

Standing Committee Report Summary

The Inter-State River Water Disputes (Amendment) Bill, 2017

- The Standing Committee on Water Resources, River Development and Ganga Rejuvenation (Chair: Mr. Hukum Singh) submitted its report on ‘The Inter-State River Water Disputes (Amendment) Bill, 2017’ on August 10, 2017. The Bill seeks to amend the Inter-State Water Disputes Act, 1956. The key observations and recommendations of the Committee include:
 - **Disputes Resolution Committee:** The Bill requires the central government to set up a Disputes Resolution Committee (DRC), for resolving any inter-state water dispute amicably. The Committee stated that the composition of the DRC should be prescribed in the Bill to ensure that there are no gaps at the initial stage of dispute resolution. It recommended that the DRC should comprise a Chairperson and three members (as experts) along with one member each from the states who are party to the disputes. It also added that the findings of the Committee should be put out in the public domain. For this, a new clause could be added in the Bill.
 - **Time period to refer dispute to the tribunal:** Under the Bill, if a dispute is not settled by the DRC, then it will be referred to a tribunal within three months of the submission of the report of the DRC. The Committee recommended that the time period of three months may be reduced to one month.
 - **Establishment of Inter-State River Water Disputes Tribunal:** The Bill establishes the Inter-State River Water Disputes Tribunal. All existing tribunals will be dissolved and pending disputes will be transferred to the new tribunal. The Chairperson and other members of the existing tribunals, who have attained the age of seventy years as on the date of commencement of the Inter-State River Water Disputes (Amendment) Act, 2017, shall cease to hold office after three months from the date of such commencement. The Committee noted that it would not serve any public interest by retaining the Chairperson and other members in this period of three months. It recommended that this provision in the Bill should be removed.
 - **Composition of the Tribunal:** Under the Bill, the Chairperson, Vice-Chairperson, and other members of the tribunal will be nominated by the Chief Justice of India. The Committee recommended that a collegium of four members should be created for selection of the Chairperson, Vice-Chairperson, and other members of the tribunal. These four members should comprise: (i) the Prime Minister or his nominee, (ii) the Chief Justice or his nominee from the judges of Supreme Court, (iii) the leader of opposition, and (iv) the Minister from the Ministry of Water Resources.
 - **Appointment of assessors:** Under the Bill, the central government may appoint two experts, serving in the Central Water Engineering Service not below the rank of Chief Engineer, as assessors for each water dispute. These assessors would advise the tribunal in its proceedings. The Committee recommended that to avoid conflict of interest, the assessors should not belong to the states which are party to a particular dispute.
 - **Time period for adjudication of disputes:** The Committee noted that under the Bill, it would take six years before the final verdict is given on a dispute. It noted that this period is long, especially when the DRCs would have already deliberated on the issues extensively. The Committee recommended that the time period for adjudication of disputes by the tribunal should further be reduced to a maximum of two years.
 - **Decision of the tribunal:** The Committee also stated that the findings/ conclusion of the tribunal cannot be classified as a ‘report’, as is currently under the Bill. It recommended that the word ‘report’ should be substituted with a judicial term, such as an ‘order’ or an ‘award’, since the decision of the tribunal is equal to the decree of a court. It also recommended that timely implementation of the tribunal award should be ensured.

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