

A water umpire

The Cauvery water dispute is eluding closure, with Tamil Nadu, Karnataka, and Kerala locked in battle in the Supreme Court over their share of water.

In its statement of objects and reasons for proposing a new inter-State river water disputes law, the Centre lists out the drawbacks in the prevalent Inter-State River Water Disputes Act of 1956. The Act provides for tribunals to be constituted for every inter-State river water dispute. The statement, however, notes the reluctance shown by States to accept the decisions of these tribunals.

“Though the [Cauvery and Ravi Beas Water Disputes Tribunals](#) have been in existence for over 26 and 30 years, respectively, they have not been able to make any successful award till date,” the statement says. There is no time cap for adjudication by these tribunals nor is there any age limit for the chairperson or members of the tribunals. These, among other deficiencies, see disputes drag on for years.

The water tribunal trap

With water becoming scarce, the Centre has proposed the Inter-State River Water Disputes (Amendment) Bill, 2017 for early and amicable resolution of disputes. The Bill proposes that the Centre notify an Inter-State River Water Disputes Tribunal with multiple benches. All existing tribunals dealing with inter-State water disputes would stand dissolved on the date of establishment of this tribunal. Chairmen and other members of the existing tribunals who are aged 70, on the date of commencement of the 2017 Amendment Act, shall cease to hold office on the expiry of three months from the date of the law coming into existence. Disputes already settled by an existing tribunal, prior to the date of commencement of the 2017 Amendment Act, shall not be re-opened.

According to the Amendment Bill, when a State government approaches the Centre with a dispute, the latter shall set up a Disputes Resolution Committee consisting of expert members from relevant fields to resolve the dispute amicably. If the dispute remains unresolved, the Centre, by notification, will refer the matter to the tribunal. The tribunal shall have a chairperson, vice-chairperson, and not more than six members to be nominated by the Chief Justice of India from judges of the Supreme Court or high courts. The term of office of the chairperson is five years or till he attains the age of 70, whichever is earlier. The tenures of the vice-chairperson and other members of the tribunal shall be co-terminus with the adjudication of the water disputes.

The Centre suggests that the total time period for adjudication of a water dispute would be a maximum of four and a half years. The decision of the Bench of the tribunal shall be final and binding.

The new U.S. Fed Chairman is unlikely to opt for policies that might upset the President's plan

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