



Secretary
Water Resources
Govt. of Goa
Secretariat, Porvorim Goa

No.Secy-WRD-Mhadei-1750/22-23/1217

Dated :24/01/2023

To
The Chairman
Central Water Commission,
New Delhi.

Sub: Kalasa Nala Diversion Scheme (Lift Scheme) & Bhandura Nala
Diversion Scheme (Lift Scheme) of Govt. of Karnataka.

Sir,

This is with reference to CWC O.M., undated and without dispatch number, issued by Project Appraisal (South), Directorate from file no.T-28027/2/2022-PA(S) DTE. The state of Goa hereby places on record that dissatisfaction and protest against inadequate appraisal of the DPRs of Karnataka by the CWC on following counts.

1. It is stated in para marked 4, page 3, of the said OM, that since the Tribunal has already given its Award, and the same has been notified and is binding on the party states, therefore it is not necessary to seek comments from the party states. This position by CWC may be valid if the inter state issues are limited to quantum of water to be used. In the present case, there are issues that go beyond merely the share of water in TMC.

An important issue, which seems to have escaped CWC's notice, is, whether the Kalsa Bhandura project is indeed a purely drinking water scheme as is being projected by Karnataka, or is it a scheme that involves irrigation also. Merely because the DPR says so doesn't necessarily mean that the Kalsa Bhandura scheme is only for drinking water purpose. The brief history of this diversion is as below.

A reservoir was constructed by Karnataka on Malaprabha river in the year 1972. At the time of construction of reservoir, the 75% dependable yield at reservoir site was estimated to be 46 TMC. However, subsequently Karnataka claimed that the yield is only 27 TMC and therefore there is shortage of water in Malaprabha reservoir. The reason for such a large variation in the yield has never been explained adequately. The revised DPR of Malaprabha reservoir was cleared by the CWC in the year 2009 without adequately investigating the reason for such a drastic reduction in the yield.

That as it may be, the available water in Malaprabha reservoir is sufficient to meet the drinking water requirements of the twin cities of Hubli and Dharward, and more areas. The principle stated in the National Water Policy, that drinking water requirement has the first claim on any available water, applies to water available in the Malaprabha basin as well.

Thus there is no shortage of water in Malaprabha for drinking water needs. Shortage if any, is for irrigation. In this context, the

assessment by the Tribunal of the testimony of Shri G. M. Madegowda, expert witness for the state of Karnataka on drinking water requirements, may be referred to in volumes V and VI of the final report of the Tribunal, wherein the mismanagement of drinking water supply by Karnataka has been adequately brought out.

Suffice to say that, the Kalsa Bhandura scheme is actually for supplementing water in Malaprabha reservoir where it will be used for irrigation also, but is being projected as a purely drinking water scheme to escape an in-depth scrutiny by the CWC and Environmental Clearance. This would have been brought to the notice of CWC, had the DPR been shared with Goa and Goa's comments were invited.

2. It is stated in para 3, page 3 "Technical appraisals of the DPRs has been carried out as per the guidelines for assessment of water availability for non-irrigation uses 2012" of CWC which inter alia suggests that projects envisaging use of water for non-irrigation purpose is required to be appraised from water availability and inter-state/international issues only. There are two reasons why the technical appraisal of Kalsa Bhandura scheme can not be limited to water availability and inter-state/international issues only.

a) First, as explained in the foregoing, this scheme involves use of water for irrigation purposes, though it is being projected as a drinking water scheme.

b) Second, the Tribunal had not intended that the CWC restrict their scrutiny only to these two aspects. The Tribunal is not bound by the CWC guidelines.

Therefore, the appraisal by CWC is inadequate and should have covered all aspects.

3. One inter state aspect other than share of water, has already been explained in the foregoing, namely whether Kalsa Bhandura is indeed a purely drinking water scheme. Another aspect is, dam break analysis and safety of down stream areas in Goa, in the event of a dam break. It is difficult to understand that this will be examined by CWC if the dam is for irrigation, but will not be examined if the dam is for drinking water. If the dam breaks, the impact on the downstream areas will be same irrespective of whatever was the purpose of the dam.
4. The project should be in accordance with the final award of the Tribunal. This includes, that capacity of the infrastructure proposed to be created should be sufficient to divert **only the** quantity of water allowed to be diverted by the Tribunal, and no more. However, the state of Goa has reasons to believe that the capacity of the conduit already constructed at Kalsa is far in excess of the diversion permitted by the Tribunal at Kalsa, namely 1.72 TMC. The technical comments given by CWC are not available to us and therefore it is not clear whether the CWC has noticed this and has asked the state of Karnataka to reduce the size of inter connecting conduit to divert no more than 1.72 TMC; and whether

the CWC has also limited the size of other infrastructure to transfer no more than 1.72 TMC. If not done, this needs to be done now.

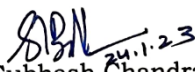
5. Regarding the permissions required by the State of Karnataka for undertaking Kalsa Bhandura project, the CWC in their O.M. under reference has taken cognizance of only the conditions stipulated in para a to d in clause VIII of the award. This is not correct. The Kalsa Bhandura project is additionally governed by clause X also. Very briefly, during the proceedings the state of Goa had filed an IA seeking a stay on diversion of water at Kalsa Bhandura scheme. The Tribunal decided this IA in favor of Goa and vide their order dated 17.4.2014, and stayed any further action by Karnataka to divert water at Kalsa Bhandura scheme. A copy of the said order is enclosed for ready reference.
6. This stay continues, and is not vacated by the Tribunal allowing Karnataka to divert 1.72 TMC at Kalsa-Bhandura scheme. Vide clause X, the Tribunal had ordered that this stay will continue to be operative and will stand vacated and/or revoked **only after** certain conditions are met, which are enumerated in para i to iv of clause X. Clause i requires state of Karnataka to prepare revised DPRs; clause ii requires that these DPRs be appraised and cleared by the Central agencies; clause iii requires that all mandatory clearance are obtained as per the law; and clause iv requires that the revised DPR be duly approved either by the Mahadayi Water Management Authority or the Union Government. Since the MWMA is not yet constituted, therefore the approval has to be given by the Union Government, which means by the concerned Ministry and

not by an attached or subordinate office of the Ministry. It seems the CWC is not aware of this clause X and therefore has given a go ahead to Karnataka to proceed with the scheme after obtaining other mandatory clearances.

It is therefore requested that:

- a) The undated OM under reference be withdrawn immediately.
- b) The revised DPR and all other documents received from the state of Karnataka be shared with the state of Goa;
- c) A reasonable amount of time may be allowed for the state of Goa to study these and give their comments;
- d) The comments from state of Goa be taken into account vide clearing the revised DPR as per clause X.ii of the award.
- e) The appraisal may not be limited to only water availability and inter state aspects, but cover all aspects.
- f) It may be appreciated that inter state aspects are not limited to merely the quantum of water used. There are other issues too.

Yours faithfully,


(Subhash Chandra)
Secretary(WR)