

**Bill No. 187-C of 2019**

THE INTER-STATE RIVER WATER DISPUTES (AMENDMENT)  
BILL, 2019

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*further to amend the Inter-State River Water Disputes Act, 1956.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Inter-State River Water Disputes (Amendment) Act, 2019. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

33 of 1956. **2.** In the Inter-State River Water Disputes Act, 1956 (hereinafter referred to as the principal Act), in section 2,— Amendment of section 2.

(i) for clause (a), the following clauses shall be substituted, namely:—

10                   ‘(a) “Chairperson” means the Chairperson of the Inter-State River Water Disputes Tribunal referred to in section 4B;

                  ‘(aa) “existing Tribunal” means a Water Disputes Tribunal constituted prior to the date of commencement of the Inter-State River Water Disputes (Amendment) Act, 2019;

(ab) "Member" includes a Judicial Member and Expert Member of the Tribunal;

(ac) "notification" means a notification published in the Official Gazette;

(ad) "prescribed" means prescribed by rules made under this Act;'

(ii) for clause (b), the following clauses shall be substituted, namely:— 5

'(b) "Tribunal" means the Inter-State River Water Disputes Tribunal established under section 4;

(ba) "Vice-Chairperson" means the Vice-Chairperson of the Tribunal referred to in section 4B;'

Substitution of new sections 4, 4A, 4B, 4C, 4D and 4E for section 4.

3. For section 4 of the principal Act, the following sections shall be substituted, namely:— 10

Establishment of Inter-State River Water Disputes Tribunal.

'4. With effect from such date as the Central Government may, by notification, appoint, there shall be established a Tribunal, to be called the Inter-State River Water Disputes Tribunal, for the adjudication of water disputes:

Provided that on and from the date of establishment of the Tribunal, all existing Tribunals shall stand dissolved and the water disputes pending adjudication before such existing Tribunals shall stand transferred to the Tribunal: 15

Provided further that any person holding office as the Chairman or a member of the existing Tribunals, shall on the dissolution of the existing Tribunals, cease to hold office as such Chairman or member, as the case may be, from the date of such dissolution, but shall, subject to the provisions of this Act, be eligible for re-appointment: 20

Provided also that a dispute which has already been adjudicated and settled by an existing Tribunal prior to the date of commencement of the Inter-State River Water Disputes (Amendment) Act, 2019 shall not be re-opened. 25

Disputes Resolution Committee.

4A. (1) As and when any request under section 3 is received from any State Government in respect of any water dispute, the Central Government shall set up a Disputes Resolution Committee, for resolving the dispute amicably.

(2) The Disputes Resolution Committee shall consist of—

(a) a Chairperson, who is or has been an officer of the Central Government of the rank of the Secretary to the Government of India or equivalent having experience in water sector, to be nominated by the Central Government; 30

(b) such expert members, as may be considered necessary, who are persons of ability, integrity and standing and having special qualifications and professional experience of not less than fifteen years in water sector, agriculture or such other fields as the Central Government may consider necessary, to be nominated by the Central Government; and 35

(c) one member, each to represent the States which are party to the dispute, to be nominated by the State Government concerned from officers of that Government not below the rank of Joint Secretary to the Government of India. 40

(3) The Disputes Resolution Committee shall try to resolve a water dispute by negotiations within a period of one year which may be extended to a further period of six months and submit its report to the Central Government.

(4) The report submitted by the Disputes Resolution Committee shall contain details of—

(a) the stand taken by each State which are party to the dispute during negotiation;

5 (b) the views of members of the Committee on such stand; and

(c) all relevant facts, information and data relating thereto.

(5) Any water dispute which cannot be settled by negotiations shall be referred by the Central Government, by notification, to the Tribunal for its adjudication within a period of three months from the date of receipt of the report under sub-section (3).

10 4B. (1) Subject to the provisions of section 12, the Tribunal shall consist of a Chairperson, a Vice-Chairperson, and not more than three Judicial Members and three Expert Members to be appointed by the Central Government on the recommendation of the Selection Committee.

Composition  
of Tribunal.

(2) The Selection Committee referred to in sub-section (1) shall consist of—

15 (a) the Prime Minister or any other Minister nominated by him—  
chairperson;

(b) the Chief Justice of India or a Judge of the Supreme Court nominated by him—member;

20 (c) the Minister in charge of the Ministry dealing with the law and justice—  
member; and

(d) the Minister in charge of the Ministry of Jal Shakti—member.

(3) A person shall not be eligible for appointment—

(a) as the Chairperson or Vice-Chairperson unless he is, or has been, a Judge of the Supreme Court or a Chief Justice of the High Court;

25 (b) as the Judicial Member unless he is, or has been, a Judge of a High  
Court; and

(c) as the Expert Member unless he is a person of ability, integrity and standing and having experience in water resources and has been an officer of the Central Government of the rank of Secretary to the Government of India or equivalent or is or has been a renowned international or national expert having experience of working in the field of international or inter-State river water disputes:

35 Provided that a person who is a sitting Judge of the Supreme Court or a  
Judge of a High Court shall be appointed in consultation with the Chief Justice  
of India.

(4) The Selection Committee shall recommend a person for appointment as Chairperson, Vice-Chairperson, Judicial Member or Expert Member in accordance with such procedure as may be prescribed.

40 (5) No appointment of the Chairperson or Vice-Chairperson or a Member  
of the Tribunal shall be invalid merely by reason of any vacancy or absence of  
member, or defect in the constitution, of the Selection Committee.

45 4C. (1) The Chairperson and Vice-Chairperson shall hold office for a period of  
five years or till the age of seventy years, whichever is earlier.

Term of  
office.

(2) The term of office of other Members of the Tribunal shall be co-terminus with the adjudication of the water dispute and they shall cease to hold office upon dissolution of the bench under sub-section (2) of section 12:

Provided that no Member shall hold office after he has attained the age of sixty-seven years.

Removal of  
Members of  
Tribunal.

4D. The Central Government may remove from office, the Chairperson or Vice-Chairperson or any Member, who—

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that no Chairperson or Vice-Chairperson or Member shall be removed under clause (d) or clause (e) from office unless he has been informed of the charges against him and given an opportunity of being heard in respect of those charges:

Provided further that the Chairperson or Vice-Chairperson or Judicial Member who is a sitting Judge shall not be removed from office without consulting the Chief Justice of India.

Benches of  
Tribunal.

4E. (1) Subject to other provisions of this Act,—

(a) the jurisdiction of the Tribunal may be exercised by the Benches thereof;

(b) the Chairperson may constitute a Bench consisting of the Chairperson or Vice-Chairperson as the presiding officer, with one Judicial Member and one Expert Member:

Provided that a Member of a Bench may also be a Member of another Bench.

(2) The Benches of the Tribunal shall ordinarily sit at New Delhi or at such other places as the Chairperson may decide.’

Amendment  
of section 5.

4. In section 5 of the principal Act,—

(a) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

“(1) On receipt of a reference in respect of any water dispute from the Central Government, the Chairperson shall assign such dispute to a Bench of the Tribunal for its adjudication.

(2) The Bench of the Tribunal shall, before investigating the water dispute assigned to it under sub-section (1), take into consideration the report submitted by the Disputes Resolution Committee under sub-section (3) of section 4A on the water dispute or on any matter appearing to be connected with, or relevant to, the water dispute.

(2A) The Bench of the Tribunal shall investigate the water dispute assigned to it under sub-section (1) and forward to the Central Government its detailed report setting out the facts as found by it including on yield, efficiency in the use of water and such other matters as may be prescribed, and giving its decision on such dispute within a period of two years:

Provided that such report shall also provide for the distribution of water during distress situations arising from shortage in the availability of water in such manner as may be prescribed:

Provided further that if the report cannot be given within a period of two years for any unavoidable reasons, the Central Government may extend such period to a further period not exceeding one year.”;

(b) in sub-section (3),—

5 (i) for the words “on such reference, the Tribunal may”, the words “on such reference, the Bench of the Tribunal concerned may” shall be substituted;

(ii) for the proviso, the following proviso shall be substituted, namely:—

“Provided that the Central Government may extend the period of one year to a further period not exceeding six months.”.

10 **5.** For section 5A of the principal Act, the following sections shall be substituted, namely:—

Substitution of new sections 5A, 5B and 5C for section 5A.

“5A. (1) 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 to advise the Bench in the proceedings before it:

Appointment of assessors.

15 Provided that the assessor so appointed shall not be a domicile to any of the States which are party to the dispute.

(2) The term of the assessors appointed under sub-section (1) shall be co-terminus with the adjudication of the dispute and they shall cease to be assessors after the dispute is adjudicated and the final report is forwarded to the Central Government.

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5B. The Central Government shall appoint an Administrative Officer, not below the rank of Joint Secretary to the Government of India, who shall be responsible for day-to-day administrative work of the Tribunal and to act as a nodal officer between the Central Government and the Tribunal.

Appointment of Administrative Officer.

25 5C. (1) Subject to the provisions of this Act, if for any reason, a vacancy (other than a temporary absence) occurs in the office of the Chairperson, Vice-Chairperson or any other Member of the Tribunal, such vacancy shall be filled in accordance with section 4B.

Filling of vacancies, temporary absence, etc.

30 (2) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the Vice-Chairperson shall act as the Chairperson until the date on which a new Chairperson, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

35 (3) When any Member of a Bench of the Tribunal is unable to discharge his functions owing to absence, illness or any other cause, the Chairperson may assign the work of such Member to any other Member of the Tribunal till such Member resumes his work.”.

**6.** For section 6 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 6.

40 “6. The decision of the Bench of the Tribunal shall be final and binding on the parties to the dispute and shall have the same force as an order or decree of the Supreme Court.”.

Decision of Bench of Tribunal binding on parties.

**7.** In section 6A of the principal Act, in sub-section (1), for the word “may” occurring at both the places, the word “shall” shall be substituted.

Amendment of section 6A.

Substitution of section 9A.	<p><b>8.</b> For section 9A of the principal Act, the following section shall be substituted, namely:—</p>	
Maintenance of data bank and information.	<p>“9A. (1) The Central Government shall, for the purposes of maintaining a data bank and information system at the national level for each river basin, appoint or authorise an agency which shall maintain data relating to water resources, land, agriculture and such other matter, containing such particulars and in such manner, as may be prescribed.</p> <p>(2) As and when required by the Central Government, the State Government shall make available the data relating to any of the matters referred to in sub-section (1) to the Central Government or to the agency appointed or authorised under that sub-section.</p> <p>(3) The Central Government or the agency referred to in sub-section (1) shall have powers to summon and verify any data, record or other relevant information received from the State Government.”.</p>	5
Substitution of section 10.	<p><b>9.</b> For section 10 of the principal Act, the following section shall be substituted, namely:—</p>	15
Terms and conditions of service of Members and assessors.	<p>“10. The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson, Vice-Chairperson, other Members and assessors shall be such as may be prescribed.”.</p>	
Substitution of new sections 12 and 12A for section 12.	<p><b>10.</b> For section 12 of the principal Act, the following sections shall be substituted, namely:—</p>	20
Dissolution of Bench.	<p>“12. (1) After any water dispute assigned to a Bench of the Tribunal is adjudicated and it submits its decision or report, the Central Government shall, on the recommendations of the Chairperson, dissolve that Bench within a period of three months.</p> <p>(2) Upon dissolution of the Bench under sub-section (1), the Members of that Bench (excluding Chairperson and Vice-Chairperson) shall vacate their respective offices:</p> <p>Provided that where a Member of a Bench is also a Member of another Bench, such Member shall continue as a Member of such other Bench.</p>	25
Staff and assets of dissolved Bench.	<p>12A. (1) Upon the dissolution of a Bench of the Tribunal under section 12, the staff of such dissolved Bench shall be,—</p> <p>(i) made available to any other Bench, if so required; or</p> <p>(ii) repatriated to their parent cadre,</p> <p>in such manner as may be prescribed.</p> <p>(2) The assets and properties of the dissolved Bench shall be transferred to the Central Government or to the concerned State Government which provided such assets and properties.”.</p>	30
Amendment of section 13.	<p><b>11.</b> In section 13 of the principal Act, in sub-section (2), for clauses (a) to (f), the following clauses shall be substituted, namely:—</p> <p>“(a) the form and the manner in which a complaint as to any water dispute may be made by any State Government under section 3;</p>	40

(b) the procedure for preparation of a list of candidates and making of recommendations for selection of Chairperson, Vice-Chairperson and Members of the Tribunal under sub-section (4) of section 4B;

5 (c) the other matters, and the manner of providing for distribution of water during distress situations arising from shortage in the availability of water, under sub-section (2A) of section 5;

(d) the other matters in respect of which the Tribunal may be vested with the powers of a civil court under clause (d) of sub-section (1) of section 9;

10 (e) the procedure to be followed by the Tribunal under sub-section (4) of section 9;

(f) the other matters in respect of which data is to be maintained, the particulars thereof, and the manner of maintaining such data under sub-section (1) of section 9A;

15 (g) the salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson, the Vice-Chairperson, other Members and assessors under section 10;

(h) the manner in which the staff of the dissolved Bench shall be dealt with under sub-section (1) of section 12A;

(i) any other matter which has to be, or may be, prescribed.”.

20 **12.** For section 14 of the principal Act, the following section shall be substituted, namely:— Substitution of section 14.

“14. The Ravi and Beas Waters Tribunal constituted prior to the date of commencement of the Inter-State River Water Disputes (Amendment) Act, 2019 shall stand dissolved and the water disputes pending adjudication before it shall stand transferred to the Tribunal: Matters relating to Ravi and Beas Waters Tribunal.

25 Provided that the concerned Bench shall proceed to deal with such dispute from the stage at which it was so transferred.”.

**13.** After section 14 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 15.

30 “15. (1) Where the States, which are parties to a dispute, reach a settlement during the period of adjudication of any dispute by the Tribunal, and such States submit a report in this behalf to the Central Government, the Central Government shall within a period of one month make a reference to the Chairperson of the Tribunal for ending the adjudication of the said dispute. Settlement of dispute by parties during adjudication.

35 (2) The Chairperson shall, on receipt of the reference under sub-section (1), recommend to dissolve that Bench and the Central Government shall, on such recommendations, dissolve that Bench of the Tribunal within a period of three months.

(3) The settlement of dispute by parties under this section shall have the same status and effect as a decision of the Tribunal under section 6.”.

LOK SABHA

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further to amend the Inter-State River Water Disputes Act, 1956.

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*(As passed by Lok Sabha)*