
REVISITING THE KAVERI WATER DISPUTE: ANALYSIS OF CLAIMS & REASONS OF CONTESTING STATES

Vishvas C.M, PhD. Scholar, M.S. Ramaiah University of Applied Sciences (MSRUAS),
Bengaluru.

ABSTRACT

In the present developmental era, India is emerging as a global market, but this has also caused an increase in population, poverty, sanitation issues, water scarcity, pollution, etc. One of the important basic need include water, which is used for daily human activities, agriculture, manufacturing, industries, factories, etc. The rivers that carry water often also carry disputes over their control and usage. The river Kaveri, considered as the Ganges of the south, has been into long standing interstate water dispute over its proportion of water between two major states, i.e., Karnataka and Tamil Nadu. And they both have their own perception of the Kaveri river concerning its divinity, claim, usage, etc. This dispute takes the lead stage due to many reasons, such as both states are different in language, identity, culture, and also hosting a migrant population. In addition to this, both states have a socio-economic corporation, Bengaluru through its IT, startups and Chennai for its manufacturing, automobiles, and ports.

Other than this, they also have shared use of National highways, Power grids, and railways. Despite such integrative developments, the unique socio-characteristics make the Kaveri water dispute a matter of pride and sub-nationalism, not only affecting but also halting the entire working system.

This paper focuses on the issue of interstate water disputes, which exist between Karnataka and Tamil Nadu. The paper, through a descriptive approach, has examined “Article 262 of the Constitution of India” and the “Inter-State River Water Disputes Act of 1956”. This gave an understanding of inconsistency in the law due to its multiple systems of governance, often making it interdependent without a sole authoritative, people-oriented structure. The issue often leads to widespread protests, insurgencies, violence, water scarcity, and linguistic clashes. The claims and reasons made by the state are frequently undermined, and violence takes the prime seat. So, this paper, through an analytical approach, has examined the claims of Karnataka and Tamil Nadu states and their reasons for the allocation of more water. Ultimately, this study urges solving the Kaveri water dispute through

eco-friendlier practices in the Kaveri river belt and Policies for Strengthening Federal Unity between the states.

Keywords: Interstate water dispute, Kaveri water dispute, Federal Unity, eco-friendlier practices.

1. INTRODUCTION

We, humans, think we can control the river streams, but the river takes its own course. The obstruction of the river through a dam is often done for irrigation and other development purposes, but it is also accompanied by floods, encroachments, land disputes, and migration.¹ The river Cauvery is revered as a divine creation of god and worshipped by people of “Karnataka and Tamil Nadu”. It is known as the “Ganges of the south” and is praised through songs, Folklores, poems and can also be found in the Tamil literary works like in “Silapadikaram and Manimekala”.² The river is considered a “kula devta”, i.e diety guarding the place in Kodagu district, and is celebrated annually.³ One of the Kannada literary works of the 13th century, called “Shabda Mani Darpana,” clearly mentions that the Kaveri water rights were also used and shared by Tamil Nadu, or the state of Tamil Nadu.⁴

As mentioned earlier, dams often create opportunities but also open doors for conflict; the same applies here between Tamil Nadu and Karnataka relating to the Kaveri River water. “It was in 1910 that the first opposition came from the Madras presidency when there was a plan for the construction of a dam at Kanambadi Village by Mysore’s King Nalvadi Krishnaraja Wodeyar and Chief Engineer Dawes”.⁵ Later, this led to a chain of issues, proceedings, conferences, and

An arbitration award that ordered the construction of the 11 TMC dam by Mysore. But later this was also challenged to ultimately give rise to the 1924 agreement that allowed states to build their own dams, i.e., the Krishna Raja Sagara Dam by Mysore, and the Madras Mettur

¹ Srinivas Chokakula, *The Political Geographies of Interstate Water Disputes in India* 1, 3 (Ph.D. dissertation, Univ. of Wash. 2015), https://digital.lib.washington.edu/researchworks/bitstream/handle/1773/33942/Chokakula_washington_0250E_14326.pdf.

² Midatala Rani & Middatala Rani, *Proceedings of the Indian History Congress*, 63 PROC. INDIAN HIST. CONG. 1033, 1033–42 (2002), <https://www.jstor.org/stable/44158173>.

³ Id.

⁴ Id.

⁵ Kaveri River Water Dispute, WIKIPEDIA, https://en.wikipedia.org/w/index.php?title=Kaveri_River_water_dispute&oldid=1244542314 (last visited Sept. 10, 2024).

Dam.⁶ After Independence, Kerala and Puducherry also became a part of it. In 1972, the Centre appointed a committee which submitted its report that there was an agreement between the states related to the Cauvery Water Dispute. This agreement was also called in the Parliament, but it could not be adhered to, and the controversy continued.⁷

It has been 30 years, and the 1924 agreement expired in 1974, and since then, the issue has emerged major national issue, causing integrity and unity of the nation. After many disagreements and appeals between states and intervention by “the central government, the Supreme Court” finally ordered for the formation of the “Cauvery Tribunal under the Interstate River Water Disputes Act, 1956”.⁸ This shows how the disagreement between the states and external intervention has changed and grown over the years.

This dispute clearly discloses the inability of the mechanism in the relationship between the state and the centre, which often acts based on political motives. Also, the varying authoritative and implementing power of tribunals and supreme court. If we give an analytical view of this development, it shows that often the decision made by the tribunal is unable to address the implementation, and it needs the intervention of the Supreme Court. The latest Supreme Court order in the year 2018, after taking the suggestion made by the authorities and bodies, ordered for an allocation of 404 TMC to Tamil Nadu and 284 TMC to Karnataka. When this is shown on television and in the media with some mediatic drama, it usually reflects as unfair allocation and leads to fights and violence in Karnataka and ultimately spreads to neighbouring states.

The history and development of the Kaveri water dispute is a spirally wound phenomenon that keeps on adding, but it is important to understand the reasons behind such a water dispute. To examine this, the paper has given due importance to the claims and reasons made by the states and gives importance to the core issues that lie in the scarcity management of the Kaveri river water.

⁶ L. Viswanathan, *Cauvery Water Dispute: The Legal Solution in Perspective*, 4 *STUDENT ADVOC.* 29 (1992).

⁷ *Id.*

⁸ *Id.*

2. METHODOLOGY

The paper has adopted a doctrinal method of research. It has used analytical and descriptive methods of research. The study has used both “primary and secondary legal sources”. The primary sources include the analysis of “Article 262 of the Constitution of India”, “Inter-State River Water Disputes Act of 1956” and other case laws relating to ‘the Kaveri water dispute’. The secondary sources include journal articles, news reports, official reports, etc. The scope of the study is limited to the Kaveri water dispute between the states, primarily focusing on the issue between “Karnataka and Tamil Nadu”. The main aim of the research lies in analysing the claims and the reasons provided by the Karnataka and Tamil Nadu states on why they need more allocation of water. Through the use of those reason the paper wants to highlighting root cause of water shortage rather than the legal battle between the states.

3. RESEARCH QUESTION

- How the Kaveri water dispute been a matter of long-standing legal battle in India.
- What are the claims and reasons made by the “Karnataka and Tamil Nadu” states for the allocation of water?
- How can the issue be solved by Eco-friendlier practices and Policies?

4. ORIGIN AND DEVELOPMENT OF ISSUES

The water dispute or the issue is directly proportional to the scarcity of water or rain received during the rainy season. If the scarcity increases, then the dispute also draws attention. This is because of the factor of expanding agricultural activities and for the maintenance of population, due to which “the states of Karnataka and Tamil Nadu” demand for more portion of the Kaveri water.⁹

Interstate water disputes are presently regulated by “Article 262 of the Constitution of India”, which provides the parliament with the power of adjudication of matters of interstate water disputes.¹⁰ In addition, we have the “Inter-State River Water Disputes Act of 1956, which was

⁹ Samridhi Thapliyal, Explained: What Is the Cauvery Water Dispute, Why Is Karnataka Not Giving Water to Tamil Nadu?, *TIMES OF INDIA* (Sept. 28, 2023).

¹⁰ INDIA CONST. art. 262.

passed following Article 262 of the Constitution”, to resolve water disputes by the establishment of “tribunals to settle inter-state water and river disputes” when the Central Government thinks that the matter cannot be solved using negotiations.¹¹

As the law governing the interstate water disputes is complex and multidirectional, the issues are also caused and delayed. This can be seen throughout the Kaveri water dispute. This can be understood through two issues. Firstly, in the year 2007, the “CWDT, i.e. Cauvery Water Dispute Tribunal” in 2007 gave an award for allocating water. But due to the discontent between the states, it was not implemented; however, after the intervention of supreme court, the order of allocation was given force.¹² Secondly, in the year 2023, when the Karnataka government decided to release less water to Tamil Nadu, citing less rainfall received, but “the Tamil Nadu government approached the Supreme Court”.¹³ Earlier, Tamil Nadu demanded 10,000 cusecs, and Karnataka proposed 8,000 cusecs, but later, after intervention by “the Supreme Court and by the Cauvery Water Regulation Committee” (CWMA), the order was given to release an amount of 3000 cusecs of water at Biligundlu.¹⁴

5. ANALYSIS OF CLAIMS & REASONS OF BOTH STATES WITH RESPECT TO THE ALLOCATION OF WATER.

The claims and reasons provided by the states are the arguments that are presented by the states before the Kaveri tribunal, and the same are given due consideration. For the collection of such qualitative data, the study has relied on secondary legal sources, i.e the scholarly work of *Anand PB (2024) in “Water and Identity: An analysis of the Cauvery River water dispute”*.¹⁵ The claims of both the states can be categorised into the following: -

- Firstly, there is an opposing argument concerning the 1924 agreement between the states, where Karnataka claims it has expired in the year 1974, whereas Tamil claims it is still valid and it cannot be changed, or such an agreement will help in irrigation and

¹¹ Inter-State River Water Disputes Act, No. 33 of 1956, INDIA CODE.

¹² Id.

¹³ Samridhi Thapliyal, Explained: What Is the Cauvery Water Dispute, Why Is Karnataka Not Giving Water to Tamil Nadu?, TIMES OF INDIA (Sept. 28, 2023).

¹⁴ Dr. Teghbir Kaur, Re-Negotiating the Cauvery River Water Dispute in Changing Geopolitics and Ecological Era, 6 INT’L J. FOR MULTIDISCIPLINARY RES. 1 (Mar.–Apr. 2024), <https://ijfmr.com/papers/2024/2/15722.pdf>.

¹⁵ P.B. Anand, Water and Identity: An Analysis of the Cauvery River Water Dispute (BCID Research Paper No. 3, Univ. of Bradford 2004).

agriculture in Tamil Nadu.

- Secondly, regarding the rights of upstream areas and downstream areas, where the interest between the state conflict, according to who enjoys the majority of agricultural activities.
- Thirdly, Karnataka state claims to allocate less water to Tamil Nadu due to short rainfall in peak seasons, which is disputed by Tamil Nadu state, claiming that such natural factors are common in Tamil Nadu also, and that cannot be the sole reason for changes in agreements.

From the above-mentioned claims of both states, we can draw the main issue which is faced by both states face, which includes water scarcity caused by changes in the annual rainfall rate, which occurs in both states. This must be given importance so that the dispute over water allocation between the states can be terminated.

6. ECO-FRIENDLIER PRACTICES AS A SOLUTION FOR INTERSTATE WATER DISPUTES.

As from the previous chapter, we came to know that the dispute with respect to the allocation of water to 'Karnataka and Tamil Nadu' is mainly caused by water scarcity in the regions where the river flows. The reasons for water scarcity may be of a wide range where one of which is a decrease in annual rainfall. The decrease in annual rainfall in turn depends on factors like climate change, deforestation, excess use of land for irrigation, industrial setup on the banks of the river, etc.

According to a scientific survey of the National Remote Sensing Centre, government of India, which depicts the use of land or land cover in the belt of the river Kaveri for purposes like built-up land, agricultural land, forest land, grassland, wasteland and waterbodies.¹⁶ The report depicted one thing in common that is reduction in the forest area, which is only 20.50 % of the total area and whereas with respect to use for agricultural purpose it is 66.21 %, which is much more than forest land, so it obviously causes excess pressure on land. Additionally, built-up land also has a share, which shows that there has been an increase in urbanisation and human

¹⁶ National Remote Sensing Centre, Resources: River Basin Atlas, GOV'T OF INDIA, https://www.nrsc.gov.in/nrscnew/resources_atlas.php (last visited Jan. 31, 2026).

intervention, which directly causes the requirement for more water. Hence, these built-up lands exert pressure on natural resources, as in the case of carvery water. Agriculture is a major actor in “the water demand in Karnataka and Tamil Nadu”.¹⁷ To compensate for this, the eco-friendlier practices and policies are the only solution that should be adopted by the states. Some of those are as follows: -

- To initiate the Agroforestry programme, which is the most suitable initiative for the Kaveri River basin. In simple terms, it involves planting of trees along the river basin so that the soil does not get eroded and in turn the rivers, ponds, small reservoirs, or lakes do not go dry during off season. “Cauvery Calling is one such initiative started by Isha Foundation under Sadguru Jaggi Vasudev”, where, according to him, by such an initiative, the water retention capacity increases, which will be beneficial for agriculture and recharging aquifers. Ultimately, the goal was not to let the water just flow, but to retain it through the soil.¹⁸
- It must be ensured that the purpose for which the water is used is for multiple tasks, activities and is used by a varied class of people.¹⁹ This proves in maintaining a fair allocation of water sources. And in addition, this kind of initiative must be vigilantly monitored by an independent body.
- To organise awareness programmes from the government regarding such agroforestry, and provide monetary assistance for implementation. Also, to diversify in the kind of agricultural practices and crops grown.²⁰
- To frame stricter laws for maintaining and developing the river basin through agroforestry. And to strictly eliminate any kind of industrial or housing development along the basin.
- To decrease the number of tube wells. Because in today's era, all the farming land is equipped with tube well though they have the connection of water resources. This

¹⁷ R. Gowri, Pankaj Dey & P.P. Mujumdar, A Hydro-Climatological Outlook on the Long-Term Availability of Water Resources in Cauvery River Basin, 14 WATER SECURITY 100102 (2021).

¹⁸ Dr. Harikrishnan Ramanan, Cauvery Calling—A Practically Viable Initiative Aligned with Agroforestry, CONSCIOUS PLANET (Mar. 16, 2020, 4:40 PM), <https://consciousplanet.org>.

¹⁹ P.B. Anand, Water and Identity: An Analysis of the Cauvery River Water Dispute (BCID Research Paper No. 3, Univ. of Bradford 2004).

²⁰ *Id.*

provides for depletion in ground water resource.

- To monitor and supervise the unwanted usage of Kaveri water in urban cities and to impose a fine when needed on such people or entities who waste such water or cause pollution in any manner.

7. POLICIES FOR STRENGTHENING FEDERAL UNITY BETWEEN THE STATES

As held in one of the leading cases of “State of Kansas v. State of Colorado, every Riparian State has equal rights on the flowing water of the river, as held in.”²¹ So, in this issue also Karnataka and Tamil Nadu must also have equal rights in water allocation. To achieve apart from having environmentally friendly practises, we must also have policies of which brings together the people of Karnataka and Tamil Nadu. This include following:

- To organise debates and meetings between the local people-led organisation and the farmers' organisation. where such policies and suggestions given must be included in government policies.
- to give importance to the saving of the ecological and environmental values of the Kaveri River rather than focusing on its allocation.
- To encourage billboards and advertisements, which increase nationalist ideology.
- To enforce strict measures against the people who incite violence and the crimes under the umbrella of the water dispute, rather than use it as a political tool.
- To encourage the phrases of the local poets who tried to bind people and display such phrases in public places. For example, “Kuvempu, a pioneer Kannada poet, has said in a poem called Kaveri Nadiga Kuvempu (Kuvempu's Kaveri River) in 1964”, that there is a need to protect the river as it is essential for the livelihoods of farmers and people, and disputes must be resolved amicably without resorting to violence or animosity.

²¹ State of Kansas v. State of Colorado, 206 U.S. 46 (1907).

8. CONCLUSION

It is clear that both the states, that is Tamil Nadu, and Karnataka has taken the dispute as a matter of pride and political dominance. Whereas the population is increasing in both the sates, the developmental activities are also rising. So, it is important to inculcate sustainable development principles in developing and planning our cities.²² “The smart city mission”, which is a central government development plan for cities in India, started in 2015.²³ Though the smart city mission has led to rapid development of cities in and around the Kaveri basin in both Tamil Nadu and Karnataka but there is a need of taking in to consideration of aspect of water conservation in infrastructure and metropolitan city development. One of the new propositions would be that the government, whether central or state have to come up with a new initiative of development called “River Belt Cities”. Where in such cities’ development must be based on eco-friendlier principles rather than modernisation. Where some of the aspects that can be included are planting trees along the river basin, not permitting the establishment of factories and industries, waste affluent management, installation of waste water treatment plants along the river basin, etc. Ultimately, through these policies and suggestions, a longstanding issue like the Kaveri water dispute can be solved.

²² Tania Sebastian, A “Chennai” in Every City of the World: The Lethal Mix of the Water Crisis, Climate Change, and Governance Indifference, 4 LAW, TECH. & HUMANS 79, 79–101 (2022).

²³ *Id.*

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