

Minutes of the First Meeting of the Joint Committee on the Kosi and Gandak Projects

The first meeting of the Joint Committee on the Kosi and Gandak Projects (JCKGP) was held from 24th to 26th December, 2001 in Kathmandu, Nepal. The Nepalese delegation was led by Mr. S. P. Sharma, Director General, Department of Irrigation, His Majesty's Government of Nepal and the Indian delegation was led by Mr. M. A. Rahman, Engineer-in-Chief, Water Resources Department, Government of Bihar, India. The list of the delegates is given in Annex-1.

In the beginning of the meeting, Mr. S. P. Sharma welcomed the Indian delegates and introduced his team members. In his welcome address, the Nepalese Team Leader highlighted co-operation between the friendly neighbouring countries citing several examples of treaties and agreements of the past. He further noted several outstanding issues on the Kosi and Gandak Projects. Most of the issues could not be discussed and sorted out in the past, because meetings of the respective coordination committees could not be held regularly. The Nepalese Team Leader also explained the background of the formation of the JCKGP.

Replying to the welcome address of the Nepalese Team Leader, the Indian Team Leader Mr. M. A. Rahman expressed his thanks for the warm welcome and hospitality extended to him and his team members. He introduced the members of the Indian delegation. In his address, the Indian Team Leader expressed the hope that the committee would facilitate the solution of long standing issues on the Kosi and Gandak Projects.

The delegates of both sides discussed and finalised the agenda items for the meeting, which are listed in Annex-2. The itemwise discussion and decisions are listed below.

1. Finalisation of Terms of Reference

The Terms of Reference prepared by both the countries were presented in the meeting. After discussion, the Terms of Reference for the JCKGP was finalised, which is given in Annex-3.

2. Operation and Maintenance (O&M) of Infrastructures

2.1 Kosi Project

2.1.1 *Security and Protection of Kosi Project Area*

The Indian side brought to the notice of the joint committee regarding security related matters namely, unauthorised fishing in the vicinity of barrage area and theft of materials, damage to the canal facilities and assault on the project staff. The Nepalese side took into notice the issue and assured the Indian side that it would pursue the matter through the concerned authorities. Arrangements shall be made to issue pass with photographic identification to the permanent staff of the Kosi Project to enter into sensitive areas including reserve forest area for O&M. Arrangement for issuing the pass to seasonal staff would be made as and when required. The liaison office of the Kosi Project, Biratnagar and the Eastern Regional Irrigation Directorate would coordinate with the security authorities in Nepal for issuing the

pass. The identity cards would be issued on the basis of recommendation by the Superintending Engineer, Barrage Circle, Birpur.

2.1.2 Operation and Maintenance of Kosi Project Area

The Indian side mentioned issues related to operation and maintenance of Kosi Project area namely- encroachment of embankment and permanent land, unauthorised cultivation of lands in pond area and other places by the local people, canal cutting, unauthorised handling of canal gates and damage done to service roads. The Nepalese side assured that necessary actions would be pursued for the effective solution to problem.

2.1.3 Royalty Custom Duty, etc. for Supply of Boulders

The Indian side brought to the notice of the joint committee that the royalty rates of sand, gravel and boulders for the Kosi Project were being revised without any consultation with the Government of India. They also raised the issue of multi-point levying. It was agreed that the Nepalese side would look into the matter in detail and the issues would be discussed in the next meeting of JCKGP.

2.1.4 Erosion of Flood Embankments on Upstream as well as Downstream Sides of the Kosi Barrage

The Nepalese side brought to the notice of the JCKGP that the flood embankments and the spurs on both upstream and downstream sides of the Kosi barrage were not properly maintained by the Indian side. Because of these situation, wide areas in Sunsari and Saptari Districts in Nepal were under the threat of flood devastation. They also stated that several local drains, which were joining the Kosi River in the upstream and downstream of barrage earlier changed course southwards significantly changing the drainage pattern of the area. The Nepalese side further stated that the flood control facilities should be brought back to the original shape and size. The Indian side stated that due to the meandering tendency of the river it is not possible to restore the facilities to their original shape. The Indian side informed the joint committee that they would be taking up anti erosion measures before the coming monsoon. The Nepalese side brought to the notice of the committee that during the past few decades of operation of the project the Kosi River had been attacking and eroding its constructed facilities on both banks. After discussion it was agreed to form a joint sub committee as given in Annex-4 to report on the present status of the project in comparison to original plans and designs and necessary measures to be taken.

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 the concern of not getting design amount of water in the Western Canal of Nepal because of low water level in WMC. The Indian side stated that the required water level was being maintained at the WMC. The joint committee decided to direct the Contact Officers for monitoring water levels in the WMC. The Contact Officers for this purpose would be Executive Engineer, Western Kosi Canal Division, Kamauli, India and Project Manager, Kosi Western Pump Canal, Rajbiraj, Nepal.

2.2 Gandak Project

2.2.1 *Unauthorised Occupation of Acquired and Chart Lands of the Project by Local Villagers*

The Indian side brought to the notice of the joint committee that the right guide bund of the Gandak barrage had been encroached by the local people, who had constructed small structures over it and use the space to run their shops and other activities. They also created problems in smooth and proper operation of barrage gates and often created problems during nights. The Indian side further noted that similar situation was found on the Gandak Main Western Canal Banks between R.D. 2.5 and R.D. 6.8. The Nepalese side took into notice the issue and assured the Indian side that it would pursue the matter through the concerned authorities. 77

2.2.2 *Drainage Problem on the Main Western Canal (MWC) of Gandak Project in Nepalese Territory and the Problem of Frequent Cutting of MWC Banks by the Local Villagers*

The Indian side brought to the notice of the joint committee that there had been increasing tendency of local Nepalese villagers to cut the MWC on one pretext or the other. They further noted that the local villagers had been offering resistance to the men engaged at the repair works. Such activities were frequent during Khariff season and there had been instances of cutting of MWC at RD 9.5, 11.8 and 56 by local people causing large scale dislocation in Khariff irrigation activities in Gandak command area in UP and Bihar. The Nepalese side stated that the root cause of the problem was blocking of the floodwater flow. The Nepalese side further stated that out of the four cross drainage works in MWC from RD 0.0 to RD 47, the siphon near RD 43 was damaged and plugged by the project authority. The remaining three siphons near RD 6, 16, and 24 were not cleared regularly as agreed in earlier meetings. The drainage channels downstream of these siphons were not cleared. As a result, floodwater inundates a large area in between MWC and Nepal Western Canal. The canal near RD 56 of MWC breached long ago. The breaches were due to floodwater overtopping the bank of MWC caused by choking/closure of siphons.

Regarding the opening at RD 9.5 and 11.8, the Nepalese side requested to construct inlet structures near RD 9 and 12 of MWC for the solution to the inundation problem of the area. The Nepalese side also requested to reopen the siphon near RD 43 of MWC. The Indian side stated that regular cleaning of siphons was being undertaken, but the siphons tended to get resilted due to high silt load during monsoon. The joint committee decided that the Indian side would continue to clear the siphons, excavate drainage channels downstream of the siphons to the required shape and size up to the outfall. The closure of the canal cuts at RD 9.5 (right), 11.8 (right) and 56 (left) should be carried out simultaneously while the Nepalese side would coordinate to resolve the problem with the local people.

2.2.3 *Water Supply to the Nepal Eastern Canal*

The Nepalese side brought to the notice of the joint committee that the Nepal Eastern Canal was not getting its rightful share of 850 cusecs discharge from the Don Branch Canal. The Indian side produced the recent discharge records of the Nepal Eastern Canal Head Regulator from the Don Branch Canal. The joint committee decided to assign the Contact Officers for periodic joint observations of the discharge measurements. The Contact Officers for the

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purpose would be Chief, Narayani Irrigation Project, Birgunj, Nepal and Executive Engineer, Don Canal Division, Ramnagar, India.

2.2.4 Maintenance of Service Road and Sections of MWC

The Nepalese side stated that the service roads of the MWC and the lined sections of the MWC were in very poor condition since they were not maintained properly within the Nepalese territory because of which there had been very poor accessibility and a possibility of canal breach. The Indian side stated that the service road was not in such a bad condition as stated, however they assured that necessary repair needed would be undertaken for smooth movement of inspection vehicles and repair of canals would be undertaken where it is necessary.

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

The Nepalese side brought to the notice of the joint committee that the pond level at the head regulator of the NWC was not maintained by the Indian side to the design level of 362.5 ft. The Indian side assured that the design pond level would be maintained. The joint committee decided to monitor jointly the pond level at the barrage and the head regulator of NWC by the Contact Officers. The Contact Officers would be the Chief, District Irrigation Office, Nawalparasi, Nepal and Executive Engineer, Barrage Division, Valmikinagar, India.

3. Administrative Issues

3.1 Number of Staff in the Liaison and Land Acquisition Offices

The joint committee discussed the issue of downsizing the Liaison and Land Acquisition Offices of the Kosi and Gandak Projects in line with the understanding reached in the Secretary level meeting held on 27-28 June, 1992 in Kathmandu. The joint committee agreed to maintain the strength of the offices to 21 and 25 in Gandak and Kosi Projects respectively while the staff currently working in positions in excess of these numbers would be allowed to continue till their superannuation or voluntary retirement. The positions within the agreed 46 number and posts, if vacant, would be filled up by His Majesty's Government of Nepal.

The Nepalese side brought to the notice of the joint committee that three personnel appointed by His Majesty's Government of Nepal and working for last three years in the Kosi Project office had not received salary since their appointment. The Indian side agreed to check the details and revert.

3.2 Salary, Allowances and Facilities for the Employees

The Nepalese side stated that the position and responsibilities of the Liaison Officers of the Kosi and Gandak Projects were dignified ones. They had not been getting salary, allowances and facilities at par with their positions. They further stated that the disparity of pay that existed between Liaison Officer, Gandak Project, Balmikinagar and the Liaison Officer Kosi Project, Biratnagar needed to be rectified. The Indian side brought to the notice of the joint committee that the matter of disparity of pay was under consideration at the concerned level of State Government of Bihar, India. They further assured that quick decision to this effect would be taken and the Nepalese side would be notified immediately.

The Nepalese side stated that Mr. Madhav Lal Shrestha, who served as Land Acquisition Officer in the Gandak Project for 23.33 years and retired had to be provided with pension, retirement benefits and other outstanding dues. They further stated that Ex Liaison Officer Col. H. B. Basnet, who served the Gandak Project for 12.66 years should also be provided with outstanding benefits. The Indian side agreed to look into the matter seriously.

The Nepalese side also noted that Mr. Ravindra Kumar K.C., whose post was converted from that of Secretary to that of Assistant Liaison Officer in the Kosi Project in 1977 had not been paid with the salary as well as pension increment since then. They also handed over a copy of his application with related documents to the Indian side. The Indian side stated that the fact of the case would be verified and necessary actions would be taken accordingly.

3.3 Staff Quarters, Vehicles and Administrative Expenditures

The Nepalese side stated that the maintenance budget for staff quarters and vehicles and other administrative expenditures were not adequate and available in time for the smooth functioning of the Liaison Offices of the Kosi and Gandak Projects. They also stated that the staff quarter of the Liaison Officer of the Gandak Project was not suitable and they requested to provide the quarters used by Liaison Officer previously at Valmikinagar. The Indian side agreed to look into the matter.

3.4 Hindi Language Certificate

The Nepalese side requested the Indian side for the exemption of the Hindi Language certificate requirement in case of the Nepalese employees that would be working in the Kosi and Gandak Projects. The Indian side agreed to recommend this matter to the concerned Indian authority.

3.5 Reimbursement of Administrative Expenditures in Kosi Project

The Nepalese side requested the Indian side for the reimbursement of administrative expenditures that were made to run the liaison office of the Kosi Project. They also brought to the notice of the joint committee that a total amount of IRs. 5,739,161.23 was yet to be reimbursed from the Government of India for the settlement of the account. A copy of the earlier request for the reimbursement was handed to the Indian side in the meeting. The Indian side agreed to look into the matter.

4. Land Compensation

4.1 Kosi Project

4.1.1 Outstanding Compensation of Land

The joint committee discussed the issue of erosion of a total area of 1,516 bighas of Land by the Kosi River during the years from 1961 through 1964. The area was jointly verified for the compensation, however, the rate of compensation has remained undecided. Similarly, another area of 4,400 bighas, which was eroded by the river in the years 1965-1968 is yet to be verified jointly. The Indian side requested that necessary details be furnished in order to take follow up actions.

4.1.2 Due Payment of Land Tax

The Nepalese side brought to the notice of the joint committee that an amount of IRs. 1,132,410.36 to cover the land tax in the Kosi Project and IRs. 1,594,226.94 of the Gandak Project were due from the Government of India from 1987. The Indian side requested for the further details.

4.2 Gandak Project

4.2.1 Flood Control and Compensation for the Damaged Crops

The Nepalese side brought to the notice of the joint committee that due to the construction of MWC and blocking of drains there had been inundation problems every year on the right side of the canal. The compensation for the damaged crops amounting to NRs. 839,038.45 due to inundation in 1993 has not yet been paid. Crop compensation of submergence of 88 bighas of land near RD 25 in 2001 evaluated by a joint team is required to be fixed. The Indian side assured the joint committee that would look into the matter and take necessary action at the earliest.

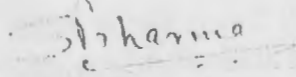
5. Purchase/Lease of Land for the Kosi and Gandak Project Liaison Office


The Indian side requested the Nepalese side for purchasing or leasing of necessary land for the Kosi and Gandak Project Liaison Office in Kathmandu. The Nepalese side stated that the matter would be taken up in line with the legal provision of the Kingdom of Nepal through the proper channel of His Majesty's Government of Nepal.

6. Exemption of Custom Duty on Personal Effects of the Officers of the Kosi and Gandak Project Liaison Office

The Indian side requested to provide custom facilities to the Indian staff working in the Kosi and Gandak Project Liaison Office in Kathmandu on the lines of facility extended to the staff of Embassy of India. The Nepalese side stated that the matter could be considered if the request were made through the Embassy of India through diplomatic channel.

Signed on December 26, 2001 in Kathmandu


 (Mr. S. P. Sharma)
 Director General
 Department of Irrigation
 His Majesty's Government of Nepal


 (Mr. M. A. Rahman)
 Engineer-in-Chief
 Water Resources Department
 Government of Bihar, India

List of Delegates from Nepal

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| 1. Mr. S. P. Sharma, Director General, Department of Irrigation | Team Leader |
| 2. Dr. U. N. Parajuli, DDG, Planning Div., Department of Irrigation | Member-Secretary |
| 3. Mr. K. P. Timilsena, Director, Eastern Regional Irrigation Directorate,
Biratnagar | Member |
| 4. Mr. S. B. Regmee, Director, Western Regional Directorate,
Pokhara | Member |
| 5. Mr. A. K. Jha, Chief, District Irrigation Office, Sunsari, | Member |
| 6. Mr. H. N. Jha, Chief, District Irrigation Office, Saptari | Member |
| 7. Mr. J. L. Karna, Chief, District Irrigation Office, Nawalparasi | Member |
| 8. Mr. S. S. Shrestha, Ministry of Water Resources | Member |
| 9. Mr. M. S. Paudel, DDG, River Training Division,
Department of Irrigation | Special Invitee |

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List of Delegates from India

1. Mr. M. A. Rahman, Engineer in Chief, Bihar Team Leader
2. Mr. R. C. Agrawal, Chief Engineer, Gandak (UP) Member
3. Mr. H. S. Singh, Director, GFCC (Patna) Member
4. Mr. Rajendra Prasad, Chief Engineer, Gandak (Bihar) Member-Secretary
5. Mr. T. K. Sinha, S.E. Planning/Monitoring, WRD, Bihar Special Invitee
6. Smt. Nagma M. Mallick, First Secretary (Commerce),
Embassy of Republic of India, Kathmandu Member
7. Mr. A. K. Sinha, Liaison Officer, Kosi Project, Kathmandu Special Invitee

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**Terms of Reference
Of
Joint Committee on Kosi and Gandak Projects**

The Terms of Reference of the Joint Committee on Kosi and Gandak Projects (JCKGP) shall be as follows:

1. The JCKGP shall deal with all activities formerly dealt with by Kosi Coordination Committee and Gandak Coordination Committee.
2. The JCKGP shall make recommendations on the matters pertaining to operation, maintenance and management of Kosi and Gandak projects and shall initiate for the execution of the understandings reached.
3. The JCKGP shall look into and shall recommend to the concerned authority(ies) to act on the issues pertaining to security and protection of Kosi and Gandak Project area.
4. The JCKGP, as and when necessary, can form subcommittee/s to look after or to study specific issues related to Kosi and Gandak projects.
5. The JCKGP shall monitor progress on understandings of earlier meetings of the respective Coordination Committees on Kosi and Gandak. It shall also monitor the progress of the understandings of this Committee.
6. The JCKGP shall report its progress to the Joint Committee on Water Resources (JCWR).
7. The meeting of the JCKGP shall be held as and when required but at least once every year alternatively in Nepal and India at places mutually agreed upon
8. The cost of execution of the matters recommended by the JCKGP shall be borne as per the agreements on Koshi and Gandak Projects

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Members of Sub-Committee on Kosi Project

Members from Nepal:

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| 1. Director, Eastern Regional Irrigation Directorate, Biratnagar | Team Leader |
| 2. Chief, District Irrigation Office, Saptari | Member |
| 3. Chief, District Irrigation Office, Sunsari | Member |
| 4. Representative, Department of Irrigation | Member |

Members from India:

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| 1. Chief Engineer, WRD, Government of Bihar, Birpur | Team Leader |
| 2. Superintending Engineer, Barrage Circle, Birpur | Member |
| 3. Executive Engineer, Headworks Division, Birpur | Member |
| 4. Superintending Engineer, Flood Control and Monitoring Circle,
WRD, GOB, Patna | Member |

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