

The Sarkaria Commission

It is generally observed that the Tribunals set up for resolving inter-State issues take considerable time to give decision/awards. The matter received attention of Sarkaria Commission. The Sarkaria Commission in its report at Chapter XVII on Inter-State River Water Disputes has recommended that:-

- Once an application under Section 3 of the Inter-State River Water Disputes Act (33 of 1956) is received from a State, it should be mandatory on the Union Government to constitute a Tribunal within a period not exceeding one year from the date of receipt of the application of any disputant State. The Inter- State River Water Disputes Act may be suitably amended for this purpose.
- The Inter-State Water Disputes Act should be amended to empower the Union Government to appoint a Tribunal, suo-moto, if necessary, when it is satisfied that such a dispute exists in fact.
- There should be a Data Bank and information system at the national level and adequate machinery should be set up for this purpose at the earliest. There should also be a provision in the Inter-State Water Disputes Act that States shall be required to give necessary data for which purpose the Tribunal may be vested with powers of a court.
- The inter-State Water Disputes Act should be amended to ensure that the award of a Tribunal becomes effective within five years from the date of constitution of a Tribunal. If, however, for some reasons, a Tribunal feels that the five years period has to be extended, the Union Government may on a reference made by the Tribunal extend its term.
- The Inter-State Water Disputes Act, 1956 should be amended so that a Tribunal's award has the same force and sanction behind it as an order or decree of the Supreme Court to make a Tribunal's award really binding.

These five recommendations were considered by the erstwhile Sub-Committee of the Inter-State Council. The Sub-Committee accepted four out of five recommendations. The remaining one recommendation against para 17.6.01 of Sarkaria Commission's Report was accepted with a minor modification. The time frame specified for constituting a Tribunal by the Union Govt. was increased from one year to two years. The Inter-State Council in its meeting held on 15.10.96 generally endorsed the recommendations. However, in view of the reservations expressed by some of the Chief Ministers, it was decided that they would convey their reservations to the Inter-State Council Secretariat so that their views could be further considered by the Standing committee of the Inter-State council.

Taking into account the views of the State Governments and that of the Ministry of Water Resources, the Inter-State Council Secretariat prepared a consensus paper on the recommendations of Sarkaria Commission, which was deliberated upon during fifth meeting of the Standing Committee of Inter-State council held on 10.11.97 under the chairmanship of the Union Minister of Home Affairs.

Rec.No.	Para no.	Sarkaria Recommendation of the Standing Commission Report Committee of the Inter State Council
212	17.6.01	Agreed in toto the contents of the recommendation of the Sarkaria Commission
213	17.6.02	This recommendation of the Sarkaria Commission has not been agreed to.
214	17.6.03	Agreed in toto the contents of the recommendation of the Sarkaria Commission.
215	17.6.04	The recommendation of the Standing Committee on this item is as below : "The Tribunal should give its award within a period of three years from the date of its constitution. However, if for unavoidable reasons the award could not be given within a period of three years, the Union Government may extend the period suitably not exceeding two years. The award should be implemented within two years from the date of notification of the award. If for unavoidable reasons the award could not be implemented within a period of two years the Union Government may extend the period suitably."
216	17.6.05	Agreed in toto the the contents of the recommendations of the Sarkaria Commission.

Based on the recommendations given by the Inter-State Council on Sarkaria Commission's Recommendation a bill for amending the Inter State Water Disputes Act 1956 was introduced in Lok Sabha on 7.3.2001. The Bill was passed in Lok Sabha on 3.8.2001 and Rajya Sabha on 11.3.2002 and received the assent of the President on 28.3.2002.

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