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EDITORIAL ANALYSIS

How India is Governing its Water Resources

THE HINDU

13 May 2026

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How India is Governing its Water Resources

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INTERVIEW ANGLE

"Should Entry 17 (State List) on water be moved to the Concurrent List -- and what would such a re-allocation cost cooperative federalism?"

EDITORIAL SUMMARY:

The Hindu argues that India's water governance, structured around a 19th-century federal allocation that places water firmly in the State List, is increasingly mismatched with 21st-century scarcity. With NITI Aayog warning that 21 cities were running out of groundwater and 600 million people facing high-to-extreme water stress, the editorial calls for integrated, federal-cooperation-based reforms anchored in the Mihir Shah framework, modernised inter-state tribunals and a re-engineered National Water Policy.

A FEDERAL ARCHITECTURE DESIGNED FOR AN EARLIER CENTURY

The Constitution of India places water firmly with the states. Entry 17 of the State List confers exclusive legislative power on states over water supply, irrigation, canals, drainage, embankments, water storage and water power, subject only to Entry 56 of the Union List, which empowers Parliament to legislate on inter-state rivers in the public interest. Article 262 enables Parliament to set up tribunals for the adjudication of inter-state river disputes and to oust the Supreme Court's jurisdiction over them.

This architecture, replicated from the Government of India Act, 1935, was framed for a country with abundant per capita availability. India's per capita water availability has fallen from 5,177 cubic metres in 1951 to about 1,486 cubic metres in 2021, well below the 1,700 cubic metres scarcity threshold, and is projected to drop to 1,367 cubic metres by 2031 (Central Water Commission). NITI Aayog's Composite Water Management Index (2018, 2019) warned that 21 Indian cities, including Delhi, Bengaluru and Chennai, were headed toward day-zero groundwater scenarios and that 40 per cent of the population could face shortage of drinking water by 2030.

THE STATUTORY AND INSTITUTIONAL MAP

The Inter-State River Water Disputes (ISRWD) Act, 1956 governs adjudication. India has constituted nine tribunals so far – Krishna, Cauvery, Mahanadi, Ravi-Beas, Godavari, Narmada, Vansadhara, Mahadayi and the second Krishna. Average adjudication time has stretched to 17-25 years, well beyond the three-year limit the 2019 amendment sought to impose.

The Central Water Commission (CWC) and the Central Ground Water Board (CGWB) sit under the Ministry of Jal Shakti, formed in 2019 by merging the Ministries of Water Resources and Drinking Water and Sanitation. The Central Pollution Control Board (CPCB) handles water quality. The National Water Policy, last revised in 2012, frames water as an economic good, recognises water as a basic right and calls for integrated water resources management.

Recent programmatic interventions include the Jal Jeevan Mission (2019, household tap connections), the National Water Mission under the National Action Plan on Climate Change (NAPCC), the Atal Bhujal Yojana (2019, demand-side groundwater management in seven states), and the Pradhan Mantri Krishi Sinchayee Yojana (2015, irrigation expansion).

THE MIHIR SHAH REFORM BLUEPRINT

The Mihir Shah Committee (2016) on Restructuring the CWC and CGWB recommended a unified National Water Commission integrating surface and groundwater management, multi-disciplinary capacity beyond civil engineering, and participatory aquifer management at the village level. The Committee diagnosed three structural failures: silo planning between surface and groundwater, supply-side bias over demand-side discipline, and the absence of hydrological literacy at the local level. Most recommendations remain unimplemented.

THE FEDERAL EQUITY QUESTION

The deeper governance challenge is equity across states. Lower riparians (Karnataka in Cauvery, Andhra Pradesh in Krishna, Odisha in Mahanadi) carry a structural disadvantage relative to upper riparians. The Sutlej-Yamuna Link controversy between Punjab and Haryana, the Mullaperiyar dispute between Kerala and Tamil Nadu, and the Mekedatu project standoff illustrate that water governance is now where federal stress most visibly accumulates.

India's SDG 6 commitments – universal access to safe drinking water and sanitation by 2030 – require federal cooperation that the current architecture struggles to deliver.

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Key arguments:

- Entry 17 of the State List and Article 262 were framed for water abundance; they now constrain integrated response to water stress.
- Inter-State River Water Disputes Act, 1956 tribunals have failed the three-year adjudication target despite the 2019 amendment.
- The Mihir Shah Committee blueprint for an integrated National Water Commission addresses the surface-groundwater silo but remains unimplemented.
- Jal Shakti Mission, Atal Bhujal Yojana and Jal Jeevan Mission have improved last-mile delivery without resolving the upstream governance question.

Counterarguments:

- Moving water to the Concurrent List would impose central uniformity on a resource whose hydrology is intrinsically regional.
- States have constitutional and developmental reasons to protect Entry 17 – centralisation risks one-size-fits-all formulas unsuited to monsoon variability.
- The real bottleneck is implementation capacity at the basin level, not legislative competence at the Union level.

Keywords: Entry 17 State List, Article 262, Inter-State River Water Disputes Act 1956, National Water Policy 2012, Jal Shakti Mission 2019, Atal Bhujal Yojana, Composite Water Management Index NITI Aayog, Mihir Shah Committee, CWC, CGWB, Krishna-Cauvery-Mahanadi tribunals, SDG 6.

The Hindu's view is that India does not have a water crisis as much as a water-governance crisis. The hydrology is challenging but manageable; the federal stalemate is not. River-basin organisations with statutory authority, participatory aquifer management at the panchayat level, and a National Water Framework Law negotiated in the spirit of cooperative federalism – rather than imposed by amendment – offer the only realistic path. The cost of doing nothing will be paid first by the poorest, in cities that ran out and farms that went fallow.

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