

Inter-State Water Disputes Act, 1956

33 of 1956

[28 August 1956]

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STATEMENT OF OBJECTS AND REASONS Amending Act 45 of 1980:-The Inter-State Water Disputes Act, 1956 provides for the constitution of Tribunals for the adjudication of disputes relating to waters of inter-State rivers and river valleys. Section 6 of the Act provides that the decision of a Tribunal shall be final and binding on the parties to the dispute and shall be given effect to by them.

2. The decision of the Narmada Water Disputes Tribunal constituted by the Central Government under the said Act for the adjudication of the water dispute relating to the river Narmada and the river Valley thereof has revealed that the implementation of the decision of a Tribunal under the Act may involve the setting up of a

machinery for the purpose. The decision of the Narmada Water Disputes Tribunal envisages inter alia the setting up of an inter-State administrative authority, to be called the "Narmada Control Authority", for the purpose of securing compliance with the decision and for the constitution of a Review Committee with powers to review decision of the said Authority with respect to certain matters. For the effective functioning of the said Narmada Control Authority, it would be necessary to give effect to ensure that it can function as a distinct legal entity. [The] Inter-State Water Disputes Act, 1956 431 3. It is, therefore, proposed to amend the Act to include therein suitable provision to enable the Central Government to frame a scheme or schemes to make provisions for all matters necessary to give effect to the decision of a Tribunal constituted under the Act. 4. It is also proposed to amend Section 1 of the Act to change the provision therein as to laying of rules so as to bring it into conformity with the standard provision a recommended by the Committees on Subordinate Legislation. 5. The Bill seeks to achieve the above objects.-- Gaz. of India, 27-3-1980, Pt. II, S. 2, Ext. p. 32S.

1. Short Title And Extent :-

(1) This Act may be called The 1 ["Inter-State River"] Water Disputes Act, 1956.

(2) It extends a to the whole of India.

1. Section 1, sub-section (1), for the words "Inter-State", the words "Inter-State River" shall be substituted by Inter-State Water Disputes (Amendment) Act, 2002, (14 of 2002), published in the Gazette of India. Extra.. Part 11. Section 1.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "prescribed" means prescribed by rules made under this Act:

(b) "Tribunal" means a Water Disputes Tribunal constituted under Section 4 ;

(c) "water dispute" means any dispute or difference between two or more State Governments with respect to--

(i) the use, distribution or control of the waters of, or in, any inter-State river or river valley; or

(ii) the interpretation of the terms of any agreement relating to the use, distribution or control of such waters or the implementation of

such agreement; or

(iii) the levy of any water-rate in contravention of the prohibition contained in Section 7 .

3. Complaints By State Governments As To Water Disputes

:-

If it appears to the Government of any State that a water dispute with the Government of another State has arisen or is likely to arise by reason of the fact that the interests of the State, or of any of the inhabitants thereof, in the waters of an inter-State river or river valley have been, or are likely to be, affected prejudicially by -

(a) any executive action or legislation taken or passed, or proposed to be taken or passed, by the other State; or

(b) the failure of the other State or any authority therein to exercise any of their powers with respect to the use, distribution or control of such waters: or

(c) the failure of the other State to implement the terms of any agreement relating to the use, distribution or control of such waters. the State Government may, in such form and manner as may be prescribed, request the Central Government to refer the water dispute to a Tribunal for adjudication.

4. Constitution Of Tribunal :-

1(1) When any request under Section 3 is received from any State Government in respect of any water dispute and the Central Government is of opinion that the water dispute cannot be settled by negotiations, the Central Government shall, within a period not exceeding one year from the date of receipt of such request, by notification in the Official Gazette, constitute a Water Disputes Tribunal for the adjudication of the water dispute :

Provided that any dispute settled by a Tribunal before the commencement of the Inter-State Water Disputes (Amendment) Act, 2002 shall not be reopened.

2[(2) The Tribunal shall consist of a Chairman. and two other members nominated in this behalf by the Chief Justice of India from among persons who at the time of such nomination are Judges of the Supreme Court or of a High Court.]

(3) The Central Government may, in consultation with the Tribunal, appoint two or more persons as assessors to advise the Tribunal in the proceedings before it.

1. Section 4, sub-section (1), shall be substituted by Inter-State

Water Disputes (Amendment) Act, 2002, (14 of 2002), published in the Gazette of India. Extra.. Part 11. Section 1.

2. Substituted for former sub-section (2) by the Inter-State Water Disputes (Amendment) Act, 1968 (35 of 1968), Section 2 (22-8-1968).

3. Section 4, sub-section (3), shall be substituted by Inter-State Water Disputes (Amendment) Act, 2002, (14 of 2002), published in the Gazette of India. Extra.. Part 11. Section 1.

5. Adjudication Of Water Disputes :-

(1) When a Tribunal has been constituted under Section 4 , the Central Government shall, subject to the prohibition contained in Section 8 , refer the water dispute and any matter appearing to be connected with, or relevant to, the water dispute to the Tribunal for adjudication.

(2) The Tribunal shall investigate the matters referred to it and forward to the Central Government a report setting out the facts as found by it and giving its decision on the matters referred to it within a period of three years .

Provided that if the decision cannot be given for unavoidable reasons, within a period of three years, the Central Government may extend the period for a further period not exceeding two years.

(3) If, upon consideration of the decision of the Tribunal, the Central Government or any State Government is of opinion that anything therein contained requires explanation or that guidance is needed upon any point not originally referred to the Tribunal, the Central Government or the State Government, as the case may be. within three months from the date of the decision, again refer the matter to the Tribunal for further consideration, and on such reference, the Tribunal may forward to the Central Government a further report within one year from the date of such reference giving such explanation or guidance as it deems fit and in such a case, the decision of the Tribunal shall be deemed to be modified accordingly :

Provided that the period of one year within which the Tribunal may forward its report to the Central Government may be extended by the Central Government, for such further period as it considers necessary.

3 [4] If the members of the Tribunal differ in opinion on any point, the point shall be decided according to the opinion of the majority.

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1. Section 5, sub-section (2) and (3), shall be substituted by Inter-State Water Disputes (Amendment) Act, 2002, (14 of 2002), published in the Gazette of India. Extra. Part 11. Section 1.

3. Inserted by Act 35 of 1968, Section 3 (22-8-1968).

5A. Filling Of Vacancies :-

If for any reason, a vacancy (other than a temporary absence) occurs in the office of the Chairman or any other member of a Tribunal, such vacancy shall be filled by a person to be nominated in this behalf by the Chief Justice of India in accordance with the provisions of sub-section (2) of Section 4, and the investigation of the matter referred to the Tribunal may be continued by the Tribunal after the vacancy is filled and from the stage at which the vacancy occurred.

6. Publication Of Decision Of Tribunal :-

(1) The Central Government shall publish the decision of the Tribunal in the Official Gazette and the decision shall be final and binding on the parties to the dispute and shall be given effect to by them.

(2) The decision of the Tribunal, after its publication in the Official Gazette by the Central Government under sub-section (1), shall have the same force as an order or decree of the Supreme Court.

1. Section 6, shall be renumbered as sub-section (1) and after sub-section (1), sub-section (2) shall be inserted by Inter-State Water Disputes (Amendment) Act, 2002, (14 of 2002), published in the Gazette of India. Extra. Part 11. Section 1.

6A. Power To Make Schemes To Implement Decision Of Tribunal :-

(1) Without prejudice to the provisions of Section 6, the Central Government may, by notification in the Official Gazette, frame a scheme or schemes whereby provision may be made for all matters necessary to give effect to the decision of a Tribunal.

(2) A scheme framed under sub-section (1) may provide for -

(a) the establishment of any authority (whether described as such or as a committee or other body) for the implementation of the decision or directions of the Tribunal;

(b) the composition, jurisdiction, powers and functions of the authority, the term of office and other conditions of service of, the procedure to be followed by, and the manner of filling vacancies

among, the members of the authority;

(c) the holding of a minimum number of meetings of the authority every year, the quorum for such meetings and the procedure thereat;

(d) the appointment of any standing, ad hoc or other committees by the authority;

(e) the employment of a Secretary and other staff by the authority; the pay and allowances and other conditions of service of such staff;

(f) the constitution of a fund by the authority, the amounts that may be credited to such fund and the expenses to which the fund may be applied.

(g) the form and the manner in which the accounts shall be kept by the authority;

(h) the submission of an annual report by the authority of its activities;

(i) the decisions of the authority which shall be subject to review;

(j) the constitution of a committee for making such review and the procedure to be followed by such committee; and

(k) any other matter which may be necessary or proper for the effective implementation of the decision or directions of the Tribunal.

(3) In making provision in any scheme framed under sub-section (1) for the establishment of an authority for giving effect to the decision of a Tribunal, the Central Government may, having regard to the nature of the jurisdiction, powers and functions required to be vested in such authority in accordance with such decisions and all other relevant circumstances, declare in the said scheme that such authority shall, under the name specified in the said scheme have capacity to acquire, hold and dispose of property, enter into contracts, sue and be sued and do all such acts as may be necessary for the proper exercise and discharge of its jurisdiction, powers and functions.

(4) A scheme may empower the authority to make, with the previous approval of the Central Government, regulation for giving effect to the purposes of the scheme.

(5) The Central Government may, by notification in the Official Gazette, add to, amend, or vary, any scheme framed under sub-section (1).

(6) Every scheme framed under this section shall have effect notwithstanding anything contained in any law for the time being in force (other than this Act) or any instrument having effect by virtue

of any law other than this Act.

(7) Every scheme and every regulation made under a scheme shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session of the successive sessions aforesaid, both Houses agree in making any modification in the scheme or the regulation or both houses agree that the scheme or the regulation should not be made, the scheme or the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme or regulation.

7. Prohibition Of Levy Of Seigniorage, Etc :-

(1) No State Government shall, by reason only of the fact that any works for the conservation, regulation or utilisation of water resources of an inter-State river have been constructed within the limits of the State, impose, or authorise the imposition of, any seigniorage or additional rate or fee (by whatever name called) in respect of the use of such water by any other State or the inhabitants thereof.

(2) Any dispute or difference between two or more State Governments with respect to the levy of any water-rate in contravention of the prohibition contained in sub-section (1) shall be deemed to be a water dispute.

8. Bar Of Reference Of Certain Disputes To Tribunal :-

Notwithstanding anything contained in Section 3 or Section 5, no reference shall be made to a Tribunal of any dispute that may arise regarding any matter which may be referred to arbitration under the River Boards Act, 1 [1956].

1. Substituted for "1955" by the Repealing and Amending Act, 1957 (XXXVI of 1957), Section 3 and Schedule II (17-9-1957).

9. Powers Of Tribunal :-

(1) The Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, in respect of the

following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents and material objects;

(ba) requisitioning of any data. as may be required by it

(c) issuing commissions for the examination of witnesses or for local investigation;

(d) any other matter which may be prescribed.

(2) The Tribunal may require any State Government to carry out, or permit to be carried out, such surveys and investigation as may be considered necessary for the adjudication of any water dispute pending before it.

(3) A decision of the Tribunal may contain directions as to the Government by which the expenses of the Tribunal and any costs incurred by any State Government in appearing before the Tribunal are to be paid, and may fix the amount of any expenses or costs, to be so paid, and so far as it relates to expenses or costs, may be enforced as if it were an order made by the Supreme Court.

(4) 2 [Subject to the provisions of this Act and any rules that may be made thereunder], the Tribunal may, by order, regulate its practice and procedure.

1. In Section 9, sub-section (1) after clause (b), clause (ba), shall be inserted by Inter-State Water Disputes (Amendment) Act, 2002, (14 of 2002), published in the Gazette of India. Extra. Part 11. Section 1.

2. Substituted for "subject to any rules that may be made under this Act" by Act 35 of 1965, Section 5 (22-8-1968).

9A. Maintenance Of Data Bank And Information :- .

(1) The Central Government shall maintain a data bank and information system at the national level for each river basin which shall include data regarding water resources, land, agriculture, and matters relating thereto, as the Central Government may prescribe from time to time. The State Government shall supply the data to the Central Government or to an agency appointed by the Central Government for the purpose, as and when required.

(2) The Central Government shall have powers to verify the data supplied by the State Government, and appoint any person or persons for the purpose and take such measures as it may consider necessary. The person or persons so appointed shall have the powers to summon such records and information from the

concerned State Government as are considered necessary to discharge their functions under this section.

1. Section 9A, shall be inserted by Inter-State Water Disputes (Amendment) Act, 2002, (14 of 2002), published in the Gazette of India. Extra. Part 11. Section 1.

10. Allowances Or Fees For Presiding Officer Of Tribunal And Assessors :-

1 [The Chairman and other members of a Tribunal] and the assessors shall be entitled to receive such remuneration, allowances or fees as may be prescribed.

1. Substituted for certain words by Act 35 of 1968, Section 6 (22-8-1968).

11. Bar Of Jurisdiction Of Supreme Court And Other Courts :-

Notwithstanding anything contained in any other law, neither the Supreme Court nor any other Court shall have or exercise jurisdiction in respect of any water dispute which may be referred to a Tribunal under this Act.

12. Dissolution Of Tribunal :-

The Central Government shall dissolve the Tribunal after it has forwarded its report and as soon as the Central Government is satisfied that no further reference to the Tribunal in the matter would be necessary.

13. Power To Make Rules :-

(1) The Central Government, after consultation with the State Government, may by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

(a) the form and manner in which complaint as to any water dispute may be made by any State Government;

(b) the matters in respect of which a Tribunal may be vested with the powers of a Civil Court;

- (c) the procedure to be followed by a Tribunal under this Act;
- (d) the remuneration, allowances or fees payable to a [the Chairman and other members] of a Tribunal and assessors;
- (e) the terms and conditions of service of officers and assessors of the Tribunal.
- (f) any other matter which has to be, or may be, prescribed.

2 [(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days, c [which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid] both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in the modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

1. In Section 13, sub-section (2), clause (e) shall be substituted by Inter-State Water Disputes (Amendment) Act, 2002, (14 of 2002), published in the Gazette of India. Extra. Part 11. Section 1.
2. Substituted for former sub-section (3), 1968.

14. Constitution Of Ravi And Beas Waters Tribunal :-

(1) Notwithstanding anything contained in the foregoing provisions of this Act, the Central Government may, by notification in the Official Gazette, constitute a Tribunal under this Act, to be known as the Ravi and Beas Waters Tribunal for the verification and adjudication of the matters referred to in paragraphs 9.1 and 9.2, respectively of the Punjab Settlement.

(2) When a Tribunal has been constituted under sub-section (1), the provisions of sub-sections (2) and (3) of Section 4, sub-sections (2), (3) and (4) of Section 5 and section 5A to Section 13 (both inclusive) of this Act relating to the constitution, jurisdiction, powers, authority and bar of jurisdiction shall, so far as may be, but subject to sub-section (3) hereof, apply to the constitution, jurisdiction, powers, authority and bar of jurisdiction in relation to the Tribunal constituted under sub-section (1).

(3) When a Tribunal has been constituted under sub-section (1), the Central Government alone may suo motu or at the request of the concerned State Government refer the matters specified in

paragraphs 9.1 and 9.2 of the Punjab Settlement to such Tribunal.