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

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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 Sutlej Yamuna 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 consent of states in 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 56 of union list). "The Inter-State River Water Disputes Act of 1956 empowers 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 interstate 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

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institutional and political foundation for inter-state 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 and Rebus Sic Stantibus 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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