions. A legally enforceable and politically neutral implementation mechanism is critical to prevent future conflict and ensure equitable water sharing.

4. Inter-state water agreements

Inter-state water agreements are crucial instruments for governing water-sharing arrangements in a federal country like India, where rivers often flow across multiple administrative boundaries. In the context of the CRB, historical agreements, primarily those from the colonial period, continue to form the legal and political bedrock of contemporary claims and disputes. However, these agreements are a source of contention, particularly between Karnataka and Tamil Nadu, as they reflect the geopolitical and economic conditions of a bygone era.

4.1. The 1892 Agreement

It was signed between the princely state of Mysore and the Madras Presidency, the 1892 Agreement required Mysore to obtain Madras' consent before constructing irrigation works that could affect downstream flows (Table 2). This was framed in terms of "no material injury" to Madras' irrigation (Tribunal, C.W.D., 2007).

Table 2. Summary of the 1892 Agreement

Parties involved	The Madras Presidency and the Kingdom of Mysore under British rule.
Purpose	This agreement governed the construction of irrigation works by Mysore in the upper reaches of the Cauvery and its tributaries.
Key provisions	a) Mysore was required to seek consent from Madras for new irrigation projects. b) Madras could object if the works were likely to affect water flow or injure the interests of downstream users.

4.2. The 1924 Agreement

The 1924 Agreement, also between Mysore and Madras, permitted Mysore to build the Krishna Raja Sagara (KRS) dam, while Madras was allowed to construct the Mettur dam downstream (Table 2). The agreement included a 50-year validity clause, expiring in 1974. After expiry, Karnataka argued that it was no longer bound, while Tamil Nadu claimed it still had continuing effect until replaced (Iyer, 2003). Since 1974, no fresh negotiated agreements have been signed. The absence of updated consensual arrangements created a vacuum that pushed the issue toward tribunals and courts.

Table 2. Summary of the 1924 Agreement

Parties involved	The Madras Presidency and the Kingdom of Mysore.
Purpose	Valid for 50 years, i.e., until 1974.
Key provisions	a) Allowed Mysore to construct the Krishnaraja Sagar Dam, with conditions that it would not interfere with the agreed water flow to Madras. b) Specified quantitative entitlements and seasonal schedules for water releases. c) Required consultation and consent for new works that could affect the flow regime.

5. Committees and Commissions

Over the decades, various committees and commissions have been constituted to examine and address the legal, technical, and administrative aspects of the Cauvery River dispute (Table 3). These bodies have played important roles in shaping tribunal decisions, judicial interventions, and policy recommendations. However, the effectiveness of these mechanisms has often been hindered by political deadlock, jurisdictional limitations, and inadequate enforcement powers.

Table 3. Summary of committees and commissions constituted to examine the Cauvery River dispute

Committees and Commissions	Description	
Cauvery Fact-Finding Committee (1972)	Constituted by	Central Government at the request of Tamil Nadu
	Objective	To assess the water use, cropping patterns, and irrigation needs of basin states
	Key Findings	<ul style="list-style-type: none"> • Confirmed significant overutilization by Tamil Nadu • Noted increasing water demands in Karnataka's developing regions • Recommended revisiting water-sharing norms
Cauvery River Authority (CRA) – 1998	Constituted under	Supreme Court directive following the CWDT's interim award
	Composition	Chaired by the Prime Minister with Chief Ministers of Karnataka, Tamil Nadu, Kerala, and Puducherry as members
	Mandate	<ul style="list-style-type: none"> • Implement interim tribunal orders • Resolve disputes over monthly releases • Facilitate cooperation during distress years
	Limitations	<ul style="list-style-type: none"> • No statutory backing • Decisions not binding • Frequently mired in political deadlock, especially when states failed to attend meetings or comply with directions
Cauvery Monitoring Committee (CMC)	Constituted by	Union Ministry of Water Resources
	Mandate	To monitor the implementation of the interim order of the CWDT
	Technical Role	<ul style="list-style-type: none"> • Assess rainfall, inflow, and reservoir levels

		<ul style="list-style-type: none"> • Advise on monthly release schedules
Cauvery Water Disputes Tribunal (CWDT) – 1990	Established under	Inter-State River Water Disputes Act, 1956
	Members	Three judges of the Supreme Court
	Function	To adjudicate claims and determine equitable water allocation
	Key Actions	<ul style="list-style-type: none"> • Interim award in 1991 • Final award in 2007 after 17 years of proceedings
	Criticism	<ul style="list-style-type: none"> • Delays in delivering the final verdict • Lack of follow-up authority to monitor or enforce compliance • Ignored environmental flows and emerging challenges like climate change

Cauvery Water Management Authority (CWMA) – 2018	Established pursuant to	Supreme Court judgment (February 2018)
	Statutory Backing	Created under Section 6A of the Inter-State River Water Disputes Act (amended in 2002)
	Functions	<ul style="list-style-type: none"> • Implement and monitor water-sharing arrangements as per the CWDT award (modified by the Supreme Court) • Collect and analyse real-time data from basin states • Handle inter-state complaints on water releases
	Structure	<ul style="list-style-type: none"> • Chairperson (nominated by the Central Government) • Representatives from all basin states • Technical experts from the Central Water Commission and other agencies
	Criticism	<ul style="list-style-type: none"> • Faces political resistance from Karnataka and Tamil Nadu during distress periods • Limited enforcement powers beyond advisory and monitoring roles • Lacks an independent technical and adjudicatory wing for urgent dispute resolution
Cauvery Water Regulation Committee (CWRC)	Subordinate to	CWMA
	Mandate	<ul style="list-style-type: none"> • Provide scientific and operational inputs to CWMA • Advise on water release schedules, inflow/outflow estimates, and real-time monitoring • Coordinate among state irrigation departments and central agencies

	Challenge	While technically competent, the CWRC's effectiveness depends heavily on political willingness of states to share data and abide by CWMA directions.
Other Committees and Expert Groups	<ul style="list-style-type: none"> • National Water Policy Review Committees (2012, 2019) • Central Water Commission (CWC) Task Forces • NITI Aayog's Composite Water Management Index (CWMI) reports have highlighted poor inter-state coordination in river basin governance, including Cauvery. 	

Numerous committees and commissions have been established to resolve or manage the Cauvery dispute, but their effectiveness has been constrained by lack of legal authority, political non-cooperation, and bureaucratic inertia. While the creation of CWMA and CWRC under Supreme Court orders marks a step forward, these bodies need greater autonomy, data access, and enforcement mechanisms to ensure timely and equitable water sharing.

6. Reports and studies

Over the decades, several governmental reports, tribunal documents, scientific studies, and institutional assessments have been produced to understand the legal, hydrological, ecological, and socio-economic complexities of the CRB. These studies form an essential foundation for policy formulation, dispute resolution, and legal adjudication.

6.1. CWDT reports

The CWDT's final award remains the single most comprehensive legal and hydrological document on the basin (Tribunal, C.W.D., 2007). It established the total dependable yield at 760 TMC at 50% dependability and allocated shares to Karnataka, Tamil Nadu, Kerala, and Puducherry. The tribunal's report included extensive appendices on flow data, crop water requirements, and irrigation practices. It also introduced the concept of monthly release schedules, thereby linking legal orders to operational reservoir management. The CWDT report continues to be the benchmark against which subsequent claims and counterclaims are evaluated.

6.2. Planning commission reports and national water policies

Successive Planning Commission Five-Year Plans stressed the need for integrated water resource management, basin-wide planning, and resolution of inter-state disputes. The National Water Policies of 1987, 2002, and 2012 also shaped the broader legal context of the Cauvery dispute, particularly by emphasizing principles of equity, efficiency, and sustainability. The 2012 policy explicitly recognized climate variability and ecological needs, thereby influencing ongoing debates on whether legal allocations should remain rigid or be adaptive (Planning Commission, 2012).

6.3. Reports by CWC

The CWC has prepared several hydrological and technical reports related to rainfall, river flows, and reservoir operations in the CRB. These reports have often been submitted as evidence before tribunals and courts. However, their credibility has sometimes been contested by states, with accusations of bias toward either Karnataka or Tamil Nadu. Despite such criticism, CWC reports remain critical in setting technical baselines for water availability and interstate sharing.

6.4. NITI Aayog's Composite Water Management Index (CWMI)

The Composite Water Management Index (2018, 2019) prepared by NITI Aayog assessed states' water management performance. Both Karnataka and Tamil Nadu were ranked low on water-use efficiency, groundwater regulation, and sustainable management indicators. While not legally binding, these reports are significant because they reframe the Cauvery question beyond legal entitlements, highlighting systemic inefficiencies in irrigation practices, cropping patterns, and demand management that exacerbate the conflict (Aayog, N.I.T.I., 2018 & 2019).

6.5. Legal and policy studies by research institutions

Several independent research institutions and think-tanks, such as the Centre for Policy Research (CPR), Ashoka Trust for Research in Ecology and the Environment (ATREE), and university-based legal studies centres, have published analyses of the Cauvery conflict. These studies focus on rights-based claims, institutional weaknesses, federal dynamics, and environmental law gaps. For instance, CPR studies have emphasized the fragmentation of institutional authority, while ATREE research highlights the neglect of ecological flow requirements in legal rulings (Fernandes, 2018; Iyer, 2007).

6.6. International and comparative perspectives

The Cauvery dispute has also been studied in comparative water law literature. Scholars have examined it alongside the Indus Treaty (India–Pakistan) and Colorado River Compact (United States) to show how rigid allocations can become contentious under changing water availability. International water law principles, such as equitable and reasonable utilization (UN Watercourses Convention, 1997), are often cited as more flexible approaches compared to India's tribunal system (Salman, 2009). These comparative perspectives underline the importance of moving from adversarial litigation toward negotiated, adaptive governance.

7. Landmark judgements

7.1. CWDT final award (2007)

The CWDT directed Karnataka to release 205 TMC annually to Tamil Nadu. Karnataka passed an ordinance to nullify the order, which the Supreme Court struck down in *State of Karnataka vs. State of Tamil Nadu* (1991), emphasizing tribunal supremacy (SCC, 1991).

The tribunal allocated:

- 419 TMC to Tamil Nadu
- 270 TMC to Karnataka

- 30 TMC to Kerala
- 7 TMC to Puducherry

It also mandated minimum environmental flows and water for drinking purposes (Tribunal, C.W.D., 2007).

7.2. Supreme Court Modification (2018)

In state of Karnataka vs. State of Tamil Nadu (2018), the Supreme Court slightly revised allocations, increasing Karnataka's share by 14.75 TMC for Bengaluru's drinking water needs. Crucially, the Court directed the creation of the CWMA to ensure compliance (SCC, 2018).

8. Legal constraints among authorities

Even with tribunal and court orders, implementation is hampered by institutional fragmentation:

- Reservoir Operations:** Managed by state irrigation departments, but subject to CWMA's directions. Non-compliance often occurs during deficit years.
- Central Oversight:** The CWC provides data and technical support but lacks enforcement power.
- Overlapping Jurisdictions:** The CWMA, CWC, and state departments often issue parallel (and sometimes conflicting) interpretations of "compliance."
- Transparency Gaps:** Karnataka and Tamil Nadu have repeatedly accused each other of data manipulation in reporting reservoir levels.
- These overlapping mandates generate legal ambiguity:** Does the tribunal order, Supreme Court ruling, or CWMA directive take precedence? In practice, political negotiations often override legal clarity.

9. Summary and recommendations

The Cauvery River Basin case illustrates the structural limitations of India's water law framework: laws exist, but their enforceability is constrained by political realities. Moving forward requires:

- Strengthening Basin-Level Governance:** Empower the CWMA with statutory enforcement powers, including sanctions for non-compliance.
- Dynamic Allocation Mechanisms:** Replace rigid volumetric allocations with percentage-based sharing linked to annual inflows, adapting to climate variability.
- Transparent Data Regime:** Mandate real-time telemetry-based data sharing across states to reduce disputes over measurements.
- Integrating Ecological Concerns:** Incorporate ecological flow requirements into legal allocations, ensuring basin health beyond irrigation needs.
- Conflict Prevention Platforms:** Institutionalize negotiation and mediation forums before crises escalate into litigation.

Only by moving from a litigation-heavy model toward a basin-cooperative framework can the Cauvery dispute be sustainably managed.

10. Significance of the legal constraints report

The significance of preparing a detailed report on legal constraints for the CRB lies in the way it brings clarity and direction to one of India's most complex water disputes. The basin is governed by a dense web of colonial-era agreements, tribunal awards, and Supreme Court judgments, often interpreted differently by each riparian state. By compiling these into a coherent analysis, the report helps untangle the legal terrain, making it easier for policymakers, administrators, and researchers to understand the rules that actually govern basin management. More importantly, it exposes the points of conflict and overlap, such as where tribunal orders clash with state-level irrigation priorities or where institutional mandates remain ambiguous, showing why implementation has often faltered.

This report does more than recount history; it bridges the gap between law on paper and law in practice, pointing out where compliance has broken down and why (Fig. 1). In doing so, it provides a solid, evidence-based foundation for negotiation and policy reform, highlighting structural weaknesses like the limited enforcement powers of the CWMA or the absence of legal mechanisms to revise allocations under changing climatic conditions. By framing these issues within a basin-wide perspective, the report not only strengthens conflict prevention but also encourages cooperative governance, reducing the mistrust and ambiguity that typically flare up in distress years. Its value, therefore, extends beyond the Cauvery itself, offering a model for studying and managing other inter-state river disputes in India where legal complexity, institutional fragmentation, and political pressures intersect.

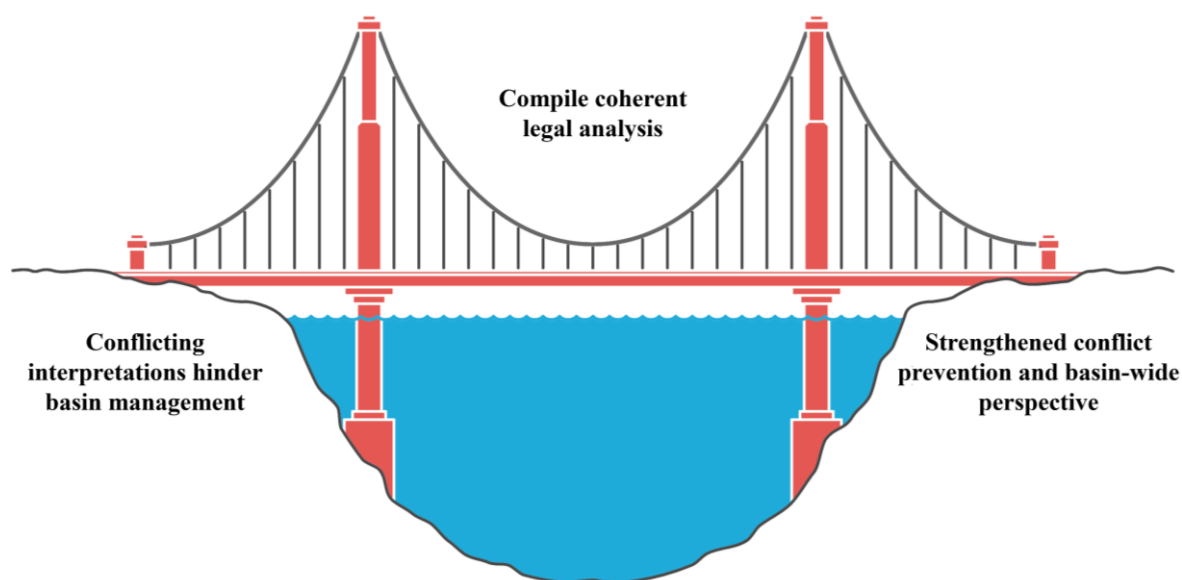
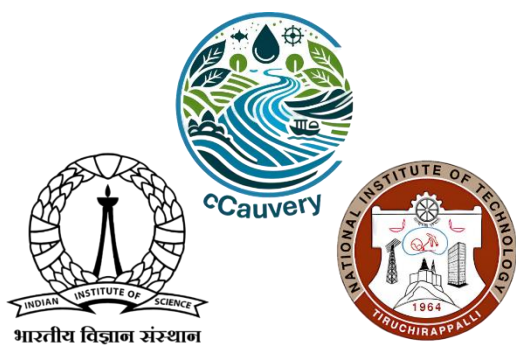


Fig. 1. Significance of the legal constraints report

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