

INTER-STATE RIVER WATER DISPUTE RESOLUTION MECHANISM IN INDIA - NEED FOR REVIEW

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ABSTRACT

The development of projects by one State on an inter-State river may affect the interests of other basin States. Realising that inter-State differences are likely to arise with regard to use, distribution and control of waters of inter-State river basins, the Union Government enacted Inter-State Water Disputes (ISWD) Act 1956 and River Boards Act 1956.

While River Boards Act, 1956 provides for the establishment of standing River Boards for advising the Governments interested in relation to such matters concerning regulation and development of an inter-State rivers with mechanism for dispute resolution for such inter-State rivers, ISWD Act 1956 provides for setting up of ad-hoc water disputes Tribunal for adjudication of disputes relating to an inter-State river on the request of a State Government. The intention behind such enactments was that with establishment of standing River Boards for most of the inter-State river basins, dispute/ difference among basin States in respect of such river basins would be sorted out in accordance with mechanism provided in the River Boards Act 1956. Consequently there would hardly arise any occasion for invoking the provisions of ISWD Act 1956. In case of inter-State river basins for which no River Boards could be established due to unavoidable reasons, dispute/ difference among basin States in respect of such river basins could be sorted out by using the mechanism provided in the ISWD Act 1956.

Post 1956 development in the field of water resources have been diametrically opposed to intention and thinking behind the enactment of aforesaid Acts. While efforts to establish River Boards under River Boards Act 1956 by Central Government had to be abandoned midway due to lack of interest and unreserved cooperation of concerned States, there have been seven occasions so far when Central Government had to necessarily invoke provisions of the ISWD Act 1956 to constitute a Tribunal. In case of Cauvery and Vamsadhara basins, Central Government had to invoke the provisions of the Act on the directions of the Apex Court. Though the ISWD Act 1956 provides for constitution of the Tribunal on specific request of at least one co-basin State, in case of Ravi-Beas waters, ISWD Act 1956 Act had to be amended so that Central Government can suo-moto constitute a Tribunal under the amended provisions of the Act.

The inordinate delay in the setting up of the Tribunal and long wait for notification of award makes the report of the Tribunal ineffective and hampers the development of water resources projects which the Country can ill afford. The paper describes the need for further amendment in the Inter State Water Disputes (ISWD) Act, 1956 which should provide for creation of a Standing Water Disputes Tribunal (SWDT) and possibility of the mutual understanding and co-operation among the basin States to resolve such issues even before the Standing Water Disputes Tribunal.

INTER-STATE RIVERS

1. All the major river basins⁽¹⁾ (Drainage area more than 20000 sq.km) and some among the medium river basins⁽¹⁾ (Drainage area more than 2000 sq.km and less than 20000 sq.km) and few minor river basins⁽¹⁾ (Drainage area less than 2000 sq.km) are of inter-State nature, i.e., having their drainage area lying in more than one State / Union Territory. Water resources development projects are planned and implemented by the respective State Governments as per their needs and priorities. As the development of projects by one state on an inter-State river may affect the interests of other basin States, inter-State differences arise with regard to use, distribution and control of waters of inter-State river basins.

CONSTITUTIONAL PROVISIONS⁽²⁾

2. Article 246 of the Constitution deals with the subject matter of laws to be made by Parliament and by the Legislatures of the States. The allocation of responsibilities between the Centre and the States in respects of laws to be made fall into three categories namely (i) the Union List (List – I), (ii) the State List (List – II) and the Concurrent List (List – III). Subject of ‘water’ is a matter of Entry 17 of List – II. This Entry is subject to the provisions of Entry 56 of List – I. The specific provisions in this regard are as under:
Entry 56. Regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.
Entry 17. Water that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of Entry 56 of List - I.
3. Article 262 of the Constitution deals with adjudication of water disputes. The provisions in this regard are:
Article 262 (1) Parliament may, by law, provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State river or river valley.
Article 262 (2) Notwithstanding anything in this Constitution, Parliament may, by law, provide that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint as is referred to in clause (1).
4. Besides above, Articles 131 and 136 of the Constitution have been used by the States frequently for bringing the matters related to inter-State rivers before the Hon’ble Supreme Court. Further, Article 143(1) of the Constitution has been used by the Central Government for seeking opinion of the Hon’ble Supreme Court on the matters related to inter-State rivers.

ENACTMENT OF ACTS

5. Under Entry 56 of List – I of the Constitution, the River Boards Act, 1956⁽³⁾ was enacted for the establishment of River Boards to promote integrated and optimal development of inter-state rivers and river valleys. As per this Act, the Central Government can constitute a River Board in consultation with the State Governments concerned, which would help in coordinated and optimum utilisation of the river waters and promote development of irrigation, drainage, water supply, flood control and hydroelectric power. The role of the River Boards as stipulated in the said Act is only advisory in nature. The River Boards Act 1956 also provides for arbitration of the dispute or differences between two or more governments interested with respect to any advice tendered by the Board.
6. Inter-State Water Disputes Act, 1956⁽³⁾ was enacted under Article 262 of the Constitution. According to the Act, the State Government may request the Central Government to refer a water dispute to a Tribunal for adjudication. The Act provides for the constitution of a Tribunal for adjudication of the water dispute by the Central Government if it is satisfied that disputes cannot be settled by negotiations. The Tribunal shall consist of a chairman and two members to be nominated by the Chief Justice of India from amongst the sitting Judges of the Supreme Court or of a High Court. There is provision for appointment of assessors to assist the Tribunal in the proceedings before it. The Act provides that tribunal should investigate the matter and shall submit a report and decision to Central Government. The Tribunal has to give its further report on explanation or guidance, if sought by the Central or State Governments and Decision of the Tribunal shall be deemed to be modified accordingly. Decision of the Tribunal is binding on the parties to the disputes and shall be given effect to by them. The ISWD Act prohibits the reference of any dispute to a Tribunal which has already been referred to arbitration under the River Boards Act, 1956. Section 11 of the Act precludes all the courts including the Supreme Court from having jurisdiction in respect of any water dispute which may be referred to a Tribunal under the Act. The Central Government shall dissolve the Tribunal after it has forwarded its report and as soon as Central Government is satisfied that no further reference to the Tribunal in the matter would be necessary.
7. River Boards envisaged under River Boards Act, 1956 are of permanent nature. If a River Board exists for any particular basin, dispute or difference between the governments interested needs to be resolved within the provisions of the Act. In other words need for constituting Tribunals under the ISWD Act

will be obviated to the extent number of River Boards exist in respect of particular River basins. However, in spite of efforts made to establish River Boards in the past, no River Boards could be established so far under River Boards Act, 1956 due to lack of interest and unreserved cooperation of party States. ISWD Act provides for setting up of ad-hoc Water Disputes Tribunal for adjudication of disputes relating to inter-State river when negotiations do not lead to fruitful results. Though the intention⁽⁴⁾ behind provision of Article 262 in the Constitution was to appoint one permanent body to deal with very many water disputes that may arise, it appears that in view of enactment of River Boards Act 1956, ad-hoc Water Disputes Tribunal were envisaged in the Act.

ROLE OF UNDERSTANDING AND MUTUAL COOPERATION AMONG PARTY STATES FOR RESOLUTION OF DISPUTES

8. Godavari and Krishna basin States sent Complaints under provision of ISWD Act, 1956 to Central Government between 1962 to 1968. After being satisfied that water disputes contained in the Complaints cannot be settled by negotiations, Godavari and Krishna water disputes Tribunal were constituted on 10th April, 1969 and the complaint of basin States were referred to the Tribunals for adjudication. Though Godavari and Krishna Water Disputes Tribunal were constituted through separate notifications, Chairman and Members of both Tribunals were same. On the request of Party States, the tribunal first took up the references on Krishna Water Disputes and submitted a report on 24th December, 1973. Thereafter it took up references on Godavari Water Disputes. Again at the request of Party States, the Tribunal took up further references on its report on Krishna Water Disputes and submitted a Further Report on 27th May, 1976. The allocation of water of Krishna basin to basin States by the tribunal was mainly on the basis of protected use, contemplated use and use of water through project considered worth consideration by the Tribunal. There was agreement among party States for protection to be given for utilisations and evaporation losses from a majority of projects. The Tribunal thereafter submitted its report on Godavari water disputes on 27th November, 1979 and Further Report on 7th July, 1980. The Tribunal in its decision appended the bilateral and multilateral agreements reached between party states from 1975 to 1980 for use and distribution of Godavari water at different points in the basin⁽⁵⁾.
9. In case of Narmada Water Disputes, Central Government constituted the Tribunal on 6th October, 1969 and referred the Complaint of Government of Gujarat for adjudication. Later on 16th October, 1969 Central Government also referred the request received from Rajasthan to the tribunal. In November, 1969 the State of Madhya Pradesh filed a Demurrer before the tribunal stating that action of Central Government in constituting the tribunal and referring the requests of Government of Rajasthan and Gujarat is ultra-vires of the Act. In view of this the Tribunal first took up the Preliminary issue of Law and in Feb 1972, decided that state of Rajasthan cannot be made a party to the dispute. Against this decision, appeals were filed before the Hon'ble Supreme Court and stay on the proceedings before the Tribunal were obtained. Thereafter States of Rajasthan, MP, Maharashtra and Gujarat signed an agreement among themselves on 12th July, 1974 through which State of Rajasthan was made party to the disputes. Through this agreement, the yield of Narmada river was determined as 28 MAF at 75% dependability and share of Maharashtra and Rajasthan determined as 0.25 and 0.5 MAF respectively and Tribunal was requested to allocate 27.25 MAF between MP and Gujarat. After the agreement stay on the proceedings before the Tribunal were vacated. Tribunal submitted its report 16th August, 1978 and Further report on 7th December, 1979. Tribunal, in its decision, allocated balance water between MP and Gujarat and also included directions with regard to setting up of machinery for the purpose of securing compliance with and implementation of the decision and directions of the Narmada Water Disputes Tribunal⁽³⁾.
10. Thus each of the above Tribunal constituted had followed different ways and methods for resolving the issues before it. In all above cases a great deal of understanding and give & take among the basin States is visible and as a result, Tribunal of these river basins were successfully able to resolve the issues before them.
11. Ravi and Beas Water Tribunal was constituted on April, 02, 1986 for verification and adjudication of the matters referred on Paragraphs 9.1 and 9.2 respectively of the Punjab settlement in 1985 under Section 14 of ISWD Act, 1956. The Tribunal had submitted its report in January, 1987 to the Government⁽⁶⁾. The Central Government as well as the party States of Rajasthan, Haryana & Punjab sought explanation and guidance on certain points from Tribunal under Section 5(3) of the Inter-State Water Disputes Act, 1956. The Tribunal could not submit its Further report to the Government so far

due to various reasons. One of the reasons is pendency of a Presidential Reference under Article 143(1) of the constitution made on 22.7.2004 to the Hon'ble Supreme Court on the constitutionality of the Punjab Termination of Agreements Act, 2004 passed by the state of Punjab on 12.7.2004 terminating all agreements related to Ravi-Beas water but protecting the existing & actual usages from the existing system.

12. The Cauvery Water Disputes Tribunal (CWDT) was constituted by the Government of India on 2nd June 1990 to adjudicate the water dispute regarding inter-state river Cauvery and the river valley thereof among the States of TamilNadu, Karnataka, Kerala and Puduchery (Pondichery). The Tribunal passed an Interim Order in June, 1991. The Interim Order was not acceptable to Karnataka and the State subsequently passed an Act in the same year to nullify the effect of Interim Order. The President of India made a reference to the Supreme Court under Article 143(1) of the Constitution on the various aspects of Interim Order and validity of the above Act. The opinion of the Supreme Court became available in November, 1991 and thereafter the Interim Order was published in the Official Gazette.
13. The Cauvery Water Disputes Tribunal has to devote a long time in conducting the proceedings related to oral evidence of a number of expert witnesses produced by the party States. The Tribunal has submitted its reports and decision under Section 5 (2) of Inter-State River Water Disputes Act, 1956 to Government on 5th February, 2007. The Tribunal has taken note of the principle of equitable apportionment and past agreements for apportioning Cauvery waters among the basin States⁽⁷⁾.
14. The party States and the Central Govt. have sought clarification and guidance under Section 5(3) of the Act. Further, the party States have also filed SLPs under Article 136 (1) of the Constitution in the Hon'ble Supreme Court against Cauvery Tribunals report and Hon'ble Supreme Court has granted leave and its orders are awaited.
15. Passing of an Act in 1991 to nullify the effect of Interim Order by state of Karnataka in respect of Cauvery; passing of the Punjab Termination of Agreements Act, 2004 by the state of Punjab in respect of Ravi-Beas Waters ; complete absence of any agreement among party States on any single issue before the tribunal and Presidential references and filing of Appeals before the Hon'ble Supreme Court are considered as examples of lack of understanding and mutual cooperation among party States. Ravi-Beas Waters and Cauvery Water Disputes Tribunals are so far not successful in resolving the disputes before them largely due to lack of understanding and mutual cooperation among party States for resolution of disputes.

NEED FOR REVIEW OF INTER-STATE RIVER WATER DISPUTES(ISRWD) ACT, 1956

16. In view of decision of Narmada Water Disputes Tribunal containing directions with regard to setting up of machinery for the purpose of securing compliance with and implementation of the decision and directions of the Tribunal, amendment to the existing Inter-State Water Disputes (ISWD) Act, 1956 was considered necessary by the Government with a view to constitute machinery as contained in the decision of the Tribunal. Accordingly, the Act was amended in 1980 and Section 6A was inserted. This Section provides for framing a scheme for giving effect to a Tribunal's award. The scheme, inter alia provides for the establishment of the authority, its term of office and other conditions of service, etc.
17. In pursuance of Punjab settlement of 1985, the President of India promulgated an ordinance on 24th January, 1986 to be called ' The Ravi and Beas Waters Tribunal ordinance, 1986' ' to provide for constitution of a Tribunal for the verification of quantum of usage of water claimed by farmers of Punjab, Haryana and Rajasthan from the Ravi-Beas system as on the 1st day of July,1985 and the waters used for consumptive purposes and for adjudication of claim of Pujab and Haryana regarding the shares in their remaining waters. Later on 18th March 1986, a Bill to replace the above ordinance was also introduced in the Parliament (Lok Sabha). In the meanwhile it was felt that the object could be better achieved by constitution of a Tribunal under the ISWD Act, 1956 through a suitable amendment. Accordingly, the Act was amended in April, 1986 empowering the Union to set up a Tribunal known as "Ravi Beas Waters Tribunal", suo- motu, or on the request of concerned State Government⁽⁶⁾.
18. Sarkaria Commission on Centre State relations was set up in 1983 and it submitted its report in 1988. It examined the manner in which the Inter-State River Water Disputes Act was administered. As per the Commission report⁽⁸⁾, the main thrust of the complaint is the inordinate delay that occurs at every

stage and the inability of the States to have a dispute referred to a Tribunal unless the Union Government is satisfied that no negotiated settlement is possible. The Commission noted that delay occurs at three stages: (a) in setting up Tribunal; (b) after announcement of award; and (c) in implementation of the award and recommended as under

(i) Once an application under Section 3 of the Inter-State Water Disputes Act (33 of 1956) is received from a State, it should be mandatory on the Union Government to constitute a Tribunal within a period not exceeding one year from the date of receipt of the application of any disputant State. The Inter-State River Water Disputes Act may be suitably amended for this purpose.

(ii) The Inter-State Water Disputes Act should be amended to empower the Union Government to appoint a Tribunal, suo motu, if necessary, when it is satisfied that such a dispute exists in fact.

(iii) There should be a Data Bank and information system at the national level and adequate machinery should be set up for this purpose at the earliest. There should also be a provision in the Inter-State Water Disputes Act that States shall be required to give necessary data for which purpose the Tribunal may be vested with powers of a Court.

(iv) The Inter-State Water Disputes Act should be amended to ensure that the award of a Tribunal becomes effective within five years from the date of constitution of a Tribunal. If, however, for some reasons, a Tribunal feels that the five years' period has to be extended, the Union Government may on a reference made by the Tribunal extend its term.

(v) The Inter-State Water Disputes Act 1956 should be amended so that a Tribunal's award has the same force and sanction behind it as an order or decree of the Supreme Court to make a Tribunal's award really binding.

19. The Act was amended in August, 2002 as a follow up to the Recommendations of Sarkaria Commission on Centre State relations. The tribunal has to be now constituted within a period of one year from the date receipt of request. The Tribunal has to submit report within a period of three years which could be extended by the Central Government for a further period not exceeding two years. The Tribunal has to submit Further report within a period of one year which can be extended by the Central Government for a further period as it considers necessary. As per Section 6 (2), the decision of the Tribunal, after its publication in the Official Gazette, shall have the same force as an order or decree of the Supreme Court. Central Government is also required to maintain a data bank and information system. The Act was renamed as Inter-State River Water Disputes (ISRWD) Act, 1956⁽⁹⁾.
20. The amendment to the ISRWD Act 1956 made so far are essentially to meet specific situation arising out of Tribunal's decision or political agreement or as a follow up to the Recommendations of Sarkaria Commission on Centre State relations. There is need for comprehensive relook at the provisions of the Act keeping in view the intention of Constitution Framers behind Article 262 and non-operationalisation of River Boards Act, 1956.

NEED FOR STANDING WATER DISPUTES TRIBUNAL

21. Krishna Water Disputes Tribunal Decision of 1976 provided for reviewing the same after 31.5.2000. Accordingly, based on the request received from the party States, Central Government constituted a new Tribunal for Krishna basin in April, 2004. The effective date of constitution of Krishna Water Disputes Tribunal (KWDT) was later set as 1.2.2006 by the Hon' ble Supreme Court. The party States raised the issues relating to review of decision of previous KWDT, sharing of surplus water, height of Almatti dam etc in their Complaints. The KWDT submitted its report and decision under Section 5 (2) of the ISRWD Act, 1956 on 30.12.2010 to the Central Government. Tribunal in its decision has allocated water to basin States at 65% dependability⁽¹⁰⁾. Party States and Central Government have sought guidance/ clarification from the tribunal under section 5(3) of the Act.
22. In July, 2002, the State of Goa made a request under Section 3 of the Inter-State River Water Disputes Act, 1956 (as amended) for constitution of the Tribunal under the said Act and refer the matter for adjudication and decision of dispute relating to Madei River. The issues mentioned in the request included the assessment of available utilisable water resources in the basin at various points and allocation of this water to the 3 basin States keeping in view priority of the use of water within basin as also to decide the machinery to implement the decision of the tribunal etc. As per the provisions of Act Government of Goa was requested to send a revised request since its request of July 2002 does not confirm to provision of Act. Government of Goa on January 10, 2007 has modified its request of July 2002 so that same conform to provision of Act. Subsequently Central Government constituted the water disputes Tribunal in November 2010 and referred the disputes to the tribunal for adjudication.

23. The State of Orissa in February 2006 sent a complaint to the Central Government under Section 3 of the Inter-State River Water Disputes (ISRWD) Act, 1956 regarding water disputes between the Government of Orissa and Government of Andhra Pradesh pertaining to Inter-State River Vansadhara for constitution of a Inter-State Water Disputes Tribunal for adjudication. The main grievance of the State of Orissa in the complaint sent to the Central Government is basically adverse effect of the executive action of Govt. of Andhra Pradesh in undertaking the construction of a canal taking off from the river Vamasadhara called as flood flow canal at Katragada and failure of Govt. of Andhra Pradesh to implement the terms of inter-State agreement understanding etc. relating to use, distribution and control of waters of inter-State river Vansadhara and its valley. Later the State of Orissa filed a Writ Petition before the Hon'ble Supreme Court for issuing direction to the Central government for early constitution of Tribunal. Accordingly Central Government constituted Vamsadhara Water Disputes Tribunal on February 24th, 2010 with Head Quarter at New Delhi and referred the said disputes to the Tribunal on 19th March, 2010.
24. It is seen that Central Government has been forced to constitute tribunals on relatively minor issues such as review of decision of Tribunal and the issues involved in Madei and Vamsadhara. At present for every request received from basin States for different basins, a fresh Tribunal has to be constituted for each basin. Fresh set of Chairman, Members, Assessors and staff has to be arranged by Central Government. Besides, separate office accommodation for the functioning of the tribunals and residential accommodation for chairman and members of the tribunals has to be arranged by the Central Government. These processes take their own time as these involve inter-Ministerial consultation. Consequently functioning of a new Tribunal gets hampered in the initial stages which has its adverse effect on the time limit set in the ISRWD Act 1956 for a Tribunal for submission of its reports. Therefore there is need for comprehensive relook at ISRWD Act 1956 and amending the same so that it provides for the creation of Standing Water Disputes Tribunal.
25. Another trend which is being noticed of late is frequent use of Article 131 of the Constitution by the States to bring the issues related to inter-state rivers before the Hon'ble Supreme Court. In the past, State of Tamil Nadu brought the issues related to implementation of Interim Order of Cauvery Water Disputes Tribunal (CWDT) before the Hon'ble Supreme Court and State of Karnataka and Andhra Pradesh brought the matter related to Upper Krishna Project before the Court. Similarly, Haryana filed a Suit during 1995 in the Supreme Court of India for completion of construction of SYL Canal in Punjab portion. The Govt. of Punjab has filed a Suit in the Hon'ble Supreme Court under Article 131 of Constitution on 13.1.2003 to seek discharge from the obligation under the Decree dated 15.1.2002 in view of the changed circumstances & other infirmities & consideration. In the recent past, number of Suits have been filed by the States before the Hon'ble Supreme Court on issues such as Palar River water issue, Mulla Periyar Dam issue, construction of Babhali Barrage project, water as share of Rajasthan in Ravi Beas waters through Bhakra Main line, regarding bringing irrigation head-works at Ropar, Harike and Ferozepur under control of BBMB, construction of Hansi branch- Butana branch MPLC, regarding final clearance to Polavaram Project etc. Most of the Suits are pending before the Hon'ble Supreme Court. Central Government is invariably made a respondents in the Suits filed before the Hon'ble Supreme Court. Many of these Suits can be avoided before the Hon'ble Supreme Court if a mechanism in the form of Standing Water Disputes Tribunal exist since in such eventuality Central Government can always take a stand before the Hon'ble Supreme Court that in view of Standing Water Disputes Tribunal, the Court should not entertain such cases.

CONCLUSIONS:

26. ISWD Act 1956 and River Boards Act 1956 were enacted simultaneously. While River Boards Act, 1956 provides for the establishment of standing River Boards, ISWD Act 1956 provides for setting up of ad-hoc Water Disputes Tribunal for adjudication of disputes relating to inter-State river on the request of a State Government. The intention behind such enactments was that with establishment of standing River Boards for most of the river basins, dispute/ difference among basin States in respect of such river basins would be sorted out in accordance with mechanism provided in the River Boards Act 1956. As a result there would hardly arise any occasion for invoking the provisions of ISWD Act 1956. In case of River basins, where no River Boards could be established due to unavoidable reasons, dispute/ difference among basin States in respect of such river basins could be sorted out by using the mechanism provided in the ISWD Act 1956.

27. Post 1956 development in the field of Water Resources have been diametrically opposed to intention and thinking behind the enactment of aforesaid Acts. While efforts to establish River Boards under River Boards Act 1956 by Central Government had to be abandoned midway due to lack of interest and unreserved cooperation of party States, there have been seven occasions so far when Central Government had to necessarily invoke provisions of the ISRWD Act 1956 Act to constitute a Tribunal. In fact, in case of Cauvery and Vamsadhara basins, Central Government in spite its willingness to find the amicable resolution of the issues through dialogue, had to invoke the provisions of the Act on the directions of the Apex Court. Further in case of Ravi- Beas waters, ISRWD Act 1956 Act had to be amended so that Central Government can suo-moto constitute a tribunal under the amended provisions of the Act.
28. Every Tribunal constituted in the past had followed different ways and methods for resolving the issues before it. In case of Godavari, Krishna and Narmada; great deal of understanding and give&take among the basin States is visible and as a result, Tribunal of these river basins were successfully able to resolve the issues before them. In case of Ravi-Beas and Cauvery; due to lack of understanding and cooperation among basin States, Tribunal have not been able resolve the issues so far. In fact in both the cases, the President of India had to make references under Article 143(1) of the Constitution to the Hon'ble Supreme Court on the legal complications created by Legislative action of the basin States. As explained in para 24, functioning of a new Tribunal gets hampered in the initial stages which has its adverse effect on the time limit set in the ISRWD Act 1956 for a Tribunal for submission of its reports. Therefore there is need for comprehensive relook at ISRWD Act 1956 and amending the same so that it provides for the creation of Standing Water Disputes Tribunal.
29. Another trend which is being noticed of late is frequent use of Article 131 of the Constitution by the States to bring the issues related to inter-state rivers before the Hon'ble Supreme Court. A number of Original Suits have been filed before Hon'ble Supreme Court and most of the Suits are pending before the Court. Central Government is invariably made a respondents in the Suits filed before the Hon'ble Supreme Court. Many of these Suits can be avoided before the Hon'ble Supreme Court if a mechanism in the form of Standing Water Disputes Tribunal exist since in such eventuality Central Government can always take a stand before the Hon'ble Supreme Court that in view of Standing Water Disputes Tribunal, the Court should not entertain such cases.
30. In view of the above, there is a need for further amendment in the ISRWD Act, 1956 which should provide for creation of a Standing Water Disputes Tribunal and for reference of water disputes among the basin States directly to such Tribunal or through the Central Government. Amendment in the Act for creation of a Standing Water Disputes Tribunal does not in any way do away with the need among the basin/party States of the mutual understanding and co-operation to resolve such issue even before the Standing Water Disputes Tribunal.

Disclaimer: *The views expressed in the paper are purely personal and not necessarily be the views of the organisation they belong to.*

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