

Certificate No. V303/0520/63

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369] | Indexed at 13 Databases | I2OR IF - 2.008

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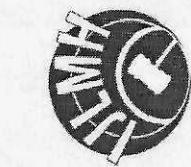
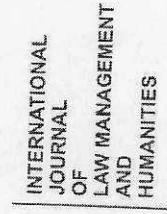
Authored by

Nuruddin Khan

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Published in

Volume 3, Issue 3 (2020), Pages 102 - 108



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Certificate of Publication

Ref. No.: SSB/2021/SIS 55

Date: 29-03-2021

Authored by

Dr. Shobha Gulati
Assistant Professor, School of Law,
Lovely Professional University, Phagwara, Punjab
Nuruddin Khan
Research Scholar
Lovely Professional University

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for the Research Paper titled as
**THE VIRTUAL REALITY OF CYBER STALKING: A STUDY
WITH SPECIAL REFERENCE TO WOMEN IN MUMBAI**

Published in
Shodh Sanchar Bulletin, Volume 11, Issue 41, January to March 2021

Sanchar
Educational & Research Foundation

Chief Editorial Office

448/19/75, Kalyanpur, Thakurganj Chowk,
Lucknow, Uttar Pradesh - 226003
+91-94155 78129 | +91-7905190845
serfoundation123@gmail.com | sersearchfoundation.in




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Honored by the President of India Shriji P. V. Narasimha Rao

Online ISSN : 2395-602X
Print ISSN : 2395-6011
[UGC Journal No : 64011]

International Journal of Scientific Research in Science and Technology

Certificate of Publication

Ref : IUSRST/Certificate/Volume 9/Issue 5/8573

13-Oct-2021

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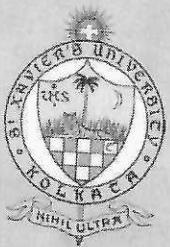
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Scientific Journal Impact Factor = 7.214
Peer Reviewed and Refereed International Journal



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Inter-State River Water Dispute in India with Special reference to Indus treaty Conflict

Fasihur Rahman

Khalid Khan

Advocate, High Court Allahabad

Advocate at Tis Hazari Court, Delhi

E-mail: fasihurrahman8@gmail.com khalid974@gmail.com

Abstract

Since its inception, one of the most difficult topics in Indian federalism is water conflicts over inter-state rivers. For example, two contemporary instances, The Sardar Sarovar Link Canal and the Cauvery Water Dispute. Various Inter-State Water Disputes Tribunals have existed in the past, but each has its own set of problems. The real status of any country is federal in form but unitary in spirit. Hence with separation of power central legislation is effective only with the coming of states or case of these disputes. My research paper is related to the Inter-state River water dispute in India with special reference to Indus Treaty Conflict. We are all aware that there are several disputes between governments over river water. The usage and harnessing of river waters is within the jurisdiction of the states (Schedule 7 of Indian Constitution, entry 17 of state list). When it is in the public interest, the Indian government can establish legislation to regulate and promote inter-state rivers and river valleys under Article 262 of the Indian constitution (Schedule 7 of Indian Constitution, entry 36 of union list). "The Inter-State River Water Disputes Act of 1956" oversees the resolution of water conflicts. A Water Disputes Tribunal is established for the adjudication of a water dispute if a State Government submits a request and the Central Government believes the water issue cannot be resolved by discussion." The Union Cabinet has enacted the "Inter-State River Water Disputes (Amendment) Bill, 2019, to resolve disagreements about interstate rivers and their valleys. The bill aims to streamline the adjudication of inter-state river water disputes and enhance the current institutional architecture by amending the Inter-State River Water Disputes Act of 1956. The Indus Water Treaty between India and Pakistan, which was signed on September 19, 1960, was negotiated by the World Bank, and we have included it in our research piece. "The treaty established and defined both nations' rights and duties regarding the usage of the Indus River system's waters. In consonance of International law the doctrine PACTA SUNT SERVANDA plays a dominant role to maintain the righteousness between the both countries related to this treaty."

Keywords: Democratic, Dispute, Adjudication, treaty

Introduction

The majority of rivers in India run across states, and there are 25 main river basins. Because river basins are common resources, the preservation, equitable distribution, and long-term use of river water need a coordinated strategy among states, with sufficient participation from the federal government. Inter-state disputes necessitate Union government intervention on two levels under India's federal political structure, between the states concerned and between the Centre and the states. Conflicts over property rights, faulty economic instruments for food security, a lack of an integrated ecosystems

approach, and the growth of reductionist hydrology for water resource development have all contributed to the spread of reductionist hydrology. India's interstate rivers have become battlegrounds. Since the formation of the Indian republic, there have been disputes over river water ownership and management. Due to historical, institutional, and political difficulties, there have been considerable delays in settlement. In recent years, the situation has been worsened by increased water shortages, rapid expansion in rural and urban freshwater requirements, and unpredictable political dynamics. This article examines the Indian federal system's

IMPACT FACTOR SJIF 2020 (7.551)

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Rizvi College of Arts, Science & Commerce ♦ Vol. 11 (1) ♦ July-Dec 2021 ♦ International Journal of Research

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institutional and political foundation for interstate river water control. In relation to the River Basin Management Bill of 2018, it makes proposals for strengthening the institutional and political environment for resolving interstate river conflicts.

Objective of the Research Paper

1. This paper related to the historical aspect of Indus with future relevancy because it is considered that may be there is a 3rd world war for water.
2. Importance of *Pacta Sunt Servanda et Robus Sic Statibus* with relation to treaty conflict.
3. Constitutional validity of Inter-state water dispute Act 1956 and relevancy of Amendment Bill 2019.
4. Analysis of final order passed by the Water dispute Tribunals in inter-state river water dispute and how to maintain the healthy relation with other states and countries.

Research Methodology

Parliament may by law provide that neither the Supreme court shall exercise jurisdiction in respect of any such dispute or complaint as is referred to in clause(1);"

PARLIAMENT HAS PASSED TWO LAWS UNDER ARTICLE 262

The Inter-State Water Disputes Act, 1956: Pursuant to the power conferred by the Constitution (Article 262), Parliament has enacted the Inter-State Water Disputes Act, 1956. Its main features can be thus summarized:

- (a) A State Government which has a water dispute with another State Government may request the Central Government to refer the dispute to a tribunal for adjudication;
- (b) The Central Government, if it is of opinion that the dispute cannot be settled by negotiation, shall refer the dispute to a Tribunal;"
- (c) "The Tribunal's composition is laid down in the Act. It consists of a Chairman and two other members, nominated

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Volume 12 Issue 1 January 2024, Date of Publication: 02-January-2024

UGC Approved Journal No: 49025 (S)

PAPER ID : IJCRT2401059
Registration ID : 240391

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An International Scholarly, Open Access, Multi-disciplinary, Indexed Journal
Website: www.ijcrt.org | Email Id: editor@ijcrt.org | ESTD: 2013

IJCRT | ISSN: 2320-2882 | IJCRT.ORG