

Minutes of the Second meeting of the Group on legal aspects under Task Force for Interlinking of Rivers held at SewaBhawan, New Delhi on 15th September, 2016

Second meeting of the Group on Legal Aspects under Task Force for Interlinking of Rivers was held on 15.09.2016 at 11.00 AM in the Conference Hall of CWC, Sewa Bhawan, R.K. Puram, New Delhi. The meeting was convened by Shri A.B. Pandya, Former Chairman, CWC and Member Convenor of the Group. He welcomed all the Members, Invitees and other participants. Later, Shri R.K. Jain, Chief Engineer (HQ) took up the agenda items. List of participants is enclosed as Annex-I.

Item No.2.1: Confirmation of the Minutes of the 1st meeting of ‘Group on legal aspects under Task Force for Interlinking of Rivers’ held on 19th August, 2016 at New Delhi

Shri R.K. Jain, Chief Engineer, NWDA informed that the minutes of the 1st meeting of ‘Group on legal aspects under Task Force for Interlinking of Rivers’ held on 19.08.2016 at New Delhi were circulated to all the members vide letter No. SCILR/Tech/400/11/2016 dated 14th September, 2016. As no comment has been received from any of the Members, the minutes of the first meeting of the Group on legal aspects under Task Force for ILR may be confirmed as circulated. Accordingly, the minutes of the first meeting were confirmed as circulated.

Item No.2.2: Follow-up action on the decisions taken during the last meeting

Position on follow up action on decisions taken in the last meeting mentioned in the agenda notes as under were noted by the Members and other participants:

1. Existing Legal provisions should be listed at one place and circulated before the next meeting--
 - Circulated by E-mail dated 14.09.2016.
2. Papers of Shri A.D. Mohile for proposed CBIP session and that of Shri Avdresh Pratap should be circulated.
 - Circulated by E-mail dated 22.08.2016 and 30.08.2016.
3. Information regarding Draft National Policy Guidelines for Allocation of Inter-State River Water amongst States (1998) prepared by National Water Board should be obtained from NWP Dte of CWC.
 - Being Obtained.
4. Gist of Supreme Court Judgments should be prepared.
 - Circulated by E-mail dated 14.09.2016.

5. The quantum of work and complexity of the issues involved in the subject matter before the Group required sufficient time to deliberate and come out with the proper recommendations. Therefore, the Task Force for ILR may be approached for extension of tenure of the Group on Legal Aspects by another four months.
 - Discussed with Chairman Task Force, he has agreed for 2 months period for submission of report.

Item No.2.3: Discussion on Existing Legal provisions

At this stage, Shri A.B. Pandya, Member Convenor intervened and mentioned that views of only two Members have been received so far. So he requested other Members to submit their views expeditiously so that discussion could take place in an effective manner on common points as well as other important points on legal aspects in the next meeting. Shri Virag Gupta, Member assured that he would be submitting his views in next 2-3 days. Shri A.B Pandya, Member Convenor also assured of early submission of his views. However no specific discussion could take place on the agenda item.

Item No.2.4: Discussion on Papers of Shri A.D. Mohile

No discussions took place as the material was required to be studied in greater detail.

Item No.2.5: Discussion on Papers of Shri Avdhesh Pratap

Three papers submitted by him were discussed and reviewed by the Group. It was decided that views/papers of each Member should be circulated to all the Members so that if any Member want to comment on other Member's views/paper, they can do so in the next meeting.

Item No.2.6: Discussion on Gist of Supreme Court Judgments

Shri Virag Gupta, Member told that in PIL filed in the Supreme Court prayer was made on two aspects, i.e., Interlinking of Rivers and Nationalisation of Rivers. Hon'ble Supreme Court, while giving its judgement, allowed interlinking of rivers. However no judgement on nationalisation of rivers was given. So in his opinion, this issue should be taken first. Secondly law for interlinking of rivers should be enacted under the existing constitutional provision; He wanted to know whether any River Board has been by the Parliament under River Board Act, 1956. It was clarified by the Member Convenor that most of the Boards constituted by the Parliament was project specific like Betwa Board, Bansagar Board, etc and not for the development of whole river basin. Further these Boards were not constituted under the provisions of River Board Act, 1956. However he told that Brahmaputra Board constituted by the Parliament is for the whole basin and not project specific. Shri A.D. Mohile clarified that this Board has exclusively been created for the purpose of flood only. So any project without having component of flood control cannot come under the purview of Brahmaputra Board. However any Multi-Purpose Project having flood control as one of the component will come under purview of the Board. Thirdly Shri Virag Gupta emphasized the need for assessment of surplus water. It was clarified that this is already being done.

Shri Virag Gupta also raised the issue of ground water with surface water. He told that when there can be legislation for ground water, why not for surface water. Shri Pandya was of the view that the proposed legislation should have the word 'water' only and not river water so that both the surface and ground water can be covered under the Act.

Item No.2.7: Any other item as suggested by Members/Convener

Meeting ended with vote of thanks to the Member Convenor.

List of Participants

1.	Shri A.D. Mohile, Former Chairman, CWC	Member
2.	Shri Virag Gupta, Constitutional & Environment Law Expert	Member
3.	Prof. Avdhesh Pratap, Water Law and Management Expert	Member
4.	Shri A.B. Pandya, Former Chairman, CWC	Member-Convener
Officers from NWDA		
5.	Shri R.K. Jain Chief Engineer (HQ)	
6.	Shri N.C. Jain Director(Tech)	
7.	Shri M.K. Sinha Sr. Consultant	
8.	Shri Nagesh Mahajan, Deputy Director	