F.No. 16/IWAI/Estt./Misc./08/2019 /2  
Dated: 11th September, 2019

Shri V.K. Kureel,
Chief Engineer,
IWAI, IWT Terminal,
Gaighat, P.O.- Gulzarbagh,
Patna - 800 007

Sub: Issues relating to management of terminals on the national waterways.

Sir,

Please refer to your e-mail dated 3rd. May, 2019 addressed to the Vice Chairman, IWAI, on the above mentioned subject.

2. The issues raised by you have been examined. Govt. of Bihar may be informed that ghats being utilized for transportation of cargos (such as Ro-Ro terminals) located on National Waterways come under the purview of Central Subject as per item nos. 24 & 30 of 7th Schedule (Article 246) of the Constitution and hence the agencies need to take NOC from IWAI. In view of this, State Govt. may please be appraised the above rule positin and accordingly direct the concerned agencies to submit their operation plans and seek NOC from IWAI through State Govt.

3. As per the proposed guidelines on the private jetty policy to be issued with the approval of the Ministry of Shipping, for operation of terminals on private land/land not owned by IWAI, necessary permission from IWAI is necessary. It covers Ro-Ro jetties also. Accordingly, IWAI HO is of the view that once the policy is approved by MoS, a stakeholder’s conference of all relevant States/UTs may be organized to make them aware of the constitutional/legal provisions.

4. This issues with the approval of the competent authority.

Yours faithfully,

( A. K. Mishra )
Director (Technical)
Following is the submission based on my interaction with state govt officials at highest level (Chief Secretary and Secretary Transport wings among others) Bihar and UP.

The IWAI as an entity is not a strange animal anymore thanks to the high visibility it has been able to attract due to JMVP interventions and high visibility cargo movements connected to PM's inaugural events.

Despite the above, or may be because of it, the image of IWAI has gone out to state administrations that IWAI is a cargo operator arm of the govt. They are not consciously aware that IWAI is primarily an Authority. all other roles are incidental and only for the time being till the time cargo movement by the private picks up.

I have to be at pains to explain the authority part. In Bihar govt meeting I had distributed copies of IWAI Act, 1985 and relevant notifications under this to highlight the authority element. Thankfully the CS gave patient hearing and agreed to get the issue examined by their legal dept. This was in context of the state govt giving Bankroasts' contracts of Ghatsi Ferry operations to private contractors. with this line of thinking any control on Ferry operation by IWAI would have been impossible( as envisaged in the IWAI regulations).

Similar lack of awareness is existing in state of UP and Jharkhand. In view of such prevailing circumstances it is suggested that IWAI enters into MoU with state govt's whenever required to exploit the potential of Waterways to the fullest, considering the role and responsibilities of each side in the development and utilisation of Waterways. this will also ensure no blind zone in responsibilities of each side. Here it is not untimely to mention that some of the operations in waterways like Ro-ro Ferry are prone to squabbles between rival business interest and may take dirty turn. the role of state govt's from Law and Order point will be extremely crucial.

Suggest that JMVP consultants prepare draft MoU with state govt's with all such issues in mind and these be signed prior to major cargo/ Ro-ro operations.

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Best Regards,

V K Kureel
Chief Engineer
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