

**Minutes of the Second Meeting of the Joint Committee
on the Kosi and Gandak Projects
(6-7 December, 2004)**

The Second Meeting of the Joint Committee on the Kosi and Gandak Projects (JCKGP) was held on 6 -7 December 2004, at Patna. The Indian delegation was led by Mr. Devi Rajak, Engineer-in-Chief, Water Resources Department, Government of Bihar, Patna and the Nepalese Delegation was led by Mr. Jitendra Ghimire, Director General, Department of Irrigation, HMG Nepal. The list of delegates is given in Annexure-I.

Mr. Devi Rajak, Chairman, Indian side welcomed the Nepalese delegates. He expressed hope that this meeting being held after a lapse of 3 years would help in resolving many of the outstanding issues pertaining to efficient operation and maintenance of Kosi and Gandak Projects.

Mr. J. Ghimire in his reply thanked for the hospitality extended to their team members by the Indian side. While referring to the geographical, historical and religious ties that bind the two countries together, he expressed the hope that the spirit of cooperation and mutual trust would be able to provide reliable and long term solution to the problems of these two projects.

It was followed by introduction of two sides by their respective leaders.

The delegates of both sides discussed and finalized the agenda items for the meeting. The item-wise discussion and decision are listed below :-

1.00 Confirmation of the Minutes of the 1st meeting held on 24-26 October 2001

The minutes of the 1st meeting was confirmed.

2.0.0 Operation and Maintenance (O&M) of infrastructure

2.1.0 Kosi Project

2.1.1 Security & Protection of Kosi Project Area

**Unauthorized
fishing**

Regarding the unauthorized fishing activity by the local Nepalese people in the prohibited area at and in the vicinity of Kosi Barrage, the Nepalese side informed that the intensity of these activities has reduced to a great extent. On request from the Indian side to stop fishing completely, the Nepalese side assured to look into the matter and further pursue it with the concerned authorities.

**Protection of
Project
materials**

The Indian side brought to the notice of the Committee that large quantities of construction materials are lying in and around the vicinity of barrage and that their protection needs to be assured. The Nepalese side assured that they would take up the matter with the concerned law and order authorities.

**Safety
measures for
Bharda Colony**

The issue of safety and security of Bhardah Colony was brought to the notice of the Committee. It was mentioned by the Indian side that the incidents of theft, ransacking and loot have occurred in past causing huge loss of project property. Although, the

concerned law and order authority of Nepal have taken action against the culprits, the Indian side felt that a comprehensive security mechanism meant exclusively for the project may help to stop recurrence of such incidents. The Nepalese side assured that they would take up the matter with concerned law and order authority, HMG Nepal

Checking point

Regarding the checking of vehicles passing through the Kosi Barrage at the entry point of Eastern Head Regulator by the administration of HMG Nepal, it was stated by the Indian side that it creates a kind of chaotic condition at the barrage and may create any untoward incident, and requested to shift the check point one kilometer away from the barrage ends. The Nepalese side stated that they would put up the matter before the concerned law and order authorities in Nepal.

Speed limit

The issue of fixing a speed limit of 10 Km /hr at the Kosi barrage was raised by the Indian side for the protection of the structural components as also to avoid any accident. It was also said that even though prohibitory speed limit signboards are put on the barrage the same are not enforced. The Nepalese side assured to take up the matter with the concerned local officials.

2.1.2 Operation & Maintenance of Kosi Project Area

Encroachment and unauthorized cultivation

The Indian side stated that, in spite of several meetings between the contact officers and subsequent assurances by Sunsari and Saptari district authorities, the problem of encroachment of embankment and permanent land, unauthorised cultivation of land in pond area and damage of Service Road by local Nepalese People continue. The Nepalese side were requested to take necessary action required for removal of these encroachments. The Nepalese side replied that the problem is old and long drawn one and requires close follow up action by the concerned agencies. They expressed that regular meetings of this Committee at a closer interval would be helpful in resolving the problem. However, they assured to take up the matter with concerned local authorities of HMGN.

Issue of I. Cards & Passes

Regarding facilitating the movement of Permanent staff of Kosi Project into the sensitive area, including reserve forest area, the Indian side expressed that the Identity Cards have already been issued by concerned Executive Engineer and L.O. Biratnagar and now it was required that all concerned authorities of HMGN accept these passes. The Nepalese side stated that as agreed in the first meeting of the Committee, necessary arrangements have been made to issue the Identity Card by the Eastern Regional Irrigation Directorate on the recommendation of the Superintending Engineer, Barrage Circle, Birpur. The Nepalese side requested the Indian side to follow the established procedure. The Nepalese side stated that if there was any instance of non-acceptance of the same by any of the officials of HMGN the same may be brought to their notice for necessary action.

Use of Yudhganj - Kusaha Road

The Indian side raised the issue of the unhindered and round the clock use of the Yudhaganj - Kusaha Road for carrying out all important anti-erosion and flood fighting works in an emergency situation from January to November every year. It was agreed that the Indian side would furnish the prior intimation regarding the number of persons employed in the work along with the quantum of materials to be utilized, on the basis of which the concerned authorities of HMG Nepal would be approached for required permission.

**Safety &
Security of
personnel**

Regarding the free access to the Kosi Project Officials on the 61 Km long Kosi embankment falling under Nepalese territory, the Nepalese side stated that in this case also, prior intimation of the persons requiring to travel round the clock along with the materials likely to be used in the maintenance work may be furnished to the HMGN authorities for their permission and providing necessary security.

2.1.3 Royalty / Custom duty etc. for supply of Construction materials

On the issue of royalty of sand, gravel and boulders, the Nepalese side informed that these were based on a formula and that the rates were revised based on the main economic indicator published by Nepal Rashtra Bank. It was decided that any change in rates along with basis thereof would be communicated to Government of Bihar periodically.

**Multipoint
Levying**

Regarding the issue of multi point levying raised by the Indian side, the Nepalese side stated that there was no such thing as multipoint levy in Nepal and that the HMGN has accordingly instructed all the concerned authorities not to charge levy at multiple points.

2.1.4 Erosion of Flood embankments on upstream as well as downstream sides of the Kosi Barrage.

The Committee noted that in the first meeting of JCKGP a Joint Sub-Committee was formed to report on the present status of the project in comparison to original Plans & Design. But, the Sub Committee was yet to submit its report. It was decided to activate the Sub-Committee in a revised form to take up the matter in right earnest and submit its report latest by October 2005. The revised composition of the Sub-Committee and its TOR are provided in the Annexure-II.

2.1.5 Operation of Gates in Western Main Canal (WMC) for supplying water to Kosi Western Main Canal of Nepal and maintaining full supply level in the canal

The Nepalese side expressed that timely supply of required quantum of water was the matter of essence and it required better maintenance of the canal gates along with the service road to be made operational. The Indian side stated that the gates were well maintained. It was decided that the Contact Officers would regularly monitor to ensure that adequate and timely water is supplied to Nepal.

2.2 Gandak Project

2.2.1 Unauthorised occupation of acquired and chart lands of the project by local villagers

Regarding the problem of unauthorized occupation of acquired and chart land of the Project by local villagers, the Nepalese side stated that in past also they have evicted the encroachers but somehow the problem resurfaces from time to time. They assured to take up the matter with concerned law and order authorities to address the problem.

2.2.2 Drainage Problem on the Main Western Canal (MWC) of Gandak Project in Nepalese Territory and the problem of frequent cuttings of MWC Banks by the local villagers

The Indian side stated that there are Three No. of CD Works across MWC at RD 5.85, 16.00 and 24.45 passing through Nepalese Territory. The drainage of accumulated water of Nepalese

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territory on the right side of MWC out falling in to Gandak river takes place through these structures (Siphons). Due to blockage of vents of these Siphons by silt together with other matters and accumulation of flood water near RD 1.7, 9.5, 11.85 and 56.0 of right side of MWC, it inundates large areas lying in between MWC and NWC. As a result Nepalese villagers used to cut canal at different point of MWC to get rid of the risk of damage by the anticipated flood water.

The Indian side further informed that in the light of the decision taken in JC KGP meeting, Indian side has been clearing all such vents almost every year before the onset of the monsoon. In addition, construction of inlets at RD 1.7, 9.5, 11.85 & 56 have been completed. Drainage Channels of system at 5.85, & 24 have also been widened in Year 2003 for smooth drainage of the affected area. As a result, last two kharif crops were comparatively better and at present there is no such problem of water-logging. Nepalese people are also co-operating in resolving these problems.

The Nepalese side stated that choking of the siphons occur through debris and silting of the canal upstream and downstream of the siphon at every passing of flood. The clearing of the siphon and the channel be carried out immediately after the passing of flood depending upon the condition of the drains so that inundation does not occur. Both sides agreed that Contact Officers jointly visit after each passing of flood and ensure the smooth operation of the siphons.

The Indian side brought to the notice of the Committee the specific instance of the incidence of May 29, 2004 when some local Nepalese villagers cut the wire ropes of the hoisting systems of the two gates of the Gandak Main Canal at RD 29.45 & took away some accessory of the gates along with the cut wire ropes. Apart from this major incident there is regular hampering of the gates being unauthorisedly handled by the local Nepali villagers causing serious threat to the safety of the canal lining. The Nepalese side assured to look into the matter through appropriate authority and also to create awareness among the water users of the system.

The matter of release of Debris and sludge of Koria Sugar Mill into the MWC at RD 16.08, which created the problem of choking of drains apart from environmental hazards, was raised by the Indian side. The Nepalese side assured to look into it and pursue the matter with concerned authority.

Damages to
dwarf gate
on RD
24.45 of
MWC

Release of
debris and
sludges

2.2.3 Water supplied to Nepal Eastern Canal

The Indian side stated that 850 cusecs of discharge were being released into the NEC. The Nepalese side referred to studies made by them which suggested that the discharge measurements were not accurate and there is a deviation in the discharge computation and the deficit is a correction factor of 0.7425. It was decided that the contact officers of both the sides would jointly observe the releases being made into the Nepal Eastern Canal. Both sides agreed that the observation should be verified by discharge measurement with current meter and come up to the cause of discrepancy and report it to the Committee before the next meeting.

The Nepalese side raised the issue of breaching of NEC due to Urea River flooding and canal breaches due to obstruction of flow through railway bridges on the Indian side. It was decided to instruct the Contact Officers to jointly verify the ground realities and suggest appropriate corrective measure before the next meeting of the Committee. They also requested to avail record and engineering drawings of the major structures on NEC which the Indian side agreed to provide.

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2.2.4 Maintenance of Service Road and Sections of MWC

The Nepalese side brought to the notice of the Committee the poor condition of metal service road of MWC in the Nepalese portion. The Indian side informed that the repairing of the road is included in the Saran Canal Restoration Project which is likely to be executed soon.

2.2.5 Maintenance of Design Pond Level at the Head Regulator of Nepal Western Canal

The Indian side stated that a Pond Level of RL 362.00 feet was being maintained at the Gandak Barrage and that there should be no problem on this score. However, the Nepalese side expressed that the water level of 362.50 feet at the HR of NWC could not be achieved.

A Sub Committee has been constituted to look into inter-alia the issue of pond level. It was agreed that the Sub Committee would also suggest way to insure delivery of agreed discharge into NWC. Composition of Sub Committee is appended at Annexure-III.

2.2.6 Maintenance of Full supply level and full supply discharge of Main Western Canal

As regards the maintenance of full supply level and full supply discharge of main western canal, it was decided that the Sub Committee constituted for item no. 2.2.5 above would also look at the ways to ensure agreed discharge into Piparpati distributary.

2.2.7 Power Tariff for supply of Electricity to Trivenibazar and other villages in Nepal adjoining the main canal


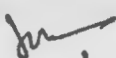
The Indian side raised the issue of payment of IRs. 50.98 lakhs by NEA to WRD, Government of Bihar. It was stated that the issue was also discussed under item no.8 of the minutes of the 7th meeting of the Indo-Nepal Power Exchange Committee. The Nepalese side expressed that since all matters related to Power exchange between the two countries were being discussed in the Indo-Nepal Power Exchange Committee, it would be appropriate to discuss the matter in that forum.

It was decided that the issue may be referred to the Indo-Nepal Power Exchange Committee for decision and hence dropped from the agenda of the Committee.

2.2.8 Control over discharge loaded with silt through the Nala adjoining the Power House by HMG Nepal

The Superintending Engineer, Gandak Irrigation Work Circle-I, Gorakhpur, Government of U.P. raised the issue of cutting of the Gandak MWC banks by the Local Nepalese villagers during the rainy season, which creates manifold problems for the Project authorities including disruption of the Kharif irrigation in the command area. He also raised the problem caused due to the inletting of the discharge of heavily silted Khajuria Nala in the MWC at R.D. 47 posing serious threat to the safety and security of the canal and its structure.

The Nepalese side stated that previously the Khajuria Nala dropped in Gandak river through the C.D. Structure at R.D. 43, which has since become defunct. They expressed the view that the problem was due to drainage problem on the country side of the MWC and needed to be studied for formulation of remedial measures.

It was decided that the Contact Officers, Superintending Engineer, Gandak, Gorakhpur, and Superintending Engineer, Barrage Circle, Valmikinagar of India and Division Chief, Western Regional Irrigation Development, Division No.7, Semari and S.D.E. Western Regional Irrigation Directorate, Pokhara, Nepal would submit a joint proposal after carrying out the necessary studies in this regard.

2.2.9 Custom Duty (Bhansar) on Construction Materials

The Indian side informed the problem being faced by Gandak Project Authorities who often face denial of permission on the part of Custom Office, Bhairahawa for transporting duty free construction materials from India to Nepal.

The Nepalese side informed that HMG/N has already communicated to concerned custom officials and that there would be no such problems.

3.0 Establishment

3.1 Salary allowances and facilities for the employees

The Nepalese side requested for adequate budgetary provisions and funds for Liaison Officer and Special Land Acquisition Office of Kosi Project and Liaison cum Land Acquisition Officer of Gandak Project. The Indian side assured that these are routine matters and would be duly taken care of.

Regarding the pension benefits to the temporary officers (appointed politically by HMG/N) it was clarified that as per the Govt. of Bihar's (GOB) pension rules, pension benefits are not admissible to them.

It was also clarified that the pay scales of these political appointees like Liaison Officer and Special Land Acquisition Officer of Kosi Project and Liaison Officer of Gandak Project are to be proposed by HMG/N for consideration and fixation by GOB.

Nepalese side proposed that salary of above Officers of both Projects should be at par with their corresponding level of GOB. On this issue the Indian side assured that GOB would look into the issue once the proposal is received through HMG/N.

3.2 Staff Quarter, Vehicles & Administrative Expenditures

Nepalese side informed that Liaison Officer of Gandak Project has joined recently and he has not been able to get appropriate government accommodation. Indian side assured to look into the matter in right earnest and this problem would be addressed at CE, Valmikinagar level.

Nepalese side also requested to provide one diesel operated vehicle for Gandak Project and two diesel operated vehicles for Kosi Project's two officials, who work separately, for smooth functioning. Indian side requested them to submit the formal proposal to the concerned Chief Engineers for the facilities and funds.

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3.3 Reimbursement of Administrative Expenditures in Kosi Project

The issue of the reimbursement of Rs. 57,39,164.23 for the settlement of the account due to administrative expenditure incurred on running the Liaison Office of Kosi Project was discussed. Nepalese side informed that as desired by Indian side they had already submitted the detailed expenditures to E.E., Head works, Birpur and gave a figure of about Rs. 59 lakhs instead of Rs. 57 lakhs, although these figures are to be checked and tallied with the vouchers. Indian side assured to look into the matter as the details have already been conveyed to the Indian side.

4.0 Payments

4.1.1 Outstanding Compensation of Land (Kosi & Gandak Projects)

The issue of Payment of eroded land of 1516 Bighas by the Kosi river during the years from 1961-64 was discussed. It was brought to the notice that the payment is pending for want of fixation of rate of compensation by Nepalese side. Nepalese side assured to send the rate of compensation after fixation as per HMGN norms.

Also, the issue of another area of 4400 Bighas eroded by the river in the year 1965-68 was discussed. During discussion it was brought to the notice that the figure of area (4400 Bigha) is yet to be verified. And it was observed that it may be difficult to get verified at field level as the matter belongs to about 40 years back, hence it was decided to verify the area by visiting the site and on the basis of records available at offices in Nepal as well as India.

It was agreed that relevant papers (available in concerned offices in Nepal and India) should be retrieved / collected and then jointly verified by the concerned officials. For this purpose, Nepalese Land Acquisition Officers and representative from the Ministry of Land Reforms & Management and Divisional Chief, IDD No.2, Sunsari and Indian Officers (Executive Engineer, Head works Division, Birpur; Executive Engineer, E.E.Div. Kusaha and E. E. , Kunauli) are tasked to search for papers in their offices, and thereafter they would jointly verify the papers and a report is required to be submitted before the next meeting of this Committee.

4.1.2 Payment of Land Tax due (Kosi & Gandak Projects)

The issue of land tax (due since 1987) of Kosi & Gandak Project amounting Indian Rs. 132410.36 and also Indian Rs. 1594226.94 respectively to be paid to Nepal was discussed. As desired by Indian side, the details of the land tax was to be submitted by Nepalese side. During discussion Nepalese side informed that Liaison Officer, Nepal has already submitted details of the land tax to GOB (E.E., Head Works Div. Birpur & Chief Engineer, Valmikinagar). Even copies of the few letters (regarding Kosi & Gandak) were handed over to the Indian side for references.

Indian side assured to look into the matter through the concerned offices and check the records and do the needful expeditiously.

4.2 Flood Control & Compensation for the Damaged Crops

Issue of crop compensation to Nepalese villagers for the damaged crops due to inundation and canal breaches during post construction period (particularly 1999 & 2001) was discussed.

Indian side raised the issue whether crop compensation is based as per the provision in the agreement or so. After discussion it was agreed that if the provision in agreement or any understanding reached thereafter (revised agreement or side letters) mentions the clause of crop compensation required to be paid on account of inundation or canal breaches during post construction period, only then the payment of crop compensations may be considered.

5. Lease of Land

Issue for purchasing or leasing of necessary land for the Kosi & Gandak Project Liaison office in Kathmandu was discussed. The Nepalese side reiterated its position as spelt out in the minutes of the first meeting of the Committee and stated that a formal proposal through diplomatic channel was required for consideration by the competent authorities in Nepal.

6. Exemption of Custom Duty

Issue of providing custom facilities to the Indian staff working in the Kosi and Gandak Project Liaison office in Kathmandu, on the lines of facilities extended to the staff of Embassy of India, was discussed in the meeting. Nepalese side was of the view that the matter could be considered if the request were made through diplomatic channel

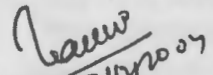
7. Restoration work of power canal

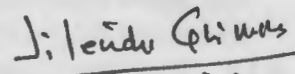
Restoration works schedule both in Kosi and Gandak Canals have been included in the programme. Detailed information from the Indian side will be made available before February 2005.

Both sides reiterated the commitment to hold the meeting of the committee on a regular basis as agreed earlier. It was decided that the third meeting of the Committee would be held in Nepal in November 2005.

The meeting was held in cordial and warm atmosphere.

Done at Patna, India on December 7, 2004.


(Devi Rajak) 7/12/2004
Engineer-in-Chief,
WRD, Government of Bihar


(Jitendra Ghimire)
Director General,
DOI, HMG Nepal

**MEMBERS OF 2nd MEETING
OF
THE JOINT COMMITTEE ON KOSI GANDAK PROJECTS BETWEEN INDIA & NEPAL
NEPALESE SIDE**

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| 1- | Mr. Jitendra Ghimire,
Director General, Department of Irrigation. | Chairman |
| 2. | Mr. A. K. Pokharel,
Deputy Director General, Department of Irrigation. | Member |
| 3. | Mr. S. N. Shrestha,
Director, Western Regional Irrigation Directorate, Pokhra. | Member |
| 4. | Mr. G. B. Katuwal,
Director, Eastern Regional Irrigation Directorate, Biratnagar. | Member |
| 5. | Mr. K. R. Dahal,
SDE, Representative of Ministry of Water Resources, Nepal. | Member |
| 6. | Mr. Shanker Bairagi,
Under Secretary,
Representative of Ministry of Foreign Affairs, Nepal. | Member |
| 7. | Mr. N. M. Joshi, SDE,
Representative of Water & Energy Commission Secretariat, Nepal | Member |

INVITEES

1. Mr. M. B. Pradhan, SDE, Department of Irrigation.
2. Mr. Sashi Bistha, Engineer, Department of Irrigation.

INDIAN SIDE

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| 1. | Shri Devi Rajak,
Engineer-in-Chief,
Water Resources Department, Bihar | Chairman |
| 2. | Shri L. P. Singh,
Director, Ganga Flood Control Commission, Patna | Member |
| 3. | Chief Engineer, Gandak, Govt. of U.P., Gorakhpur
(Represented by Shri Om Prakash, S.E., Gandak, Gorakhpur) | Member |
| 4. | Shri Devi Rajak,
Chief Engineer, Water Resources Department, Valmikinagar | Member Secretary |
| 5. | Shri Shankar Ram,
Chief Engineer, Water Resources Deptt., Birpur | Permanent Invitee |

INVITEES

1. Shri Tapas Kumar Sinha, Chief Engineer, Planning & Monitoring, W R D., Bihar.
2. Shri P. C. Yadav, Chief Engineer, Mechanical, WRD, Bihar.
3. Shri Ashram Rai, Deputy Secretary, WRD, Bihar.
4. Shri Arun Kumar Sinha, Liaison Officer, WRD, Bihar, Kathmandu.

OTHERS

1. Shri Ramesh Kumar, Executive Engineer, P&M Circle 5, WRD, Patna
2. Shri Awdhesh Kumar Jha, AE, P&M Circle 5, WRD, Patna
3. Shri Rabindra Kumar Shanker, AE, P&M Circle 5, WRD, Patna

MEMBERS OF SUB-COMMITTEE ON KOSI PROJECT

MEMBERS FROM NEPAL

1	Director	Eastern Regional Irrigation Directorate, Biratnagar	Team Leader
2	Division Chief	Irrigation Development Division No.4, Saptari	Member
3	Division Chief	Irrigation Development Division No.2, Sunsari	Member
4	Division Chief	Kosi Pump Chandranahar Irrigation Management Division No.2, Saptari	Member (New)
5	Representative	Department of Irrigation	Member

MEMBER FROM INDIA

1	Chief Engineer	Water Resources Department, Government of Bihar, Birpur	Team Leader
2	Superintending Engineer	Barrage Circle, Birpur	Member
3	Superintending Engineer	Flood Control Planning & Monitoring Circle, WRD, GOB, Patna	Member
4	Executive Engineer	Research & Investigation Division, WRD, Birpur	Member
5	Dy. Director	GFCC, Patna	Member (New)

MEMBERS OF SUB-COMMITTEE ON GANDAK PROJECT

MEMBERS FROM NEPAL

1	Director	Western Regional Irrigation Directorate	Coordinator
2	Mr. K R Dahal, SDE	MOWR, Nepal	Member
3	Mr. M B Pradhan, SDE,	Department of Irrigation	Member
4	Representative	DWIDP	Member

MEMBER FROM INDIA

1	Chief Engineer	Water Resources Department, Government of Bihar, Valmikinagar	Coordinator
2	Superintending Engineer	Barrage Circle, Valmikinagar	Member
3	Superintending Engineer	Flood Control Planning & Monitoring Circle, WRD, GOB, Patna	Member
4	Executive Engineer	Head Works Division, WRD, Valmikinagar	Member
5	Dy. Director	GFCC, Patna	Member

Terms Of Reference of the Sub-Committee

1. The Sub-Committee shall study and recommend the measures to ensure the delivery of agreed quantity of water for the Nepal Gandak Main Western Canal
2. The Sub-Committee shall study and recommend the measures to ensure the delivery of agreed quantity of water for the Piparpati distributary.
3. The Sub-Committee shall study and recommend methods for the protection of Nepal Gandak Main Western Canal due to back water flow of Thathiya Khola.

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