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Inter State Water Dispute

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ABSTRACT:

Interstate water disputes in India have been a persistent challenge, often leading to tensions between states and impacting water management strategies. This research paper examines the conceptual framework of interstate water disputes, including their definitions, causes, dynamics, and resolution mechanisms. It begins with an introduction defining interstate water disputes and their significance in India's context, highlighting the complex interplay of legal, political, and geographical factors.

The paper delves into the historical background of water sharing agreements, tracing key disputes such as the Cauvery and Krishna-Godavari disputes, and analyzing their resolutions or lack thereof. It explores the role of river basin organizations, legal frameworks such as the Interstate River Water Disputes Act, and mechanisms like tribunals in addressing these disputes.

Furthermore, the research investigates the impact of climate change and increasing water demand on interstate water disputes, emphasizing the need for sustainable water management practices and effective conflict resolution strategies. Case studies and comparative analyses offer insights into successful and unsuccessful approaches to managing interstate water conflicts.

By synthesizing existing literature, legal frameworks, and case studies, this paper contributes to a comprehensive understanding of interstate water disputes in India and provides recommendations for policy interventions and collaborative water governance frameworks.

Keywords: interstate water disputes, India, conflict resolution, water management, legal frameworks, river basin organizations, climate change, policy interventions.

INTRODUCTION

Interstate water disputes in India present a complex and enduring challenge that demands a multifaceted approach for resolution. As the lifeblood of communities and ecosystems, water becomes a source of contention when shared across state boundaries. This essay delves into the heart of such disputes, exploring the legal frameworks, practical difficulties, and consequential impacts that shape the landscape of interstate water management in India.

At the core of these disputes lies the clash between natural hydrological boundaries and artificial administrative divisions. Rivers like the Cauvery and the Krishna traverse multiple states, creating interdependencies that fuel competition over water allocation. Upstream states prioritize irrigation for agricultural needs, while downstream states demand equitable access for drinking water and other vital uses. Population growth and expanding agriculture's intensifying demands on the finite supply have exacerbated existing tensions in controlling this scarce resource.

To address these conflicts, India established the Inter-State River Water Disputes Act in 1956, providing a legal framework for resolution. Under this act, tribunals are empowered to adjudicate water disputes based on historical usage, geographic considerations, and drought situations. However, the efficacy of this mechanism is hampered by significant shortcomings. Tribunal proceedings often stretch over decades, perpetuating uncertainty and hindering development initiatives. Coordinating divergent state priorities with the imperative of impartial allocation on a national scale is an intricate problem, made more convoluted by the reality that partisan influences can hamper consensus.

The consequences of unresolved water disputes extend far beyond the legal and administrative realms, manifesting in social unrest and environmental degradation. Prolonged conflicts between states, if left unresolved, run increasing risks of erupting into violence that threatens regional stability while also impeding normal socio-economic progress in the disputing nations and neighboring lands. While overexploitation of rivers to meet individual state demands may in the short term satisfy certain needs, if left unchecked, it risks long-term damage through declining water levels, destroyed habitats, and disrupted natural balances, collectively posing a threat to the diversity of life and the sustainability of ecosystems for the future.

To navigate these troubled waters, a holistic approach is imperative, encompassing legal reforms, institutional capacity-building, and proactive water management strategies. Firstly, the legal framework governing interstate water disputes requires revision and strengthening. Reforms should prioritize expediting tribunal proceedings, enforcing decisions, and enhancing mechanisms for interstate cooperation and compliance.

Furthermore, placing increased focus on alternative means of resolving disputes outside of litigation, like arbitration and mediation, could help alleviate burdens on the court system while still allowing conflicting parties potential avenues for finding mutually agreeable solutions. These approaches offer more flexible and collaborative avenues for resolving conflicts and fostering dialogue and consensus-building among stakeholders.

Ultimately, tackling the fundamental drivers of disagreements over water resources is indispensable for maintaining long-term viability. This entails promoting water conservation, implementing efficient irrigation practices, and investing in infrastructure for storage and distribution. By reducing pressure on shared water resources, states can mitigate conflict and ensure equitable access for all users.

There is a pressing need to further promote public cognizance of and involvement in water administration through more nuanced means, as cultivating a shared spirit of collaboration and conservatorship amongst stakeholders is paramount for long-term sustainability. Civil society organizations, academia, and the media each have the potential to significantly impact sustainable water policies by facilitating important discussions that include a variety of interested groups.

RESEARCH PROBLEM

Interstate water disputes in India cast a long shadow, threatening cooperation, environmental health, and social stability. While the Inter-State River Water Disputes Act of 1956 established tribunals for adjudication, these disputes often languish for decades, leaving states locked in a seemingly unending battle. This essay proposes a research problem that delves into the reasons behind this gridlock and explores potential solutions for more effective and timely dispute resolution.

THE PROBLEM OF DELAYED JUSTICE:

The primary research problem lies in the protracted nature of tribunal proceedings. The lengthy wait for a verdict, which could span a decade or more, left involved states feeling helpless and frustrated as they watched their dispute drag through the system over many years. This delay hinders development projects, exacerbates water scarcity, and fuels political tensions. Delving deeper to uncover the fundamental drivers behind this lethargy is paramount for devising impactful remedies.

POTENTIAL AREAS OF INVESTIGATION:

- Tribunal Composition and Functioning: Are the tribunals adequately staffed with water management experts and legal professionals with
 experience in fast-tracking complex cases? Examining the composition and functioning of these bodies could reveal areas for improvement.
- Data Sharing and Scientific Evidence: Do states hesitate to share crucial hydrological data due to political considerations? Exploring the role of scientific evidence in tribunal decisions and the challenges of data transparency between states is vital.
- The Role of Politics: To what extent do political agendas and vote-bank politics influence negotiations and compliance with tribunal rulings?
 Investigating the political dynamics surrounding water disputes can shed light on how to de-escalate tensions and prioritize national water security.

ENVISIONING SOLUTIONS:

By identifying the bottlenecks within the current system, research can propose innovative solutions. These could include:

- Streamlining Tribunal Processes: Implementing stricter timelines for case resolution, utilizing technology to expedite data analysis, and
 establishing a standardized approach to evidence presentation could accelerate the decision-making process.
- Strengthening Central Government Intervention: Can the central government play a more proactive role in facilitating data sharing, mediating negotiations, and enforcing tribunal verdicts? Exploring this option could break the current deadlock and expedite solutions.
- Alternative Dispute Resolution Mechanisms: Researching the feasibility of introducing alternative dispute resolution mechanisms, such as
 mediation and arbitration, could offer faster and more flexible solutions acceptable to all parties.

RESEARCH QUESTIONS

- What are the primary factors contributing to the delays in resolving interstate water disputes through tribunals in India? The complex
 composition and functioning of these tribunals, with particular consideration given to staffing levels and bureaucratic case management
 protocols, seems to significantly hamper the timely resolution of adjudicated matters.
- 2. The manner in which the accessibility and openness of scientific records, including hydrological archives and patterns of water employment, can potentially sway tribunal deliberations warrants examination. Does political pressure from individual states regarding data sharing impede a data-driven approach to dispute resolution?
- 3. To what extent do political considerations and the desire to appease state-specific vote banks influence negotiations and compliance with tribunal rulings? While alternative dispute resolution avenues including mediation and arbitration may promise an expedited route for settling

water disagreements between states in a manner with decreased involvement from partisan influences, some argue the political nature inherent in interstate compacts could hamper meaningful consensus through such alternate paths.

RESEARCH OBJECTIVE

This research aims to dissect the protracted nature of interstate water disputes in India and propose solutions for faster and more effective resolutions. The Inter-State River Water Disputes Act of 1956 established tribunals for adjudication, but these disputes often drag on for decades. This multi-faceted objective incorporates a threefold methodology comprising of:

- 1. Identifying Bottlenecks in the Tribunal System: We will investigate the internal functioning of tribunals, analyzing staffing levels, the expertise of personnel, and case management procedures. Are there inefficiencies that contribute to delays? Can streamlining processes and incorporating technological advancements expedite decision-making?
- 2. **Enhancing Data Transparency and Scientific Basis:** The role of scientific evidence in tribunal rulings will be examined. Does political pressure from states regarding data sharing on water usage and hydrological records impede a data-driven approach? This research will explore how to improve data transparency and leverage scientific data to create more robust and defensible solutions.
- 3. Exploring Alternative Dispute Resolution Mechanisms: The influence of political agendas on negotiations and compliance with tribunal rulings will be assessed. While alternative dispute resolution mechanisms like mediation and arbitration may provide a swifter route with less polarization for addressing disagreements, questions remain about whether completely satisfying all stakeholders can be achieved through such means. This research will analyze the feasibility and effectiveness of incorporating ADR mechanisms within the existing framework.

RESEARCH METHODOLOGY

□ Water, the elixir of life, becomes a source of contention when shared across state boundaries in India. This research delves into the prevalent issue of protracted interstate water disputes and aims to identify factors contributing to the delays while exploring potential solutions for a more efficient and equitable resolution process. This study relies solely on existing secondary data sources for analysis.

1. DATA SOURCES:

- Legal Documents: The cornerstone of this research will be a thorough examination of the Inter-State River Water Disputes Act, 1956 (ISWD Act). Analyzing the act's provisions regarding tribunal formation, case filing procedures, and timelines for verdicts will provide insights into the legal framework governing dispute resolution.
- Government Reports and Publications: Reports and publications by the Ministry of Water Resources, River Development, and Ganga Rejuvenation (MoWR, RD, & GR) will be valuable sources of data. These documents may offer insights into the functioning of tribunals, historical trends in dispute resolution timeframes, and challenges faced by the central government in facilitating water-sharing agreements.
- Academic Literature: Peer-reviewed journals, research papers, and books written by legal scholars, water management experts, and political
 scientists will provide critical analysis of the water dispute landscape in India. By illuminating the political influences, constraints of the
 adjudication framework, and the necessity for open access to supporting facts, these sources aim to reveal the fundamental reasons for
 protracted wait times as well as suggest approaches to address them.
- Case Studies: An in-depth analysis of specific interstate water disputes, such as the Cauvery water dispute or the Krishna water dispute, will
 offer an opportunity to examine the practical application of the ISWD Act and identify bottlenecks in the resolution process. Case studies
 published by research institutions, legal journals, and news organizations will be valuable resources.
- News Articles and Media Reports: Current news articles and media reports on ongoing water disputes will provide a contemporary
 perspective on the issue. These sources may highlight recent developments in negotiations, political rhetoric surrounding water sharing, and
 public opinion on the effectiveness of the dispute resolution system.

2. DATA COLLECTION AND ANALYSIS:

- Document Analysis: The collected legal documents, reports, and academic literature will be meticulously reviewed to identify key themes
 and arguments surrounding the delays in dispute resolution. Through employing content analysis techniques, data shall be extracted concerning
 the composition and operation of tribunals, the role scientific evidence plays in their determinations, and the impact political factors exert
 upon their judgments.
- Case Study Analysis: For chosen case studies, a qualitative approach will be used to analyze the narrative of the dispute, the factors that
 contributed to the delays, and the effectiveness of the resolution process. This analysis will involve identifying recurring themes and patterns
 within the specific cases.
- Media Monitoring: News articles and media reports will be continuously monitored to capture current trends, public debates, and expert
 opinions on interstate water disputes.

3. DATA TRIANGULATION:

By triangulating multiple data sources, this research aims to validate findings and ensure their dependability. Through drawing from a wide gamut of supporting materials, such as legal records, scholarly works, case reviews, and media reports, the analysis shall be substantiated and augmented considerably.

4. ETHICAL CONSIDERATIONS:

- · Attribution: This research will meticulously cite all sources of data used to ensure proper attribution and academic integrity.
- Objectivity: While examining a complex and politically charged issue, the research will strive for objectivity by presenting a balanced analysis
 of different perspectives on the problem.

5. LIMITATIONS:

This research relies solely on existing data. While offering valuable insights, it may not capture the lived experiences of stakeholders directly involved in water disputes. Future research could consider incorporating interviews with relevant officials, legal representatives, and water management experts for a more comprehensive understanding.

By employing this comprehensive research methodology, this study aims to shed light on the factors hindering effective dispute resolution in India's interstate water conflicts. Based upon this examination, recommendations for implementable remedies shall be put forth, seeking a process that optimizes factual information, diminishes unnecessary influences, and efficiently settles these fundamental disagreements.

LITERATURE REVIEW: INTERSTATE WATER DISPUTE RESOLUTION IN INDIA

Interstate water disputes are a longstanding challenge in India, threatening water security and cooperation between states. This review examines existing literature to understand the complexities of dispute resolution and identify potential areas for improvement.

LEGAL FRAMEWORK AND CHALLENGES:

- Ahluwalia, D. S. (2000). Interstate River Water Disputes in India. This foundational text by Ahluwalia provides a detailed analysis of the Inter-State River Water Disputes Act, 1956 (ISWD Act), highlighting its strengths and limitations. The author identifies the lengthy tribunal proceedings as a major hurdle¹
- Singh, A. (2012). Interstate Water Disputes Act, 1956: A Critical Analysis. Singh critiques the ISWD Act for its lack of emphasis on scientific data and environmental considerations in decision-making ²

TRIBUNAL SYSTEM AND EFFICIENCY:

- Kumar, S. P. (2005). Interstate Water Disputes and River Valley Management in India. Kumar delves into the functioning of tribunals, arguing for increased technical expertise and streamlined procedures to expedite decision-making ³
- Gopalakrishnan, C., & Kumar, S. P. (2008). Inter-State Water Dispute Resolution in India: The Cauvery Water Dispute⁴. This case
 study by Gopalakrishnan and Kumar examines the protracted Cauvery water dispute, highlighting the limitations of tribunals in resolving
 complex political issues

DATA SHARING AND SCIENTIFIC EVIDENCE:

- Mohan, G. (2001). Interstate Water Disputes in India: Need for a Holistic Approach. Mohan emphasizes the importance of data transparency and scientific evidence in dispute resolution. He calls for improved data sharing mechanisms between states 5
- Jaswal, A. S. (2014). Water Management in India: Issues and Challenges. Jaswal highlights the political resistance to sharing water usage data, hindering a data-driven approach to dispute resolution ⁶

¹ Ahluwalia, D. S. (2000). Interstate River Water Disputes in India

² Singh, A. (2012). Interstate Water Disputes Act, 1956

³ Kumar, S. P. (2005). Interstate Water Disputes and River Valley Management in India.

⁴ Gopalakrishnan, C., & Kumar, S. P. (2008). Inter-State Water Dispute Resolution in India

⁵ Mohan, G. (2001). Interstate Water Disputes in India: Need for a Holistic Approach

⁶ Jaswal, A. S. (2014). Water Management in India

POLITICAL INFLUENCE AND ALTERNATIVE MECHANISMS:

- Jena, P. K. (2009). Federalism and Water Management in India. Jena criticizes the politicization of water disputes and argues for exploring
 alternative dispute resolution (ADR) mechanisms like mediation ⁷
- Agrawal, A., & Gupta, K. (2005). Decentralization and Participation: Local Governance and Forest Management in India. While not
 directly focused on water disputes, this work by Agrawal and Gupta highlights the potential benefits of participatory approaches in natural
 resource management, which could be adapted to ADR mechanisms ⁸

ENVIRONMENTAL IMPACT AND SUSTAINABILITY:

- Bandyopadhyay, J. (2005). Water Security and Sustainability in India. Bandyopadhyay emphasizes the environmental consequences of overexploiting rivers due to unresolved water disputes. He calls for sustainable water management practices 9
- Shah, T., et al. (2009). The Global Groundwater Crisis: Challenges and Resources. Shah et al. discuss the global water crisis and the need
 for sustainable water management strategies, which is particularly relevant to India's interstate water disputes¹⁰

LOOKING FORWARD:

• MoWR, RD & GR (2019). National Water Policy 2012. The Ministry of Water Resources, RD & GR's National Water Policy outlines a vision for sustainable water management in India. According to this document, the current dispute resolution system's effectiveness can be gauged by using it as a benchmark against which evaluations may be made, as referenced in source eleven.¹¹

THE STALLED WHEELS OF JUSTICE: BOTTLENECKS IN INDIA'S INTERSTATE WATER DISPUTE RESOLUTION SYSTEM

Interstate water disputes cast a long shadow over India's water security, fostering tension and hindering development. While the Inter-State River Water Disputes Act of 1956 established tribunals for adjudication, these disputes often languish for decades. The essay explores how bottlenecks within the tribunal system's own processes could contribute to an excruciatingly drawn-out pace of resolving matters.

One potential hurdle lies in the expertise of the tribunals. Studies by Kumar (2005) and Ahluwalia (2000) highlight the need for tribunals to be staffed with a specific blend of expertise. Water management specialists are crucial for understanding the complexities of river systems and water usage patterns. Equally important are legal professionals experienced in navigating intricate water law and handling complex cases expeditiously. Ahluwalia further emphasizes the need for streamlined procedures within tribunals [1]. Implementing stricter timelines for case resolution, utilizing technology to accelerate data analysis, and establishing a standardized approach to evidence presentation could all contribute to a faster and more efficient decision-making process.

The composition and functioning of tribunals also warrant closer scrutiny. Does the limited number of available tribunals potentially result in an accumulating stockpile of unsettled cases awaiting resolution? Do clear guidelines for evidence presentation and standardized approaches to data analysis exist within tribunals, or do inconsistencies contribute to delays? Additionally, the potential influence of political considerations requires exploration. Do political appointments or pressure from state governments impact the pace of proceedings? Cumbersome bureaucratic procedures and red tape within the tribunals could also be hindering progress.

Comparative analysis with other nations facing similar water disputes can offer valuable insights. Do other countries utilize faster and more efficient tribunal models that India could adapt? Understanding how other nations navigate these complex conflicts through legal frameworks could inform potential reforms in India.

By dissecting these potential bottlenecks, this research aims to propose concrete recommendations. Enhancing the expertise of tribunal members, streamlining procedures, and addressing any political interference within tribunals are crucial first steps. Considering emulating other nations' most effective approaches to eliminating case backlogs, officials might also investigate dividing existing tribunals into additional divisions while ensuring each maintains equivalent standards of excellence. By systematically tackling the constraints of the prevailing framework through an all-encompassing strategy, India can forge a path to a more efficient and impactful process of resolving disagreements, thereby guaranteeing a tomorrow where water serves as a foundation for common prosperity rather than as a wellspring of strife.

⁷ Jena, P. K. (2009). Federalism and Water Management in India

⁸ Agrawal, A., & Gupta, K. (2005). Decentralization and Participation: Local Governance and Forest Management in India

⁹ Bandyopadhyay, J. (2005). Water Security and Sustainability in India

¹⁰ Shah, T., et al. (2009). The Global Groundwater Crisis: Challenges and Resources

¹¹ MoWR, RD & GR (2019). National Water Policy 2012

THE MURKY WATERS OF DATA: TRANSPARENCY AND SCIENTIFIC EVIDENCE IN DISPUTE RESOLUTION

The second research question of this study probes the role of data in interstate water dispute resolution in India. While scientific evidence should be a cornerstone of informed decision-making, existing literature suggests a murkier reality.

Transparency in data sharing emerges as a critical issue. Mohan (2001) emphasizes the importance of data in dispute resolution, arguing for improved mechanisms for states to share crucial hydrological data¹². However, Jaswal (2014) highlights the resistance from states to share water usage data, often due to political considerations¹³. By obscuring the facts needed for a data-driven resolution, this lack of transparency undermines efforts to settle disputes objectively.

The quality and utilization of scientific evidence within tribunals also requires investigation. Does the current system adequately integrate data on water flow patterns, historical usage records, and environmental impact assessments into decision-making? Singh (2012) critiques the ISWD Act for its lack of emphasis on scientific data¹⁴. Are tribunals equipped to analyze and interpret complex scientific data effectively?

Furthermore, the role of scientific experts within tribunals needs to be examined. Are there enough qualified hydrologists and water resource specialists involved in the proceedings? Do they have the authority to present their findings and influence decision-making, or are political considerations given greater weight?

A potential solution could be the establishment of independent data collection and analysis bodies. These entities could gather and verify hydrological data from all states, ensuring transparency and objectivity. Additionally, tribunals could benefit from including more scientific experts in their deliberations.

By promoting data transparency, incorporating robust scientific evidence, and utilizing the expertise of water resource specialists, the dispute resolution process can be strengthened.

THE POLITICAL TUG-OF-WAR: NAVIGATING POLITICAL INFLUENCE AND ALTERNATIVE DISPUTE RESOLUTION

The third research question delves into the complex interplay between political considerations and alternative dispute resolution (ADR) mechanisms in interstate water disputes. Existing literature reveals a landscape where political agendas often muddy the waters, while ADR offers a potentially less politicized path forward.

Jena (2009) criticizes the politicization of water disputes, highlighting how state-level politics often trump rational solutions¹⁵. This politicization can manifest in several ways. Political parties may exploit water disputes to garner votes, leading to inflammatory rhetoric and hindering compromise. State governments may also exert pressure on tribunals, influencing the pace of proceedings and potentially delaying outcomes.

Exploring alternative dispute resolution mechanisms like mediation and arbitration becomes crucial in this context. Jena argues for their potential to facilitate less confrontational and more collaborative solutions¹⁶. Agrawal and Gupta's (2005) work on participatory approaches in natural resource management offers valuable insights¹⁷. By fostering dialogue and compromise between states, ADR could lead to faster and more sustainable solutions compared to the current tribunal system heavily influenced by political considerations.

However, implementing ADR effectively requires careful consideration. For meaningful progress to occur, all sides must approach discussions with sincerity and a shared goal of understanding others' perspectives through respectful dialogue. Additionally, establishing a robust framework for ADR within the existing legal framework is necessary. This framework should define the scope of ADR mechanisms, ensure transparency in the process, and establish clear guidelines for reaching binding agreements.

By critically evaluating the limitations of the current system and exploring the potential of ADR mechanisms, this research can propose innovative solutions. By advocating that states view alternative dispute resolution as a legitimate choice and by establishing robust legal groundwork for its application, a path could open toward resolving water disagreements in a manner that strays less from politics yet proceeds more smoothly.

CONCLUSION: TOWARDS A MORE EQUITABLE FUTURE

Interstate water disputes in India pose a significant threat to the nation's water security and cooperative spirit. While the Inter-State River Water Disputes Act provides a legal framework for resolution, the current system suffers from delays and limitations. This research has explored the potential bottlenecks

¹⁴ Singh, A. (2012). Interstate Water Disputes Act, 1956

¹² Mohan, G. (2001). Interstate Water Disputes in India: Need for a Holistic Approach

¹³ Jaswal, A. S. (2014). Water Management in India

¹⁵ Jena, P. K. (2009). Federalism and Water Management in India

Jena, P. K. (2009). Federalism and Water Management in India

¹⁷Agrawal, A., & Gupta, K. (2005). Decentralization and Participation: Local Governance and Forest Management in India

within the tribunal system, the challenges associated with data transparency and scientific evidence, and the complex role of political considerations. By analyzing existing literature, the research identified key areas for improvement.

Addressing Bottlenecks in the Tribunal System: Enhancing the expertise of tribunal members, streamlining procedures, and addressing political interference are crucial steps. Increasing the number of tribunals and exploring best practices from other countries should also be considered.

Enhancing Transparency and Scientific Evidence: Promoting data sharing between states through independent data collection bodies, incorporating scientific evidence effectively into decision-making, and involving water resource specialists within tribunals are essential measures.

Exploring Alternative Dispute Resolution: ADR mechanisms like mediation and arbitration offer a potentially less politicized path forward. Establishing a robust legal framework for ADR implementation and fostering a culture of collaboration between states are key to success.

Through adopting these proposals, India will be in a stronger position to develop a dispute resolution procedure that is both more efficient and effective. By both ensuring the timely and equitable resolution of water disputes as well as fostering cooperation between states to contribute to sustainable water management practices, this approach has the potential to benefit all stakeholders involved. While ensuring that water continues serving as a source of shared prosperity rather than strife for India's tomorrow, the overriding aim must be to guarantee this critical resource promotes inclusive growth and harmony across the country for generations to come.

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