

Mahanadi tribunal gets Central nod

The Union Cabinet on Tuesday approved the setting up of a tribunal to settle a row between Odisha and Chhattisgarh on sharing the waters of the Mahanadi river.

This is in keeping with a Supreme Court order last month directing the Centre to set up a tribunal in response to a plea by the Odisha government to stop the Chhattisgarh government from constructing several weirs on the river.

The tribunal is expected to determine water sharing among basin States on the basis of the overall availability of water in the complete Mahanadi basin, the contribution of each State, the present utilisation of water resource in each State and the potential for future development, official sources said.

The order on constituting a new tribunal comes even as the government plans to introduce a new bill that would have a single tribunal to replace all existing water tribunals.

'Extremely inefficient'

The driving motive for such a tribunal was, according to senior official in the Water Ministry, that tribunals had a decades-long history of being "extremely inefficient" at settling disputes quickly and fairly. The bill, called the Inter-State River Disputes (Amendment) Bill, was introduced in the Lok Sabha by former Water Resources Minister, Uma Bharti, last March but is yet to be debated. "It is expected to be placed in Parliament after it reconvenes after the recess of the Budget session," an official said.

Were such a Bill to become law, it could affect the composition of the members of various tribunals. Currently, all tribunals are staffed by members of the judiciary, nominated by the Chief Justice.

The proposed Bill has provisions for members, even a chairperson, outside the judiciary. "It is possible that a newly-constituted tribunal, such as for Mahanadi, will have to be re-formulated were the new law to come into effect," said another Water Ministry official.

Chhattisgarh projects

Over the last year, Uma Bharti as well as the incumbent Minister Nitin Gadkari had asked the governments of Chhattisgarh and Odisha to settle their differences over water sharing and avoid the setting up of a tribunal, a long-standing demand of the Odisha government.

Odisha had moved the court in December, 2016, for an order asking Chhattisgarh to stop its construction work in projects on the upstream of Mahanadi, saying it affected the river flow in the State.

Delayed awards

According to the provisions of the Inter-State River Water Disputes (ISRWD) Act, 1956, the tribunal is required to submit its report and decision within a period of three years, which can be extended for a period not exceeding two years. Only three out of eight tribunals have given awards accepted by the States. Tribunals for Cauvery and Ravi Beas have been in existence for several decades. "Delays are on account of there being no time limit for adjudication by a tribunal, no upper age limit for the Chairman or the Members, work stalling due to occurrence of vacancy and

no time limit for publishing the report of the tribunal,” the government had said in note last March.

(With PTI inputs)

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