

THE INTER-STATE WATER DISPUTES (AMENDMENT)
ACT, 2002

No. 14 OF 2002

[28th March 2002.]

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

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Inter-State Water Disputes (Amendment) Act, 2002.

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

Amendment
of section 1.

2. In section 1 of the Inter-State Water Disputes Act, 1956 (hereinafter referred to as the principal Act), in sub-section (1), for the words "Inter-State", the words "Inter-State River" shall be substituted.

33 of 1956.

Amendment
of section 4.

3. In section 4 of the principal Act,—

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

"(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 re-opened.";

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

"(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."

Amendment
of section 5.

4. In section 5 of the principal Act, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—

"(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.”

5. Section 6 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

Amendment of section 6.

“(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.”

6. In section 9 of the principal Act, in sub-section (1), after clause (b), the following clause shall be inserted, namely:—

Amendment of section 9.

“(ba) requisitioning of any data, as may be required by it;”

7. After section 9 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 9A.

“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.”

8. In section 13 of the principal Act, in sub-section (2), for clause (e), the following clause shall be substituted, namely:—

Amendment of section 13.

“(e) the terms and conditions of service of officers and assessors of the Tribunal;”