

1. WHY THE MECHANISM OF AD-HOC TRIBUNALS TO ADJUDICATE THE DISPUTE BETWEEN THE RIPARIAN STATES HAS FAILED TO REALIZE ITS OBJECTIVES? CAN THIS MECHANISM BE REPLACED WITH MEDIATIONS? GIVE REASONED OPINION.

Under Article 262 of the constitution, parliament has enacted the Interstate River Disputes Act which provides for setting up of ad-hoc tribunals to adjudicate the dispute between the states. But this mechanism has failed to realize its objectives because of following reasons:

Inordinate delays on part of tribunals in giving awards. Cauvery water tribunal took 16 years to give an award. And this award was questioned in Supreme Court which has accepted the appeal for hearing and is yet to give the judgment.

Politicization of the disputes leading to disruptions and manipulations. Even after the award the central government is delaying the notifying the award due to fears of political ramifications.

Lack of clarity in awards, the Cauvery tribunal award didn't specify any formula for water sharing during years of insufficient rainfall. This has also resulted in tensions between the states.

Increasing regionalism has resulted in stubborn attitude by the states, who claim the ownership over the river as a right, and any compromise is seen as weakness and disgrace for the states.

The Joint parliamentary committee on water resources in its report said rule of law based on proprietary interests in water do not afford to satisfactory basis for settling of disputes in courts. The Mahadayi Tribunal set up to resolve the dispute between Karnataka, Maharashtra and Goa has asked the states to resolve the disputes amicably through talks rather than in courts based on facts. Therefore mediation rather than adjudication can be a powerful tool to settle the disputes. However, mediation to be effective, requires a right, credible and institutionalized practices for enabling coordination and cooperation between the states.