



Maharashtra Water Resources Regulatory Authority

**Policy for Clearance under Section
11(f) of MWRRRA Act, 2005**

to

**Water Resources Projects which
undergo Change of Scope**

September 12, 2017

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1. Preamble :

The powers & functions of the Maharashtra Water Resources Regulatory Authority are spelt out in Chapter III of the MWRRA Act 2005. The Section 11(f) of the Act entrusts the responsibility of reviewing & according clearance to water resources projects in the State on the MWRRA.

Section 11(f) of the MWRRA Act, 2005 reads :

to review and clear water resources projects proposed at the sub-basin and river basin level to ensure that a proposal is in conformity with Integrated State Water Plan and also with regard to the economic, hydrologic and environmental viability and where relevant, on the State's obligations under Tribunals, Agreements, or Decrees involving interstate entitlements:

Provided that, while clearing the new water resources projects by the concerned for construction proposed by River Basin Agencies, the Authority shall ensure that Governor's Directives issued from time to time, relating to investment priority for removal of regional imbalance are strictly observed;

Provided further that, in respect of the projects situated in Marathwada and Vidarbha Regions, the powers to accord administrative approval or revised administrative approval, under this clause, shall in accordance with the Governor's directives, be exercised by the concerned River Basin Agency.

The provision in Section 12 (9) of the Act implies that the MWRRA shall bring out a policy for clearance to a project. Accordingly, MWRRA has brought out in April 2015, a policy document setting down guidelines for clearance of water resources projects. However, this document has primarily focused on the clearance of new projects. Subsequently, the Government of Maharashtra issued the GR dated November 16, 2016 which made it mandatory to seek the clearance of MWRRA under Section 11(f) before seeking Revised Administrative Approval to the projects involving change of scope.

On this background, the present policy is being evolved for scrutinizing the proposals posed to MWRRA for clearance, involving change in scope of the project as defined in GR dated November 16, 2016 or amendments made from time to time. The policy is laid down in what follows:

2. Submission of Proposals to MWRRA :

- 2.1 The Executive Director of the concerned, Irrigation Development Corporation shall seek the comments & recommendations of the State Level Technical Advisory Committee (SLTAC) on proposed revised Draft Project Report (DPR) involving change of scope and shall submit the proposal seeking clearance under Section 11(f) of the MWRRA Act along with SLTAC report and the copy of DPR. The Chief Engineer shall certify the correctness of technical & financial provisions in the DPR & in the proposal.
- 2.2 The proposal shall necessarily have following information. Information included in SLTAC report need not be reproduced in the proposal, only reference may be given.
- (a) Brief description of the project
 - (b) Layout details of scope of the project as per latest administrative approval and the change in scope proposed along with necessity & background of the proposed change.
 - (c) The information about status of Integrated State Water Plan & provisions therein about the project under consideration.
 - (d) Information about State's obligation as per interstate tribunal awards or interstate agreements with specific reference of the project under consideration.
 - (e) Water availability Certificate issued by the competent authority. If the increase in ICA is proposed, justification of availability of additional water shall be given.
 - (f) Cropping pattern as per approved DPR and as proposed for revised DPR.
 - (g) The economic viability of the added scope being primary aspect in assessing change in scope proposal, information obtained in Para 3.3(c) along with supporting calculations
 - (h) Copy of environmental clearance obtained from competent authority.
 - (i) Copy of forest clearance obtained from competent authority, if applicable.
 - (j) Details of additional land acquisition including forest area diversion, additional submergence and increased number of families to be rehabilitated due to change in scope.

- (k) Details of financial planning: source of budget, year-wise allocation that can be made without adversely affecting the other ongoing projects in the corporation, priority given to the project if any along with reasons.
- (l) Maps showing approved scope of the project, proposed change and physical progress.
- (m) In principle approval to change in scope obtained from the competent authority.
- (n) Justification regarding change in scope of the already administratively approved project rather than alternative of seeking fresh Administrative Approval for extended component.

3. Guiding Principles for Project Clearance :

Authority shall observe the following guiding principles for scrutiny & according clearance to the proposals involving change of scope in the project

3.1 Conformity of the Proposal with the Integrated State Water Plan (ISWP)

- a) Till the ISWP is approved by the State Water Council:
 - (i) If the original A.A. is accorded prior to the passage of the MWRRA Act, 2005, the proposal may be cleared with instructions to incorporate the ICA / CCA / water use in the ISWP provided the other criteria are fulfilled.
 - (ii) If the original A.A. is accorded after the MWRRA Act has come into being, then the proposal shall be deferred till ISWP is accorded approval.
- b) After ISWP is approved: The proposal shall be cleared if it is consistent with the ISWP.

3.2 Hydrologic Viability

- a) The water availability for the project including extended scope should be beyond any doubt at prescribed dependability. The project, and in particular extended scope, should not have adverse impact on water availability of other completed and / or ongoing projects on the downstream side. The total utilisation proposed in the project should be consistent with water utilisation limits specified in Tribunal Awards /

Inter State Water Sharing Agreements, if relevant, for the project under consideration.

The water availability certificate of the competent authority and observations of SLTAC shall normally be referred for this aspect. However, Authority can ask for any other relevant information / document and can frame its opinion.

- b) Proposal involving increase in the ICA by diluting the cropping pattern or decreasing the dependability / success rate shall not be cleared in normal circumstances.

However, where increase in ICA is proposed for giving benefits to lands of project affected persons (PAPs) / lands allotted PAPs, giving irrigation benefits to irrigation backlog region, naxalite area or DPAP area, the Authority may take considered view, if no alternative source of water is available to give benefit to such areas provided all other criteria are satisfied.

- c) In order to maximize water use efficiency & extend irrigation coverage on larger area, GoI has taken a policy to promote micro-irrigation¹

State Water Policy 2003 has identified micro-irrigation as one of the drought management tool (Section 2.8) & emphasized on promotion of micro-irrigation. Recently, State Government has also taken policy decision to promote Pipe distribution² & micro irrigation³.

Considering these facts, the Authority is of opinion that it would not be proper to discourage such water efficient technologies, particularly, when State's water resources are inadequate to give irrigation benefits to its entire culturable area, merely on the ground that deployment of such techniques would cause change in scope of ongoing project.

Hence proposals of change in scope caused by increase in ICA due to adoption of water saving techniques (Pipe distribution, micro irrigation etc.) shall be considered on merit basis provided such proposals fulfill other pre-requisite conditions.

¹ Operational Guidelines of Per Drop More Crop (Micro Irrigation) component of Pradhan Mantri Krishi Sinchai Yojna, (PMKSY) 2017, issued by Ministry of Agriculture and Farmers Welfare, Government of India, New Delhi.

² Government of Maharashtra, Water Resources Department's GR No. Irrigation 2015/C. No. 24/2015/ WR (Policy), dated January 13, 2017.

³ Government of Maharashtra, Water Resources Department's GR No. Misc. 2015/(550/4/15)/ IM (Policy), dated May 2, 2017

3.3 Economic Viability

- a) The entire project with revised scope should satisfy prescribed economic yardsticks. This shall normally be examined from SLTAC report. However, Authority may ask for any other relevant information and frame its opinion.
- b) Additionally, the incremental cost due to increase in scope shall be reasonable and justifiable for incremental benefits. This can be ascertained by calculating B. C. ratio and cost per hectare of ICA independently for extended scope of the project. Similar approach shall be taken for proposals involving increase in storage.
- c) The project authorities shall furnish the following information along with SLTAC report and detailed calculations:

	As per the original project planning	Entire project with Revised Scope	Added Components in isolation
Cost per ha of ICA			
Cost per Mm ³ of storage			
BC ratio			

Note : All figures shall be in Rs. lakh upto two decimals & shall be at same CSR level and supporting calculation sheets shall be enclosed.

- d) Projects which are completed as per earlier administratively approved scope and completion certificates are issued shall not be considered for clearance under change of scope category.

3.4 Environmental Viability

There are separate acts requiring projects to obtain environmental clearance and clearance for diversion of forest lands. The project authorities are expected to seek statutory clearance of competent authority. This issue does not therefore come under the purview of the Authority. However, Authority shall ascertain,

- a) Whether environmental clearance is applicable as per the scope of original project? If yes, whether is it obtained? If yes, the change in scope may be cleared, subject to condition that the environment clearance for modified scope shall be obtained as per the statutory provisions.
- b) If the environmental clearance is required as per the original scope, but the work has been commenced without obtaining the clearance, Authority shall not clear such proposals until necessary clearance is sought.

- c) If the environmental clearance is not required as per the original project scope but it is required as per the modified scope of the project, the project shall be cleared subjected to condition that the necessary clearance shall be sought before commencing the work components not covered in the original scope.
- d) Similarly, if the extended scope involves diversion of forest land, the work of the extended scope shall be undertaken only after forest clearance is sought.

3.5 Directives of Hon. Governor:

Hon. Governor of Maharashtra under the relevant constitutional provisions and the provisions in the MWRRA Act issues directives from time to time. Considering the huge balance cost of ongoing projects and in view of danger of spreading resources thin, the Hon. Governor had directed that the work on any new project shall not be started till the State Government is able to make adequate additional resources to complete those new projects within a defined time frame without affecting the availability of resources for ongoing projects.

In the context of these directives, Authority shall ascertain whether the additional financial burden due to added scope is materially causing thin spreading of the available resources affecting works of project envisaged in the original scope or other ongoing projects in the jurisdiction of development board and take a considered view on the proposal.

The Authority may clear the proposal with the instructions to give investment priority to components of work included in original project planning and avoid delay in giving benefits to beneficiaries identified in original scope.

- 4. Notwithstanding anything contained in the foregoing, the Authority may take considered decision on merit basis on each individual case, which shall be consistent with the provisions of the MWRRA Act, the State Water Policy and directives given by the Hon. Governor of Maharashtra from time to time.
- 5. This policy shall be applicable from the date of its issue.



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