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GOVERNMENT OF INDIA
MINISTRY OF IRRIGATION & POWER

THE INTER STATE RIVER WATER
DISPUTES RULES, 1959

Under Section 13 of the Inter-State Water
Disputes Act, 1956 (No. 33 1956)

(As modified up to July, 2010)
Jan, 2011

New Delhi, the 23rd June, 1959

**Government of India
Ministry of Water Resources**

THE INTER-STATE RIVER WATER DISPUTES RULES, 1959
(Under Section 13 of the Inter-State Water Disputes Act, 1956 (No.33 of 1956))
(As modified up to the 15th July, 2010)

1. **Short Title** : These rules may be called the Inter-State River Water Disputes Rules, 1959.
2. **Definitions** : In these rules –
 - i) 'the Act' means the Inter-State River Water Disputes Act, 1956 (33 of 1956);
 - ii) 'section' means a section of the Act.
3. **Form and manner in which a complaint as to any Water Dispute may be made:**
 - (1) Where the Government of any State desires to refer, under Section 3, any water dispute to a Tribunal for adjudication, it shall address a letter in writing, in triplicate, signed by a Secretary to that Government, to the Secretary to the Government of India, Ministry of irrigation & Power, New Delhi, and such letter shall, unless delivered personally, be sent by registered post.
 - (2) Such letter shall contain information on the following points, namely:
 - (a) the parties to the water dispute;
 - (b) the specific matters in dispute between them;
 - (c) any other matter connected with or relevant to the water dispute; and
 - (d) the efforts, if any, made by the parties themselves to settle the dispute.
4. **Notice to parties to nominate representatives :**

The Tribunal shall, for the purpose of the proceedings before it, require the parties to the dispute, in the form set out in the Annexure to these rules, to nominate, within a specified time, persons to present their case before it.
5. **Procedure if representatives are not nominated:**

Where a party to the proceedings before a Tribunal fails to nominate any representative to present its case before the Tribunal or where the representative so nominated does not appear before the Tribunal, the Tribunal may decide the case in the absence of such representative.

6. Remuneration, allowances or fees:

- (1) The time spent by the Chairman or a Member of a Tribunal who is a Judge of the Supreme Court or a High Court, shall count as actual service within the meaning of paragraph 11 (b) (i) of the part D of the second schedule to the constitution read with sub-clause(i) of clause (b) of section 2 of the Supreme Court Judges(Salaries and Conditions of Services) Act, 1958 (41 of 1958) or sub-clause (i) of clause (c) of Section 2 of the High Court Judges(Salaries and conditions of Service) Act, 1954 (28 of 1954), as amended from time to time, and accordingly he will continue to draw the remuneration as admissible to him as a Judge of the Supreme Court or of a High Court, as the case may be.”;

- (2) “Where the Chairman or any Member of a Tribunal retires from service as a Judge of the Supreme Court or a High Court, during the term of Office of such Chairman or Member, he shall be paid for the period he serves as Chairman or Member, after retirement, such salary which, together with his pension or any other form or retirement benefit shall not exceed the pay which shall be fixed in accordance with the Ministry of Finance (Deptt. of Expenditure) Office memorandum No. 19047/4/99-E-IV dated August 12,1999 as amended from time to time. He shall be entitled to such allowances and other benefits except hereinafter provided, as are admissible to serving judges of the Supreme Court or of a High Court, as the case may be.

Where the Chairman or any Member of a Tribunal retires from service as a Judge of the Supreme Court or High Court, as the case may be, during the term of office of such Chairman or Member, he shall be provided with furnished Government accommodation, if available, without payment or rent and, in case no such accommodation is provided or he does not avail himself of the Government accommodation, he shall be paid every month such allowance as is admissible to the serving Judges of the Supreme Court or of a High court as the case may be.”

- (3) “A person, being a serving Government servant appointed as an Assessor by a Tribunal, shall be paid salary equivalent to the basic pay drawn by him in his parent Department plus a deputation (duty) allowance as admissible in terms of the Ministry of Finance O.M. No.F.10(24)-E.III/60 dated 4th May, 1961, as amended from time to time. He shall be entitled to draw such allowances as are admissible to him as a serving Government servant.”

- (4) “A person, being a retired Government servant appointed as a whole-time Assessor, before 1 January,2006 shall be paid such salary as admissible in terms of Ministry of Personnel, P.G. and Pension(Deptt. of Personnel & Training) O.M.No.3/13/2008-Est.(Pay-II) dated 11th November 2008, provided that such salary shall not exceed maximum of the scale of pay of the post or Rs.80000/- whichever is less and he shall be entitled to draw such allowances and other benefits as are admissible to a serving Government servant.”

- (4A) “A person, being a retired Government servant appointed as a whole-time Assessor, on or after 1st January,2006 shall be paid such salary as

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which, together with his pension and pension equivalent or any other form of retirement benefit, which shall not exceed the last pay drawn by him before retirement or Rs. 80000/- whichever is less and shall be entitled to draw such allowances and other benefits as are admissible to a serving Government Servant."

- (5) "A person, not being a serving or a retired Government servant, appointed as a whole-time Assessor by a Tribunal, shall be paid such salary as may be determined keeping in view his status, experience and qualifications provided that such salary, shall not be more than the maximum of the scale of pay of the post or Rs. 80,000/-, whichever is less and he shall be entitled to draw such allowances as are admissible to a Government servant of the first grade on such a pay."
- (6) "A person appointed as an Assessor on part-time basis (whether a retired Government servant or a non-official) shall be paid such remuneration on a daily basis for the actual days spent on the Tribunal's work as may be determined keeping in view his status, experiences and qualification."
- (7) "An Assessor whose normal place of residence is not at the headquarters of the Tribunal shall be paid traveling allowance from the place of his residence to the headquarters of the Tribunal and back for attending the Tribunal's work at the rate admissible to a Government servant of the first grade."

7. Appointment of officers of the Tribunal, and their terms and conditions of service:

The Central Government may, in consultation, with the Chairmen of the Tribunal, appoint Gr.'A' officers for the Tribunal, on such terms and conditions as it may determine.

- (7A) The Chairman of the Tribunal may appoint Officers other than Gr.'A' officer for the Tribunal on such terms and conditions as determined by the Central Govt.

8. Expenditure to be borne by the Central Government:

All administrative expenditure of the Tribunal and its office, shall be initially borne by the Central Government, but will later on be adjusted in accordance with the Central Government, but will later on be adjusted in accordance with the decision of the Tribunal as laid down in sub-section (3) of Section 9.

9. Headquarter of the Tribunal:

The Central Government may, by notification in the Official Gazette, fix the headquarters of the Tribunal at such place as it deems fit.

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ANNEXURE

(See Rule 4)

To

The Secretary to the Government of _____

Whereas a water dispute has arisen between the Government of _____
and _____ viz _____
(copy enclosed),

And whereas I have been appointed as Chairman of the Tribunal constituted by the Government of India under Section 4 of the Inter-State Water Disputes Act, 1956 (33 of 1956), in respect of the said water dispute:

Now, therefore, you are hereby required to intimate to me not later than the _____ name(s) and address(es) of the person(s) whom the Government of _____ have nominated as its representative(s).

If no such nomination is received by me on or before the aforesaid date, the case may be decided in the absence of any representative of the State Government.

Chairman of the Tribunal

Date _____



भारत का राजपत्र

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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
प्राधिकार से प्रकाशित

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नई दिल्ली, शुक्रवार, जनवरी 28, 2011/भाष 8, 1932
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जल संसाधन मंत्रालय

अधिसूचना

नई दिल्ली, 27 जनवरी, 2011

सा.का.नि. 53(अ).—अन्तर्राष्ट्रीय जल विवाद अधिनियम, 1956 (1956 का 33) की धारा 13 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार, राज्य सरकारों के साथ परामर्श करके अन्तर्राष्ट्रीय नदी जल विवाद नियम, 1959 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. मूल नियम 6 में :—

(क) उप-नियम (4) में निम्नलिखित उप-नियम जोड़ा जाएगा, अर्थात् :—

- “(4ख) पूर्णकालिक निर्धारक को रूप में नियुक्त एक सरकारी सेवक अपनी सेवाकालिक की तारीख से सत साल के पश्चात् या 67 वर्ष की आयु प्राप्त करने पर, इसमें से जो पहले हो, से पर धारण करने से प्रवृत्त हो जाएगा।
- (4ग) इस अधिसूचना की तारीख को विद्यमान अधिकारों के निर्धारक को अपनी सेवाकालिक की तारीख से सत वर्ष पूर्ण कर चुके हैं या अधिसूचना की तारीख को 67 वर्ष की आयु प्राप्त कर चुके हैं इस अधिसूचना की तारीख से तीन मास के अवसान पर अधिकारण का निर्धारक नहीं रहेगा।”

(ख) उप-नियम (6) को स्थान पर निम्नलिखित उप-नियम रखा जाएगा, अर्थात् :—

- “(6) अंतरकालिक आधार पर निर्धारक को रूप में नियुक्त व्यक्ति (सेवानिवृत्त सरकारी सेवक या अंतरकालिक) को उसकी हैसियत, अनुभव और अर्हताओं को ध्यान में रखते हुए, यथास्थिति अधिकारण को लिए किए गए कार्य के सार्वजनिक दिनों के लिए दैनिक आधार पर निर्धारित सार्वजनिक दिवस जाएगा, बशर्ते अंतरकालिक निर्धारक 67 वर्ष की आयु प्राप्त करने पर पर धारण करने से प्रवृत्त हो जाएगा।
- (6क) इस अधिसूचना की तारीख को विद्यमान अधिकारण का अंतरकालिक निर्धारक को अधिसूचना की तारीख को 67 वर्ष की आयु प्राप्त कर चुका है, इस अधिसूचना की तारीख से तीन मास के अवसान पर ऐसे अधिकारण का निर्धारक नहीं रहेगा।”

[पा. सं. 1/6/98 बीएम]

धूम विजय सिंह, सचिव

MINISTRY OF WATER RESOURCES
NOTIFICATION

New Delhi, the 27th January, 2011

G.S.R. 53(E).—In exercise of the power conferred by Section 13 of the Inter-State River Water Disputes Act, 1956 (33 of 1956), the Central Government, after consultation with the State Governments, hereby makes the following rules further to amend the Inter-State River Water Disputes Rules, 1959, namely:—

1. In rule 6 of the principal rules,—

(a) in sub-rule (4), the following sub-rule shall be added, namely:—

“(4B) A retired Government servant appointed as whole time Assessor shall cease to hold the post of Assessor after seven years from the date of his retirement or on attaining the age of 67 years whichever is earlier.

“(4C) The Assessor of the existing tribunals on the date of this notification who has completed seven years from the date of his retirement or has attained the age of 67 years on the date of notification shall cease to be assessor of such tribunal on the expiry of three months from the date of this notification.”;

(b) for sub-rule (6), the following sub-rule shall be substituted, namely:—

“(6) A person appointed as an Assessor on part-time basis (whether a retired Government servant or a non-official) shall be paid such remuneration on a daily basis for the actual days spent on the Tribunal's work as may be determined keeping in view his status, experiences and qualifications. Provided that part-time Assessor shall cease to hold the post on attaining the age of 67 years.

“(6A) The part-time assessor of the existing tribunal on the date of this notification who has attained the age of 67 years on the date of notification shall cease to be assessor of such tribunal on expiry of 3 months from the date of this notification.”;

[F. No. 16/98-DM]

DHIRAJ VJAI SINGH, Secy.