

ACADEMIC PROGRESS REPORT
(For the Academic Year 2024-25)

Dr.Ramesha K

Assistant Professor

Saraswathi Law College

Chitradurga

PAPER PRESENTATION

Sl. No.	National Conference/ Seminar/Symposium	Organised Institution	Topic	Date
01	One Day National Seminar	JSS Law College, Mysuru.	“A Critical Study on Contemporary Challenges and Threats to Intellectual Property Rights”	23 rd November 2024.
02	International Webinar	Department Studies in Law, University of Mysore, Mysore	“Intellectual Property Rights and Agricultural Innovation in Poverty Stricken Regions”	25 th February 2025
03	Two Day National Conference	Karnataka State Law University,Hubballi and Saraswathi Law College, Chitradurga	“Role of Youth Eradicating Corruption in India”	4 th & 5 th April, 2025

GUEST LECTURE

SL.No	Topic	Place	Date
01.	Framing of Indian Constitution & Features of India Constitution	District Training Institution, Chitradurga.	28.08.2023
01.	Definition of Constitution & Preamble		
02.	Directive Principles of State Policy		29.08.2023
03.	Fundamental Duty		

PROGRAMME COORDINATOR

SI No	Programme	Place	Date
01	Co-ordinator for conducting Two Day National Level Moot Court Competition	Saraswathi Law College, Chitradurga	27 th and 28 th July 2024

03	Coordinator for conducting Two Day National Conference on "Relevance of Vivekananda's View on Youth in the Current Scanenario.	Saraswathi Law College, Chitradurga, in association with Karnataka State Law University,Hubballi.	4 th & 5 th April, 2025
04	Co-ordinator for conducting Two Day National Level Moot Court Competition	Saraswathi Law College, Chitradurga	03 rd and 04 th May 2025

PARTICIPATION

Sl. No.	Programme	Organised Institution	Concept	Date
01	Inter/Multidciplinary Refresher Course	Organized by UGC-MALAVIYA MISSION TEACHER TRAINING CENTRE (MMTTC), Ranci University, Ranchi.	"Women Studies and Gender Sensitization"	19 th November to 02 nd December, 2024.


ARTICLES PUBLICATION

Sl. No.	National/ International Journals	Title of the Paper	Publication	ISSN/ISBN No.	Year
01	International Journal	" Legal Frame Works on Issues of Agricultural Labourers in India"	International Journal of Research and Analytical Reviews (IJRAR) online Journal. An International Open Access, Peer- reviewed Referred Journal	Volume-11, issue 4, UGC Approved Journal no: 43602 & 7.17 impact factor E-ISSN: 2349-1269, P-ISSN:2349-5138	December 2024
02	National Journal	"An Overview on the Inter-State River and Water Disputes"	Integration of Diverse Insights into Legal Education and Research Edited by : Dr, Madivalappa Matolli & Dr. Prakruti A R Published by: National Press Association, New Delhi	ISSN: 978-93-48843-17-3	March 2025

Senior Supervisor (External) Duty

Sl. No.	University	Course	Name of the College	Month/Year
01	Karnataka State Law University, Hubli	LL.B/B.A LL.B	Sharadavilash law College, Mysore.	Jan/Feb-2025

M. S. Sudhan
Principal
Saraswathi Law College
CHITRADURGA


(Dr. Ramesha K)
ASSISTANT PROFESSOR



JSS LAW COLLEGE

Autonomous, Mysuru 570 023

An IQAC Initiative

The JSSLC IPR Cell & Research Wing Organizes

ONE DAY NATIONAL SEMINAR

ON

CONTEMPORARY ISSUES AND CHALLENGES IN
INTELLECTUAL PROPERTY RIGHTS


23 NOVEMBER, 2024

Certificate of Appreciation

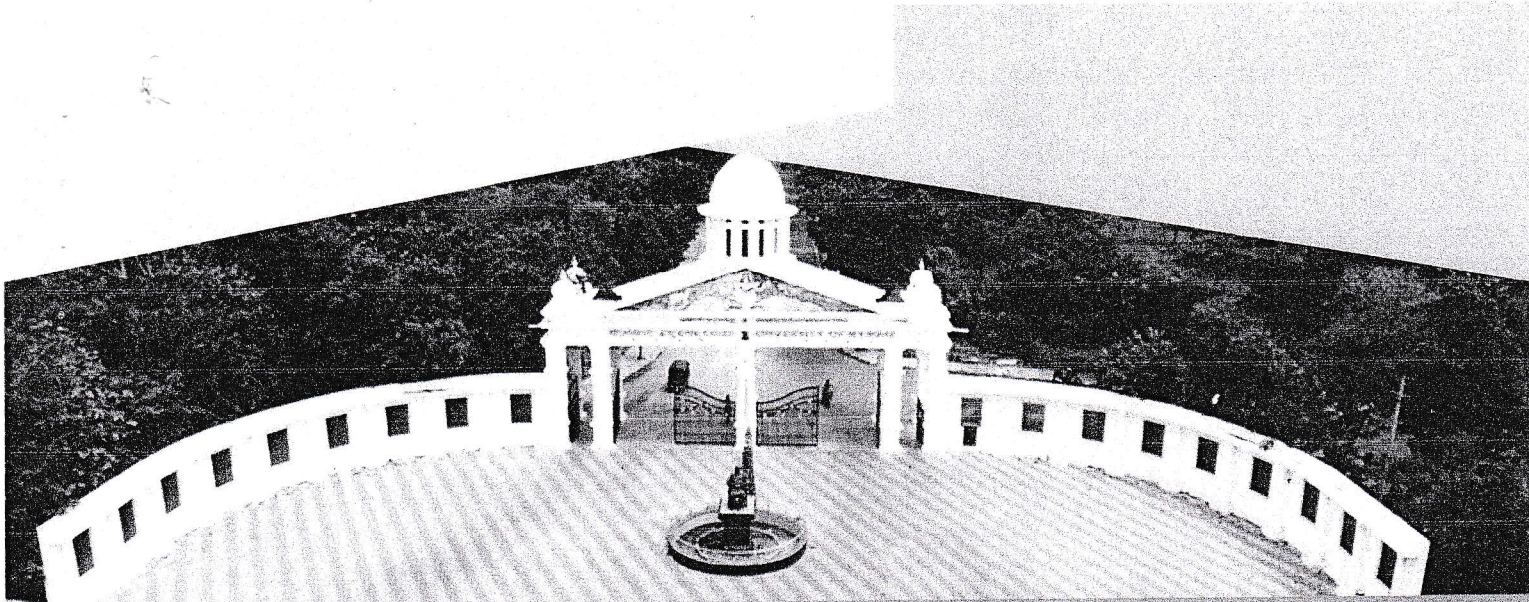
This is to certify that Dr./Prof./Mr./Ms. Ramesha. K.
Assistant Professor of Saraswathi
Law College, Chitradurga.

..... has
Participated/Presented a paper on the topic..... "A Critical
Study on Contemporary Challenges and
Threats to Intellectual Property Rights"

M. S. Sude
Principal
Saraswathi Law College
CHITRADURGA


Prof. K.S. Suresh
Chief Executive

N. Vanishree
Dr. N. Vani Shree
Principal



CERTIFICATE OF PAPER PRESENTATION



This Certificate is presented to



Dr. Ramesha K

for their valuable contribution as a Paper Presenter on the topic "Intellectual Property Rights and Agricultural Innovation in Poverty-Stricken Regions" at the International Webinar on The Role of Intellectual Property in Poverty Alleviation held on 22nd February 2025, organized by the Department of Studies in Law, University of Mysore.

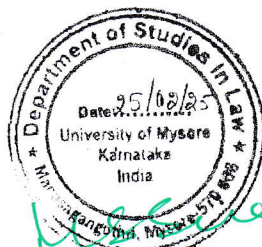
We recognize their insights to the discourse on intellectual property and poverty alleviation. Their work has been instrumental in advancing the understanding of this complex issue.

GIVE UNDER THE RESPECTIVE SEALS ON 25 FEBRUARY 2025

CHAIRMAN

Prof (Dr.) MS Benjamin

Dean Faculty of Law & Professor of Law
Department of Studies in Law University of
Mysore Mysore, India



**Principal
Sarvaswathi Law College
CHITRADURGA**

ORGANIZING SECRETARY

Prof. Ramesh

Professor of Law
Department of Studies in Law, University
of Mysore 570006.



Department of Youth Empowerment and Sports, Government of Karnataka,
NSS Cell, Karnataka State Law University, Hubballi and
Saraswathi Law College, Chitradurga
Jointly organize

Two-Days National Conference

on

“Relevance of Vivekananda's Views
on Youth in the Current Scenario”

CERTIFICATE

This is to certify that Dr. Ramesha.K., Assistant Professor. of

Saraswathi Law College, Chitradurga has participated and presented paper on the topic

“ Role of Youth Eradicating Corruption in India ”

in the National Conference on “Relevance of Vivekananda's Views on Youth in the Current Scenario”
held on 4th & 5th April, 2025 organised by Department of Youth Empowerment and Sports, Government of Karnataka,
NSS Cell, Karnataka State Law University, Hubballi and Saraswathi Law College, Chitradurga, Karnataka.

Principal

Saraswathi Law College
CHITRADURGA

Shri. I.B. Biradar

Dr. M.S. Sudhadevi

Prof. (Dr) C. Basavaraj



ಕರ್ನಾಟಕ ಸರ್ಕಾರ
ಜಿಲ್ಲಾ ತರಬೇತಿ ಸಂಸ್ಥೆ, ಚಿತ್ರದುರ್ಗ
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e-mail : dtichitradurga-kamy@nic.in

Ph:08194-235271

File No: DTI/95/TRN/TRG/2024

ದಿನಾಂಕ: 11.03.2024

ಹಾಜರಾತಿ ಪ್ರಮಾಣ ಪತ್ರ

ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲಾ ತರಬೇತಿ ಸಂಸ್ಥೆಯಲ್ಲಿ ಸಿ ಗುಂಪಿನ ನೌಕರರಿಗೆ ದಿನಾಂಕ: 11.03.2024 ರಿಂದ ದಿನಾಂಕ: 13.03.2024 ರವರೆಗೆ ಸಾಮಾಜಿಕ ನ್ಯಾಯ ಮತ್ತು ಸಮಾನತೆ: ಪರಿಶಿಷ್ಟ ಪಂಗಡ ಸಮುದಾಯಗಳ ಕಲ್ಯಾಣ ಮತ್ತು ಸಬಲೀಕರಣ ಕುರಿತ ಪ್ರಾಯೋಜಕತ್ವ ತರಬೇತಿಯನ್ನು ಸಾಮಾಜಿಕ ನ್ಯಾಯ ಮತ್ತು ಸಮಾನತೆ ಕೇಂದ್ರ, ಆಡಳಿತ ತರಬೇತಿ ಸಂಸ್ಥೆ, ಮೈಸೂರು ಇವರ ವತಿಯಿಂದ ನಡೆಸಲಾಗಿರುತ್ತದೆ. ಡಾ. ಕೆ. ರಮೇಶ್, ಸಹಾಯಕ ಪ್ರಾಧ್ಯಾಪಕರು, ಸರಸ್ವತಿ ಕಾನೂನು ಕಾಲೇಜು, ಚಿತ್ರದುರ್ಗ ಇವರು ಸದರಿ ತರಬೇತಿಯಲ್ಲಿ ದಿನಾಂಕ: 11.03.2024 ರಂದು ಒಂದು ಅಧಿವೇಶನದಲ್ಲಿ ಪರಿಶಿಷ್ಟ ಜಾತಿ ಮತ್ತು ಪರಿಶಿಷ್ಟ ಪಂಗಡದ ಮೇಲಿನ ದೌರ್ಜನ್ಯ ತಡೆ ಕಾಯ್ದೆ -1989 ಕುರಿತು ಉಪನ್ಯಾಸವನ್ನು ನೀಡಿರುತ್ತಾರೆ.

ಸ್ಥಳ: ಚಿತ್ರದುರ್ಗ
ದಿನಾಂಕ: 11.03.2024

Saunder P.X.

ಪ್ರಾಚಾರ್ಯರು,
ಜಿಲ್ಲಾ ತರಬೇತಿ ಸಂಸ್ಥೆ, ಚಿತ್ರದುರ್ಗ

M. S. Sudhe

Principal
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ಕರ್ನಾಟಕ ಸರ್ಕಾರ
ಜಿಲ್ಲಾ ತರಬೇತಿ ಸಂಸ್ಥೆ, ಚಿತ್ರದುರ್ಗ
ವೀರ ವನಿತೆ ಒನಕೆ ಓಬವ್ವ ಕ್ರೀಡಾಂಗಣ ರಸ್ತೆ, ಪ್ರಶಾಂತ ನಗರ

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File No: DTI/202/TRN/TRG/2024-DTI-CHD-DTI

ದಿನಾಂಕ: 20.06.2024

ಹಾಜರಾತಿ ಪ್ರಮಾಣ ಪತ್ರ

ಡಾ// ರಮೇಶ್. ಕೆ, ಸಹಾಯಕ ಪ್ರಾಧ್ಯಾಪಕರು, ಸರಸ್ವತಿ ಕಾನೂನು ಕಾಲೇಜು, ಚಿತ್ರದುರ್ಗ ಇವರು ಜಿಲ್ಲಾ ತರಬೇತಿ ಸಂಸ್ಥೆ, ಚಿತ್ರದುರ್ಗದಲ್ಲಿ ವಿವಿಧ ಇಲಾಖೆಗಳ ಸಿ ಗುಂಪಿನ ನೌಕರರಿಗೆ ಸಂವಿಧಾನದ ಮಹತ್ವ, ಮೂಲಭೂತ ಕರ್ತವ್ಯಗಳು ಮತ್ತು ಹೊಸ ತಿದ್ದುಪಡಿಗಳ ಕುರಿತು ಹಮ್ಮಿಕೊಳ್ಳಲಾದ ತರಬೇತಿಯಲ್ಲಿ ದಿ: 20.06.2024 ರಂದು ರಾಜ್ಯ ನಿರ್ದೇಶಕ ತತ್ವಗಳು ಮತ್ತು ಸಂವಿಧಾನದ ಹೊಸ ತಿದ್ದುಪಡಿಗಳ ವಿಷಯದ ಕುರಿತು 02 ಅಧಿವೇಶನಗಳಲ್ಲಿ ಅತಿಥಿ ಉಪನ್ಯಾಸ ನೀಡಿರುತ್ತಾರೆಂದು ದೃಢೀಕರಿಸಿದೆ.

ಸ್ಥಳ: ಚಿತ್ರದುರ್ಗ

ದಿನಾಂಕ: 20.06.2024

J. Saubhik P.V.

ಪ್ರಾಚಾರ್ಯರು,
ಜಿಲ್ಲಾ ತರಬೇತಿ ಸಂಸ್ಥೆ, ಚಿತ್ರದುರ್ಗ

M. S. Sudeha
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File No: DTI/208/TRN/TRG/2024-DTI-CHD-DTI

ದಿನಾಂಕ: 10.07.2024

ಹಾಜರಾತಿ ಪ್ರಮಾಣ ಪತ್ರ

ಶ್ರೀ ಡಾ.ಕೆ.ರಮೇಶ್, ಸಹಾಯಕ ಪ್ರಾಧ್ಯಾಪಕರು, ಸರಸ್ವತಿ ಕಾನೂನು ಕಾಲೇಜು , ಚಿತ್ರದುರ್ಗ ಇವರು ಜಿಲ್ಲಾ ತರಬೇತಿ ಸಂಸ್ಥೆ, ಚಿತ್ರದುರ್ಗದಲ್ಲಿ ವಿವಿಧ ಇಲಾಖೆಗಳಲ್ಲಿ ಹೊಸದಾಗಿ ನೇಮಕಾತಿ ಹೊಂದಿದ ಲಿಪಿಕ ವರ್ಗದ ನೌಕರರಿಗೆ ದಿ:08.07.2024 ರಿಂದ ದಿ:31.08.2024 ರವರೆಗೆ ಹಮ್ಮಿಕೊಳ್ಳಲಾದ 62ನೇ ತಂಡದ ಸಾಮಾನ್ಯ ಬುನಾದಿ ತರಬೇತಿಯಲ್ಲಿ ದಿ: 10.07.2024 ರಂದು ಪರಿಶಿಷ್ಟ ಜಾತಿ ಮತ್ತು ಪರಿಶಿಷ್ಟ ಪಂಗಡದ ದೌರ್ಜನ್ಯ ತಡೆ ಕಾಯ್ದೆ 1989 - ವಿವಿಧ ದುರ್ಬಲ ವರ್ಗಗಳ ವಿಷಯದ ಕುರಿತು 01 ಅಧಿವೇಶನದಲ್ಲಿ ಅತಿಥಿ ಉಪನ್ಯಾಸ ನೀಡಿರುತ್ತಾರೆಂದು ದೃಢೀಕರಿಸಿದೆ.

ಸ್ಥಳ: ಚಿತ್ರದುರ್ಗ
ದಿನಾಂಕ: 10.07.2024

Saravali P.V.
ಪ್ರಾಚಾರ್ಯರು,
ಜಿಲ್ಲಾ ತರಬೇತಿ ಸಂಸ್ಥೆ, ಚಿತ್ರದುರ್ಗ

M.S. Sudheer
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M.S. Sudheer
Principal
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ಕರ್ನಾಟಕ ಸರ್ಕಾರ
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Ph: 08194-235271

File No: DTI/262/TRN/TRG/2024-DTI-CHD-DTI

ದಿನಾಂಕ: 12.08.2024

ಹಾಜರಾತಿ ಪ್ರಮಾಣ ಪತ್ರ

ಶ್ರೀ ಡಾ.ಕೆ.ರಮೇಶ್, ಸಹಾಯಕ ಪ್ರಾಧ್ಯಾಪಕರು, ಸರಸ್ವತಿ ಕಾನೂನು ಕಾಲೇಜು, ಚಿತ್ರದುರ್ಗ ಇವರು ಜಿಲ್ಲಾ ತರಬೇತಿ ಸಂಸ್ಥೆ, ಚಿತ್ರದುರ್ಗದಲ್ಲಿ ವಿವಿಧ ಇಲಾಖೆಗಳ ಸಿ ಗುಂಪಿನ ನೌಕರರಿಗೆ ದಿ:12.08.2024 ರಿಂದ ದಿ:13.08.2024 ರವರೆಗೆ ಸಾಮಾಜಿಕ ನ್ಯಾಯ ಮತ್ತು ಸಮಾನತೆ ಕೇಂದ್ರ , ಆಡಳಿತ ತರಬೇತಿ ಸಂಸ್ಥೆ , ಮೈಸೂರು ಇವರ ವತಿಯಿಂದ ಹಮ್ಮಿಕೊಳ್ಳಲಾದ ಸಾಮಾಜಿಕ ನ್ಯಾಯ ಮತ್ತು ಸಮಾನತೆ : ಪರಿಶಿಷ್ಟ ಜಾತಿ, ಪರಿಶಿಷ್ಟ ಪಂಗಡ ಮತ್ತು ಅಲ್ಪಸಂಖ್ಯಾತ ಮಹಿಳೆಯರ ಸಬಲೀಕರಣ ಕುರಿತ ಪ್ರಾಯೋಜಕತ್ವ ತರಬೇತಿಯಲ್ಲಿ ದಿ: 12.08.2024 ರಂದು ಸಂವಿಧಾನ ಮತ್ತು ಮಹಿಳೆ ವಿಷಯದ ಕುರಿತು 01 ಅಧಿವೇಶನದಲ್ಲಿ ಅತಿಥಿ ಉಪನ್ಯಾಸ ನೀಡಿರುತ್ತಾರೆಂದು ದೃಢೀಕರಿಸಿದೆ.

ಸ್ಥಳ: ಚಿತ್ರದುರ್ಗ
ದಿನಾಂಕ: 12.08.2024

P. V. Saubhik
ಪ್ರಾಚಾರ್ಯರು,

ಜಿಲ್ಲಾ ತರಬೇತಿ ಸಂಸ್ಥೆ, ಚಿತ್ರದುರ್ಗ

M. S. Sudheer
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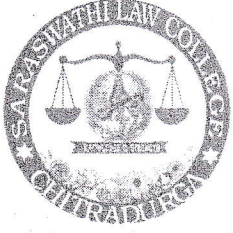
M. S. Sudheer
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Saraswathi Education Society (R)

Ph : 08194-224549

Saraswathi Law College



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Akashavani Road, C.K. Pura, Kelagote

CHITRADURGA - 577 501 (KARNATAKA)

(Recognised by Bar Council of India, New Delhi &
Affiliated to Karnataka State Law University, Hubballi)



email : slc_cta@rediffmail.com or slc.cta1965@gmail.com

website : www.saraswathilawcollegecta.com

Ref. No. 128(a) 2024

Date: 29/07/2024

CERTIFICATE

This is to certify that Dr. Ramesha. K. Assistant Professor, Saraswathi Law College, Chitradurga has successfully worked as Co-Ordinator in organizing National Level Moot Court Competition organized by Saraswathi Law College on 27th and 28th July 2024.

M.S. Sudhan
Principal
Saraswathi Law College
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(Recognised by Bar Council of India, New Delhi &
Affiliated to Karnataka State Law University, Hubballi)



email : slc_cta@rediffmail.com or slc.cta1965@gmail.com

website : www.saraswathilawcollegcta.com

Ref. No. SLC. /

/

Date :

Certificate

This is to state and certified that Dr. Ramesha K, Assistant professor, Saraswathi Law College, chitradurga has coordinated and successfully organised National Level Moot Court competition held on 03.05.2025 and 04.05.2025.

M S Sudha
Principal
Saraswathi Law College
CHITRADURGA

M S Sudha
Principal
Saraswathi Law College
CHITRADURGA

Estd : 1965

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email : slc_cta@rediffmail.com or slc.cta1965@gmail.com

website : www.saraswathilawcollegecta.com

Ref. No. SLC. /

/

Date :

Certificate

This is to state and certified that Dr. Ramesha K, Assistant professor, Saraswathi Law College, chitradurga has coordinated and successfully organised Two Day National Conference on "Relevance of Vivekananda's View on Youth in the Current Scenario, held on 04.04.2025 and 05.04.2025.

M. S. Sudha
Principal
Saraswathi Law College
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Saraswathi Law College
CHITRADURGA



UNIVERSITY GRANTS COMMISSION
MALAVIYA MISSION TEACHER TRAINING CENTRE (MMTTC)
RANCHI UNIVERSITY, RANCHI
(Certificate)



UGC-SPONSORED
INTER/MULTI-DISCIPLINARY REFRESHER COURSE IN
WOMEN STUDIES AND GENDER SENSITIZATION

This is to certify that

Dr. RAMESHA K


Assistant Professor, Department of Law
Saraswathi Law College, Chitradurga
Karnataka State Law University, Hubballi

*Participated in the Inter/Multi-disciplinary Refresher Course in
Women Studies and Gender Sensitization
from 19/11/2024 to 02/12/2024*

and obtained Grade - A

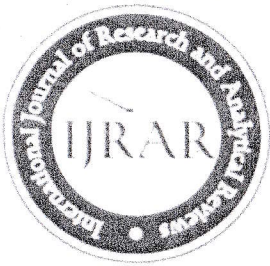

(DIRECTOR)


(COURSE CO-ORDINATOR)


Principal
Saraswathi Law College
CHITRADURGA


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Keywords



Legal Frame Work on Issues of Agricultural Labourers in India

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Abstract:

Agriculture is considered to be one of the first reasons for people to settle in one place. Before the advent of agriculture, people were wanderers who search for food from one place to another. They settle at one place for some time, get the food they need, and leave the place. With the discovery of agriculture, they started living in one place. They started to settle at one place as it requires months for the crop to be fully prepared to harvest. When they started settling at one place, they form communities. They started living together in one place; it develops societies and leads the foundation of modern culture and it continue from generation to generation and these rules got ingrained in their culture. Agriculture was the basic foundation of civilized society. Agriculture in India has continued for thousands of years and has given prosperity, employment, and has proven to be its economic backbone. Mahatma Gandhi's emphasis on the value of self sufficient village economy agricultural labourers in India is not recognized as industry thus labour working under harsh conditions are subject to different set of rules and regulations and most surprisingly a good number of their working conditions are not governed by any statutory regulation leaving them at the mercy of contractors and landlord have been the most neglected and exploited class of human labour. They have suffered because they happen to belong to economically and socially backward class of society. Further, their illiteracy, poverty and indebtedness and the seasonal nature of work in villages also create obstacles. Moreover lack of organization, heterogeneity and homogeneity and their migratory nature. The need is not to segregate men and women agricultural labourers but to provide a distinct and effective legal regime that not only supports the mandates of welfare state but also fulfills the mandate of social security. for this purpose national and international instruments provide provisions relating protection of agricultural labour, in international level declared so many convention under ILO and in national level government of India enacted laws with the advancement of civilization, there was a need to regulate agriculture in India such are Equal Remuneration Act, 1976, The Minimum Wages Act, 1948, The Maternity Benefit Act of 1961, Unorganised worker Social Security Act 2008, Bonded Labour Abolition Act 1976 and Child Labour (Prohibition and Regulation) Act 1986 etc. This paper is based on doctrinal work and the data collected from books, journals, news paper articles and Government notifications. This paper attempts to analyse the problems of agricultural labour and assess the steps taken by the - Government, legislature, and judiciary to meet-the situation and provide possible suggestions.

Key Word: Agriculture Labour, Constitution, ILO, Convention.

Introduction:

India is an agricultural country and agriculture is backbone of Indian economy but they are suffers from various issues and problems connected with the agricultural sector and especially with regard to the agricultural labourers. The issues and problems connected to the agricultural labourers are not focusing to main stream society and the policy makers. The agricultural labourers are born in debt, grow in debt and die in debt. Most of the laws available to this community are not recognized and are not aware of the welfare programs. They are not aware of it because they are unorganized sectors of labour community.

Unorganized workers in India engaged as home-based worker, brick kiln, domestic, agricultural and construction. The others are head loaders, street vendors, cobblers, rag pickers, washer men, rickshaw pullers, landless labourers, are some of them. In India most of the people are relayed on agriculture. But due to failure in agriculture in rural India, they become profitless and landless that forced them to be migratory to urban area. As we look in to the labour issues, often one is reminded of the migrant labour, construction labour, industrial workers and the related. Hardly the attention turns towards agricultural labours, Agricultural labourers in India has increased from 234.1 million (127.3 million cultivators and 106.8 million agricultural labourers) in 2001 to 263.1 million (118.8 million cultivators and 144.3 million agricultural labourers) in 2011. During the year 2023, 41.49 % of population involved in the agriculture sector.

The labour laws had its basis from views of important national leaders who fought for the freedom, various debates from constituent assembly and from International conventions. Protecting the interest of labour is ensured in the Constitution of India Chapter III Article 18, 19, 23 and 24 Chapter IV Article 39, 41, 42, 43, 43A and 34 it is linked with fundamental rights and Directive

Principles of State Policy. Agricultural labour constitute in the concurrent list in which the Central and the State governments are enabled to make laws. Accordingly different aspects of the labour issues like occupation and various recommendations were discussed in the First National Commission on labour on 24 December 1966 and reported in 1969. It analysed all sectors of organised and unorganised sector. The Second National Commission on labour submitted analysed and covered the recommendations for social security, child labour, wages, skill development, labour administration and unorganised sector it also included the agricultural labour distress on the up gradation and development of skill by training and workshops. It also recommended for small scale and agri- business in rural sector.

Agricultural labour:

Agriculture labourer can be defined as the involvement of any person in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, management of livestock, bees, poultry etc. The first Agricultural Labour Enquiry Committee of 1950-51 regarded those people as agricultural workers who were engaged in raising crops on payment of wages. Since in India, a large number of workers do not work against payment of wages all the year round, this definition was incomplete. Accordingly, the Committee laid down that those people should be regarded as agricultural workers who worked for 50 per cent or more days on payment of wages.

The Second Agricultural Labour Enquiry Committee of 1956-57 took a broad view of agricultural activities to include those workers also who were engaged in allied activities like animal husbandry, dairy, poultry, piggery, etc. The Second Committee submitted that to know whether a household is an agricultural labour household we must examine its main source of income. If 50 per cent or more of its income is derived as wages for work rendered in agriculture, only then it could be classified as agricultural labour household. The changeover from 'work' to 'income' seems more scientific.

The agricultural workers into two different categories such as:

- a. Attached labourers are those workers who are attached to some other farmer households on the basis of a written or oral agreement.
These attached workers are working as per the wishes of their masters and are not free to work at any other place. They are working both in the house and farms of their masters. Thus, these attached labourers are working as serfs or servants and they are also known as bonded labourers.
- b. On the other hand, casual labourers are those workers who are free to work in any farm on the payment of daily wages.

Characteristics of agricultural labour

1. Large areas have been brought under irrigation.
2. Use of fertilizers and pesticides has been increased.
3. Large area has been brought under high yielding variety of seeds which brings green revolution in India.
4. Although modern techniques are adopted still animals play a significant role in various agricultural activities.
5. Major part of the agriculture depends mainly on monsoon rain.
6. Food crops are the major parts of production.
7. Means of transport and facilities for storing food are inadequate and roads are un-metalled.

Types of agriculture labour

- a. **Bonded or Semi-Free Labourers** : This group, called "Agrarian Serfs" by Merchant and Wadia, was made up of people who continued to work under almost all conditions. A report by Royal Commission for Labour and Employment, those who were bound were bound by a need to get money. With no way to protect him, to begin serving the man who gave him his money," The money isn't paid back, and it's not supposed to be paid back. The borrower is life-long bonds slave of the person who lent him the money. He is treated like a medieval serf since he is paid so little and given so little to eat. Enslavers could buy or sell these enslaved people, or they might even pawn them. Even worse, the bond was never repaid, and in certain cases, subsequent generations were also chained as a result. Also, if the master was unable to provide work for the labourer, he could not permit him to travel far from his home.
- b. **Dwarf-Holding Labourers**: Small-scale landowners, tenants, farm workers, and part-time farmers all fell into this category. The fact that they weren't like the other farm workers made them stand out from the crowd. They were motivated to work on a farm by the meagre wages from their primary employment. It was common for women and other family members to labour on farms. It was estimated by Dr. Patel that in 1931, there were 32 million small-scale farmers in India at the time. The majority of them were located in Bihar, Bengal, Punjab, Uttar Pradesh, and other regions.
- c. **Under-Employed Landless Labourers**: The dwarf-holding labourers were attached to the land, whereas bonded labourers became bound to their employers. In all cases, the primary cause was a lack of alternative employment opportunities. Landless farm labourers were pushed into this form of agricultural work after the landowners or landowners broke their links to them. Regardless of who was responsible for the employees' release, Thomas and Ramakrishnan argue that the price of their freedom was insufficient to compensate for the lack of a secure living environment.
- d. **Full-Time Landless Labourers**: The group was made up of people who worked on plantations and for wealthy and well-off farmers. Because most farms are located in remote places with low populations, it was hard to find enough workers at first. Because of the slave trade, planters were forced to come up with a new strategy to get workers. The Plantation workers were almost like bonded or semi-free labourers because they didn't have a powerful labour union, there was no strong labour union, and owners of plantations knew each other well.

National provisions on protection of agricultural labour:

Government has not taken any serious effort to improve the conditions of the agricultural labourers. They are the unknown human labour section. Most of the Labour Legislation is far from implementing to the Indian labourers. Their migration, their removal from job is all done without any information as per laws and only on the wish of the masters.

The establishment of a uniform labour standards had many struggles in diverse conditions and uneven economic development. India was founder part of the ILO, it is permanent member of its governing body since its inception.

Constitution Provisions:

The framers of the Constitution were aware of the socio-economic problems of agricultural labour in India.

The Preamble to the Constitution of India resolves to secure to all its citizens including women: -justice, social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and opportunity and to promote among them all fraternity assuring the dignity of the individual and the unity and integrity of the nation.

Equality of status and of opportunity is a consistent principle of social Justice, for the realization of the latter is almost impossible without the free play of the former. The constitution makers have incorporated sufficient provisions in the constitution to uphold the dignity of labour. The Constitution of India has given special attention to the needs of women to enable them to exercise their rights on an equal footing with men and participate in national development. The Constitution aims at the creation of an entirely new social order where all citizens are given equal opportunities for growth and development and that no discrimination on the basis of organized and unorganized labour.

The Constitution of India guarantees Fundamental Rights to people including women under various provisions contained in Part III of the Constitution. The relevant provisions concerning women are as follows:

Constitutional commitment recognizing right to equality has been explicitly laid down under Article 14 of the Constitution of India which provides that the state shall not deny to any person equality before the law or the equal protection of law. This provision guarantees to all persons, including agricultural labourers, the right to equality in law.

Constitution of India Prohibit the trafficking of inhuman beings, forced labour, beggar, child labour and other similar forms of forced labour and any contravention of this provision shall be an offence punishable in accordance with law.

Directive principles of state policy are contained in Part IV of the Constitution. Those Directive principles, which are concerning women and have a special bearing on their status, are given as follows:

Article 39(a) directs the state to frame its policy for ensuring that the citizens, men and women equally have the right to an adequate means of livelihood;

Article 39(d) directs the state to ensure that there is an equal pay for equal work for both men and women;

Article 39(e) directs the state to ensure that the health and strength of workers, men and women and the tender age of children are not abused;

Article 42 directs the state to make provision for ensuring just and humane conditions of work and maternity relief;

Article 43 provides that the state shall endeavour to secure to all workers, both men and women, a living wage and a decent standard of life;

Article 46 directs the state to promote with special care the educational and economic Interests of the weaker sections of the people. It is regarded to aim at improving the employment opportunities and conditions, inter-alia, of the working women.

Other Legal Provisions:

Minimum Wages Act 1948, the main object of this law was to fix the minimum wages in employment to focus towards labourers vulnerable to exploitation. Agricultural employment labourers also comes in the purview of this Act

The Bonded Labour System (Abolition) Act 1976, the Act made provision to abolish bonded labour to prevent exploitation of the weaker sections. The bonded labour system abolition Act of 1976 enabled more than lacks of people were identified as bonded labourers and rehabilitated. There is another Act the Dangerous Machines (Regulation) Act, 1983, this Act regulates the use of dangerous machines for labour and if there is any bodily injury or death caused the labour has to be compensated.

Unorganised Workers' Social Security Act 2008, this Act defines "Unorganised Worker" as a home based worker, self-employed workers or a wage workers organized or unorganized are enclosed. To afford social security of the unorganised workers Social Security Act of 2008 was enacted.

These can be achieved through.

1. Awareness camps through Government and non-Governmental organizations and ensured that it has covered all rural population and includes all the scattered farmers.
2. They can be advised to involve in to their own group or into the union – to fight for their own rights of social, economic, education and even the migratory nature.

Issues and Problems of Agricultural labour in India

1. **Excess Working Hours:** The working hours of these laborers are not only irregular but also excessive. They have to work since morning to late night. His working hours change with harvest, season and work.
2. **Seasonal Employment:** The agricultural labor does not get work for the whole year. According to the Second Agricultural Labor Investigation Society, a Seasonal labor gets an average of 197 days of work in a year. Similarly, child labor gets 204 days and women get 141 days of employment. Thus, their average annual income is very lower.
3. **Low Wages:** The wage level of agricultural labors very low as compared to that of industrial labor. It has two reasons increase in landless laborers lack of non-agricultural areas of work in rural areas.
4. **Agricultural Slavery:** Majority of agricultural laborers are landless and of backward classes. Due to their lower social status they are treated as animals. Big land owners make them work as slaves. They are used as laborers and in return given minimum wages.
5. **Indebtedness:** Due to lower income, the indebtedness of agricultural farmers is increasing. They hesitate in negotiating their wages with the land owners in the fear that their services would be terminated. The laborers remain indebted even after working with the land owners for their whole life.
6. **Not United:** Since the agricultural laborers are spread in millions of village all over the country they lack unity. Thus, they are unable to negotiate their wages etc. with the land owners by uniting themselves.
7. **Exploitation of Child and Women Laborers:** Due to lower income the children and women of agricultural laborers are also forced to work for their livelihood. The child and women laborers are made to work more for livelihood. Thus, exploitation of child labor and woman labor is a major problem in the field of agriculture.
8. **Lower Social Status:** Most of the agricultural laborers are of backward classes who have been exploited since centuries. Due to this reason also their social status is lower.
9. **Shortage of Other Jobs:** There is shortage of other jobs in villages. Thus, if the crop is destroyed by floods, famines etc., it becomes difficult for the agricultural labor to survive.
10. **Housing Problem:** The landless laborers have no private house. They live in cottages, made on the useless land of the landowners with their permission and in its return they have to work without payment, for the landowners. When a number of people live under the same roof, the physical, social, moral and religious problem arises.

International Provisions on Protection of Agricultural Labour:

The ILO's mandate on organization of agricultural labours and promotes equal remuneration among men and women labour in the world.

The Equal Remuneration Convention, 1951:

The Equal Remuneration Convention, 1951 was formally adopted in 1951 and entered into force in May 1953. The Convention focuses on gender discrimination in employment and outlines principles for the equal remuneration for work of equal value independent of whether it is performed by men or women. In order to achieve equal pay, Parties to the Convention are required to implement domestic laws, regulations on wage determination and/or support collective agreements between workers' and employers' organizations. The Convention's implementation is supervised by the ILO's Committee of Experts. Every three years, a State Party must report on the current state of implementation, which is reviewed and evaluated by the Committee of Experts. The Equal Remuneration Convention is part of the 15 core conventions covered under the GSP regulation.

Rural Workers Organisations Convention, 1975:

All categories of rural workers, whether they are wage earners or self-employed, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations, of their own choosing without previous authorization. The principles of freedom of association shall be fully respected; rural workers' organizations shall be independent and voluntary in character and shall remain free from all interference, coercion or repression. National policy shall facilitate the establishment and growth, on a voluntary basis, of strong and independent organizations of rural workers as an effective means of ensuring the participation of these workers in economic and social development.

Others ILO Conventions

1. Right of Association (Agriculture) Convention, 1921
2. Minimum Wage-Fixing Machinery, Convention, 1928
3. Forced Labour Convention, 1930
4. Equal Remuneration Convention, 1951
5. Equality of Treatment (Social Security) Convention, 1962
6. Abolition of Forced Labour, 1957

3. The Centre and the State Government should ensure two aspects of Legislation; forming the Security Legislation, amending the Legislation as to the need and requirements of the Agricultural labourers and the most important aspect to taken to the other labourers. The employer utilises the innocence and unaware situation of the employee.

Mahatma Gandhi National Rural Employment Guarantee Act 2005: National Rural employment guarantee Act 2005 is an Indian labour law and social security measures that aims to guarantees the 'right to work'. It aims to enhance livelihood security in rural areas by providing at least 100 days of wage employment in a financial year to every household whose adult members volunteer to do unskilled manual work.

All the above Legislations with regard to social security are good to be appeared in paper. But it never reaches the Agricultural labourers due to lack of awareness the legal provisions, low social status economic dependency, non-political will, oppressive social nature and conditions are the major aspect being unorganized nature restrict them to involve in developmental programs. But there are many more beneficiary acts that stay only in paper similar acts are Agricultural labour and the Maternity Benefit Act, 1961. The Employers provident Funds and Miscellaneous Provision Act, 1952. If the State Government desires so it can enact these laws and make it effective to the Agricultural labourers. Equal Remuneration Act, 1976 It also remain powerful in paper. But not executed for employees. No discrimination to be showed based on sex for performing the same work or work of a similar nature.

Conclusion:

Agriculture is considered the backbone of any economy in the past and continued to do it today. The agricultural sector has employed the majority of the workforce of India. It is not that profitable but has the potential of income if utilized wisely, like using allied activities with the Farming. It can boost both economy and the income of the person doing it through various combinations with agriculture. The Government is also trying to reform the laws that play a major hurdle in developing the agricultural labour sector in India. The Government till now was only using the socialist approach, but now it is tried to use the capitalist approach of contract farming. The best approach can be the combination of both approaches, and the variation of using the combination can vary from one region to another, which depends on the climate, terrain, and geographical conditions as the country's geography are diverse, so it needs a law which suits the environment of the particular region.

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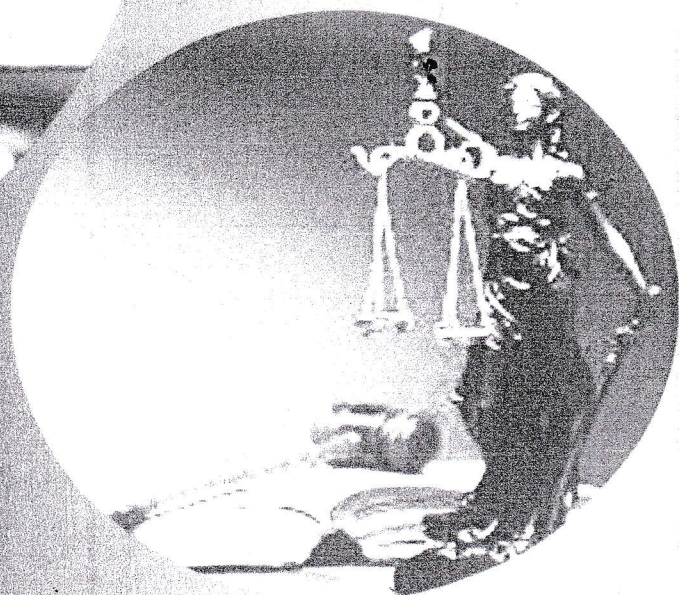
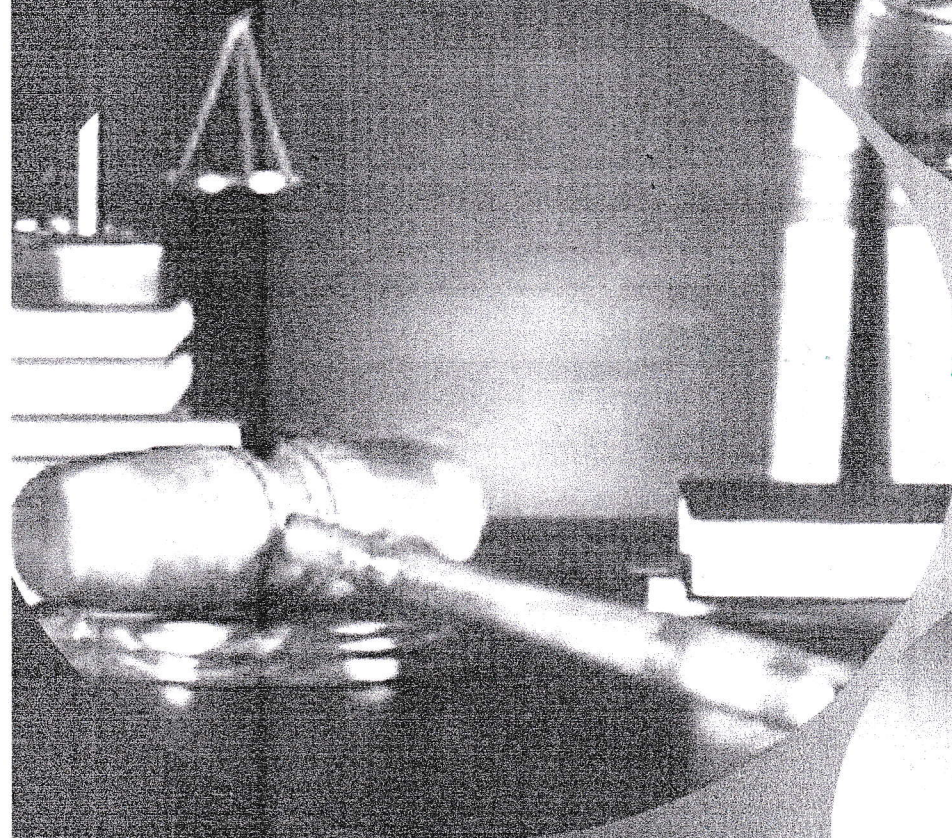
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Research in Law, University of Mysuru)*

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AN OVERVIEW ON THE INTER-STATE RIVER AND WATER DISPUTES

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ABSTRACT:

Since most rivers in India are interstate, there have been numerous, ongoing disputes over how to govern and distribute the proportionate use of these rivers. Several legislatures as well as Articles 262, 263, and 131, which offer the procedure for resolving inter-State conflicts, make up the pre-independence era's body of law in this area (via the Parliament). Water supplies, irrigation, and other topics are subject to legislation from both the Parliament and the State. The River Boards Act of 1956 and the Inter-State Water Disputes Act of 1956 are two significant pieces of legislation that have been thoroughly discussed in this article, detailing their provisions for dispute resolution, advisory opinions, negotiations, and other activities. The National Water Development Agency and the Resources Development Council, both of which have the Prime Minister as their chairman, have also been established as organisations to support river-water development. The Hon'ble Supreme Court's stance on interstate water conflicts, particularly the Cauvery case, is also discussed in detail in this essay, along with how it decided the rights of the contending states. Last but not least, some difficulties faced by Tribunals have been outlined, along with possible solutions, such as granting contempt powers for enforcement, eliminating delays, complete laws, etc.

Keywords: *Several legislatures, inter-State conflicts, Water supplies, irrigation, National Water Development Agency, Resources Development Council.*

INTRODUCTION:

Water is a fundamental natural resource that is essential for meeting basic human needs as well as for the development of many other nations. As a result, such a resource's planning, development, and administration are given national attention. Most India's major rivers, as well as their tributaries and sub-tributaries, flow between states¹. As a result, there have long been disagreements between states over how to use, manage, or distribute such rivers. In this area, legislation has a long history that dates back to the period before independence. Irrigation was constituted a provincial topic by the GOI Act of 1919, although items impacting relations between one province and any other area fell within the purview of the central assembly. Then, under the GOI Act of 1935, river disputes between several provinces received attention. The Act's "water" section covered the topic in sections 130 to 134. The draught Indian Constitution's articles 239–242 were the result of this.

Dr. Ambedkar suggested a change during the deliberation of the Draft Constitutional provision regarding the requirement of establishing a permanent institution to resolve disputes, the frequency of which was certain to rise with the full utilisation of such waters for irrigation and power generation in independent India. These factors led to the adoption of the current Art. 262 in the Constitution.² Articles 262, 263 and 131 of the Indian Constitution provide various channels for the resolution of disputes between States. The provisions of the Government of India Act, 1935 and the statute governing the rights of States with regard to the waters of interstate rivers under the Indian

¹ Gulhati N.D., *Development of Inter-State Rivers* (1972), pp. 5

² D.D.Basu, *Commentary on the Constitution of India*, 8th Ed, pg 9112.

Constitution are nearly identical.³ For instance, Entry 17 of List-2 of the 7th Schedule of the Constitution of India granted States the same legislative authority as Entry 19 of List-2 of the Act of 1935's 7th Schedule. According to the Article, no state is allowed to use interstate water in a way that would be detrimental to the interests of another state.

The 1935 Government of India Act, Section 204, is the source of this article. It makes it possible to resolve conflicts between states and between the union and a state. However, the proviso of 131 limits the Court's ability to rule on particular treaties, among other things. Only in circumstances where there is a dispute about the existence of a legal right that has been intricately interpreted by the Supreme Court in numerous cases⁴ may Article 131 be invoked.

It is crucial to remember that the Constitution does not inherently offer a procedure for resolving water-related disputes.⁵ Due to Entry 56 of List I of the Constitution, it is the Parliament's responsibility to deliberate and take action in the relevant topic. Under Entry 17 of List II, the states have been given the authority to enact laws governing water supplies, irrigation and canals, drainage and embankments, water storage, and waterpower, but these laws must be subject to Union legislative authority.

It is maintained that interstate river and power sharing should be treated as a state matter and given primacy. However, because many of these princely states had agrarian economies and joined the Indian Union on the condition of some autonomy, they refused to give up their control over water regulation, therefore the Constitution had to take this into account. States cannot be viewed as regular entities interested in property disputes since they are quasi-sovereign bodies. This is possibly the justification behind Article 262, which gives the Parliament the authority to create separate laws for the resolution of water disputes between States.⁶

Constitutional Perspective:

The parliament has passed a number of laws and legislation to handle the problem of water disputes. One of these issues, the regulation of interstate rivers, led to the passage of the River Boards Act of 1956. Other issues, like the Narmada Control Authority, merely have operational implications.⁷ Union has additional water-related authority that it may use, for example, during the impact analysis of significant projects that call for environmental approval.⁸ Two significant pieces of parliamentary legislation—The River Boards Act of 1956 and The Inter-State Water Disputes Act of 1956—need to be examined in order to better comprehend the constitutional system governing inter-state water disputes.

Inter-State Water Dispute Act, 1956:

The Government of India Act, 1935, served as the impetus for the 1956 Inter-State River Water Disputes Act. It includes clauses that are comparable to Sections 130 to 132 of the Act of 1935. In accordance with Article 262 of the Constitution, this act was passed. But in a purely legal sense, water tribunals owe their existence to the Indian constitution's authors' choice to give state governments

³ Report of the Narmada Water Disputes Tribunal, Volume-1, page 108, para 8.2.9].

⁴ (i) State of Rajasthan v. Union of India, AIR 1977 SC 1361; (1977) 3 SCC 592 (Rajasthan Assembly Dissolution Case). (ii) State of Karnataka v. Union of India, AIR 1978 SC 68, paras 141-149, 159-165, 198-203 (1977) 4 SCC 608. (iii) State of Bihar v. Union of India, AIR 1970 SC1446: (1970) 1 SCC 67

⁵ Ganihar N.N. and Belagali H.V., Educational Philosophy of Dr. Zakir Husain (2008), pp. 232

⁶ Haokip T., Theoretical Considerations of Political Integration and the Indian Experience, IJSAS 4(1) 2011, pp.221-234.

⁷ Mohiel AD, 'Government Policies and Programmes' in J Briscoe & RPS Malik, Handbook of Water Resources in India-Development, Management and Strategies (New Delhi: The World Bank and Oxford University Press, 2007) 10.

⁸ Government of India, The Environmental Impact Assessment Notification 2006.

control over water. Water was included on the state list when topics were divided according to whether they should be handled by the states, the union, or simultaneously by both.⁹ The statute defines water conflicts and allows different states to protest to the federal government about water problems. The resolution of conflicts involving the waters of Inter-State Rivers and River Valleys is also provided for. When the Central government believes that dialogue cannot resolve the issue, the legislation permits the creation of tribunals to resolve disputes on interstate rivers or waterways. The Sarkaria Commission had suggested that a Tribunal be established when the State Government filed a complaint, and that it issue a verdict within five years.

The act states that the decisions made by the tribunals in this manner will be final and conclusive, and the Supreme Court will not hear any appeals. As a result, it is obvious that the Supreme Court and other courts have no jurisdiction over these issues. However, the tribunal simply has the authority to make decisions; it has no influence over how such decisions are carried out. The tribunal's mandate also includes conducting investigations into issues of public significance, such as water pollution, flood control, the sustainability of river basin productivity, the consequences of climate change, and others. Though several water tribunals, including the Krishna, Narmada, Godavari, Cauvery, Ravi, and Beas Tribunals, had been established by the Union government in accordance with the statute. However, the way these tribunals operate is not ideal because there are delays at every stage of the process.

Since the tribunal only operates at the request of the relevant state, the board acted in accordance with the spirit of the constitution by upholding the notion that water is a state topic. Additionally, because the board's decision is final and binding, it combines the abilities and standing of the legal system. Even though the act provided relatively clear principles for any water issue, different conflicts nonetheless followed diverse courses to resolution because the law allows for a great deal of latitude.

River Boards Act, 1956:

In 1956, the River Boards Act was passed by the Parliament in accordance with the authority granted by Entry 56 of List I. The sole time the Parliament has exercised the authority granted to it by Entry 56 is in this Act. The board's primary responsibilities were to oversee appropriate and optimal use of the water resources of the interstate rivers and to keep an eye on various irrigation, water supply, and hydroelectricity power generating plans. However, the board's activity is advisory in nature and is solely intended to offer counsel and suggestions. By failing to appoint River Boards, the act has been rendered null and void.

Thus, the act had not been effective, and one of the main reasons for this is that Entry 56 grants the Union a massive and unrestricted amount of power, which, when combined with its abundant resources, allows it to encroach on territory that is under the control of the States.¹⁰ River Boards, such as the Upper Yamuna River Board and the Betwa River Board, were established under independent legislation, but they served to carry out a mutually agreed-upon sharing agreement between States. River Boards cannot be established to oversee the execution of Tribunal awards.

National Water Policy, 1987:

The board was established by the Ministry of Water Resource to control water development and planning and guarantee their best use. This water policy's Section 21 specifically addresses how water is distributed among the states. It has emphasised the necessity of developing and managing water resources holistically and comprehensively, meeting various requirements through a participatory

⁹ Pani N, *The Place Of The Tribunal In Inter-State Water Dispute*, Vol. 2 Issue 1.

¹⁰ Sarkaria Commission Report (1988), Chapter XVII, para 17.4.01

approach. The board's additional duties include ensuring that water resources are allocated properly, preventing all forms of exploitation, setting up a uniform national information system with a network of data banks and data bases, and other similar tasks. The 2012 amendment to this national water strategy places more focus on the development of water bodies by granting them the label of "economic good."

To encourage river-water development, the centre has established two other organisations. All State irrigation ministers serve as members of the non-statutory National Water Development Agency. The agency's duties include conducting surveys, investigations, and studies for the development of the peninsular rivers, a component of the national water plan. The agency's goal is to encourage the best possible use of the nation's resources. This plans to use any extra water in the nation's waterways. The Water Resources Development Council is the other organisation, and all state chief ministers are members as well as its chairman, the prime minister.

Judicial Approach:

Several interstate river water disputes have been brought before the Supreme Court over the years with regard to a number of different issues, including the Tribunal's ability to handle a request for an interim allocation (Cauvery), the non-implementation of a Tribunal order (Cauvery), shortcomings in environmental protection and rehabilitation (Narmada), the constitutionality of a State Legislature's act terminating all prior water agreements (Punjab), etc. Each of these instances involved some other connected legal or constitutional question, not the water-sharing issue, which had already been decided or was still being decided by a Tribunal.¹¹

When the Supreme Court's rulings in interstate water conflicts are analysed, it becomes clear that the court saw a conflict between "we the people" and the "sovereign socialist secular democratic republic" of India.¹² Before offering hasty solutions to interstate water disputes, it is crucial to comprehend and consider the tension. There are two categories of interstate water disputes. The rights of states and the extent of those rights inside the Union are one area of contention. The states may petition the Supreme Court to decide on issues relating to constitutional rights, with the exception of revisiting the terms of unification.¹³ On the other hand, interstate rivers do not concern constitutional rights problems.

River Kaveris's Case:

The re-sharing of waters that have already been fully consumed is at the heart of the Cauvery dispute case. The Cauvery cases are significant in two ways. First, they opened the door for the Supreme Court's intervention in interstate water disputes, which would not have been possible without a constitutional mandate. This dispute has its roots in two agreements signed by the governments of Karnataka (the ancient Mysore) and Madras in 1892 and 1924, respectively. The Karnataka Government asserts that the agreement prevents the state from receiving its fair share of water and that as a result, the state should re-enact the agreement, which should be based on "equitable distribution". The Tamil Nadu government argues that any modification to the agreement's structure will have a significant impact on many people because it has already created preparations to advance the deal. The accord rejects the Supreme Court's original jurisdiction under Article 131 of the Indian Constitution. However, the issue at hand is the execution of the Tribunal's Interim Order, along with

¹¹ The Supreme court and river water disputes, Ramaswamy R. Iyer, The hindu , 17/09/12

¹² Petrella, R. The Water Manifesto. London: Zed Books, and Bangalore: Books for change

¹³ The Constitution Of India, Article 131.

the connected subject of adherence to the rulings of the Cauvery River Authority and to the Supreme Court's own instructions,¹⁴ which is squarely within the Supreme Court's purview.

After several discussions between the two states and the federal government, the Cauvery Fact Finding Committee's report was finally approved. Concerns about the agreement's expiration arose once more. The state of Tamil Nadu asked the government to bring the dispute to a tribunal in accordance with the Inter State River Water Dispute Act of 1956. But when this appeal was ignored, Tamil Nadu went to the Supreme Court to ask it to order the state of Karnataka not to move through with a new project that would result in the loss of livelihood. Karnataka nevertheless continued with the project's construction.

A tribunal was finally established in 1990 thanks to a Supreme Court decision. In June 1991, the Soon Tribunal issued a temporary order. First, Karnataka was instructed to make sure that 205 TMC feet of water from its reservoirs were made available at Metter over the course of a year, from June to May, until the Tribunal's final resolution of the matter. Second, it was ordered that Karnataka not use more Cauvery water for irrigation than 11.2 lakh acres.

In order to ensure the execution of the Interim Order, the government established two new organisations in 1997: the Cauvery River Authority and the Cauvery Monitoring Committee. In the event that the Interim Order was disobeyed, one of these authorities allowed for the takeover of dam control. Additionally, the group included experts and other officers to investigate the situation and inform the authorities. Once more, the mechanism fell short, and a protracted period of dispute followed.

The tribunal issued its final award in 2007 after nearly 17 years of extensive discussion and debate. Tamil Nadu will receive 419 million cubic feet (instead of the requested 562), Karnataka will receive 270 million cubic feet, Kerala will receive 30 million cubic feet, and Puducherry will receive 7,000 million cubic feet. Karnataka would be required to release 192 billion cubic feet annually, of which 7 billion cubic feet will be diverted to Puducherry. Additionally, a certain amount of water was set aside for environmental conservation and the inevitable journey to the sea. Tamil Nadu and Puducherry accepted the order, but the Karnataka administration was not happy with it, and this resulted in a large-scale protest.

The government established a temporary body in 2013 as part of the Cauvery Water (Implementation of the Order of 2007) Scheme, which was implemented in response to the 2007 award. The organisation is tasked with carrying out the Cauvery Water Dispute Tribunal's ruling. The order has not yet been put into effect, though, because the Supreme Court is still considering a Special Leave Petition on the subject. The Cauvery River water-sharing controversy has gained national attention. Without a doubt, it is one of India's most contentious interstate river water conflicts. The government must step in and make a good contribution because of how complicated the nature of the disagreement is.

CONCLUSION AND SUGGESTIONS:

The mechanism dealing with inter-state water disputes functions ineffectively because of several reasons. The most prominent problem faced by it is that it do not have any effective authority for the implementation of the order of the tribunal. The Tribunal can only give an award but cannot enforce its implementation. It has not been clothed with powers of punishment for 'contempt'. In the event of non-implementation of an ISWD Tribunal's award by a state government, the central government can

¹⁴ Cauvery Dispute: An Instance of Judicial Fallacy, Mr. Naresh Pareek, Manupatra.

(failing persuasion) issue a direction to the erring state and then invoke Article 356, but that seems an extreme step; besides, when a popular government comes back it may once again refuse to implement the award. There is no easy answer to this problem.¹⁵ Cauvery water dispute case is a classic example showcasing complicated scenario of river water management and governance in India.

When there is shortage, when developmental projects grow, and riparian States do not enjoy equal access to the source, inter-state problems are bound to rise in sharing. It has been recommended by the Sarkaria Commission that the tribunal award's should be equated with the status of the decree of the Supreme Court. Appeals to the court in large number to the court reflects the failure of the government in the handling water related disputes. Though the issues relating to the water allocation involves special technicalities but entrusting the adjudicatory power to the tribunal leads to undermining the status of the Federal government. This may lead to creating of more obstacles rather finding a solution. The tribunal also lacks the power of enforcement of its decision which Supreme Court is endowed with. Thus such matters which involves public importance should be guided and decided by the court.

The Provision under Article 262 seems to be insufficient. It would have been better if a machinery had been written into the Constitution itself. Then it would not be left to the Parliament to provide a machinery. 5 years passed before the Inter-State Water Disputes Act was passed in 1956. Article 262 grants power to make a law; it does not impose a duty, for no court can issue a mandamus to the legislature to make a law.¹⁶ Also no provision of the Constitution can be held ultra-vires, but any law, or part of law made under Article 262 can be held ultra-vires. Also there are always inordinate delays in the setting up of tribunals and deciding the award. The right to have a dispute referred to a tribunal under IWSDA is dependent on the opinion of the Central Government that the matter cannot be settled by negotiations.¹⁷ In light of the prevailing loopholes in functioning of the system, certain recommendations can be considered. Firstly, there is a need to set up a permanent tribunal for such disputes instead of creating one each time. Then it has been suggested by the NCRWC that the Inter-State Water Disputes Act, 1956 be repealed and in its place a more comprehensive parliamentary legislation should be enacted. It is of the view that it is not necessary to exclude Inter-State Water Disputes from the original jurisdiction of the Supreme Court under article 131 of the Constitution and that such disputes should also be made to fall within the exclusive jurisdiction of the Supreme Court.¹⁸

The rationale behind this is that almost in every case either of the party approaches Supreme Court seeking judicial review of the order or for the enforcement of the Fundamental rights. This leads to involvement of two forums in decision making. Also, parliament needs to exercise its powers under Entry 56 List I effectively. According to National Water Policy, this can be done by setting up of river boards. Alternatively, it has been suggested by some scholars that the Supreme Court should only be granted appellate jurisdiction, if an appeal to the Supreme Court is possible, at least no state can reasonably nurse a sense of grievance and as the Supreme Court's decisions are still being respected and obeyed in this country, the non-implementation problem will disappear.¹⁹

¹⁵ Inter-State Water Disputes Act 1956: Difficulties and Solutions, Ramaswamy R. Iyer, Economic and Political Weekly, Vol. 37, No. 28 (Jul. 13-19, 2002), pp. 2907-2910, Economic and Political Weekly.

¹⁶ Seervai H.M., Constitutional Law of India, Vol.3 (4th Edition) pp. 3243

¹⁷ The Inter-State Water Disputes Act, Section 4(1)

¹⁸ NCRWC, Report of the NCRWC, Vol. 1(31st March, 2002), para 8.11.4

¹⁹ Iyer R.R., Inter-State Water Disputes Act 1956: Difficulties and Solutions, EPW, Vol. 37, No. 28 (Jul. 13-19, 2002), pp. 2907-2910

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To,
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