

CWC is abdicating its responsibility on Kosi disaster Kosi Enquiry Commission must persist with CWC to find the truth

The Central Water Commission (CWC) sent its response to the Kosi Bandh Katan Judicial Enquiry Commission, through Letter No 7/2/2/2009-FM.II/427 dated 04.12.2009, authored by C P Singh, Director FM-II, issued "with the approval of Chairman, CWC" as the letter says.

This is our comments sent to the Kosi Enquiry Commission (KEC), in response to KEC notice dated March 4, 2010 on the KEC website (<http://kosi-aayog.bih.nic.in/>).

The 7 page letter from CWC firstly responds to the Terms of Reference of the Enquiry Commission.

1. The first TOR includes, "whether there was any negligence by any individual, institution, government officials in preventing the breach in "Eastern afflux bund" in August 2008, causing change of course of river Kosi..."

As one can see from response of CWC posted on the KEC website mentioned above, CWC refuses to answer this question at all. It does not say that the breach did not happen due to negligence, so it indirectly agrees that the breach indeed happened due to negligence, but it does not name any individual, institution or government officials. India's apex water resources institution needs to clearly respond to such an important issue, particularly when responding to a judicial enquiry commission.

2. Second TOR of the Kosi Enquiry Commission says, "whether anti erosion work on embankment of Kosi particularly Eastern bund was completed by the concerned officials of Govt of Bihar, before on-set of Monsoon season 2008 and whether the recommendation made by the field Engineers of the State Government of Bihar for undertaking major restoration works on being accepted by Kosi High Level Committee could have prevented the breach in Eastern Afflux Bund."

This is a very important TOR. The apex water resources agency of India, senior officials of which were directly involved in the work of sanctioning, monitoring, certifying

and ascertaining the completion of the above mentioned works, should have clearly stated A. if the work was completed before the onset of the 2008 monsoon and B. if the recommendations of the field engineers (which were hugely diluted first by the Kosi High Level Committee and then by its sub committee) were accepted for implementation, could the breach have been prevented?

These questions are not only important for knowing the truth about the reasons

behind the breach but also important to make necessary amends in the monitoring, sanctioning, implementing and certifying mechanisms. But CWC has refused to answer these crucial questions, as can be seen from the CWC response. We request CWC to kindly answer these questions.

By not answering these questions, either CWC is trying to hide something or to protect someone, or is unable to find answers to these questions, posed by no less than a government appointed judicial commission. In either case, Indian water resources development is in serious crisis.

3. The third TOR of the Kosi Enquiry commission asks, "whether any follow up action was taken by Government of Bihar during the period 1990 till 2005 for strengthening of Spur, Bund, Dams and reservoirs commissioned in the year 1963..."

The response of the CWC is that "No information in this regard is available with CWC". This is quite shocking response. So the Central

Water Commission, India's apex water resources organisation, senior officials of which organisation are also involved in monitoring, sanctioning and certifying the flood management works particularly in the Nepal portion of the Kosi project, which were the issue in question, says that it has no information about the actions taken by the Bihar government! This clearly is a self certification of inaptitude on such crucial issue. We would request CWC to kindly withdraw this answer and give full picture of works as requested by the TOR of the Enquiry Commission for the sake of lakhs of people

The CWC does not say that the breach did not happen due to negligence, so it indirectly agrees that the breach indeed happened due to negligence, but it does not name any individual, institution or government officials.

The CWC, senior officials of which were directly involved in the work of sanctioning, monitoring, certifying and ascertaining the completion of the Kosi embankment related works, should have clearly stated A. if the work was completed before the onset of the 2008 monsoon and B. if the recommendations of the field engineers (which were hugely diluted first by the Kosi High Level Committee and then by its sub committee) were accepted for implementation, could the breach have been prevented?

whose life is at stake when the works that CWC is in charge of in various capacities hold or fail. It should be added here that the Member (River Management) of Central Water Commission is supposed to be an ex officio member of the Kosi High Level Committee and CWC cannot feign ignorance about the works on Kosi project in Nepal being sanctioned, monitored and certified year after year. Incidentally, the Member (RM) of CWC was not a member of KHLC in his personal capacity, but was on KHLC on behalf of CWC.

The second part of the CWC answer here, that Bihar government executes the Kosi project related work in Bihar "as per its priority and availability of funds" is misleading. As later pointed out by Bihar government officials in their response, since all the works regarding Kosi project in Nepal are funded by the Govt of India. Thus the question of availability of funds and priority do not arise.

4. The fourth TOR of the Enquiry commission asks, "whether due to change in morphology of river Kosi in the year 1979, due to occurrence of massive landslide inducing Eastward slide of the course, was adequately taken care of for of damages in future and whether the agency responsible for preparing flood proofing schemes took precautionary measures after satellite imagery showed that river Kosi flowing very close to the eastern afflux band."

CWC answer that it has no information about this is again quite disturbing and we would request CWC to let the enquiry commission to know if it was at all aware about the landslide of 1979, the satellite imagery subsequently and the implications thereof.

5. The crucial fifth TOR of the Enquiry commission reads like this: whether High Level Kosi committee constituted in the year 1978 1. made recommendation for restoration of spurs, construction of studs, edge cutting works, etc and 2. whether the recommendations of the Kosi High Level Committee were cleared by the Govt of India and 3. implemented by Govt of Bihar and 4. whether the recommendation made by Kosi high Level

Committee was adequate to prevent the breach of the eastern afflux bund. (The numbers 1, 2, 3 and 4 added to break the question into four parts).

As can be seen, there are four sub parts to this question and one had expected CWC to throw light on each of these since its officials were involved in the issues in each sub part. But as can be seen from the attached CWC response, CWC refuses to respond to any of issues raised. Such non response does not inspire any

confidence in this agency whose senior officials are involved at each stage of these issues on behalf of CWC. We request the CWC to respond to these issues and also request the Enquiry Commission not to accept such non responses and ask CWC to respond in detail to each question.

6. The sixth TOR of the Kosi Enquiry Commission is asking if the life of the embankment was 25 years as per the original 1954 project document and what other components were to be done as per the document, including soil and water conservation works in the upstream and if they were implemented.

The response of the CWC here is even more shocking. The CWC says that the 1954 document is not available! Nor does CWC respond to the specific questions asked, about life of embankment and so on, even though it has access to all the documents since 1954 to till date. Being

an apex technical body on water resources in India, it is supposed to know these things in any case. We request CWC to kindly respond to the questions in earnest.

7. In response to SANDRP (South Asia Network on Dams, Rivers & People)

submission (made to Kosi Enquiry Commission in March 2009 (the same is available on www.sandrp.in and Documents section of <http://kosi-aayog.bih.nic.in/>), CWC has given a narration of various reports suggesting how the 207 recommendations of the Rashtriya Barh Ayog report of 1980 have not been implemented over the years. The trouble is, CWC is equally responsible for this state of affairs and it has never shown the requisite enthusiasm or commitment to implement the RBA recommendations. Why has CWC not made it

The Member (River Management) and Chief Engineer (Lower Ganga Basin) of CWC are members of the GFCC and thus CWC is very much responsible for what action and inactions GFCC has done in this regard. It should also be remembered that most of the high level officers of CWC have all been involved in the work of the GFCC. For example, current chairman of CWC Shri AK Bajaj was chairman of GFCC in mid 2007. Later on, Shri RC Jha, the current member (RM) of CWC was chairman of GFCC. Thus both Shri Bajaj and Shri Jha have worked as GFCC chair during the period of neglect of the Kosi embankment that led to its breach in Aug 2008. Under the circumstances, CWC cannot get away by giving a misleading answer that GFCC is not responsible to CWC.

The response of the CWC here is even more shocking. The CWC says that the 1954 document is not available! Nor does CWC respond to the specific questions asked, about life of embankment and so on, even though it has access to all the documents since 1954 to till date.

conditional on the states to implement some of the important of the RBA recommendations while it sanctions the flood management projects? CWC cannot say that it is putting no conditions to states in such matters, flood management being a state subject. The funding and sanctioning of flood management projects by CWC are dependent on following certain norms set by CWC in any case. So why the CWC is not putting the condition to the States that it must follow the main RBA recommendations?

8. On the issue of implementation of the catchment area works in the catchment of the Kosi project highlighted in the SANDRP submission, the answer of the CWC is a non answer once again. What has CWC (and MWR) done to ensure that the catchment area treatment works are indeed implemented?

9. The response of the CWC that the paper presented by the CWC officers at the 1st Disaster management congress (quoted in SANDRP submission to Kosi Enquiry Commission in March 2009) on the situation at Kosi project is personal opinion of the officers is completely misleading. The SANDRP representation did not talk about the opinions, but about the facts about serious situation prevailing at the Kosi project as mentioned in the paper by the CWC officers and what did CWC do about it that situation.

The specific issue that SANDRP submission raised was: "In a paper titled "Kosi - A Review of Flood Genesis and Attempts to Solve this Problem" by officials of Central Water Commission AK Jha and DP Mathania (then posted

at the Joint Project Office for the Kosi Project in Biratnagar, Nepal), it is stated, "But, this engineering approach has proved to be far too insufficient in its objectives as at present the pond of the barrage at Hanumannagar is almost full of sediments. Soon the embankments would be ineffective to control the Kosi floods. It would thus be naïve to embark upon finding of this menace through structural measures...". This and other documents indicate that the officials in the government agencies at Patna and Delhi knew that the pond of the Kosi barrage was already full of sediments in 2006 and in fact much earlier. The question that needs to be posed to the officials at the CWC, Union Ministry of Water Resources, GFCC and Bihar WRD is, What had they done to address this problem and also what steps

This analysis highlights that CWC response to Kosi Enquiry Commission is far from adequate, is refusing to answer specific questions, it is providing misleading answers to many questions, it seems to be hiding some uncomfortable truths or protecting some persons. This will not help the cause of truth that the Kosi Enquiry Commission is supposed to unearth.

Most importantly, CWC is abdicating its responsibility by such responses. We request CWC to kindly revisit this submission and give clear and factual answers to the questions asked. We also request Kosi Enquiry Commission to persist with CWC and ask them to respond to the issues again and not accept non answers from CWC.

they had taken to ensure that this sedimentation does not lead to the disasters like the one Bihar witnessed in Aug 2008?"

By not answering these questions, the CWC has again tried to escape its responsibility & that cannot be accepted. We urge CWC to answer the issues on facts.

10. On the issue of responsibility of GFCC (Ganga Flood Control Commission, a body under Union Ministry of Water Resources), the response of CWC to the SANDRP submission should have stated that the Member (River Management) and Chief Engineer (Lower Ganga Basin) of CWC are members of the GFCC and thus CWC is very much responsible for what action and inactions GFCC has done in this regard. It should also be remembered that most of the high level officers of CWC have all been involved in the work of the GFCC. For example, current chairman of CWC Shri AK Bajaj was chairman of GFCC in mid 2007. Later on, Shri RC Jha, the current member (RM) of CWC was chairman of GFCC. Thus both Shri Bajaj and Shri Jha have worked as GFCC chair during the period of neglect of the Kosi embankment that led to its breach in Aug 2008. Under the circumstances, CWC cannot get away by giving a misleading answer that GFCC is not responsible to CWC.

This analysis highlights that CWC response to Kosi Enquiry Commission is far from adequate, is refusing to answer specific questions, it is providing misleading answers to many questions, it seems to be hiding some uncomfortable truths or protecting some persons.

This will not help the cause of truth that the Kosi Enquiry Commission is supposed to unearth, nor will it help the cause of the people who have suffered the impacts of the man made Kosi disaster of Aug 2008 or others who are risk due to the mismanaged works where CWC has such an important role. Most importantly, CWC is abdicating its responsibility by such responses. We request CWC to kindly revisit this submission and give clear and factual answers to the questions asked. We also request Kosi Enquiry Commission to persist with CWC and ask them to respond to the issues again and not accept non answers from CWC.

Himanshu Thakkar ht.sandrp@gmail.com, www.sandrp.in
Shripad Dharmadhari manthan.shripad@gmail.com,
<http://www.manthan-india.org>