

## Why a tribunal for all inter-state water disputes is an absolute necessity

The Union Cabinet may soon approve a law to establish a single national tribunal — the Inter-State River Water Disputes Tribunal (ISWDT) — to adjudicate competing claims by riparian neighbours. The ISWDT will replace the existing tribunals on disputes, and its orders, which will have to be issued within four-and-a-half years, will be binding on the parties involved in the disagreement. The Inter-State River Water Disputes (Amendment) Bill, which seeks to amend the Inter-States Water Disputes Act, 1956, was introduced in the Lok Sabha in 2017, and was referred to a parliamentary panel. At present, there are five tribunals hearing disputes between states on the sharing of river waters.

India needs an omnibus tribunal for many reasons. First, the river disputes tend to be protracted. For example, the longest feud is the one among Punjab, Haryana, and Rajasthan on the Ravi-Beas, which has been going on for 31 years; Tamil Nadu, Karnataka, Kerala and Puducherry have been slugging it out over the Cauvery waters for 27 years; and Maharashtra, Andhra Pradesh, Madhya Pradesh and Odisha on the Godavari for 11 years.

Such lengthy struggles are not only time-consuming and expensive but also give political parties a handle to exploit regional sentiments for electoral gain. The new proposal to reduce the decision-making process on river disputes from six years to four and make it binding on parties will hopefully curtail attempts by political parties to prolong the issue.

Second, India has 20 major interstate basins and they are under stress, thanks to the increasing demand for water, and climate change. The first embers of yet another dispute — this time between Chhattisgarh and Orissa — are visible. Like the Cauvery and Ravi-Beas disputes, this one over Mahanadi waters, too, will have political ramifications as the two neighbours ready for polls.

Third, mechanisms for allocating scarce water are critically important to the well being of the citizens because water contributes to welfare in several ways: health (clean drinking water), agriculture (irrigation), and industry (hydroelectric power).

Fourth, as the paper on [Water and Federalism: India's Institutions Governing Inter-State River Waters](#) correctly points out, India is a federal democracy, and because rivers cross state boundaries, constructing efficient and equitable mechanisms for allocating flows is an important legal and constitutional issue which needs to be tackled efficiently and in a time-bound border.

The ISWDT Bill proposes that a four-member panel comprising the prime minister or his nominee, the chief justice of India or his nominee, the leader of the opposition and the water resources minister will select the members of the tribunal.

While setting up a tribunal, the Centre must not overlook the fact that public opinion in such disputes are critical and must be heeded. It will also be important to ensure that the tribunal is not just staffed by bureaucrats and politicians but also specialists in climate change, water, and agriculture. A transparent framework --- which can ease state and public buy-in --- is crucial.

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