

Krishna Water Dispute

January 14, 2022

In news- Recently, both Justices D.Y. Chandrachud and A.S. Bopanna of the Supreme Court (they belong to Maharashtra and Karnataka respectively) recused from hearing a dispute on the allocation of Krishna river water.

About Krishna Water Dispute-

- A dispute over the sharing of Krishna waters has been ongoing for many decades, beginning with the erstwhile Hyderabad and Mysore states, and later continuing between successors **Maharashtra, Karnataka, Telangana and Andhra Pradesh.**



- **In 1969, the Krishna Water Disputes Tribunal (KWDT) was set up under the Inter-State River Water Dispute Act, 1956, and presented its report in 1973.**
- The report, which was published in 1976, divided the 2060 TMC (thousand million cubic feet) of Krishna water into three parts:
 - 560 TMC for Maharashtra.
 - 700 TMC for Karnataka and
 - 800 TMC for Andhra Pradesh.
- At the same time, it was stipulated that the **KWDT order may be reviewed or revised by a competent authority or tribunal any time after May 31, 2000.**
- Afterward, as new grievances arose between the states,

the second KWDT was instituted in 2004.

- The **KWDT-II delivered its report in 2010**, which made allocations of the Krishna water at 65 per cent dependability and for surplus flows as follows:
 - 81 TMC for Maharashtra, 177 TMC for Karnataka, and 190 TMC for Andhra Pradesh.
- Soon after the 2010 report was presented, **Andhra Pradesh challenged it through a Special Leave Petition before the Supreme Court in 2011.**
- In 2013, the KWDT issued a 'further report', which was again challenged by Andhra Pradesh in the Supreme Court in 2014.
- **After the creation of Telangana from Andhra Pradesh in 2014, the Water Resources Ministry has been extending the duration of the KWDT.**



- **Andhra Pradesh has since asked that Telangana be included as a separate party at the KWDT** and that the allocation of Krishna waters be reworked among four states, instead of three. It is relying on Section 89 of The Andhra Pradesh State Reorganisation Act, 2014.
- Maharashtra and Karnataka are now resisting this move saying that “Telangana was created following bifurcation of Andhra Pradesh. Therefore, allocation of water should be from Andhra Pradesh’s share which was approved by the tribunal.”
- The publication of the tribunal order is a necessary precondition for its implementation.

- Presently, the term of the Tribunal has been extended for a further period of one year w.e.f. 01.08.2021.

What is the Recusal of a Judge?

- Recusal is “removal of oneself as a judge or policymaker in a particular matter, especially because of a conflict of interest”.
- It has been a practice in the Supreme Court that in serious issues like inter-state water disputes, judges from the state concerned do not sit on the bench to decide them.
- The **right to recuse is given to the discretion of the judges and** the reasons for recusal are not disclosed in an order of the court.
- Some judges orally convey to the lawyers involved in the case their reasons for recusal, many do not. Some explain the reasons in their order.
- At times, parties involved raise apprehensions about a possible conflict of interest.
- A judge should ideally recuse from a proceeding in which his impartiality might reasonably be questioned due to the possibility of personal bias or prejudice or if he has been a lawyer or judge in the matter at some stage.
- As of now, there are no written rules on the recusal of judges from hearing cases listed before them in constitutional courts.

Extra **reading -**
<https://journalsofindia.com/river-water-disputes-in-india-2/>