

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

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**Source:** *Monthly Policy Review of PRS*

The proposed bill amends the Inter-State River Water Disputes Act, 1956. The Act provides for the adjudication of disputes relating to waters of inter-state rivers and river valleys.

## Key features of the bill

- Under the Inter-State River Water Disputes 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 the dispute cannot be settled through negotiations, it is required to set up a Water Disputes Tribunal for adjudication of the dispute, within a year of receiving such a complaint. **The Bill seeks to replace this mechanism.**
- **Disputes Resolution Committee(DRC):** Under the proposed Bill, when a state puts in a request regarding any water dispute, the central government will set up a Disputes Resolution Committee (DRC), to resolve the dispute amicably.
- **Composition of DRC:** The DRC will comprise of a Chairperson, and experts with at least 15 years of experience in relevant sectors, to be nominated by the central government. It will also comprise one member from each state (at Joint Secretary level), who are party to the dispute, to be nominated by the concerned state government.
- **Dispute resolution Mechanism under the bill:** It has been

mentioned that the DRC will seek to resolve the dispute through negotiations, within one year (extendable by six months), and 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 three months from the receipt of the report from the DRC.

- Tribunal and its multiple benches: The central government will set up an Inter-State River Water Disputes Tribunal, for the adjudication of water disputes. This Tribunal can have multiple benches. All existing Tribunals will be dissolved, and the water disputes pending adjudication before such existing Tribunals will be transferred to the new Tribunal.

▪ **Composition of the Tribunal:**

1. A Chairperson
2. Vice Chairperson
3. Three judicial members
4. Three 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.

**Major changes proposed under the Bill**

<b>Features</b>	<b>Inter-State River Water Disputes Act, 1956</b>	<b>Proposed changes under the bill</b>
<b>Time limit for Tribunals decision</b>	Under the Act, the Tribunal must give its decision within three years, which may be extended by two years.	Under the Bill, the proposed Tribunal must give its decision on the dispute within two years, which may be extended by another year.
<b>Referring a matter to Tribunal</b>	Under the existing Act, if the matter is again referred to the Tribunal by a state for further consideration, the Tribunal must submit its report to the central government within a period of one year. This period can be extended by the central government.	The Bill amends this to specify that such extension may be up to a maximum of six months.
<b>Decision of the Tribunal</b>	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. The Act provided that the central government may make a scheme to give effect to the decision of the Tribunal.	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 Bill is making it mandatory for the central government to make such a scheme.

<p><b>Data Bank &amp; Information system</b></p>	<p>Under the Act, the central government maintains a data bank and information system at the national level for each river basin.</p>	<p>The Bill provides that the central government will appoint or authorise an agency to maintain such data bank.</p>
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