

Transboundary politics of cooperation: Telugu ganga project, India

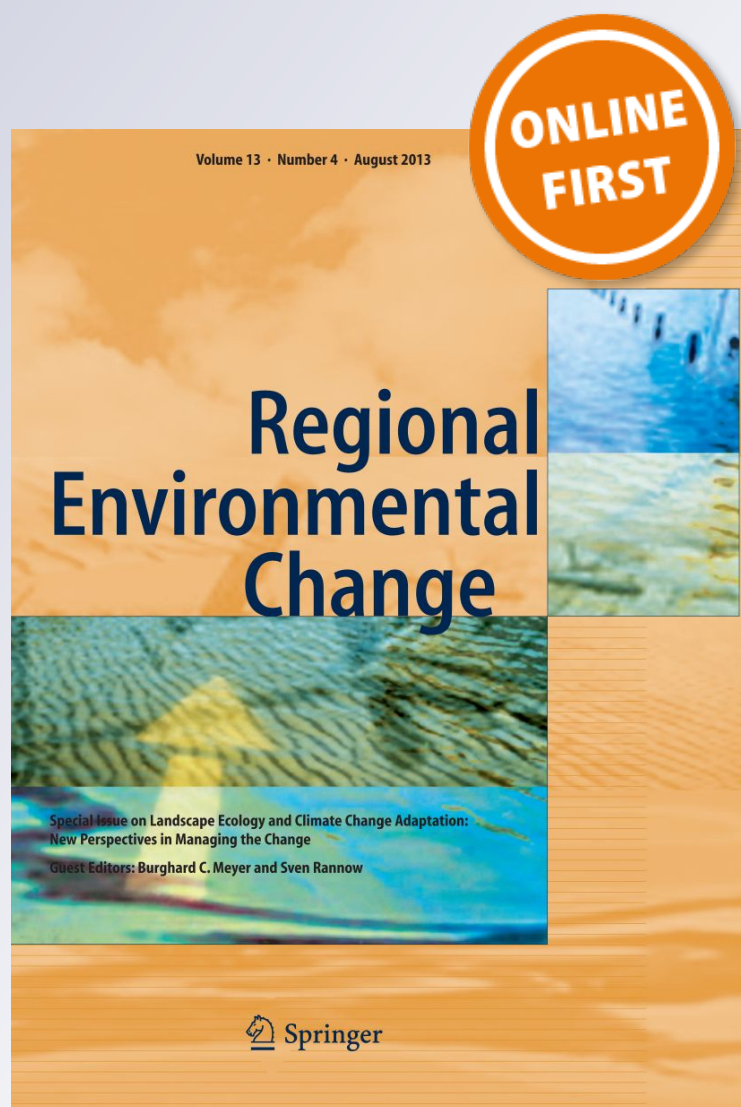
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Transboundary politics of cooperation: Telugu ganga project, India

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Abstract

The Telugu Ganga project in India supplies the Krishna river waters to meet drinking water needs of the Chennai city in the state of Tamil Nadu, a nonriparian state. This has happened through an unusual historic accord between the riparian states of Maharashtra, Karnataka, and Andhra Pradesh. The instance is often celebrated as the finest example of interstate river water cooperation in the history of independent India. This paper presents an alternative and a more complete and critical appraisal of interstate cooperation in the Telugu Ganga project focusing on transboundary political interactions to offer the following findings. One, the case of Telugu Ganga project showcases how and why cooperation and conflict coexist in transboundary water sharing. The celebrated interstate cooperation has turned into a source of conflicts eventually and is connected to the current shape and the state of the Krishna river water dispute. Two, it reveals a nexus of water provisioning politics and mainstream party politics in its making, and its subsequent contentious history. This nexus is a challenge to inter-basin transfer across territorial boundaries—an important drought coping mechanism. This challenge defines the character of politics of cooperation and conflict resolution in federal democracies, such as India. Three, India's interstate river water governance suffers from dormant policy space and absence of institutional models for interstate river cooperation. This makes it ill-equipped to address the adverse implications of politics or to channelize for progressive outcomes of cooperation. At a broader policy level, India has to reconsider its excessive reliance on dispute resolution, and shift its focus to enabling cooperation for a better governance of its interstate rivers.

Keywords Interstate river water cooperation in India · Krishna river dispute · Telugu Ganga project · Transboundary river water conflicts · Federal river water governance

Introduction

India has had eight interstate river water disputes referred to legal adjudication since its independence from British colonial rule. The decisions for three of these are given, while the other five disputes are at different stages of adjudication. Additionally, there are formal demands by states for legal adjudication of three more, from among many other emerging disputes. In the year 2016, about six of these have recurred or escalated. In couple of instances, the disputes have escalated to a point of constitutional crises, with a standoff between the legislature and the judiciary. Some states have defied or violated the Supreme Court decisions. In March 2016, the government of the Punjab state has resolved to return the lands

acquired for constructing the Sutlej-Yamuna Link canal—to transfer water shares due to the state of Haryana from the Ravi-Beas river system. In another instance, during the September–December months of 2016, Karnataka's sustained defiance of the Supreme Court orders to release Cauvery river water shares due to the downstream state of Tamil Nadu has led a national spectacle of day to day haggling between the Court and the Karnataka government. There have been widespread civic protests in both the states, leading to arson, civic unrest, and violence. The Supreme Court is currently hearing a suit filed by the state of Tamil Nadu for a compensation of INR 2480 crores (approximately USD 370 million), for its losses due to not receiving timely releases from Karnataka.¹ The disputes have had scholars and policy thinkers wonder about their impact on the integrity of the Indian Union.²

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¹ <http://indianexpress.com/article/india/cauvery-water-issue-tamil-nadu-seeks-rs-2480-crore-as-compensation-from-karnataka-4466146/>, accessed on 24 February 2017.

² For e.g., see <http://blogs.timesofindia.indiatimes.com/toi-edit-page/running-on-empty-how-water-might-dissolve-the-indian-union-if-it-cant-resolve-river-disputes/>, last accessed 17 January 2017.

These instances of emerging or frequently recurring disputes assume significance when we consider the extent to which interstate rivers matter in India's water security. Majority of India's rivers are interstate rivers. The Central Water Commission (CWC), the apex body responsible for water resource planning and development in the country, delineates 22 river basins in the country. More than 15 out of these are interstate river basins, and they extend into almost all the states of India (cf. India-WRIS 2012). Going by Garrick et al. (2013), all the 22 rivers can be categorized as federal rivers. India's official accounts identify inter-basin transfer as an important strategy towards achieving drought resilience (Thatte 2007; Gupta and Deshpande 2004). India's adaptive capacity to water scarcity thus hinges on augmenting interstate river waters, making interstate river water cooperation both necessary and imperative.

In spite of this critical significance of interstate river water cooperation, the discourse in India is unevenly focused on interstate water disputes and their resolution. Disputes garner greater attention in both public discourse as well as from scholars, when compared to strengthening avenues for cooperation. Interstate river water cooperation in India has not received adequate attention, missing the simple logic that disputes arise when cooperation arrangements fail. In this paper, I engage with the subject critically, taking a case of the Telugu Ganga project, an often-celebrated instance of interstate river water cooperation in India.

Dominance of disputes and politics of cooperation

Interstate water disputes dominate discourse for they evoke the imageries of "water wars." The disputes also emerge, recur, or escalate frequently. This is partly due to poorly designed policy and institutional mechanisms for the disputes resolution (Richards and Singh 2002; Chokkakula 2014, 2015, 2017). The disputes resolution attracts protracted legal procedures, causing long and extended delays.³ Interstate water disputes are also alluring sites for politicization and political mobilization (Chokkakula 2014, 2015). The Indian states' territorial organization on the basis of linguistic homogeneity principle and its multiparty democracy allow for territorial and identity politics to play an important role.

The dominance of disputes takes away the focus from cooperation. CWC (1995) claims a record of more than 130 interstate water sharing agreements, in contrast to just

8 interstate river water disputes that required formal adjudication. As will be seen, this remarkable record of cooperation has unfolded within a dormant policy and institutional setting. Yet, it has received no or little attention in the public discourse or from scholars. Even the claims about river water cooperation record have not been subjected to scrutiny by scholars. The excessive interest in disputes resolution as opposed to no or little attention to this record of cooperation presents is puzzling.

This paper is located in this gap about interstate river water cooperation in India. It pushes the envelope beyond the contours of the limited scholarship about interstate river water cooperation in India (for e.g., Iyer 1994; Nikku 2004; Sampathkumar 2005). This scholarship offers conventional narratives extolling interstate river water cooperation in India, rather uncritically, and often drawing on the sole instance of the Telugu Ganga project. This paper's critical engagement with the case, and generally with interstate river water cooperation, addresses the following limitations of the narratives. One, they oversimplify the rationales and motivations for cooperation. They fail to reveal the deeper political projects driving interstate river water cooperation. The second one is partly a result of the first. The narratives fall prey to the binaries of conflict and cooperation, in spite of existing understanding that these are only phases of dynamic transboundary water interactions. This body of work calls for focusing on the politics of these interactions to inform policy and governance (Zeitoun and Mirumachi 2008; Mirumachi 2015).

The politics of transboundary interactions in interstate water disputes or cooperation are complex in their own way. Interstate water sharing is often politicized for pursuing multiple political objectives other than the immediate and substantive contestations over water allocations (Chokkakula 2014, 2015). These politics deploy the Agnew's (2011) "politics of water provision" as a means to other political ends. This is a dominant feature of transboundary interactions of interstate water sharing and has not received adequate attention even though their central influence is frequently acknowledged (for e.g., see Padhiari and Ballabh 2008; Iyer 2004). The paper pays particular attention to it.

The rest of the paper is organized as the following. I begin by briefly visiting the relevant body of work on transboundary river water cooperation at international scale as a foreground to draw attention to some critical factors and to provide an analytical context to the case study. This follows a short appraisal of India's policy and institutional setting for engaging with interstate river water governance to stress the extant policy and institutional vacuum for enabling interstate river water cooperation. Then, I present a historical analysis of the Telugu Ganga project to draw conclusions about the nexus, or convergence between the politics of water sharing and mainstream democratic politics.

³ To illustrate, the Ravi-Beas dispute has remained without closure for the past 30 years. The Cauvery dispute has taken 17 years to receive final award in 2007. It has remained unimplemented fully for the last 10 years, as it has run into legal wrangles.

Cooperation over transboundary waters: international experience

The prophecy of impending “water wars” dominates the literature and has been hegemonic in the past couple of decades (Trottier 2003). It has inspired different schools of thought, some of them challenging the prophecy itself. One such school of thought, from Oregon State University in the USA, builds on credible empirical evidence and draws on a comprehensive historical transboundary freshwater dispute database (TFDD) of international water conflicts across the world (Wolf 1999a). This body of work questions the idea of “water wars” by looking into the historical record of water conflicts and cooperation; it argues that the shared river waters often induce cooperation (Wolf 1998, 1999b, 2007; Wolf et al. 2003; Giordano et al. 2002; Giordano and Wolf 2003; De Stefano et al. 2010). There are others, not necessarily from this school of thought, who have analyzed the global historical record of river water conflict and cooperation and arrived at similar conclusions (for e.g., Tir and Ackerman 2009). Some others have relied on case study analyses to question the prophecy of “water wars” (Swain 2001; Alam 2002). Yet there are those who still argue that water scarcity and shared rivers will lead to a high chance of militarized conflicts (Gleick 1993; Gleditsch et al. 2006; Starr 1991; Tose et al. 2000).

Notwithstanding these opposing claims, the lessons from the historical record of cooperation is useful for the discussion here about what matters in transboundary river water cooperation. Three factors stand out in enabling cooperation: institutions, political relations, and the historical and geographical context (Chokkakula 2015).

Institutions play a crucial role, both *ex-ante* and *ex-post* an agreement or resolution, in sustaining cooperation and preventing recurrence or escalation of conflicts. They offer space for deliberation and collaboration. Cooperation among riparian states is likely to be greater when treaties exist, and lower in the absence of treaties (Giordano and Wolf 2003; Wolf et al. 2003). The importance of treaties and/or institutions outweighs other conventional factors, such as water scarcity, climate change, demographic pressure, etc. The remarkable record of the transboundary water cooperation in the past 50 years is attributed to active global governance institutions and the body of international customary law principles for transboundary water conflict resolution, such as the Helsinki Rules of 1966, the Berlin Rules of 2004, and the 1997 United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (UN Convention 1997) (Giordano and Wolf 2003; Stinnett and Tir 2009). Institutions perform variety of functions in a transboundary context. Among others, they enable compliance of treaties or agreements (Stinnett and Tir 2009). They offer resilience to cope with conflicts and cooperation over transboundary rivers associated with variability due to climate change (De Stefano et al. 2012).

Political relations are central for the emergence of treaties and institutions for cooperation. Strong supportive political relations facilitate cooperation. The politics of water are not exclusive or insulated from other politics; they are linked to broader foreign policies and also internal politics at multiple scales. The political relations may fluctuate over time and impact water sharing arrangements, and need to be renegotiated and managed (Wolf et al. 2003; Giordano and Wolf 2003; Mostert 2003). Experiences in South Asia also validate with these conclusions. The Indus water sharing between India and Pakistan, or those between India and Nepal, India, and Bangladesh, have always been sensitive to the broader political relations (Salman and Uprety 2002).

The third one is about the context—geographical, ecological, and historical. Contextual parameters impact the nature and resilience of cooperation. The global record of cooperation shows that the territorial and ecological context, the historical-geographies water resource development shape water sharing and making of cooperation (Giordano et al. 2002; also, cf. Salman and Uprety 2002). The Indus Treaty between India and Pakistan is a typical example. It has been argued that the geographical division of rivers has contributed to the treaty’s resilience (Iyer 2007).

While the international water conflicts materialize in a rather anarchic world system, the interstate water disputes are situated in a federal structural setting. The case of the Telugu Ganga project reveals that these factors do indeed count, though translate in different ways in producing cooperation. It shows how politics plays a role in shaping the outcomes. And, institutions, in this case, lack of them allows politicization and politics of mobilization. Not to miss, the politics themselves are shaped by the historical framing and geographical organization of the river water sharing.

India’s interstate river water governance

Interstate river water governance in India has some curiously peculiar features. Article 262 of the constitution provides for barring the Supreme Court’s jurisdiction over the interstate water disputes, in contrast to its exclusive jurisdiction over any other interstate disputes. Following this provision, the law governing interstate water disputes, the Interstate (River) Water Disputes Act of 1956 (amended in 2002) (IRWDA), bars the jurisdiction of the Supreme Court or any other court over interstate water disputes. The act provides for constituting independent, exclusive, and temporary tribunals for resolving the disputes. The tribunals are dissolved after they give their decisions—“the awards.” The decisions of the tribunals are binding on the party states. The implementation of the awards suffers from various intricate legal ambiguities and institutional deficiencies, contributing to long delays and recurring contestations (CWDT 2007; Chokkakula 2015, 2017).

The federal organization of distributing legislative powers between the Union (also referred as center) and the states also contributes to the ambiguities and institutional deficiencies.⁴ Water is part of the State list, giving predominant role to the states in managing water resources. The states' control however is subject to the entry 56 of the Union list—which is about regulation and development of interstate river waters. This is the policy space for creating avenues and apparatus for enabling interstate river water cooperation. The legislation enacted with the force of this entry is the River Boards Act 1956 (RBA). The act is created with the explicit purpose of facilitating interstate cooperation. But the legislation has proved to be lacking the teeth to enable interstate cooperation. Under the act, river boards can be created by the Union government after due consultation with the states concerned, but only with advisory powers. This is apparently why, since its inception in 1956, not even a single board has been constituted using RBA's provisions. The few river boards in place (for e.g., Brahmaputra Board, Tungabhadra Board) draw their legal force from variety of other channels, such as separate acts or resolutions of the parliament (Doabia 2012). The reasons for this preference for alternate routes are yet to be understood. Nariman (2009) has argued that it may be due to the particular political context at the time of the Act's conception. The Indian National Congress (popularly known as Congress party), instrumental in India's gaining its independence in 1947, was the single dominant party in the country in power at the center as well as most states. It is presumed that the states would comply even though the boards were advisory. The moot point however is that the exclusive designated policy space for enabling cooperation over interstate river waters development is dormant and ineffective. The National Commission for Review of Working of Constitution (NCRWC) has termed the RBA a "dead letter" (NCRWC 2002).

Thus, the interstate river water governance in India can be summarized by the following two descriptors: one, poor performance of interstate water disputes resolution mechanisms; and two, non-existence of effective policy and institutional avenues for enabling cooperation. In a multiparty federal democratic setting, this can lead to prolific deployment of politics with multiple agendas by political actors. As Bednar (2009) notes, such "opportunism" is unavoidable in federal systems. The Telugu Ganga project gives an idea of the opportunistic politics and power plays in making of the interstate river water cooperation.

⁴ The seventh schedule under the article 246 in the constitution has three lists prescribing this division: Union List, Concurrent List and State List. The parliament has exclusive powers to make laws about subject matters in the Union List and the states have powers with respect to the matters in the State List. The Concurrent List includes subject matters where the centre can also make laws besides the states.

Methods

The paper is an outcome of qualitative research involving historical and content analysis. It draws on an extensive engagement with archival material and secondary sources. The research relies particularly on the materials presented before the two tribunals that adjudicated the Krishna river water dispute. It also includes the decisions of the tribunals and their award documents. The analysis takes advantage of *The Times of India* newspaper digital archives in the ProQuest Historical Newspapers database to discuss politics in the historical development of the project.

The Telugu Ganga project

The Telugu Ganga⁵ project diverts water from the Krishna river to supplement the drinking water needs of Chennai city of Tamil Nadu state, a non-riparian state. The three riparian states—Andhra Pradesh, Karnataka, and Maharashtra⁶—contribute 0.14 billion m³ (equal to 5 TMC, thousand million cubic feet) each to provide 0.42 billion m³ for Chennai.

The origins

The idea of getting Krishna river waters for meeting Chennai's drinking water needs has had its origins in a river interlinking project under the British colonial rule. Way back in 1881, it was proposed to link Krishna and Pennar river basins to irrigate South Arcot parts of the Madras presidency⁷ (parts now distributed between the states of Andhra Pradesh and Tamil Nadu). The project also conceived providing for drinking water needs of Madras (now renamed Chennai).⁸ Madras state revived and pursued the idea after India's independence in 1947, but with its scope restricted to meeting Chennai's water needs. However, the states' territorial reorganization in 1956 had turned the Madras state (renamed Tamil Nadu in 1969), a non-riparian state to Krishna river, and the newly carved state of Andhra Pradesh a riparian state.

The mainstream narrative

The Krishna river dispute formally arose when the state of Karnataka (then Mysore state) requested in 1962 for constituting a tribunal to resolve contentious issues between riparian

⁵ Roughly translated as "holy waters from the Telugu speaking land." Telugu Ganga project thus invokes the Telugu speaking Andhra people's identity.

⁶ Since 2014, Krishna has four riparian states. Andhra Pradesh state has been bifurcated into two states: Andhra Pradesh and Telangana.

⁷ Presidencies are the provincial administrative divisions under the British rule.

⁸ Prasada Rao, "Krishna Pact Augurs Well." *The Times of India* (1838–2004), May 2, 1983, 9. ProQuest Historical Newspapers.

states. This request followed the failure of a decade long efforts of the central (federal) agencies to settle these issues. The contentious issues ranged across the validity of the water sharing arrangements, equitable apportionment after reorganization of state boundaries in 1956, conflicts over proposed projects of states (KWDT-I 1973).

The first Krishna Water Disputes Tribunal (KWDT-I) was constituted in 1969 to adjudicate the dispute. Tamil Nadu was not a party to the dispute as it was not a riparian state. But in 1976, then Prime Minister Mrs. Indira Gandhi “persuaded” the governments of the three riparian states to agree to the Telugu Ganga project. This arrangement was then included in the KWDT-I’s final award of allocations given in 1976. The project eventually became operational in 1996.

A schematic layout of the Telugu Ganga project is provided in Fig. 1. In its final shape, an irrigation canal taking off from an existing multipurpose dam at Srisaïlam in Andhra Pradesh links with the Pennar river’s canal system of Somasila and Kandaluru reservoirs. On its way, it provides irrigation to some parts of Andhra Pradesh. An additional canal system further, from Kandaluru reservoir, transfers its share of water to Chennai.

This constitutes the mainstream narrative of the scholarly accounts of Telugu Ganga, extolling its spirit of cooperative federalism. But a closer look reveals an interesting story about how politics beyond those described above have driven this otherwise enticing narrative of interstate collaboration. It is not often recognized that this celebrated agreement between riparian states for a nonriparian state occurred in perhaps the darkest times of independent India’s history, the Emergency of 1975–1977.⁹ Mrs. Gandhi, then Prime Minister, took advantage of these circumstances to make this agreement possible, in pursuit of her own political project besides providing drinking water for Madras. This followed political maneuvers by other political actors to cooperate or contest over the project as part of pursuing their respective political agendas—the politics above and beyond the “politics of provisioning,” of our interest here. For the purpose of discussion here, this alternative narrative of politics of cooperation is presented in three phases—summarized in Table 1 below.

Coercive cooperation

Diverting Krishna waters to Tamil Nadu was feasible earlier, but not after Tamil Nadu became a nonriparian state in the 1956 reorganization of states. As a nonriparian state, there was no hope that the project could be realized until Mrs. Gandhi saw a political opportunity in it.

⁹ The Indian constitution provides for declaring a state of Emergency in the event of any external aggression or threat to internal security. Indira Gandhi had the Emergency declared citing (much contested) reasons of threat to internal security and bad economic conditions. During this period, the civil rights are suspended and Mrs. Gandhi was bestowed the authority to rule by decree.

For various political reasons, Mrs. Gandhi declares a state of Emergency in India during 1975–1977. DMK (Dravida Munnetra Kazhagam), a regional political party heading the government in Tamil Nadu opposes the move. Mrs. Gandhi dismisses its government on 31 January 1976 and goes down to Madras to announce the Telugu Ganga agreement at a public rally on the 15 February 1976. Mrs. Gandhi claims to have obtained the concurrence of riparian states over phone!¹⁰ This stealthy move is not just to provide for Chennai’s water needs, but more to appease Tamil people protesting against the dismissal of their elected government. It is after all not an easy task to get the riparian states to agree to forego part of their shares for a non-riparian state. Especially, when the states are involved in a fiercely contested dispute: KWDT-I was adjudicating the Krishna dispute at that time. Mrs. Gandhi could make it possible because her own party, the Congress party was in power in all the three riparian states. By April 1976, the four parties, the three riparian states and Tamil Nadu sign an agreement. While the elected representatives of the riparian state governments sign the agreement, for Tamil Nadu, its governor, K K Shah signs the agreement (CWC 1995, 322). KWDT-I then includes the agreement in its final award.

It is worth taking a pause here and pose this question: in the absence of the particular political circumstances, can such an agreement be possible? This allows the following conclusions. First, Mrs. Gandhi’s intervention has converged two rationales: pursue a solution to address Chennai’s water scarcity and achieve the larger political objective of mitigating a potential popular resistance movement in Tamil Nadu. Secondly, the constellation of powers in the particular political configuration (all Congress party led governments—at the center and all riparian states) at that juncture has enabled this agreement.

The Congress party loses the elections after the Emergency. A coalition government led by the Janata party comes to power. Tamil Nadu then pursues with the new government for the project’s implementation. Janata government facilitates another agreement detailing out specific arrangements with the riparian states in October 1977. These are diversion of water will happen from the Srisaïlam project: Tamil Nadu will bear the costs of transmission and Andhra Pradesh will help with necessary land acquisition. Further, it also allows Andhra Pradesh and Tamil Nadu states to work out additional arrangements bilaterally (CWC 1995, 323).

Cooperation for contestation and cooptation

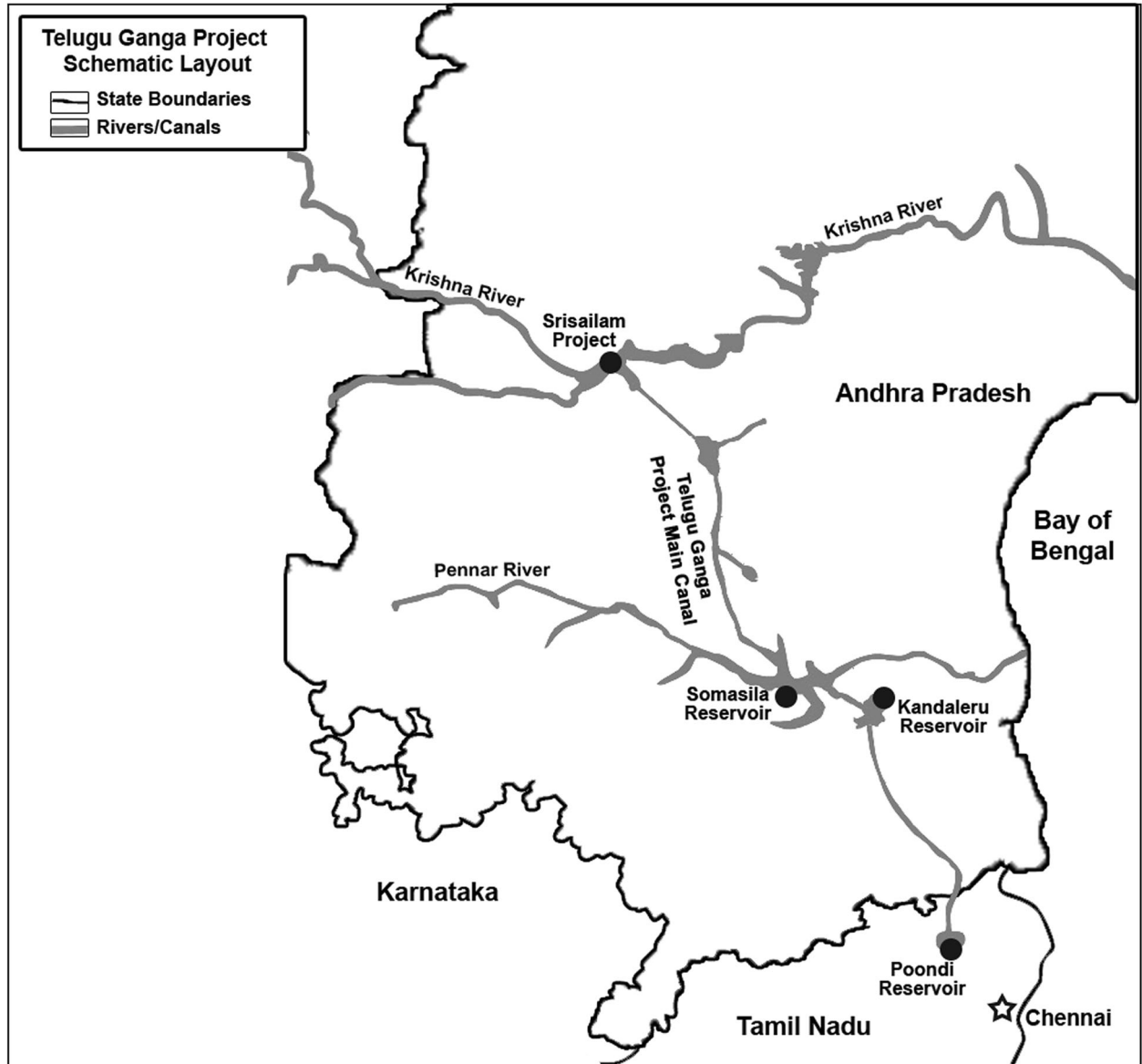
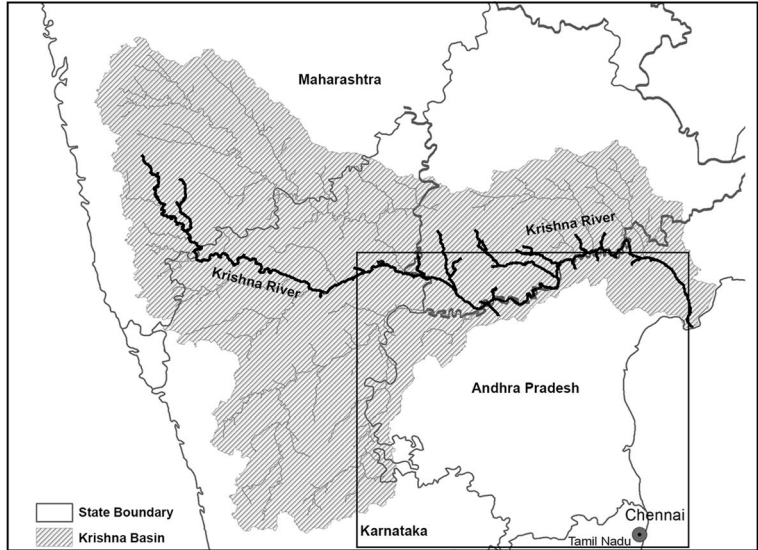
The Congress party, led by Mrs. Gandhi, returns to power in 1980. The project makes no progress in the meanwhile, or even after the Congress returns to power. However, in 1983, the project receives impetus from an unexpected source. N T Ramarao (popularly known as NTR, a Telugu film star), the

¹⁰ Prasada Rao, Op. cit.

India and Krishna River Basin



Krishna River and Riparian States



◀ **Fig. 1** The Telugu Ganga project—location and schematic representation. Adapted, from various sources including the International Water Management Institute; and, Basemap (no date)

Chief Minister of the first ever non-Congress government in Andhra Pradesh, takes up the cause of the Telugu Ganga project. He sees it as an opportunity to challenge the authoritarian ways of Congress at the center. Ramarao's antagonistic politics also open up a national debate on center-states relations and federal governance (Gopal 1989, Prasad 1987, Tummala 1986). This period of asserting regional political powers marks an important transitional phase for Indian state and politics (Rudolph and Rudolph 1987).

Ramarao revives the Telugu Ganga project to mobilize a 'Southern Council' of states—a front to challenge center's dominance over states. This phase of rising regional powers in India has had several non-Congress governments in Southern states of India—providing conducive conditions for Ramarao to pursue Southern solidarity. In Tamil Nadu, AIADMK (All India Anna Dravida Munnetra Kazhagam party) in power is led by M G Ramachandran (popularly known as MGR), another film star turned political leader. Ramachandran and Ramarao's camaraderie as film stars in states with common history and lineage helps mobilization of Southern solidarity around the Telugu Ganga project. Besides, Tamil Nadu needs the project for Chennai's water needs and Andhra Pradesh is a crucial partner state to deliver the project. The Telugu Ganga project is most viable technically and financially if Krishna waters are diverted from Andhra Pradesh. The other Southern state involved, Karnataka also has another non-Congress party, Janata party in power.

Ramarao acts swiftly on the Telugu Ganga project soon after assuming power in 1983. One of the worst drought in Tamil Nadu that year turns it keenest ever on the project; parched Madras considers desperate measures, such as evacuation.¹¹ The city turns dependent on water transported by trains from Krishna and Godavari rivers.¹² Ramarao and Ramachandran sign another agreement in April 1983 with further detailing of implementing the project (CWC 1995, 331-6). It is an irony that a project conceived to consolidate Congress party's power turns into a means to challenge it.

This however is only one layer of politics driving the cooperation over the Telugu Ganga project. Ramarao has other agendas to pursue through the project, more provincial though. He takes advantage of the October 1977 agreement allowing Andhra Pradesh and Tamil Nadu to bilaterally work out details of implementing the project and, includes an irrigation component to benefit Andhra Pradesh's own drought-

prone districts in Rayalaseema region of on the way (Sampathkumar 2005). The project gets implemented with this increased scope, eventually becoming operational in 1996. After that, the cooperation turns another cycle to become a source of contestation.

Contested cooperation

The modified scope by Andhra Pradesh triggers a different trajectory of politics. By the time the project is operational, the Southern Council disintegrates with new configurations of powers in riparian states. Also, Karnataka develops apprehensions about the project on the grounds that Andhra Pradesh may be creating facilities for using waters beyond its allocated share through the project. The KWDT-I's award allows Andhra Pradesh to use "surplus waters," without accruing any rights to Andhra Pradesh.¹³ This is to compensate Andhra Pradesh against the risks of being a downstream state. Karnataka alleges that Andhra Pradesh is constructing permanent facilities for surplus waters, which will allow Andhra Pradesh to claim rights over these waters later. Karnataka files a suit before the Supreme Court in 1997 about the project's changed scope. It demands directions preventing Andhra Pradesh from claiming rights on surplus waters.¹⁴ Karnataka also demands an institutional mechanism to restrict Andhra Pradesh from doing it. The Supreme Court decides it cannot address either demands as they are not part of KWDT-I's award: an institutional mechanism or the manner of implementing the Telugu Ganga project. The court however recommends a second tribunal to resolve these and other accumulated disputes between the riparian states.

The second tribunal (KWDT-II) is constituted in 2004. Maharashtra also joins Karnataka in contesting the Telugu Ganga project. KWDT-II probes into the alleged misuse of the October 1977 agreement by Andhra Pradesh and determines that Andhra Pradesh's consent to the October 1977 agreement is not unconditional (KWDT-II 2010). The agreement leaves the location and the manner of transfer to the state from which the diversion takes place, and Tamil Nadu. Andhra Pradesh has put its objections in writing through a letter (dated 6 December 1977), saying,

... subject specifically to the condition that the terms of the agreement are confined only to the scheme of conveying 15 T.M.C. of water to Madras City with

¹¹ "Waterless and desperate." *The Times of India (1838–2004)*, March 19, 1983, 8. ProQuest Historical Newspapers.

¹² "Water trains cannot slake Madras." *The Times of India (1838–2004)*, April 12, 1983, 1. ProQuest Historical Newspapers.

¹³ Surplus waters are the waters in excess of the estimated yield of Krishna river at the 75% probability, allocated between the three states.

¹⁴ The Supreme Court's engagement with the interstate water disputes - in spite of the bar on its jurisdiction - is a contested one. The Supreme Court has allowed suits when there are questions of law to be addressed, or when disputes arise out of already adjudicated disputes, or when enforceability of tribunal awards is involved (see Salve 2016). But others have accused this engagement as contravening the constitutional schema, and reducing the scope and spirit of Indian federalism (D'Souza 2009).

Table 1 Coexisting cooperation and conflict

1970s	Coercive cooperation	<ul style="list-style-type: none"> • Prime Minister Mrs. Gandhi declares Emergency. • Tamil Nadu government—opposing Emergency—is dismissed. To appease Tamils, Mrs. Gandhi gets the concurrence of the three riparian states of Krishna river for the Telugu Ganga project.
1980s–1990s	Cooperation for contestation and cooptation	<ul style="list-style-type: none"> • Rise of regional powers in Southern states. • Andhra Pradesh Chief Minister, Ramarao revives the Telugu Ganga project to mobilize a Southern Council to contest authoritarian Congress party. • Ramarao takes advantage of Andhra Pradesh's strategic location to modify the Telugu Ganga project to serve Andhra Pradesh's irrigation needs.
1990s	Contested cooperation	<ul style="list-style-type: none"> • Southern solidarity is disrupted by new configurations of powers. • Other riparian states contest Andhra Pradesh's modification of the Telugu Ganga project accusing it of intent to claim rights over surplus waters.

restrictions as to user applicable only between the agreed off-take point of the lined channel up to Somasila and that they do not in anyway affect the rights of the State of Andhra Pradesh to utilize the waters of Krishna river for purposes of irrigation and other consumptive uses in any area and in any manner in conformity with the decision of the Krishna Water Disputes Tribunal. (CWC 1995, 326)

This intriguing story of first, a coercive crafting of interstate cooperation by one party, followed by coopting it for mobilizing antagonistic politics by other parties, which later led to continuing contestations—showcase how multilayered politics work in a transboundary interactions of interstate river water sharing. These politics were possible partly due to the gap—the absence of effective avenues for facilitating interstate river water coordination and cooperation. While the politics remain a reality, the existence of institutions can minimize the politics of coercion and cooptation and mitigate the adverse impacts of politics. Karnataka's demand for institutional mechanism—though from its partial perspective—is illustrative in support of such institutional responses to address the challenges of sustaining transboundary cooperation.

Conclusions

Cooperation does not mean a complete absence of conflicts, as noted by the literature on international transboundary water sharing. It accompanies conflicts of various degrees. The analysis of cooperation record in TFDD shows that in most instances of below-acute level (involving violence) of conflict, water is both irritant and unifier (Giordano and Wolf 2003; Wolf et al. 2003). In that sense, transboundary river water sharing has a particular political ecology of perennial contestation and frequent recurrence of disputes (Chokkakula 2015). The feature of coexisting conflict and cooperation has to be interrogated for productive assessment of underlying driving forces (Zeitoun and Mirumachi 2008). The case of the Telugu

Ganga project has revealed the layered politics in contributing to cooperation as well as contestations over the project and, in shaping the larger dispute over Krishna waters.

The Telugu Ganga project is a unique and extraordinary case of adaptive strategy of inter-basin transfer. Yet the project materialized in pursuance of politics not entirely for the reasons of providing for water, but political expediencies, during the Emergency in the beginning. In every subsequent instance of emergence of conflict or cooperation, the deeper driving forces are rooted in politics beyond the politics of provision. This enables us to make the following central argument. An increasing convergence—or more appropriately a nexus—between substantive politics of water, and mainstream party politics is a challenging reality in federal river water governance. In other words, politics of cooperation or conflict resolution are embedded, and contingent to broader federal politics of governance. This nature of transboundary interactions has to be factored in designing policies, practices, and institutions for forging cooperation over interstate river waters.

The critical analysis of the Telugu Ganga project also helps in explaining why and how transboundary interactions produce coexisting conflict and cooperation. The politics of coercion and cooptation have inscribed the asymmetrical power relations in the process of enabling cooperation. These eventually have contributed to emergence or recurrence of conflicts when political contingencies or expediencies produced conducive conditions. In the absence of right and resilient institutions, transboundary politics as witnessed in the Telugu Ganga project may serve causes of politicization and greater proliferation of antagonistic politics. It can have adverse implications not only for building adaptive capacity to droughts and water scarcity, but also to the stability of federal structure and relations. The policy and institutional solutions should aim at mitigating these tendencies and channelizing the politics for progressive outcomes.

India's interstate river water sharing governance mechanisms suffer from poorly conceived policies and absence of institutional models for interstate cooperation. The dominance of disputes discourse continues to influence policy thinking.

While RBA, to enable cooperation remains untouched, the IRWDA has been amended at least half a dozen times since the inception of these acts in 1956. The excessive reliance and emphasis on dispute resolution continues. In another proposed recent amendment—through the Interstate (River) Water Disputes Amendment Bill 2017—the government seeks to constitute a Permanent Tribunal for adjudication of disputes. However, the Bill's failure to offer institutional solutions to give effect to tribunal decisions remains a major lacuna. The efficacy of dispute resolution too relies on having effective interstate coordination. This cannot happen without producing right kind of institutional models for the purpose. It has to begin with the discourse and policy thinking undergoing fundamental shift from disputes resolution to enabling cooperation.

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