

Paper : Contemporary Issues and Trends in Indian Politics

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Faculty : Dr.P.Kanagaraj PhD.

Mobile Number : 9443935919

Cross Border Terrorism

- India was historically a victim of Cross-border terrorism
- Pakistan exported terrorism into India illegally
- Indian has been attacked repeatedly, the important attacks include Attack on Parliament, Akshardam Temple in Gujarat, Mumbai terrorist attack etc
- Various terrorist organizations in Palistan like Lasker e Toiba were behind these terrorist attacks on India
- The last major attack took place in Pulwama in Jammu and Kashmir. It invited a fitting reprisal from India
- Jammu and Kashmir and the porous border between Indian and Nepal are the two main routes used b terrorist from Pakistan to intrude into India and carry out attacks
- For the first time in history India conducted surgical strikes on terrorist training camps in Pakistan and demolished the Balakot camp. It left its

imprint on history. There have been no cross border terror attacks on India since the Balakot surgical strikes

Civilian Military Relationship

- India follows Parliamentary Democracy
- In democratic political system there is always the separation of military and civilian powers and subordination of military to the power of the civilian governments
- Indian military has been an impeccable organization that possess military professionalism and adherence to constitutionalism
- It has carried out its constitutional responsibilities by obeying the orders of the civilian governments in good and bad times
- The record of Indian military is remarkable, especially in the backdrop of contemporary history as in most countries of Asia and Africa very often the military had overthrown the democratically elected governments through unconstitutional coups and measures. The worst examples of anti-democratic military organization are found in our own South Asian neighborhood as in Pakistan, Bangladesh and now in Myanmar

Left Wing Extremism

- It is the gravest internal security threat to India
- It is also called as Naxalism and Maoism
- Naxalism comes from the word Naxalbari in West Bengal, the village from where it emerged
- There is a Red Corridor of Naxalite influence and presence running from Pasupathi in Nepal and Thirupathi in Andhra Pradesh
- Naxalism is present in some regions having common characteristics like a large Tribal population, geographical area with rich mineral resources, border junction where two or three states meet and more crucially without the benefits of development
- Low or nil level of development

Literacy is low

Poverty is high

Lack of access to health

Absence of transport and communication infrastructure

Approaches towards Naxalism

There are three approaches

1. **Law and Order Approach.** The Naxalite problem must be seen as a law and order problem/ stricter and greater police and para military action is advocated to tackle Maoist menace
2. **Developmental Approach.** Development of the naxal affected areas is the right strategy to tackle Naxalite menace. Establishment of schools and colleges, operation of Primary Health Centres, construction of national state highways and district and village roads, building of houses with drinking water and sanitation facilities are the measures that are advocated here
3. **Hybrid Approach.** The third approach is the best one. It combines both the Law and order approach and Developmental Approach. We should strengthen the police machinery and promote simultaneously development in naxal affected regions

Inter – State River Water Dispute

There are broadly six theories regarding the use and ownership of the river waters.

1. Theory of Absolute Territorial Sovereignty

A riparian state has complete control and rights over the water resources of a state and can utilize the water resources of the river without giving any consideration to the requirements of other riparian states. In late nineteenth century the U.S. Attorney General Harmon propounded the Harmon Doctrine where by any riparian state can utilize the water of a river as it needs. It enables the riparian state to do whatsoever it wishes with the water running through its territory. This theory is beneficial only to upper riparian states.

2. **Theory of Natural Water Flow**

The lower riparian state is entitled to the natural flow of water without any interference from the upper riparian states. This theory rejects the claims and rights of the upper riparian states to use the water flowing in its territory and to construct embankments etc. This theory is beneficial to lower riparian states.

3. **Theory of Prior Appropriation**

According to this theory the first user who makes use of the water of a river before any one else, establishes a prior right and other riparian states can only appropriate whatever water is left by the first user. This theory supports property rights over river water on the basis of historical priority.

4. **Theory of Community of Interest**

This theory treats the entire river basin as a single economic unit and ignores national and other political boundaries. This theory believes that all riparian states must get maximum benefit from the river water. It supports the greatest possible benefit to all the riparian states of the river.

5. **Theory Equitable Utilization**

This theory advocates the equitable utilization of all inter – state rivers through mutually beneficial agreements and arrangements. This theory recognizes equality of rights to all stakeholders of a river basin. The theory does not advocate equality of quantity of water but only right. It believes in the equitable distribution of water resources. The distribution prescribed by this theory depends on a number of factors. Equality of rights and equitability of distribution are hall marks of this theory.

6. **Theory of Community Interest**

This theory considers the entire river basin as a single economic unit and advocates an integrated strategy for maximum utilization of water by all.

Constitution and Inter – State River Water Disputes

1. The article 262 of the constitution empowers the parliament to enact a law providing for the adjudication of any dispute, complaint relating to the use, distribution and control of any inter – state river or river valley. It also

provides that parliament can exclude the Supreme Court or any other court from exercising any jurisdiction over inter-state river water disputes. For this purpose parliament is empowered to enact a law overriding any provision of the constitution. The logic of this provision is that inter – state river water disputes contain emotional and economic implications affecting the lives and livelihood of millions of people. Judicial adjudication of the disputes may create social and economic problems. Therefore the national legislature must have competence to evolve a mechanism for resolution of these disputes through negotiations and direct dialogue.

2. The entry 56 of List I of the Seventh Schedule of the Constitution provides for the “regulation and development of inter-state rivers and river valleys to the extent to which such regulation and development under the control of the union is declared by parliament by law to be expedient in the public interest”.
3. The entry 17 of List II of the Seventh Schedule provides that water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I will be under the control of the state government.

It means that though water is a state subject as it is included in the list II of the seventh schedule, the union is conferred with powers to regulate and

develop inter-state rivers under entry 56 of the List I of the seventh schedule for the sake of public interest.

4. Inter-state river water disputes act, 1956

Empowered by the article 262 of the constitution the parliament enacted inter – state river water dispute act, 1956. This act enables the union govt. to establish a Tribunal for the adjudication of an inter-state river water dispute. The Indian constitutional and legal consensus is that all inter-state river water disputes must be resolved through peaceful negotiations. If no fruitful decisions can be reached through negotiations the concerned states can approach the union for the constitution of a Tribunal on ad hoc basis for resolving that issue.

When the union govt. decides to constitute a Tribunal the Chief Justice of Supreme Court of India will nominate a person to head it. The Tribunal will always consist of one person only. Later on this provision was amended to include more members. The Chief Justice will choose from the sitting or retired Judge of the Supreme Court and High Courts. The decision of the Tribunal shall be published in the in the official Gazette and there after that decision shall be final and binding on the parties to the dispute. Neither the Supreme Court nor any other court shall have jurisdiction over any inter-state water dispute referred to a tribunal under the act. No tribunal can be

constituted for any dispute that has been placed for arbitration under the river water board act – 1955.

Succinctly we can say that our constitutional, legal and political strategy advocates a dual strategy to resolve inter-state river water disputes. It emphasizes on negotiated settlement as the first choice and as and when sincere negotiations fail to resolve the issues, ad hoc tribunal based adjudication should be established.

Current Inter-State River Water Tribunals

There are five inter-state river water disputes and tribunals at present in india

1. Ravi Beas Water Tribunal
2. Vansadhara River Water Tribunal
3. Mahadayi/Mandovi River Tribunal
4. Krishna River Water Dispute Tribunal
5. Cauvery River Water Tribunal

Vasadhara River Dispute:

The government of Odisha made a complaint against the government of Andhra Pradesh objecting to the construction of a canal called as flood flow canal at Katragada from the river Vanasadhara. The main contention of the state of Odisha is that the flood flow canal would result in drying up the existing river bed and subsequent shifting of the river damaging the ground water

resources in the state. The Ministry of Water Resources has constituted Vansadhara water dispute tribunal in 2010 to resolve the issue.

Mahadayi River Dispute

The contestants in this dispute are Goa, Maharashtra and Karnataka. The state of Goa approached the union govt. to constitute a Tribunal on grounds that negotiations have failed to bring out a solution. In 2010 the union govt. has constituted the Mahadayi Water Disputes Tribunal (MWDT) to resolve this issue.

Ravi Bear River Water Dispute

The Northern states of Punjab, Haryana and Rajasthan are involved in this dispute. The union govt. established a three member Ravi Beas Waters Tribunal (RBWT) in 1986. Though the Tribunal had given its report in 1987, the concerned parties have sought clarifications and the dispute is still under the consideration of the Tribunal.

Inter State Disputes

- There are many interstate disputes
- Modern political boundaries emerged recently. But ethnic populations live for many centuries. Natural forms are found in geomorphology for many centuries
- Linguistic, regional, tribal and ethnic communities are found overlapping the political boundaries
- The Seventh Constitutional Amendment Act is the basis of linguistic reorganization of states in 1956. When internal political reorganization took place many states and groups voiced conflicting and contradictory demands
- For example Maharashtra and Karnataka have a dispute over the Marathi speaking Belgaum district. Kerala and Karnataka have conflict over Kazarkode. Haryana and Punjab after their bifurcation in 1966 have a bitter conflict over the city of Chandigarh

Linking of Rivers

- There is a demand for national linking of rivers
- The cause of this demand is the unfortunate existence of flood and droughts at the same time in different parts of the country.
- Some regions are affected by flood while some are affected by drought
- The major feature of this demand is the linking of perennial north Indian rivers with seasonal and monsoon fed south Indian rivers

- It also has the proposal to link the rivers within south India and even rivers within a state

Benefits

- Droughts can be eliminated
- Flood damage can be controlled
- Agricultural development can be phenomenal as existing areas can have assured water for irrigation and new areas can be brought under cultivation
- Riverine navigation will promote new modes of transport of passengers and goods
- Drinking water needs of cities, towns and villages can be easily and comfortably met
- Aquaculture or rearing of fish can be promoted
- Tourism industry will get uplifted
- Hydro power generation will be an added advantage
- Allied agricultural industries will see a great uplift

Problems

- Bottlenecks from topography are tremendous. Deccan plateau is on a raised level between north India and south India
- It will create interstate river water problems as numerous states will become stakeholders and shareholder in the project

- It will stop the inflow of water into ocean affecting the marine biodiversity
- Tremendous financial resources are needed to implement the project
- Implementation of national river linking will lead to massive deforestation