

Most Immediate
Speed Post/Email

R-19011/1/2018-Pen.Riv.
Government of India
Ministry of Water Resources,
River Development & Ganga Rejuvenation
(Peninsular Rivers Wing)

Room No. 353-C
Krishi Bhawan, New Delhi,
21st March, 2018

Subject: Minutes of the meeting held on 9.3.2018 to discuss the modalities to set up scheme in view of Supreme Court Order dated 16.2.2018 on Cauvery.

The undersigned is directed to refer to meeting dated 9.3.2018 on the subject mentioned above and to enclose minutes of the meeting for information and necessary action.

Encl: as above



(A.C. Mallick)

Under Secretary to the Govt. of India
acmallick@nic.in / Tel: 23383059

To:

- 1) Chief Secretary, Government of Tamil Nadu.
- 2) Chief Secretary, Government of Karnataka
- 3) Chief Secretary, Government of Kerala
- 4) Chief Secretary, Government of Puducherry
- 5) Chairman, Central Water Commission,
- 6) Additional Chief Secretary(WR), Government of Kerala
- 7) Principal Secretary(PWD), Government of Tamil Nadu.
- 8) Principal Secretary(WRD), Government of Karnataka
- 9) Secretary(WRD), Government of Karnataka
- 10) Secretary(PWD), Government of Puducherry
- 11) Chief Engineer(IMO), Central Water Commission
- 12) Senior Joint Commissioner(Pen.Riv.)

Copy for information to:

- 1) PS to Minister(WR, RD & GR)
- 2) PS to MoS(WR, RD & GR)
- 3) PS to Secretary(WR, RD & GR)
- 4) PPS to Joint Secretary(RD & PP)

**MINUTES OF MEETING HELD ON 09.03.2018 AT NEW DELHI TO DISCUSS
MODALITIES TO SET UP SCHEME IN VIEW OF SUPREME COURT'S ORDER
16.02.2018**

A Meeting with Chief Secretaries and Principal Secretaries (Water Resources Department) of Cauvery basin States was held on 09.03.2018 at New Delhi under the Chairmanship of Shri U.P. Singh, Secretary, Ministry of WR, RD & GR. The purpose of the Meeting was to discuss modalities to set up "scheme" under ISRWD Act, 1956 as directed by Supreme Court vide its order dated 16.02.2018. The list of participants is at Annexure – 1.

2. Secretary, Ministry of WR, RD & GR welcomed the participants and stated that as per order of Supreme Court, a "scheme" which may be called as Cauvery Management Board (CMB) or by any other name, is to be constituted within a period of six weeks from the date of order. As recommended by CWDT, the Cauvery Water Regulation Committee (CWRC) is to be constituted by CMB. He mentioned the different type of Board and Authorities function for management of inter-State rivers, like Bharkra Beas Management Board (BBMB), Narmada Control Authority (NCA), Tungabhadra Board, Betwa River Board (BRB) etc. He stated that CWDT in its Report had elaborated on the kind of machinery required to oversee the implementation of its award, with its scope, composition, functions and powers. However, the details of the machinery given by CWDT are recommendations and therefore some changes for better implementation of the final award could be made in the "scheme" by the Central Government before notifying it. He, thereafter, requested the States to express their position on the issues.

3. Chief Secretary, Tamil Nadu stated that the meeting to discuss modalities to set up scheme for implementation of Hon'ble Supreme Court's order dated 16.02.2018 was not necessary. According to Tamil Nadu, CWDT Report, so far as Cauvery Management Board is concerned, has not been interfered with and therefore, no interference is called for in the composition, functions, power etc. of CMB as recommended by CWDT. She stated that order of Supreme Court should be implemented in full letter and spirit without loss of time and requested the Central Government to take immediate steps to constitute CMB and CWRC as stipulated in CWDT Report, without any modifications.

4. Chief Secretary, Puducherry stated that CMB as recommended by CWDT fully meets their requirement and should be formed by Central Government at the earliest possible. The mechanism of CMB is fair and its overall control should be retained by the Central Government

5. Chief Secretary, Kerala stated that the composition, functions and powers of the CMB as given in CWDT Report are recommendatory and the Central Government need not constitute the Board exactly as given in CWDT Report. He suggested that Board could be headed by Cabinet Secretary or Secretary, Ministry of WR, RD & GR with Chief Secretaries as its members as was done in 1998 notification on Cauvery River Authority. The Board should be an administrative body and not purely a technical body.

6. Chief Secretary, Karnataka stated that in the order of Hon'ble Supreme Court, there is no specific direction for constitution of Cauvery Management Board. Referring to the judgement, she stated that there is a direction for framing "scheme" for implementation of present decision of the Supreme Court, which had modified the earlier award of CWDT. According to Karnataka, the "scheme" so framed by Central Government should be a dispute resolution body and act only when there is a complaint from one or more basin States. The view of Karnataka Government was that as per Clause (7) of Section 6A of ISRWD Act, 1956, Central Government perhaps needs the approval of the Parliament before notifying the scheme.

7. Chairman, CWC stated that any scheme to be notified by the Central Government has to ensure the implementation of monthly quantum of water in normal and distress year and also evolve a methodology for sharing of waters of Cauvery Basin in the situation of distress.

8. The Joint Secretary (RD & PP), Ministry of WR, RD & GR read out the provisions of section 6A of ISRWD Act, 1956 clause by clause to elaborate the nature of the "scheme" to be framed under the said Section with its scope, composition, power, jurisdiction etc. He was of the view that the "scheme" envisaged under the Act is of permanent nature to deal with the issues on continuous basis.

9. A detailed discussion on the scope of judgment of Hon'ble Supreme Court and the "scheme" to be framed under ISRWD Act, 1956 followed. The Secretary, Ministry of WR, RD & GR summarized the discussions as under: -

- a) "Scheme" to be framed should be as per section 6A of ISRWD Act, 1956, for which there are no objections from any party States.
- b) According to State of Tamil Nadu and Puducherry, the CWDT Report so far as Cauvery Management Board is concerned has not been interfered with and therefore, no interference is called for in the scope, composition, functions, power etc. of CMB and CWRC as recommended by CWDT.
- c) According to State of Kerala, the composition, functions and powers of the CMB as given in CWDT Report are recommendatory; therefore, the composition, powers and scope etc. could be different. Kerala was in favour of an administrative Board rather than purely technical Board.
- d) According to State of Karnataka, in the order of Hon'ble Supreme Court, there is no specific direction for constitution of Cauvery Management Board and CWRC.
- e) The States were open to have the HQ of the organisation, formed as an outcome of the "scheme" framed under Section 6A of ISWRD Act, 1956 at any of the four party-State capitals or in Delhi.

10. Secretary, Ministry of WR, RD & GR requested States to communicate their views in writing at the earliest possible, so that further action can be taken up by Central Government to comply with the directions of Supreme Court.

The Meeting ended with thanks to the Chair.

LIST OF PARTICIPANTS OF THE MEETING HELD ON 09.03.2018 AT NEW DELHI TO DISCUSS MODALITIES TO SET UP SCHEME IN VIEW OF SUPREME COURT'S ORDER DATED 16.2.2018

MINISTRY OF WATER RESOURCES, RD & GR

1. Shri U.P. Singh, Secretary (WR, RD& GR) – in Chair
2. Shri Sanjay Kundu, Joint Secretary(RD&PP), MoWR, RD &GR
3. Shri R.K. Kanodia, Sr. JC, MoWR, RD &GR
4. Shri A.C. Mallick, Under Secretary (Pen.Riv)
5. Shri Rajesh Kumar, Section Officer(Pen.Riv.)

CENTRAL WATER COMMISSION

6. Shri S. Masood, Husain, Chairman, CWC
7. Shri Navin Kumar, Chief Engineer (IMO)
8. Shri B.P. Pandey, Director
9. Ms Preeti Chowdhary, Deputy Director

GOVERNMENT OF TAMIL NADU

10. Dr. Girija Vaidyanathan, Chief Secretary
11. Shri S.K. Prabhakar. Principal Secretary, PWD
12. Shri R. Subramanian, Chairman, Cauvery Technical Committee
13. Shri N. Muruganandan, Principal Resident Commissioner.

GOVERNMENT OF PUDUCHERRY

14. Shri Ashwani Kumar, Chief Secretary
15. Shri A Anbarasu, Secretary(PWD/Water Resources) cum Development Commissioner
16. Shri K.K. Singh, Addl. Resident Commissioner

GOVERNMENT OF KERALA.

17. Shri Paul Antony, Chief Secretary
18. Shri Tom Jose, Addl. Chief Secretary(WR)
19. Shri Joshy K A, Chief Engineer(ISW)
20. Ms Geetha N, Deputy Director, ISW, Irrigation
21. Shri James Wilson, Special Officer, Inter State Water
22. Shri Vijaya Kumar P G, Nodal Officer, WRD

GOVERNMENT OF KARNATAKA

23. Smt. Ratna Prabha, Chief Secretary
24. Shri Gurupada Swamy B G, Secretary, WRD.
25. Shri Rakesh Singh, Principal Secretary (WRD)
26. Shri M Bangara Swamy, Chief Engineer, ISW, WRDO, WRD
27. Shri Sriramaiah, Principal Technical Advisor, WRD
28. Shri M.S. Mohan, US