

GOVERNMENT OF INDIA

MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT AND GANAGA REJUVENATION

LOK SABHA

UNSTARRED QUESTION NO: 3828

ANSWERED ON: 09.08.2018

Single Tribunal for Inter-State River Water Sharing Disputes

Shrirang Appa Barne

KUNWAR PUSHPENDRA SINGH CHANDEL

SHRIKANT EKNATH SHINDE

DHARMENDRA YADAV

VINAYAK BHAURAO RAUT

SHIVAJI ADHALRAO PATIL

ANANDRAO ADSUL

PRITAM GOPINATH MUNDE

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

- whether the Union Government has dissolved the Cauvery Water Disputes Tribunals and if so, the details thereof and the reasons therefor;
- whether the Union Government is aware that a number of other water dispute tribunals/bodies are working without any results for years and if so, the details thereof;
- whether the Union Government is considering to close such tribunals/bodies and if so, the details thereof;
- whether the Union Government is considering to set up single tribunal for all inter-State river water sharing disputes across the country with a fixed timeline; and
- if so, the details thereof and the time by which the final decision is likely to be taken in this regard?

ANSWER

THE MINISTER OF STATE FOR WATER RESOURCES, RIVER DEVELOPMENT AND GANGA REJUVENATION & PARLIAMENTARY AFFAIRS

(SHRI ARJUN RAM MEGHWAL)

(a) The Supreme Court vide its orders dated the 16th February, 2018 and the 18th May, 2018 has delivered final judgement in the Civil Appeals No. 2453 of 2007, 2454 of 2007, 2456 of 2007 filed by States of Tamil Nadu, Karnataka and Kerala against the award of Cauvery Water Disputes Tribunal (CWDT) on the allocation of water to them, and the award of CWDT has now merged with the judgement of the Supreme Court dated the 16th February, 2018. The Central Government is satisfied that no further reference to the Tribunal in the matter would be necessary. Therefore CWDT has been dissolved vide Notification No. S.O. 3465(E) dated 16th July, 2018.

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(b) to (e) 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.

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 Water Resources, River Development and Ganga Rejuvenation (MoWR, 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 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 (b) to (e) of the Unstarred Question No. 3828 to be answered in Lok Sabha on 09.08.2018 regarding "Single Tribunal for Inter-State River Water Sharing Disputes"

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

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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 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 Krishna Water Disputes Tribunal -II Karnataka, Telengana, Andhra Pradesh and Maharashtra 2nd 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. Further, to address the terms of reference as contained in section 89 of Andhra Pradesh Reorganisation Act, 2014, term of the Tribunal was extended for a period of two year w.e.f. 01.08.2014, thereafter term of the Tribunal has been extended twice for period of one year i.e. for one year w.e.f. 01.08.2016 and for one year w.e.f. 01.08.2017. The matter is under adjudication in the Tribunal. Further, the Government of Telengana has filed a SLP 33623-26 of 2014 and WP(C) 545 of 2015 in the Supreme Court in the matter. The matter is thus sub-judice.

3 Vansadhara Water Disputes Tribunal Andhra Pradesh & Odisha 24th February, 2010

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.

4 Mahadayi Water Disputes Tribunal Goa, Karnataka and Maharashtra 16th November, 2010 Report and Decision not given by the Tribunal u/s 5(2) of ISRWD Act, 1956.

5 Mahanadi Water Disputes Tribunal Odisha and Chhattisgarh 12.03.2018 State of Odisha filed complaint dated 19.11.2016 under Section 3 of the ISRWD Act, 1956 in respect of Mahanadi basin. As per Section 4(1) of ISRWD Act, 1956 a Negotiation Committee was formed 19.1.2017 by the Central Government. The committee submitted its report on 27.06.2017 wherein it was mentioned that Government of Odisha did not participate in the meetings for Negotiation. In the meanwhile, Government of Odisha 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 has been disposed off in the final hearing on 23.01.2018 with directions given to the Central Government for constitution of Water Dispute Tribunal. Accordingly, the Central Government has constituted Mahanadi Water Disputes Tribunal vide notification dated 12.03.2018.