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Article 262: Adjudication of Inter-State River Water Disputes

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Article 262: Adjudication of Inter-State River Water Disputes

Rivers cross state borders, but fights over them should not clog ordinary courts. Art. 262 gives Parliament a special track.

It can create tribunals for river-water disputes between States. It can also bar courts from hearing them.

This lesson explains the article, the 1956 Act and the 130-year Cauvery story.



Srisailam Dam on the Krishna River, one of the rivers whose water is shared by several States. Photo: iMahesh, CC BY-SA 4.0, via Wikimedia Commons.

Art. 262, at a glance

- **Clause 1:** Parliament may make a law to settle disputes over inter-State river waters.
- **Clause 2:** Parliament may bar the Supreme Court and all other courts from such disputes.
- **The law:** the Inter-State River Water Disputes Act, 1956.
- **Cauvery:** tribunal set up 1990, award 2007, Supreme Court changes in 2018.

Tribunal: an expert body created to decide a dispute. **TMC:** thousand million cubic feet, a unit of water volume. **CWMA:** Cauvery Water Management Authority, set up in June 2018. **Art. 136:** special leave to appeal to the Supreme Court.

Two Clauses, One Track

What does Art. 262 say?

Art. 262(1) lets Parliament make a law on disputes over the "use, distribution or control" of the waters of any inter-State river or river valley.

Art. 262(2) goes further. Parliament may provide by law that neither the Supreme Court nor any other court will hear such a dispute.

Note the words "may" and "by law". The article does not bar courts by itself. Parliament must first pass a law that does so.

Sources: indiankanoon.org

Quick check 1. Art. 262(2) itself bars the Supreme Court from river-water disputes. *(True or False?)* See answer ↓

Why does the Constitution need this track?

Water is a State subject. Entry 17 of the State List covers water supplies, irrigation and canals, “subject to the provisions of entry 56 of List I”.

Entry 56 of the Union List covers the regulation and development of inter-State rivers. This applies to the extent Parliament declares it expedient in the public interest.

A river that crosses States does not fit one State’s list. So Art. 262 is the bridge between State water rights and national adjudication.

Sources: indiankanoon.org

The framers wanted expert bodies, not ordinary courts, for water fights that are both technical and politically explosive.

Read more: Centre-State Relations and the Federal Structure and River Interlinking and Water Sharing Issues in India.

Remember: 262(1) is the tribunal power. 262(2) is the court-exclusion power.

The 1956 Act and the Tribunal

What counts as a water dispute?

Section 2(c) of the Act defines a water dispute as a dispute between two or more State Governments. It covers three kinds of fight.

– The use, distribution or control of the waters of an inter-State river or river valley.

– The meaning or the implementation of an agreement on such waters.

– A breach of a water-use agreement or of the Act.

Section 7 stops a State from charging other States a seigniorage or extra fee just because a dam or canal stands inside its borders.

Sources: indiankanoon.org

How does a tribunal come into being?

The process has clear steps.

– A State Government that feels harmed by another State asks the Central Government to refer the dispute to a tribunal (Section 3).

– The Centre first tries negotiation. If that fails, it must set up the tribunal within one year of the request (Section 4).

– The tribunal has a Chairman and two members. The Chief Justice of India nominates them from sitting Judges of the Supreme Court or a High Court.

– The Centre may appoint two or more assessors to advise the tribunal.

Sources: indiankanoon.org

What can the tribunal do, and for how long?

The tribunal has the powers of a civil court to summon people, call for documents and issue commissions (Section 9).

It must give its report and decision within three years. The Centre may extend this by up to two more years (Section 5).

After the decision, the Centre or a State has three months to ask for an explanation. The tribunal then has one year to answer.

If members differ, the majority view wins.

Sources: indiankanoon.org

Quick check 2. The Inter-State River Water Disputes Act, 1956 lets the Union set up tribunals to decide river disputes. *(True or False?)* See answer ↓

How strong is a tribunal award?

Once the Centre publishes the decision in the Official Gazette, it is final and binding on the parties (Section 6(1)).

It then has the same force as an order or decree of the Supreme Court (Section 6(2)).

So the States cannot treat an award as mere advice. They must give effect to it.

Sources: indiankanoon.org

Does the Act bar the courts?

Yes. Section 11 bars the Supreme Court and every other court from a water dispute referred to a tribunal. This is the use of Art. 262(2).

The Act also keeps out disputes that can go to arbitration under the River Boards Act, 1956 (Section 8).

The bar covers the dispute itself. It has not stopped the Supreme Court from hearing appeals, as the Cauvery case shows.

Sources: indiankanoon.org

Cauvery, Krishna, Godavari and Mahanadi disputes have all gone to tribunals. A 2002 amendment added time limits to make the process faster and the awards binding.

After the Award

Who carries out the award?

Section 6A lets the Centre frame a scheme to give effect to a tribunal's decision. The scheme may set up an authority to implement it.

The authority can hold property, sign contracts, and sue and be sued. Each scheme must be laid before both Houses of Parliament for thirty days.

Section 9A adds a data bank on each river basin, which the Centre keeps. States must supply data when asked.

Sources: indiankanoon.org

Can the Supreme Court still step in?

Yes, through special leave. Art. 136 lets the Supreme Court hear an appeal from "any court or tribunal" in India.

In the Cauvery appeals, the Union argued that Section 6(2) shut this door. The Court held that Parliament did not intend any bar on its jurisdiction. Section 6(2) only gives the award binding effect.

So a tribunal decides first. The Supreme Court stays as the backstop.

Sources: indiankanoon.org

Read more: The Supreme Court of India and Art. 131: Original Jurisdiction of the Supreme Court.

> **Think it through:** Art. 131 gives the Supreme Court original power over disputes between States. Why do river disputes not go there?
> **Show the answer**
> Art. 262(2) starts with “Notwithstanding anything in this Constitution”. So a law under Art. 262 can take river disputes out of every court, including the Supreme Court’s original power. The 1956 Act did exactly that with Section 11.

The Cauvery Story

How did the dispute begin?

The Cauvery fight is over 130 years old. It began in 1892 with an agreement between the Madras Presidency and the princely state of Mysore.

That agreement set a rule. Upstream Mysore needed Madras’s consent before building any new reservoir.

Mysore’s king wanted a big dam at Kannambadi. Madras objected. The two sides went to arbitration, and an award followed in 1914.

Sources: indiankanoon.org

What was the fifty-year truce?

In 1924, a fresh and more detailed agreement fixed dam heights and irrigation shares. It was meant to last 50 years, until 1974.

1974 came and nobody renewed it. Meanwhile, States had been reorganised by language in 1956.

The old two-party deal no longer matched the new map of claimants.

Sources: indiankanoon.org

What did the tribunal decide?

In 1990, the Union set up the Cauvery Water Disputes Tribunal under the 1956 Act. The Tribunal took 16 years to hear the case.

On 5 February 2007 it gave its award. Of 740 TMC of available water, Tamil Nadu got 419, Karnataka 270, Kerala 30 and Puducherry 7. That is 726 TMC. The rest was 10 TMC for environmental protection and 4 TMC for inevitable escapages.

The Tribunal used 2 June 1990 as the cut-off date, the day the complaint was made. All sides accepted that date.

Sources: indiankanoon.org

Why did the award take years to bite?

The award was dated 5 February 2007. But the Centre published it in the Gazette only on 19 February 2013, six years later.

In May 2013 the Supreme Court set up a Supervisory Committee as a stop-gap. It was led by the Secretary of the Union Water Ministry.

The Tribunal had earlier asked for a scheme under the 1956 Act. A 1998 notification set up the Cauvery River Authority.

Sources: indiankanoon.org

What changed in 2018?

Karnataka and Tamil Nadu both appealed. On 16 February 2018, the Supreme Court revised the shares.

It added 14.75 TMC to Karnataka. Of this, 10 TMC was for the groundwater available in Tamil Nadu and 4.75 TMC was for drinking water, including Bengaluru city.

So Tamil Nadu's share fell from 419 to 404.25 TMC. Karnataka's rose from 270 to 284.75 TMC.

Sources: indiankanoon.org

Share	Tribunal 2007 (TMC)	Supreme Court 2018 (TMC)
Karnataka	270	284.75
Tamil Nadu	419	404.25
Kerala	30	30
Puducherry	7	7
Environment	10	10
Escape to sea	4	4
Total	740 (726 to states and Puducherry, plus 14)	740

Quick check 3. In 2018 the Supreme Court revised the Cauvery shares, giving Karnataka 284.75 TMC. *(True or False?)* See answer ↓

Quick check 4. The Cauvery Water Disputes Tribunal was set up in 2007. *(True or False?)* See answer ↓

Who owns a river's water?

The Court said the waters of an inter-State river are a national asset. They cannot be located in any one State.

Being in flow, no State can claim exclusive ownership or a fixed right that denies others their fair share.

This is the idea of equitable apportionment.

Sources: indiankanoon.org

What happens after the verdict?

The Court asked the Centre to frame a scheme within six weeks. It said the need-based monthly release must be respected.

Karnataka must now make 177.25 TMC available at its border with Tamil Nadu, at Billigundulu.

In June 2018, the Union set up the Cauvery Water Management Authority to carry out the revised award, release by release.

Sources: indiankanoon.org

> **Think it through:** why did the 1924 agreement fail after 1974?
> **Show the answer**
> It was a two-party deal between Madras and Mysore. After States were reorganised, new claimants such as Kerala and Puducherry appeared. A pact between two old parties could not cover them, so a tribunal was needed.

So what? The story shows Art. 262's machinery at work. A tribunal decides first. Courts stay as the backstop. Cauvery, Krishna and Mahanadi disputes keep returning to tribunals and courts.

Current Affairs: October 2026

Telangana and Maharashtra talk over the Tummidihetti barrage

- **[Mains fodder]** On 26 October 2026, Maharashtra will independently assess submergence before deciding on Telangana's request to raise the Tummidihetti barrage on the Pranahita from 148 m to 152 m. The two states plan a joint study by their Chief Secretaries and Water Resources Secretaries. *So what?* It shows negotiation between the states working before a tribunal under Article 262 is needed. (Source: The Hans India) Read the river background in The Godavari River.

Real Questions

Which Article lets Parliament create inter-State river-water tribunals? Art. 262.

Water wars are tested through tribunals, not courtroom fights.

Must Know

- **262(1)** is the tribunal power. **262(2)** is the court-exclusion power.
- The **1956 Act** bars courts in Section 11. Awards are final and binding (Section 6).
- The Cauvery award came on **5 February 2007**.

Good to Know

- A tribunal has a Chairman and two members, nominated by the **Chief Justice of India**.
- The decision is due in **three years**, with up to two more allowed.
- The Supreme Court can still hear appeals under **Art. 136**.

Great to Know

- The 2018 verdict gave Karnataka **284.75** and Tamil Nadu **404.25 TMC**.
- Karnataka must deliver **177.25 TMC** at Billigundulu.
- The award was published in the Gazette only in **2013**.

Quick Q&A

- Art. 262? River-water disputes.
- Act year? 1956.
- Cauvery tribunal set up? 1990.
- Award date? 5 Feb 2007.
- CWMA? June 2018.

Practice MCQs

1. Under Art. 262(2), who may bar the Supreme Court and other courts from inter-State river-water disputes?

A. The President, by order

B. State Legislatures together

C. Parliament, by law

D. The Supreme Court itself

See answer ↓

2. Entry 56 of the Union List deals with:

A. Drainage of urban areas

B. Regulation and development of inter-State rivers and river valleys

C. Water supplies and irrigation within a State

D. Fishing in village ponds

See answer ↓

3. Who nominates the Chairman and members of an inter-State water disputes tribunal under the 1956 Act?

A. The Chief Justice of India

B. The President of India

C. The Chief Minister of the host State

D. The Prime Minister

See answer ↓

4. Once published in the Gazette, a tribunal decision has the same force as:

A. A resolution of Parliament

B. A mere recommendation

C. An executive order of a State

D. An order or decree of the Supreme Court

See answer ↓

5. The Supreme Court can hear appeals against a tribunal award in a river dispute through:

A. Art. 143 only

B. Art. 226

C. Art. 32 only

D. Special leave under Art. 136

See answer ↓

6. In its 2018 Cauvery verdict, the Supreme Court fixed the share of Karnataka at:

A. 419 TMC

B. 284.75 TMC

C. 270 TMC

D. 404.25 TMC

See answer ↓

Answer Key

1. **C.**
   Art. 262(2) lets Parliament provide by law that no court will hear such a dispute.
   ↑ Q1
2. **B.**
   Entry 17 of the State List is subject to Entry 56 of the Union List.
   ↑ Q2
3. **A.**
   Section 4(2) gives this power to the Chief Justice of India.
   ↑ Q3
4. **D.**
   Section 6(2) of the 1956 Act says so.
   ↑ Q4
5. **D.**
   Art. 136 covers appeals from "any court or tribunal".
   ↑ Q5
6. **B.**
   The Court added 14.75 TMC to the Tribunal's 270 TMC.
   ↑ Q6

Quick-check answers

1. **False.** It only lets Parliament make such a law. The bar comes from the 1956 Act. ↑ 1
2. **True.** Sections 3 and 4 give the Centre this power. ↑ 2
3. **True.** The Court added 14.75 TMC to Karnataka's 270. ↑ 3
4. **False.** It was set up in 1990. The award came in 2007. ↑ 4

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