

SINGLE TRIBUNAL TO HEAR WATER DISPUTES

Relevant for: Indian Polity | Topic: Issues and Challenges Pertaining to the Federal Structure, Dispute Redressal Mechanisms, and the Centre-State Relations

Reality check: A file photo of officials inspecting water level in the Cauvery near its entry point in Tamil Nadu.

The Union Cabinet has approved the Inter-State River Water Disputes (Amendment) Bill, 2019 that will help adjudicate disputes relating to waters of inter-State rivers and river valleys. A version of this bill was first introduced in the Lok Sabha in 2017 but it subsequently lapsed.

The Bill seeks to amend the Inter State River Water Disputes Act, 1956 to streamline the adjudication of inter-State river water disputes.

Adjudication process

A key feature of the bill is the constitution of a single tribunal with different Benches, and the setting of strict timelines for adjudication.

“When any request under the Act is received from any State Government in respect of any water dispute on the inter-State rivers and the Central government is of the opinion that the water dispute cannot be settled by negotiations, the Central Government constitutes a Water Disputes Tribunal for the adjudication of the water dispute,” said a press note.

There are about a dozen tribunals that now exist to resolve disputes among States on sharing water from rivers common to them. The standalone tribunal so envisaged will have a permanent establishment and permanent office space and infrastructure so as to obviate with the need to set up a separate Tribunal for each water dispute, a time consuming process.

The Bill also proposes a Dispute Resolution Committee set up by the Central Government for amicably resolving inter-State water disputes within 18 months. Any dispute that cannot be settled by negotiations would be referred to the tribunal for its adjudication. The dispute so referred to the tribunal shall be assigned by the chairperson of the tribunal to a Bench of the tribunal for adjudication.

The Bill can also affect the composition of the members of various tribunals, and has a provision to have a technical expert as the head of the tribunal. Currently all tribunals are staffed by members of the judiciary, nominated by the Chief Justice.

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