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No. 9/52/93-ISM/76
Central Water Commission
Inter-State Matters Directorate

R.No.202(S), Sewa Bhawan
R.K.Puram New Delhi-66.
Dated: 12-2-96

SUBJECT:- 'GUIDELINES' to be followed to determine whether Inter-State aspects are involved in a project received for appraisal in Central Water Commission and procedure to be followed within CWC for clearance from Inter-state angle.

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The above said guidelines were discussed in CWC's Commission 148th and 152nd meetings and it was decided in 152nd meeting held on 15.12.94 that the broader guidelines are to be adopted/followed, as appended in the Annexure. These guidelines would be followed for internal use of the organisations of CWC for identifying whether the projects under examination is having any inter-state aspect/angle or not. The same is circulated for information and further necessary action please.

Encl: As above

AMP
(T.D. REDDI)
DIRECTOR (ISM)

1. P.S. to Chairman, CWC, Sewa Bhawan, New Delhi.
2. P.S. to Chairman, Central Electricity Authority, Sewa Bhawan, New Delhi.
3. P.S. to Member (WP&P), CWC, Sewa Bhawan, New Delhi.
4. Chief Engineer, Project Appraisal Organisation, CWC.
5. Chief Engineer, Project Preparation Organisation, CWC.
6. Director, R.M. Coordination Directorate, CWC.
7. Director, WP&P Coordination Directorate, CWC.
8. Director (TC), CWC, New Delhi.
9. Director (D&R) Coordination Directorate, CWC.
10. Section Officer, (CM&V) Section, CWC, New Delhi.

ANNEXURE

Guidelines to be followed to determine whether Inter-State aspects are involved in a project received for appraisal in CWC and procedure to be followed within CWC for clearance from Inter-State angle.

1. The project envisaging utilisation of waters of an inter-state river basin should strictly conform to the awards of Inter-state Water Dispute Tribunal (ISWDT) award or the valid Inter-State Agreement wherever available. In case of any difference of opinion between the project/State authorities and CWC, regarding interpretation of any portion of the Award/Agreement, opinion of concerned co-basin/party states could also be obtained for review only in CWC.

2. In case where an I.S.W.D.T. has been constituted and its award is awaited, individual projects could be processed if all the basin States agree for it otherwise they have to wait till the receipt of final Tribunal Award.

3. (i) Projects situated in an Inter-state river basin where no Tribunal Award or valid Inter-State Agreement is available or where no Tribunal has been constituted, a cautious and judicious approach, particularly in regard to water utilisation under the project may have to be followed. This may cover protecting committed utilisation under existing, on-going and sanctioned projects with due regard to possible future upstream and downstream developments. It would be desirable if the concerned States concur with the project. Initiatives can be taken by CWC unless reservations are expressed by the concerned States.

(ii) Effect of the proposed project on downstream existing/sanctioned projects in other States may have to be analysed in CWC. Projects having no substantial effects on other States may be cleared from serious Inter-state issues.

In case the proposed operation of the project is likely to have some adverse effect on the operating pattern of the downstream project or on the provisions of any interstate agreement/Tribunal Award, an interstate monitoring mechanism with the participation of concerned States may be suggested.

4. In case the project is likely to cause substantial harm to other basin State, specific approval of the affected State is essential. These may inter-alia include (i) submergence (ii) increased flood hazards and (iii) deterioration of water quality etc.

5. An Inter-state joint project between some or all the concerned States also needs to have specific agreement in respect of sharing of cost and benefits, submergence and land acquisition etc. in addition to the water utilisation agreement in accordance with principles described under paras (1), (2) and (3) above.

6. In case of additions/alterations in existing projects on Inter-state rivers, concurrence of other affected states needs to be obtained.

7. In case of H.E. or thermal projects, requirements for consumptive uses has to be within the allocated shares of the States. In cases where allocations are not there, consumptive uses have to be as per concurrence of other basin States.

CENTRAL WATER COMMISSION

MOST IMMEDIATE

Government of India
Ministry of Water Resources
(Projects Section)

Subject : Committee to look into whole aspects of clearance of projects by the Advisory Committee and investment clearance by Planning Commission after constituting a Tribunal for resolution of inter-State Water Disputes.

Reference: i. MOWR Order No. 27/7/2005-P.I dated 7th June, 2005
ii. CWC U.O. No. 7/2-KB/05-ISM/872 dated 14th October, 2005

Vide the Orders cited at reference (i) the Government of India in the Ministry of Water Resources constituted a Committee with the following Terms of Reference:


- i. To examine whether techno-economic clearance ought to be given to the projects when an Inter-State Water Disputes Tribunal has been constituted to examine inter-State allocation of water and related issues in a basin in which the projects are located.
- ii. To examine whether investment approval ought to be given by the planning commission for the projects in such cases.

2. The Committee submitted its Report vide the reference (ii) cited.

3. After careful consideration of the recommendation of the Committee the following guidelines are issued on the matters related to the terms of reference mentioned in the paragraph above:-

- i. That in basins where a Tribunal has been constituted for the first time for examining issues relating to inter-State allocations of water, the CWC shall not consider its techno-economic clearance of a project except with the prior consent of the Tribunal concerned.
- ii. Techno-economic and investment clearance could however be considered for those projects, for which an agreement is reached among co-basin States under intimation to the Tribunal.
- iii. In cases where a basin State seeks a techno-economic or investment clearance for a project using the waters as allocated to it by the orders of an earlier Tribunal, such clearances may be considered by the CWC or the planning commission, notwithstanding that a subsequent Tribunal may have been constituted for considering water sharing issues in the same basins provided, the project proposed by a State is within the allocations made by the earlier subsisting Award.

This is
again done
P.C. will not
agree


(P.PADMANABHAN)
SR. JOINT COMMISSIONER (PR)
Phone: 23710131

File for
information of MOWR
Chn
again with

Chief Engineer (IMO), Central Water Commission, Sewa Bhawan, R.K. Puram,
New Delhi.

MoWR U.O. No. 27/2/2005-PR | 04

Dated 16 January 2006