

ILR in Supreme Court



In view of the aforesaid, we direct that the matter shall be listed again in the month of November, 2005, and status report be filed within three months from today.

UPON hearing counsel the Court made the following order on 7th April 2006:

After the order was made by this Court on 8th August, 2005 issuing directions for placing on Website the feasibility reports and issuing other directions in respect of Parbati Kalisindh-Chambal Link and Godavari(Polavaram)- Krishna (Vijayawada) Link, status report for the period between 1st July, 2005 and 10th November, 2005 was filed on 23rd November, 2005. Today, further progress reports indicating development between 10.11.2005 and 7.4.2006 have been filed.

In respect of feasibility report for 16 links [14 in Peninsular and 2 (Indian Portion) in Himalayan Component], it has been stated that National Water Development Agency (NWDA) has placed feasibility report of 14 links under Peninsular Component of National Perspective Plan on Website, namely, www.riverlinks.nic.in / www.nwda.gov.in. The dates on which the feasibility reports were put on the Website have been given in an Annexure to the status report. In respect of two Himalayan component links, the status report states that though feasibility reports are ready for Indian portion, since these rivers emanates from Nepal, the matter is required to be discussed with the Government of Nepal and, therefore, the feasibility report in respect of these links is not yet ready for being placed on the Website. We hope that the matter will be expedited.

We accept the suggestion given by Mr. Ranjit Kumar, learned amicus curiae that the Website should also contain a contact interactive on which site those intending to give suggestions can place their suggestions so that those suggestions can straight away reach the concerned authorities. The Website should also indicate the date of the next meeting of the Committee of Environmentalists, Social Scientists and other experts. We direct the implementation of this suggestion expeditiously.

Regarding Ken-Betwa Link, it is stated that the Memorandum of Understanding was signed between the Union Minister of Water Resources, the Chief Ministers of the States of Madhya Pradesh and Uttar Pradesh for preparation of the Detailed Project Report (DPR) by the Central Government. A copy of the MoU has been filed with the affidavit dated 23rd November, 2005. The DPR is to be prepared by NWDA. In the first meeting held on 27th March, 2006, it is stated that the modalities of preparing DPR are deliberated and DPR is likely to be ready in a period of 2-3 years. The statement as to the period is very vague. The Bar Chart filed on 5th May, 2003 by the Union of India, time for completion of DPR was mentioned as end of 2005. Be that as it may, the authorities will consider expediting the completion of DPR and in the next status report give a concrete information to this Court.

In respect of Parbati – Kalisindh – Chambal Link, next meeting of two States, viz., Madhya Pradesh and Rajasthan, is slated for 17th April, 2006. It is further

stated that in a recent Governing Body meeting of NWDA held on 10th March, 2006, Uttar Pradesh has also requested for making them as a concerned State in this link.

The status report further mentions that a meeting of Committee of Environmentalist, Social Scientists and other experts was held on 28th October, 2005 under the Chairmanship of Secretary (Water Resources) in which learned amicus curiae was also invited as a special invitee and he attended the said meeting wherein a Power Point presentation on Ken-Betwa link was also made. Various suggestions were made by experts in that meeting. The experts stressed the environmental issues that need to be addressed while preparing the DPR. It is also noted that need for participation of Stake holders involving Govt. representatives, NGOs and local people at grass root level starting with Gram Panchayat level was stressed in the planning process of the Inter Linking of Rivers (ILR) programme. The minutes of that meeting, however, have not been placed on record. The same shall be filed alongwith the next status report.

The composition of the Committee of Environmentalists, Social Scientists and other experts on Inter Linking of Rivers is in terms of Office Memorandum dated 28th December, 2004. If any suggestions in respect of the composition of the Committee are required to be made, the same shall be sent to learned amicus curiae, who may forward it to the learned Solicitor General for Government's consideration.

The status report also refers to an NGO having organised a programme on 11th November, 2005 on the issue of Interbasin Water Transfer Proposals, Water Disputes, Privatisation of Water etc., which is said to have been attended by the representatives of Jal Biradari of about 20 States besides other dignitaries wherein Ken – Betwa link was also discussed in a separate session. Reference have also been made to the meeting of the Consensus Group stating that the meeting scheduled for 21st February, 2006 could not be held due to request of postponement of the meeting made by the Government of Maharashtra on account of Budget Session of the State.

The next status report shall be filed in respect of developments upto 31st July, 2006 by the 2nd week of August, 2006 where after the matter shall be placed before this Court.

UPON hearing counsel the Court made the following order on 6th November 2006:

List the matter before the Hon'ble Court.

UPON hearing counsel the Court made the following order on 22nd January, 2007:

Learned Solicitor General of India submits that the Union of India would like to file a fresh status report shortly. Permitted to do so. Post this matter after four weeks.

UPON hearing counsel the Court made the following order on 09th May, 2008:

As a last chance, petitioner has to comply with the court's order dated 2nd November, 2007,

Before 7th July, 2008
List the matter on 7th July, 2008.

UPON hearing counsel the Court made the following order on 7th July, 2008:

Sufficient time has been granted. Hence no further time can be granted by this Court for compliance of order dated 2nd November, 2007. Office has to take appropriate steps, as per rule.

UPON hearing counsel the Court made the following order on 02nd March, 2009:

Notice on I.A. Nos. 3.
Union of India and states are granted four weeks time to file counter affidavit.

UPON hearing counsel the Court made the following order on 14th May, 2009:

Issue notice to the Respondent No. 14 by dasti.
Counsel for the petitioner is directed to produce affidavit regarding proof of dasti service.
List the matter on 22nd July, 2009.

UPON hearing counsel the Court made the following order on 22nd July, 2009:

Vakalatnama is not filed for Respondent Nos. 2,3,8,11,13,14,18 and 30. Counter Affidavit is not filed on behalf of Respondent Nos. 4-7, 9-10, 12, 15-17, 19-20 & 31.
Respondent No. 1 has filed counter Affidavit.
Respondent No. 1 is directed to comply with the request made in the Registry's letter dated 25th June, 2009 to serve copy of the counter Affidavit upon Mr.Nikhil Nayyar and Mr. Ranjit Kumar within a week.
List the matter before the Hon'ble court.

UPON hearing counsel the Court made the following order on 19th October, 2009:

Learning amicus curiae says that a Committee for the networking of rivers is already there under the Ministry of Water Resources and it has already met twice. We request that proceedings of the Committee as also the Status Report may be filed by the Union of India by the end of November, 2009.

List in the 2nd week of January, 2010.
Reply, if any, may be filed by the Union of India in I.A.No.3.

UPON hearing counsel the Court made the following order on 11th January, 2010:

Learned Solicitor General of India submits that the status Report is being filed.
List after eight weeks.