

Inter-State River Water Disputes (Amendment) Bill, 2019

Why in news?

- The Inter-State River Water Disputes (Amendment) Bill, 2019 was recently introduced in the Lok Sabha.
- The Bill amends the Inter-State River Water Disputes Act, 1956.

What did the Act provide for?

- The Act provides for the adjudication of disputes relating to waters of inter-state rivers and river valleys.
- Under the Act, a state government may request the central government to refer an inter-state river dispute to a Tribunal for adjudication.
- If the central government is of the opinion that it cannot be settled through negotiations, it sets up a Water Disputes Tribunal within a year of receiving such a complaint.

How effective were the tribunals?

- Under the 1956 Act, 9 tribunals have so far been set up. Only 4 of them have given their awards.
- One of these disputes, over Cauvery waters between Karnataka and Tamil Nadu, took 28 years to settle.
- The Ravi and Beas Waters Tribunal was set up in 1986 and it is still to give the final award.
- The minimum a tribunal has taken to settle a dispute is 7 years (by the first Krishna Water Disputes Tribunal in 1976).
- The multiplicity of tribunals has led to an increase in bureaucracy, delays, and possible duplication of work.

What does the Bill aim for?

- The Bill seeks to replace the above mechanism.
- The main purpose of the Bill is to make the process of dispute settlement more efficient and effective.
- The Bill proposes to set up a permanent tribunal to adjudicate on all inter-state disputes over sharing of river waters.
- The replacement of five existing tribunals with a permanent tribunal is likely to result in a 25% reduction in staff strength and a saving of Rs 4.27 crore

per year.

What is the proposed dispute resolution committee?

- Under the Bill, a state will put in a request regarding any water dispute to the central government.
- The central government will then set up a Disputes Resolution Committee (DRC) to resolve the dispute amicably.
- **Composition** - The DRC will comprise of a Chairperson, and experts with at least 15 years of experience in relevant sectors.
- These will be nominated by the central government.
- It will also comprise one member from each state (at Joint Secretary level), which is a party to the dispute.
- These members will be nominated by the concerned state government.
- **Resolution** - The DRC will seek to resolve the dispute through negotiations, within one year (extendable by 6 months).
- It will then submit its report to the central government.
- If a dispute cannot be settled by the DRC, the central government will refer it to the Inter-State River Water Disputes Tribunal.
- Such referral must be made within 3 months from the receipt of the report from the DRC.
- So, now, the current system of dispute resolution would give way to a new two-tier approach with DRC and the tribunal.

What are the key provisions on Tribunal?

- The central government will set up an Inter-State River Water Disputes Tribunal, for the adjudication of all water disputes.
- This Tribunal can have multiple benches.
- All five existing tribunals under the 1956 Act would be dissolved.
- Also, the water disputes pending adjudication before such existing Tribunals will be transferred to the new Tribunal.
- **Composition** - The Tribunal will consist of a Chairperson, Vice-Chairperson, 3 judicial members, and 3 expert members.
- They will be appointed by the central government on the recommendation of a Selection Committee.
- Each Tribunal Bench will consist of a Chairperson or Vice-Chairperson, a judicial member, and an expert member.
- The central government may also appoint two experts serving in the Central Water Engineering Service as assessors to advise the Bench in its proceedings.
- The assessor should not be from the state which is a party to the dispute.
- **Time-frames** - Under the Act, the Tribunal must give its decision within 3

years, which may be extended by 2 years.

- Under the Bill, the proposed Tribunal must give its decision on the dispute within 2 years, which may be extended by another year.
- Under the Act, the matter may again be referred to the Tribunal by a state for further consideration.
- In such case, the Tribunal was to submit its report to the central government within a period of one year.
- This period can be extended by the central government.
- Under the Bill, this provision is amended, specifying that such extension may be up to a maximum of 6 months.
- So now, all disputes would have to be resolved within a maximum of four-and-a-half years.
- **Decision of the Tribunal** - Under the Act, the decision of the Tribunal must be published by the central government in the official gazette.
- This decision has the same force as that of an order of the Supreme Court. There is no provision for appeal.
- [However, the Supreme Court, on Cauvery dispute, had said the decision of the tribunal could be challenged before it through a Special Leave Petition under Article 136 of the Constitution.]
- The Bill removes the requirement of such publication.
- It adds that the decision of the Bench of the Tribunal will be final and binding on the parties involved in the dispute.
- The Act provided that the central government 'may' make a scheme to give effect to the decision of the Tribunal.
- The Bill is making it mandatory for the central government to make such scheme.
- **Data bank** - Under the Act, the central government maintains a data bank and information system at the national level for each river basin.
- The Bill provides that the central government will appoint or authorise an agency to maintain such data bank.

Source: PRS India, Indian Express