

THE INTER-STATE RIVER WATER DISPUTES ACT, 1956

33 OF 1956¹

(As modified up to 6th August, 2002)

[28th August, 1956]

An Act to provide for the adjudication of disputes relating to waters of inter-State rivers and river valleys.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows: -

33
of
1956

1. ²(1) This Act may be called the Inter-State River Water Disputes Act, 1956. Short title and extent
(2) It extends to whole of India.

2. In this Act, unless the context otherwise requires, -

Definitions

(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. 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-

Complaints by State Governments as to water disputes

(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. ³(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:

Constitution of Tribunal

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

⁴[(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.]

⁵(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.

5. (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.

⁶ (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.

⁷ (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.

⁸ (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.

⁹ [5A. 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. (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. Publication of decision of Tribunal

¹⁰ (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.

¹¹ 6A (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. Power to make schemes to implement decisions of 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, 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 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 decision 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, regulations 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 or 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. (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.

Prohibition of levy of seigniorage, etc.

(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.

49 of 1956 8. 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, ¹²[1956].

Bar of reference of certain disputes to Tribunal

5 of 1908 9. (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 :-

Powers of Tribunal

(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;

¹³ (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) ¹⁴ [Subject to the provisions of this Act and any rules that may be made hereunder] the Tribunal may, by order, regulate its practice and procedure.

¹⁵ [9A. (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.

Maintenance
of data bank
and information

(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.

10. ¹⁶ [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.

Allowances or
fees for
Chairman and
other members
of Tribunal and
assessors

11. 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.

Bar of jurisdiction of Supreme Court and other courts

12. 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.

Dissolution of Tribunal

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

Power to make rules

(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 a 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 ¹⁷ [the Chairman and other members] of a Tribunal and assessors;

¹⁸ [(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.

¹⁹ [(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, ²⁰ [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 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 rule.]

²¹[14.(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.

Constitution of
Ravi and Beas
Waters Tribunal

(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 sections 5A to 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 moto 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 Tribunals.

Explanation: For the purpose of this section "Punjab Settlement" means the memorandum of Settlement signed at New Delhi on the 24th day of July, 1985.]

- 1 Extended to Dadra and Nagar Haveli by Regulation 6 of 1963, section 2 and
Scheduled I and to Pondicherry by Regulation 7 of 1963, section 3 Schedule I.
- 2 Substituted by Act 14 of 2002, section 2 for insertion of word -'River' (with
effect from 06.08.2002).
- 3 Substituted by Act 14 of 2002, section 3(a) (with effect from 06.08.2002).
- 4 Substituted by Act 35 of 1968, section 2, for the previous sub-section.
- 5 Substituted by Act 14 of 2002, section 3(b) (with effect from 06.08.2002).
- 6 Substituted by Act 14 of 2002, section 4 (with effect from 06.08.2002).
- 7 Substituted by Act 14 of 2002, section 4 (with effect from 06.08.2002).
- 8 Inserted by Act 35 of 1968, section 3.
- 9 Inserted by Act 35 of 1968, section 4.
- 10 Inserted by Act 14 of 2002, section 5 (with effect from 06.08.2002).
- 11 Inserted by Act 45 of 1980, section 2 (with effect from 27.8.1980)
- 12 Substituted by Act 36 of 1957, section 3 and schedule II, for " 1955".
- 13 Inserted by Act 14 of 2002, section 6 (with effect from 06.08.2002).
- 14 Substituted by Act 35 of 1968, section 5, for certain words.
- 15 Inserted by Act 18 of 2002, section 7 (with effect from 06.08.2002).
- 16 Substituted by Act 35 of 1968, section 6, for certain words.
- 17 Substituted by section 7, by Act 35 of 1968, for " the presiding Officer".
- 18 Substituted by Act 14 of 2002, section 8 for insertion of word-'Assessors'
(with effect from 06.08.2002).
- 19 Substituted by section 7, by Act 35 of 1968, for the former sub-section.
- 20 Substituted by Act 45 of 1980, section 3, for certain words (with effect from
27.8.1980).
- 21 Inserted by Inter-State Water Disputes(Amendment)Act,1986.

**GOVERNMENT OF INDIA
MINISTRY OF IRRIGATION & POWER**

**THE INTER STATE WATER
DISPUTES RULES, 1959**

Under Section 13 of the Inter-State Water
Disputes Act, 1956 (No. 33 1956)

(As modified up to the FEBRUARY, 1989)

New Delhi, the 23rd June, 1959

GR. 765:- In exercise of the powers conferred by Section 13 of the Inter-State Water Disputes Act, 1956(33 of 1956), the Central Government, after consultation with the State Governments hereby makes the following rules, namely;

THE INTER-STATE WATER DISPUTES RULES, 1959

1. **Short Title**: These rules may be called the Inter-State Water Disputes Rules, 1959.

2. **Definitions** : In these rules -

i) 'the Act' means the Inter-State Water Disputes Act, 1956 (33 of 1956);

ii) 'Section' means a section of the Act.

3. Form and manner in which a complaint as to any Water Dispute may be made :

(1) where the government of any State desires to refer, under Section 3, any water dispute to a Tribunal for adjudication, it shall address a letter in writing, in triplicate signed by a Secretary to the Government, to the Secretary to the Government of India, Ministry of Irrigation & Power, New Delhi, and such letter shall, unless delivered personally, sent by registered post.

(2) Such letter shall contain information on the following points, namely:

(a) the parties to the water dispute;

(b) the specific matters in dispute between them;

(c) any other matter connected with or relevant to the water dispute; and

(d) the efforts, if any, made by the parties themselves to settle the dispute.

4. Notice to parties to nominate representatives: The Tribunal shall, for the purpose of the proceedings before it, require the parties to the dispute, in the form set out in the Annexure to these rules, to nominate, within a specified time, persons to present their case before it.

5. Procedure of representatives are not nominated: Where a party to the proceedings before a Tribunal falls to nominate any representative to present its case before the Tribunal or where the representative so nominated does not appear before the Tribunal the Tribunal may decide the case in the absence of such representative.

6. Remuneration allowance or fees: (1) The time spent by the Chairman or a Member of Tribunal who is a Judge of the Supreme Court or of a High Court, shall count as actual service within the meaning of paragraph 11(b) (i) of the Part D of the second Schedule to the constitution read with Section 2 (b)(i) of the Supreme Court Judges (Conditions of Services) Act, 1958 (41 of 1958) or Section 2(1) (c) (i) of the High Court Judges (conditions of Service) Act, 1954 (28 of 1954), and accordingly he will continue to draw the remuneration as admissible to him as a Judge of the Supreme Court or of a High Court, as the case may be.

(2) where the chairman or any Member of the Tribunal retires from service as a Judge of the Supreme Court or a High Court during the term of office of such Chairman or Member, he shall be paid for the period he serves as Chairman or Member, after retirement, such salary, which, together with his pension or any other of retirement benefit shall not exceed the last pay nor by him before retirement. He shall be entitled to such allowances and other benefits except hereinafter, provided, as are admissible to serving Judges of the Supreme Court or of a High Court, as the case may be.

(3) Where the Chairman or any Members of a Tribunal retires from service as a Judge of the High Court during the term of office of such Chairman or Member, he shall be provided with unfurnished Government accommodation, if available, without payment of rent, and, in case no such accommodation is provided or he does not avail himself of the Government accommodation, he shall be paid every month an amount equal to 12-1/2 per cent of his pay inclusive of pension as House Rent Allowance.

(4) A person, being a serving Government servant appointed as an Assessor by a Tribunal, shall be paid salary equivalent to the basic pay drawn by him in his parent Department plus a deputation (duty) allowance as admissible in terms of the Ministry of Finance O.M. No. F10(24)-E.III/60 dated 4th May, 1961, as amended from time to time. He shall be entitled to draw such allowances as are admissible to him as a serving Government servant.

(5) A person, being a retired Government servant appointed as a whole-time Assessor by a Tribunal shall be paid such salary which, together with his pension and pension equivalent or any other form of retirement benefit, shall not exceed the last pay drawn by him before retirement or Rs. 8,000/- which ever is less. He shall be entitled to draw such allowances as are admissible to a serving Government servant

A person, not being serving or a retired Government servant appointed as a whole-time Assessor by a Tribunal, shall be paid such salary as may be determined keeping in view his status, experience and qualifications provided that such salary, shall

not be more than Rs. 8,000/- per manses. He shall be entitled to draw such allowances as are admissible to a serving Government servant of the first grade on such a salary.

(6) A person appointed as an Assessor on part-time basis (whether a retired Government servant or a non-official) shall be paid such remuneration on a daily basis for the actual days spent on the Tribunal's work as may be determined keeping in view his status, experiences and qualifications.

(7) An Assessor whose normal place of residence is not at the head-quarters of the Tribunal shall be paid traveling allowance from the place of his residence to the headquarters of the Tribunal and back for attending the Tribunal's work at the rate admissible to a Government servant of the first grade.

7. **Appointment of officers of the Tribunal, and their terms and conditions of services:** The Central Government may, in consultation with the Chairman of the Tribunal, appoint on such terms and conditions as it may determine officers for the Tribunals

8. **Expenditure to be borne by the Central Government:** All administrative expenditure of the Tribunal; and its office, shall be initially borne by the Central Government, but will later on be adjusted in accordance with, the decision of the Tribunal as laid down in sub-section (3) of Section 9.

9. **Headquarters of the Tribunal:** The Central Government may, by notification in the official Gazette, fix the headquarters of the Tribunal at such place as it deems fit.

Annexure

(See rule 4)

To

The Secretary to the Government of

Whereas a water dispute has arisen between the Government of _____ and _____ viz _____
(copy enclosed).

And whereas I have been appointed as Chairman of the Tribunal constituted by the Government of India under Section 4 of the Inter-State Water Disputes Act. 1956 (33 of 1956), in respect of the said water dispute:

Now, therefore, you are hereby required to intimate to me not later than the _____ name (s) and addresses) of the person(s) whom the Government of _____ have nominated as its representative(s).

If no such nomination is received by me on or before the aforesaid date, the case may be decided in the absence of any representative of the State Government.

Chairman of the Tribunal

Date _____