

GOVERNMENT OF INDIA
MINISTRY OF WATER RESOURCES,
RIVER DEVELOPMENT & GANGA REJUVENATION
LOK SABHA
STARRED QUESTION NO. *384
ANSWERED ON 22.03.2018

NATIONAL RIVER WATER DISPUTES TRIBUNAL

*384. SHRI ANTO ANTONY

Will the Minister of WATER RESOURCES, RIVER DEVELOPMENT AND GANGA REJUVENATION be pleased to state:

- (a) whether the Government has any record regarding unsettled river water sharing disputes under consideration of various courts and tribunals in the country;
- (b) if so, the details thereof, State-wise;
- (c) whether the Government is planning to establish a National River Water Disputes Tribunal in the country; and
- (d) if so, the details including the salient features thereof?

ANSWER

THE MINISTER OF WATER RESOURCES, RIVER DEVELOPMENT AND GANGA REJUVENATION, ROAD TRANSPORT & HIGHWAYS AND SHIPPING

(SHRI NITIN JAIRAM GADKARI)

- (a) to (d) A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) to (d) OF STARRED QUESTION NO. *384 TO BE ANSWERED ON 22.03.2018 REGARDING NATIONAL RIVER WATER DISPUTES TRIBUNAL.

(a) & (b) The Parliament has enacted Inter-State River Water Disputes (ISRWD) Act, 1956 for adjudication of disputes relating to waters of inter-State rivers and river valley thereof. When any request under the said 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. Currently, 5 water disputes Tribunals are active, details of which are given in **Annexure**.

Further, the State of Odisha filed complaint dated 19.11.2016 under Section 3 of the ISRWD Act, 1956 in respect of Mahanadi basin to the Central Government. Odisha also filed Original Suit No.1/2017 in the Supreme Court of India for constitution of a Water Dispute Tribunal for adjudication of water disputes between Odisha and Chhattisgarh. The Original Suit was disposed of in the final hearing on 23.01.2018 with directions to the Central Government to constitute Water Dispute Tribunal for adjudication of the water dispute between the concerned States within a period of one month from the date of order. Accordingly, the Central Government has constituted Mahanadi Water Disputes Tribunal vide Notification No. S.O.1114(E) dated 12.03.2018.

The State of Bihar has filed a complaint dated 04.01.2018 under Section 3 of the ISRWD Act, 1956 in respect of Tilaiya-Dhadhar Diversion scheme.

(c) & (d) In order to further streamline the adjudication of inter-State river water disputes, the Inter-State River Water Disputes (Amendment) Bill, 2017 was introduced in Lok Sabha by the Minister for WR, RD & GR on 14.03.2017 by amending the existing ISRWD Act, 1956. The Bill envisages to constitute a standalone Tribunal with 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 which is invariably a time-consuming process. In the proposed Bill, there is a provision for establishment of a Dispute Resolution Committee (DRC) by the Central Government for resolving amicably, the inter- State water disputes within a maximum period of one year and six months. Any dispute, which cannot be settled by negotiations shall 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 proposed amendments in the Bill will speed up the adjudication of water disputes referred to it. The Bill was referred to Parliamentary Standing Committee on Water Resources for examination. The Standing Committee has submitted its recommendation on the Bill vide Lok Sabha Secretariat letter dated 11.08.2017 in the form of 'Nineteenth Report of Standing Committee on Water Resources on The Inter-State River Water Disputes (Amendment) Bill, 2017'. Accordingly, the Ministry has prepared draft Cabinet Note for Official Amendments to Inter-State River Water Disputes (Amendment) Bill, 2017.

ANNEXURE

Annexure referred to in reply to Parts (a) & (b) of the Starred Question No. *384 to be answered in Lok Sabha on 22.03.2018 regarding “National River Water Disputes Tribunal”

Status of Inter-State water disputes over the sharing of river water under Tribunals

S. No	Name of Tribunal	States concerned	Date of constitution	Present Status
1	Ravi & Beas Water Tribunal	Punjab, Haryana and Rajasthan	April, 1986	Report and decision under section 5(2) given in April, 1987. Clarification/explanation sought from the Tribunal under Section 5(3) of the said Act by the party States. Presidential Reference 1 of 2004 was made on the Punjab Termination of Agreements Act, 2004. The Hon'ble Supreme Court has pronounced the judgement on Presidential Reference in negative. Further, Government of Haryana has filed IA No. 6 of 2016 in OS No. 6 of 1996 in the matter. The matter is subjudice.
2	Cauvery Water Disputes Tribunal	Kerala, Karnataka, Tamil Nadu and Puduchery	June, 1990	Report and decision given on 5.2.2007 which was published vide Notification dated 19.2.2013. The party States have also filed Civil Appeals against the order of CWDT dated 5.2.2007 before the Supreme Court. In this regard, the Supreme Court has pronounced its verdict 16.02.2018.
3	Krishna Water Disputes Tribunal -II	Karnataka, Telengana, Andhra Pradesh and Maharashtra	April, 2004	Report and decision given on 30.12. 2010. Further report given by the Tribunal on 29.11.2013. However, as per Supreme Court Order dated 16.9.2011, till further order, decision taken by the Tribunal on references filed by States and Central Government shall not be published in the official Gazette. As such, matter is sub-judice. Term of the Tribunal was extended for a period of two years w.e.f. 1 st August, 2014 to address the terms of reference as contained in section 89 of Andhra Pradesh Reorganisation Act, 2014. Thereafter, the term of the Tribunal has been extended twice for one year each viz. for a period of one year w.e.f. 01.08.2016 and for a period of one year w.e.f. 01.08.2017. The matter is under adjudication in the Tribunal. The Government of Telengana has filed a SLP 33623-26 of 2014 and WP(C) 545 of 2015 in the Hon'ble Supreme Court in the matter. The matter is thus sub-judice.

S. No	Name of Tribunal	States concerned	Date of constitution	Present Status
4	Vansadhara Water Disputes Tribunal	Andhra Pradesh & Odisha	February, 2010 However, as per the Supreme Court order the date of reckoning of the constitution of the Tribunal is w.e.f. 17.9.2012	The Tribunal has submitted its report to the Central Government under Section 5(2) of the ISRWD Act, 1956 on 13.09.2017. Further, State of Odisha and the Central Government have filed reference under Section 5(3) of the ISRWD Act, 1956 on 11.12.2017 and 12.12.2017 respectively. The matter is thus under adjudication in the Tribunal.
5	Mahadayi Water Disputes Tribunal	Goa, Karnataka and Maharashtra	November, 2010 However, vide notification dated 13.11.2014 date of reckoning of the constitution of the Tribunal is w.e.f. 21.08.2013	Report and Decision not given by the Tribunal u/s 5(2) of ISRWD Act, 1956.
