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T. Ray
Advocate

Before the National Green Tribunal, Eastern Zone Bench, Kolkata
Original Application 30/2025/EZ

In Re: Sinking B'deshi vessel dumps toxic fly ash in river near Ghoramara, shows video shared by Panchayat member News item published in the Times of India Kolkata Section dated 17.02.2025.

...Applicant.

-vs-

The State of West of Bengal & Ors.

....Respondents.

Affidavit on behalf of the Irrigation and Waterways Department, the Respondents No. 5 above named.

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Rajib Ray

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Advocate

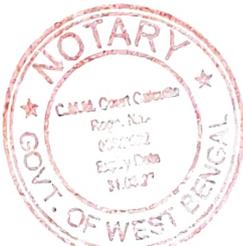
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(Signature)

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-vs-

The State of West of Bengal & Ors.

....Respondents.

Affidavit on behalf of the Irrigation and Waterways Department, the Respondents No. 5 abovenamed.

I, Shri Kalparup Pal, son of Late Akhil Chandra Pal, aged about 59years, by faith: Hindu, working for gain as the Executive Engineer & Technical Assistant to Superintending Engineer, Eastern Circle, Irrigation & Waterways Directorate, Government of West Bengal, having office at Jalsampad Bhawan, Salt Lake City, Kolkata – 700091, do hereby solemnly verify and say as follows :-

1. I am the Executive Engineer & Technical Assistant to Superintending Engineer, Irrigation & Waterways Department, Eastern Circle, Irrigation & Waterways Directorate, Government of West Bengal, and I have been duly authorized by the Joint Secretary, Irrigation & Waterways Department, Government of West Bengal to swear this affidavit for and on behalf of the Additional Chief Secretary, Irrigation & Waterways Department, Government of West Bengal. I have made myself acquainted with the facts and circumstances of the application from the records maintained by the office of the Irrigation & Waterways Department.
2. That this affidavit is being affirmed in pursuant to the solemn order passed by the Hon'ble Tribunal on 19.02.2025 whereby the Hon'ble Tribunal was pleased to direct all the respondents to file counter affidavit within four weeks.





3. That the instant case is related to a sinking Bangladeshi vessel illegally dumping toxic fly ash into the Muriganga river, raising serious environmental concerns.

4. That the functions of the Irrigation and Waterways department, Govt. of West Bengal are envisaged as follows:

- i) Development and regulation of the state's inland water resources with the object of preventing and controlling floods & waterlogging
- ii) Flood protection and anti-erosion work of the river embankment.
- iii) Providing and administering irrigation works
- iv) Maintaining waterways and producing water-generated power but excluding Salt Lake Development Projects.

5. That in Sundarban area, Irrigation & Waterways Department is responsible for maintenance and strengthening of the embankments for flood control within the 12 nos Blocks in South 24 Parganas, such as 1. Kakdwip 2. Sagar 3. Patharpratima 4. Namkhana 5. Mathurapur I 6. Mathurapur II Joynagar II 8. Kultali 9. Basanti 10. Gosaba 11. Canning I 12. Canning II and 10 nos Blocks in North 24 Parganas as 1. Hingalganj 2. Sandeshkhali I 3. Sandeshkhali II 4. Minakhan 5. Haroa 6. Hasnabad 7. Basirhat I 8. Basirhat II 9. Baduria 10. Swarupnagar alongwith 3 nos Municipalities as 1. Taki 2. Basirhat 3. Baduria..

6. Taking up anti-erosion works are also fall under the jurisdiction of Irrigation & Waterways Department within the above cited Blocks along the bank of rivers like Bidya, Gomor, Raimongal, Matla, Hogol, Hana, Kapura, Sarsa, Pathankhali, Thakuran, Olion, Gurakhal, Nabipukur, Pakchara, Mridangabhanga, Gobadia, Jagaddal, Raidighi, Nakchara, Saptamukhi, Curzon Creek etc.

7. Irrigation & Waterways Department has no control of the navigation through National Waterways like river Hooghly (National Waterways – 1) and other waterways in Sundarban.(National Waterways – 97)



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8. However, Inland Waterways Authority of India is mandated and empowered under the National Waterways Act, 2016 and the Inland Waterways Authority of India Act, 1985 to take all such measures as are deemed necessary or expedient for the purpose of shipping and navigation, and for matters connected therewith or incidental thereto, through National Waterways like National Waterways – 1 (as detailed in the Schedule of National Waterway Act- 2016) and National Waterways – 97 (some river stretches in Sundarbans area as detailed in the Schedule of National Waterway Act- 2016).

The photocopies of "National Waterway Act- 2016" and "Inland Waterways Authority of India Act, 1985" are enclosed herewith and marked as 'Annexure-A' collectively.

9. That, the answering respondent craves leave of the Hon'ble Tribunal to file additional replies in the future, if required.

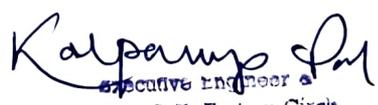
10. That, in view of the above, the answering respondent herein shall abide by all directions passed by Hon'ble Tribunal in the instant matter.

11. It is therefore prayed that the Hon'ble Tribunal may pass necessary order or further orders as it deems fit and proper in the interest of justice.

12. The statements made in paragraph 1 to 8 are based on information derived from the record which are usually kept and maintained by the answering respondents in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

Prepared in my office


Advocate


Executive Engineer &
A. to S. E., Eastern Circle
Inland Waterways Dept
Govt. of W.B.




N. DASGUPTA
Notary
Regn. No. 006/2022
3, Bankshal Street
Calcutta-700001

SOLEMNLY AFFIRMED
&
Declared Before me
on Identification Adv

NOTARY
N DAS GUPTA
C.M.M. COURT
Govt. W.B.

05 MAR 2025

THE NATIONAL WATERWAYS ACT, 2016

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement.
2. Existing national waterways and declaration of certain inland waterways as national waterways.
3. Declaration as to expediency of control and development by Union of waterways specified in Schedule for certain purposes.
4. Amendment of section 2 of Act 82 of 1985.
5. Repeal of certain enactments and saving.

THE SCHEDULE.



THE NATIONAL WATERWAYS ACT, 2016

ACT No. 17 OF 2016

[25th March, 2016.]

An Act to make provisions for existing national waterways and to provide for the declaration of certain inland waterways to be national waterways and also to provide for the regulation and development of the said waterways for the purposes of shipping and navigation and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the National Waterways Act, 2016.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. Existing national waterways and declaration of certain inland waterways as national waterways.—(1) The existing national waterways specified at serial numbers 1 to 5 in the Schedule along with their limits given in column (3) thereof, which have been declared as such under the Acts referred to in sub-section (1) of section 5, shall, subject to the modifications made under this Act, continue to be national waterways for the purposes of shipping and navigation under this Act.

(2) The regulation and development of the waterways referred to in sub-section (1) which have been under the control of the Central Government shall continue, as if the said waterways are declared as national waterways under the provisions of this Act.

(3) The inland waterways specified at serial numbers 6 to 111 in the Schedule along with their limits given in column (3) thereof are hereby declared to be national waterways for the purposes of shipping and navigation.

3. Declaration as to expediency of control and development by Union of waterways specified in Schedule for certain purposes.—Save as provided in sub-sections (1) and (2) of section 2, it is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation and development of the waterways specified in the Schedule for the purposes of shipping and navigation to the extent provided in the Inland Waterways Authority of India Act, 1985 (82 of 1985).

4. Amendment of section 2 of Act 82 of 1985.—In the Inland Waterways Authority of India Act, 1985, in section 2, for clause (h), the following clause shall be substituted, namely:—

‘(h) “national waterway” means the inland waterway declared by section 2 of the National Waterways Act, 2016, to be a national waterway.

Explanation.—If Parliament declares by law any other waterway to be a national waterway, then, from the date on which such declaration takes effect, such other waterway—

(i) shall also be deemed to be a national waterway within the meaning of this clause; and

(ii) the provisions of this Act shall, with necessary modifications (including modification for construing any reference to the commencement of this Act as a reference to the date aforesaid), apply to such national waterway;’.

5. Repeal of certain enactments and saving.—(1) The following Acts, namely:—

(a) the National Waterway (Allahabad-Haldia Stretch of the Ganga Bhagirathi-Hooghly River) Act, 1982 (49 of 1982);

(b) the National Waterway (Sadiya-Dhubri Stretch of Brahmaputra River) Act, 1988 (40 of 1988);

¹ 12th April, 2016, vide notification No. S.O. 1384 (E), dated 11th April, 2016, see Gazette of India, Part II, sec. 3(ii).

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(c) the National Waterway (Kollam-Kottapuram Stretch of West Coast Canal and Champakara and Udyogmandal Canals) Act, 1992 (25 of 1992);

(d) the National Waterway (Talcher-Dhamra Stretch of Rivers, Geonkhali-Charbatia Stretch of East Coast Canal, Charbatia-Dhamra Stretch of Matai River and Mahanadi Delta Rivers) Act, 2008 (23 of 2008); and

(e) the National Waterway (Kakinada-Puducherry Stretch of Canals and the Kaluvelly Tank, Bhadrachalam-Rajahmundry Stretch of River Godavari and Wazirabad-Vijayawada Stretch of River Krishna) Act, 2008 (24 of 2008),

are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Acts referred to in sub-section (1), in so far as they are in conformity with the provisions of this Act, shall be deemed to have been done or omitted to be done or taken or not taken under the provisions of this Act.

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THE SCHEDULE

(See section 2)

Sl. No.	National Waterways	Limits of the National Waterways
(1)	(2)	(3)
1.	National Waterway 1	<p>Allahabad-Haldia Stretch of the Ganga—Bhagirathi-Hooghly Rivers with the following limits, namely:—</p> <p>From road bridge at Allahabad across the river Ganga, about 2 kilometres upstream of the confluence of the rivers Ganga and Yamuna at Triveni to the inland waterway limit on the tidal waters of the river Hooghly from a line drawn between No. 1 Refuge house at the entrance to Baratola river commonly called channel creek, to a position 2.5 kilometres due south of Saugor lighthouse, and then connected to the right or south bank at the entrance to the Hijili or Russulpore river, through river Ganga, lock canal and feeder canal at Farakka, river Bhagirathi and river Hooghly.</p>
2.	National Waterway 2	<p>Sadiya-Dhubri Stretch of Brahmaputra River with the following limits, namely:—</p> <p>From a line drawn across the Brahmaputra river from the point on the north bank of the Kundil river at its confluence with the Brahmaputra river near Sadiya to the beginning of the river island Majuli and therefrom through all the channels of the Brahmaputra river on either side of the river island Majuli up to the end of the river island Majuli and then up to the international border down stream of Dhubri.</p>
3.	National Waterway 3	<p>Kollam-Kozhikode Stretch of West Coast Canal and Champakara and Udyogmandal Canals with the following limits, namely:—</p> <p>The northern limit of the West Coast Canal shall be Kozhikode at Lat 11°13'39"N, Lon 75°46'44"E and the southern limit shall be a line drawn across the Ashtamudi Kayal at a distance of 100 metres south of Kollam jetty.</p> <p>The Champakara Canal starting from the confluence with the West Coast Canal and ending at the railway bridge (railway siding for Cochin Oil Refinery) near Fertilisers and Chemicals Travancore Limited, boat basin.</p> <p>The Udyogmandal Canal starting from the confluence with West Coast Canal and ending at the Padalarn road bridge (Eloor-Edayar).</p>



(1)	(2)	(3)
4.	National Waterway 4	<p>Kakinada-Puducherry Stretch of Canals and the Kaluvelly Tank, Nashik-Bhadrachalam-Rajahmundry Stretch of River Godavari and Bridge near village Galagali-Wazirabad-Vijayawada Stretch of River Krishna with the following limits, namely:—</p> <p><i>Kakinada-Puducherry canal</i></p> <p>(Canal system consisting of Kakinada canal, Eluru canal, Commamur canal and North Buckingham canal, portion of the Coovum river linking North and South Buckingham canals, South Buckingham canal and Kaluvelly tank)</p> <p>Northern limit: A line drawn across the Kakinada canal parallel to the Jagannadhapuram road bridge, Kakinada at a distance of 500 metres down stream at Lat 16° 56' 24" N, Lon 82° 14' 20" E.</p> <p>Southern limit: Junction of East Coast Highway and Chinnakalawari-Kanakachettikulam road at Kanakachettikulam which is the end point of the artificial canal link to Kaluvelly tank at Lat 20° 0' 07" N, Lon 79° 52' 12" E.</p> <p><i>River Godavari</i></p> <p>Western limit: Road bridge on Mumbai-Agra Highway at Nashik across river Godavari at Lat 20° 0' 07" N, Lon 73° 48' 12" E.</p> <p>Eastern limit: Sir Arthur Cotton barrage across river Godavari at Dowlaiswaram, Rajahmundry at Lat 16° 56' 05" N, Lon 81° 45' 32" E.</p> <p><i>River Krishna</i></p> <p>Western limit: Bridge near village Galagali Lat 16° 25' 28" N, Lon 75° 26' 19" E.</p> <p>Eastern limit: Prakasam barrage across river Krishna at Vijayawada at Lat 16° 30' 18" N, Lon 80° 36' 23" E.</p>
5.	National Waterway 5	<p>Talcher-Dhamra Stretch of Brahmani-Kharsua-Tantighai-Pandua Nala-Dudhei Nala-Kani Dhamra-river system, Geonkhali-Charbatia Stretch of East Coast Canal, Charbatia-Dhamra Stretch of Matai River and Mahanadi Delta Rivers with the following limits, namely:—</p> <p><i>East Coast Canal and Matai river</i> (Consisting of old Hijli tidal canal, Orissa coast canal and Matai river)</p> <p>Northern limit: Confluence point of Hooghly river and Hijli tidal canal at Geonkhali at Lat 22° 12' 20" N, Lon 88° 03' 07" E.</p> <p>Southern limit: Confluence of Matai river and Dhamra river near Dhamra Fishing harbour at Lat 20° 47' 42" N, Lon 86° 53' 03" E.</p>

(1)	(2)	(3)
		<p><i>Brahmani-Kharsua-Dhamra river system</i> (Consisting of Brahmani-Kharsua-Tantighai-Pandua Nala-Dudhei Nala-Kani-Dhamra rivers)</p> <p>North-Western limit: Samal barrage across river Brahmani, Talcher at Lat 21° 04' 26" N, Lon 86° 08' 05" E;</p> <p>South-Eastern limit: An imaginary line drawn across Dhamra river at East Point of Kalibhanj Dian Reserved Forest near Chandnipal at Lat 20°46' 26" N, Lon 86° 57' 15" E.</p> <p><i>Mahanadi delta rivers</i> (Consisting of Hansua river, Atharabanki Creek, Nuna nala, Gobri nala, Kharnasi river and Mahanadi river)</p> <p>(Alternate route-Hansua river enters into Bay of Bengal through northern point of False point bay, then enters river Kharnasi at southern end of False point bay, river Atharabanki, a northernly tributary of river Mahanadi)</p> <p>Northern limit: Confluence of Kharsua river with Brahmani river at Ramchandrapur at Lat 20° 36' 55"N, Lon 86° 45' 05" E;</p> <p>Southern limit: An imaginary line in continuation to the Northern break water structure across the entrance channel at Paradip Port at Lat 20°15' 38"N, Long 86° 40' 55" E.</p>
6.	National Waterway 6	<p><i>Aai River:</i></p> <p>Upstream of Bridge at Adalguri No. 3 at Lat 26°33'32"N, Lon 90°34'01"E to confluence with Brahmaputra river at Lat 26°12'50"N, Lon 90°36'24"E (4.7km upstream of Naranarayan Setu at Jogighopa).</p>
7.	National Waterway 7	<p><i>Ajoy (Ajay) River:</i></p> <p>Bridge on Morgram-Panagarh State Highway No. 14 at Illambazar Lat 23°36'56"N, Lon 87°31'58"E to confluence of river Ajoy with river Bhagirathi at Lat 23°39'23"N, Lon 88°07'57"E at Katwa.</p>
8.	National Waterway 8	<p><i>Alappuzha-Changanassery Canal:</i></p> <p>Boat Jetty, Alappuzha at Lat 9°30'03"N, Lon 76°20'37"E to Changanassery Jetty at Lat 9°26'42"N, Lon 76°31'42"E.</p>
9.	National Waterway 9	<p><i>Alappuzha-Kottayam Athirampuzha Canal:</i></p> <p>Boat Jetty, Alappuzha at Lat 9°30'03"N, Lon 76°20'37"E to Athirampuzha market Lat 9°40'04"N, Lon 76°31'54"E.</p>



(1)	(2)	(3)
10.	National Waterway 10	<p><i>Amba River:</i></p> <p>Arabian Sea, Dharamtaar creed near village Revas at Lat 18°50'15"N, Lon 72°56'31"E to a Bridge near Nagothane ST Stand at Lat 18°32'20"N, Lon 73°08'0"E.</p>
11.	National Waterway 11	<p><i>Arunawati Aran River System:</i></p> <p>Bridge on State Highway No. 211 at Lat 20°13'33"N, Lon 77°33'23"E to confluence of Arunawati and Aran rivers near Ratanapur village at Lat 19°59'31"N, Lon 78°09'38"E to confluence of Aran and Penganga rivers near Chimata village at Lat 19°54'08"N, Lon 78°12'36"E.</p>
12.	National Waterway 12	<p><i>Asi River:</i></p> <p>Ganga river confluence at Assi Ghat, Varanasi at Lat 25°17'19"N, Lon 83° 0'25"E to near Newada, Varanasi at Lat 25°16'37"N, Lon 82° 58'18"E.</p>
13.	National Waterway 13	<p><i>AVM Canal:</i></p> <p>Poovar Beach at Lat 8°18'30"N, Lon 77°04'45"E to Erayumanthurai Bus Stop at Lat 8°14'54"N, Lon 77°09'34"E.</p>
14.	National Waterway 14	<p><i>Baitarni River:</i></p> <p>Dattapur village at Lat 20°51'45"N, Lon 86° 33'30"E to confluence with Dhamra river near Laxmiprasad Dia at Lat 20°45'13" N, Lon 86° 49'15"E</p>
15.	National Waterway 15	<p><i>Bakreswar Mayurakshi River System:</i></p> <p>Bakreswar river from Nil Nirjan Dam at Lat 23°49'31"N, Lon 87°24'59"E to confluence of Bakreswar and Mayurakshi rivers near Talgram village at Lat 23° 51' 58"N, Lon 88°02'21"E.</p> <p>Mayurakshi river from Talgram village to confluence with Dwarka river near Dakshin Hijal village at Lat 23° 58'22"N, Lon 88°09'21"E.</p>
16.	National Waterway 16	<p><i>Barak River:</i></p> <p>Lakhipur Ferry Ghat Lat 24°47'18"N, Lon 93°01'16"E to Tukur Gram Lat 24°52'34"N, Lon 92°29'21"E.</p>
17.	National Waterway 17	<p><i>Beas River:</i></p> <p>Talwara Barrage at Lat 31°57'22"N, Lon 75°53'37"E to confluence of Beas and Sutlej rivers near Harike at Lat 31°09'09"N, Lon 74°58'08"E.</p>
18.	National Waterway 18	<p><i>Beki River:</i></p> <p>Elenagamari Lat 26°38'37"N, Lon 90°59'02"E to Brahmaputra confluence at Lat 26°14'24"N, Lon 90°47' 21"E.</p>

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(1)	(2)	(3)
19.	National Waterway 19	<p><i>Betwa River:</i></p> <p>Rirwa Buzurg Dariya at Lat 25°54'17"N, Lon 79°45'06"E to confluence of Betwa and Yamuna rivers near Merapur Daria village at Lat 25°55'11"N, Lon 80°13'08"E.</p>
20.	National Waterway 20	<p><i>Bhavani River:</i></p> <p>Bhavani Sagar Dam, Sathyamangalam at Lat 11°28'16"N, Lon 77°06'49"E to confluence of Bhavani and Kaveri rivers at Kaveri river bridge on Salem-Coimbatore Highway: "National Highway-47 Lat 11°25'54"N, Lon 77°41'02"E.</p>
21.	National Waterway 21	<p><i>Bheema River:</i></p> <p>Barrage (approx 1 km. from Hippargi village) at Lat 17°09'05"N, Lon 76°46'34"E to confluence of Bheema and Krishna rivers at Gundloor Lat 16°24'28"N, Lon 77°17'13"E.</p>
22.	National Waterway 22	<p><i>Birupa Badi Genguti Brahmani River System:</i></p> <p>Birupa Barrage at Choudwar at Lat 20°30'49"N, Lon 85°55'20"E to Confluence of Birupa and Brahmani rivers near Upperkai Pada village at Lat 20°37'36"N, Lon 86°24'19"E including alternative route from, Samaspur village Lat 20°35'41"N, Lon 86°06'32"E to near Kharagpur village Lat 20°38' 28"N, Lon 86°17'32"E.</p> <p>Bramani river from confluence of Birupa and Brhmani rivers near Upperkai Pada village at Lat 20°37'36"N, Lon 86°24'19"E to Bramani river at Katana Lat 20°39'26"N, Lon 86°44'53"E</p>
23.	National Waterway 23	<p><i>Budha Balanga River:</i></p> <p>Barrage (approx 300m from Patalipura village) at Lat 21°38'13"N, Lon 86°50'53"E to confluence of Budha Balanga river with Bay of Bengal at Chandipur Fishing Port Lat 21°28'12"N, Lon 87°04'12"E.</p>
24.	National Waterway 24	<p><i>Chambal River:</i></p> <p>Chambal road bridge on National Highway-92 Lat 26°41'56"N, Lon 78°56'09"E to confluence of Chambal and Yamuna rivers at Charakpura village Lat 26°29'30"N, Lon 79°15'01"E.</p>
25.	National Waterway 25	<p><i>Chapora River:</i></p> <p>Bride at State Highway No. 124 (1 Km. from Maneri village) Lat 15°42'47"N. Lon 73°57'23"E to Confluence of Chapora river with Arabian Sea at Morjim Lat 15°36'33"N, Lon 73°44'01"E.</p>
26.	National Waterway 26	<p><i>Chenab River:</i></p> <p>Chenab road bridge at Lat 33°05'07"N, Lon 74°48'06"E to Bridge near Bhardakalan at Lat 32°48'12"N, Lon 74°34'53"E.</p>



(1)	(2)	(3)
27.	National Waterway 27	<p><i>Cumberjua River:</i></p> <p>Confluence of Cumberjua and Zuvari rivers near Cortalim ferry terminal Lat 15°24'40"N, Lon 73°54'48"E to confluence of Cumberjua and Mandovi rivers near Sao Martias Vidhan Parishad Lat 15°31'26"N, Lon 73°55'34"E.</p>
28.	National Waterway 28	<p><i>Dabhol Creek Vashishti River:</i></p> <p>Arabian Sea at Dabhol Lat 17°34'51"N, Lon 73°09'18"E to bridge at Pedhe Lat 17°32'39"N, Lon 73°30'36"E.</p>
29.	National Waterway 29	<p><i>Damodar River:</i></p> <p>Krishak Setu, Bardhman on State Highway No. 8 at Lat 23°12'40"N, Lon 87°50'54"E to confluence with Hooghly river near Purbha Basudebpur at Lat 22°21'01"N, Lon 88°05'19"E.</p>
30.	National Waterway 30	<p><i>Dehing River:</i></p> <p>Rail Bridge at Merbil Majuli No. 1 Lat 27°19'25"N, Lon 95°18'45"E to confluence of Dehing and Brahmaputra rivers near village Lachan at Lat 27°15'10"N, Lon 94°40'01"E.</p>
31.	National Waterway 31	<p><i>Dhansiri/Chathe River:</i></p> <p>Bridge near Morongi T.E. village Lat 26°24'41"N, Lon 93°53'47"E to Numaligarh Lat 26°42'01"N, Lon 93°35'15"E.</p>
32.	National Waterway 32	<p><i>Dikhu River:</i></p> <p>Bridge at Nazira on State Highway No 1 Lat 26°55'18"N, Lon 94°44'27"E to confluence of Dikhu and Brahmaputra rivers at Lat 26°59'58"N, Lon 94°27'42"E.</p>
33.	National Waterway 33	<p><i>Doyans River:</i></p> <p>Bridge near Sialmari Lat 26°10'47"N, Lon 93°59'10"E to confluence of Doyans and Subansiri rivers at Lat 26°26'53"N, Lon 93°57'12"E.</p>
34.	National Waterway 34	<p><i>DVC Canal:</i></p> <p>Durgapur Barrage Lat 23°28'47"N, Lon 87°18'19"E to Confluence point of DVC canal with Hoogly river near Tribeni Lat 23°0'31"N, Lon 88°24'55"E.</p>
35.	National Waterway 35	<p><i>Dwarakeswar River:</i></p> <p>Bridge near Abantika Lat 23°06'55"N, Lon 87°18'47"E to confluence of Dwarakeswar and Silai rivers at Pratappur Lat 22°40'17"N, Lon 87°46'43"E.</p>
36.	National Waterway 36	<p><i>Dwarka River:</i></p> <p>Bridge at Tarapith at Lat 24°06'58"N, Lon 87°47'51"E to confluence with Bhagirathi river near Maugram village at Lat 23°43'53"N, Lon 88°10'51"E.</p>

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(1)	(2)	(3)
37. National Waterway 37	<i>Gandak River:</i>	Bhaisaslotal Barrage near Triveni Ghat at Lat 27°26'22"N, Lon 83°54'24"E to Gandak and Ganga rivers confluence at Hajipur Lat 25 39°18'N, Lon 85°10'28"E.
38. National Waterway 38	<i>Gangadhar River:</i>	Pakriguri Bridge on National Highway-31C at Lat 26°27'30"N, Lon 89°51'25"E to Bangladesh Border at Binnachara Point III Lat 26°0'32"N, Lon 89°49'57"E.
39. National Waterway 39	<i>Ganol River:</i>	Bangladesh Border at Mankachar Lat 25°31'47"N, Lon 89°51'24"E to bridge near Dolbari at Lat 25°34'20"N, Lon 90°03'46"E.
40. National Waterway 40	<i>Ghaghra River:</i>	Faizabad at Lat 26°47'51"N, Lon 82°06'46"E to Ghaghra and Ganga river confluence at Manjhi Ghat Lat 25°44'13"N, Lon 84°42'03"E.
41. National Waterway 41	<i>Ghataprabha River:</i>	Barrage near Malali Lat 16°20'01"N, Lon 75°11'23"E to confluence with river Krishna at Chicksangam Lat 16°20'13"N, Lon 75°47'54"E.
42. National Waterway 42	<i>Gomti River:</i>	Bara Imambara, Lucknow Lat 26°52'21"N, Lon 80°54'58"E to confluence of Gomti with river Ganga Lat 25°30'31"N, Lon 83°10'17"E.
43. National Waterway 43	<i>Gurupur River:</i>	Confluence of Netravathi river at Lat 12°50'44"N, Lon 74°49'45"E to confluence of Mangalore Port Bridge at Lat 12°55'35"N, Lon 74°49'37"E.
44. National Waterway 44	<i>Ichamati River:</i>	Bridge on Border Main Road at Gobra near Bangladesh Border at Lat 22°53'50"N, Lon 88°53'49"E to near Bangladesh Border at Bansjhari Mallikpur Lat 22°39'07"N, Lon 88°55'35"E.
45. National Waterway 45	<i>Indira Gandhi Canal:</i>	Harike Barrage at Lat 31°08'33"N, Lon 74°56'57"E to near Mohangarh Lat 27°18'37"N, Lon 71°09'10"E.
46. National Waterway 46	<i>Indus River:</i>	Bridge on highway at Upshi village Lat 33°49'43"N, Lon 77°48'56"E to Bridge on Shey-Chuchol road near Shey village Lat 34°03'35"N, Lon 77°38'33"E.

(1)	(2)	(3)
47.	National Waterway 47	<p><i>Jalangi River:</i></p> <p>Bridge on State Highway No. 14 near Plashipara at Lat 23°47'47"N, Lon 88°27'09"E to confluence of Jalangi with Hooghly/Bhagirathi rivers at Nabadwip Lat 23°24'39"N, Lon 88°22'48"E.</p>
48.	National Waterway 48	<p><i>Jawai-Luni Rivers and Rann of Kutch:</i></p> <p>Jawai river from Jalore at Lat 25°20'37"N, Lon 72°41'09"E to Luni river near Gandhav village to Rann of Kutch at Lat 23°32'54"N, Lon 68°22'27"E.</p>
49.	National Waterway 49	<p><i>Jhelum River:</i></p> <p>Bridge on highway at Lat 33°49'26"N, Lon 75°03'50"E to Wuler lake, Srinagar at Lat 34°21'37"N, Lon 74°36'36"E.</p>
50.	National Waterway 50	<p><i>Jinjiram River:</i></p> <p>Confluence with Brahmaputra river at Tumni Lat 25°51'51"N, Lon 89°58'57"E to Fulerchar Point. III at Brahmaputra river Lat 25°44'15"N, Lon 89°52'53"E.</p>
51.	National Waterway 51	<p><i>Kabini River:</i></p> <p>Kabini Dam Lat 11°58'25"N, Lon 76°21'10"E to Beeramballi at Lat 11°56'10"N, Lon 76°14'18"E.</p>
52.	National Waterway 52	<p><i>Kali River:</i></p> <p>Kodasalli Dam Lat 14°55'08"N, Lon 74°32'07"E to confluence of Kali river with Arabian Sea near Sadashivgad bridge at Lat 14°50'31"N, Lon 74°07'21"E.</p>
53.	National Waterway 53	<p><i>Kalyan-Thane-Mumbai Waterway, Vasai Creek and Ulhas River:</i></p> <p>Arabian Sea at Navi Mumbai Lat 18°55'50"N, Lon 72°53'22"E via Ulhas river to bridge on State Highway No. 76 near Malegaon T. Waredi Lat 19°02'38"N, Lon 73°19'54"E;</p> <p>Bridge on Kalyan-Badlapur road near Kalyan railway yard at Kalyan Lat 19°14'06"N, Lon 73°08'49"E to Kalyan Lat 19°15'35"N, Lon 73°09'28"E.</p> <p>Vasai Creek from Lat 19°18'54"N to Lon 72°47'30"E to Kasheli at Lat 19°13'23"N, Lon 73°0'21"E.</p>
54.	National Waterway 54	<p><i>Karamnasa River:</i></p> <p>Bridge at Kakarait Lat 25°18'11"N, Lon 83°31'38"E to confluence of Karamnasa and Ganga rivers at Kutubpur Lat 25°31'06"N, Lon 83°52'47"E.</p>
55.	National Waterway 55	<p><i>Kaveri Kollidam River:</i></p> <p>Uratchikottai Barrage at Lat 11°29'03"N, Lon 77°42'14"E to confluence of river Kollidam with Bay of Bengal at Pazhaiyar Lat 11°21'38"N, Lon 79°49'53"E.</p>



(1)	(2)	(3)
56.	National Waterway 56	<i>Kherkai River:</i> Dam near Gangia village at Lat 22°45'12"N, Lon 86°05'09"E to confluence with Subarnrekha river at Jamshedpur Lat 22°50'13"N, Lon 86°09'37"E.
57.	National Waterway 57	<i>Kopili River:</i> Bridge at Banthai Gaon Tinali Bus Stop at Lat 26°10'41"N, Lon 92°13'05"E to confluence with Brahmaputra river at Chandrapur No. 2 Lat 26°15'07"N, Lon 91°56'49"E.
58.	National Waterway 58	<i>Kosi River:</i> Kosi Barrage at Hanuman Nagar Lat 26°31'40"N, Lon 86°55'29"E to Confluence of Kosi with Ganga river at Kursela Lat 25°24'40"N, Lon 87°15'14"E.
59.	National Waterway 59	<i>Kottayam-Vaikom Canal:</i> Kottayam, near Kodimatha at Lat 9°34'39"N, Lon 76°31'08"E to Vechoor joining National Waterway No. 3 at Lat 9°40'0"N, Lon 76°24'11"E.
60.	National Waterway 60	<i>Kumari River:</i> Dam near Amruhasa village at Lat 23°06'37"N, Lon 86°15'51"E to Mukutmanipur Dam at Chiada Lat 22°57'18"N, Lon 86°44'43"E.
61.	National Waterway 61	<i>Kynshi River:</i> Bangladesh Border near Mawpyllum Lat 25°12'07"N, Lon 91°15'21"E to bridge on Nonghyllam-Mawcit road at Lat 25°19'35"N, Lon 91°04'07"E.
62.	National Waterway 62	<i>Lohit River:</i> Parasuram Kund at 27°52'40"N, Lon 96°21'40"E to Saikhowa Ghat, Sadiya Lat 27°47'49"N, Lon 95°38'14"E
63.	National Waterway 63	<i>Luni River:</i> Dam at Jaswantpura Lat 26°13'35"N, Lon 73°41'20"E to Barrage near Malipura Lat 24°57'04"N, Lon 71°38'02"E
64.	National Waterway 64	<i>Mahanadi River:</i> Sambalpur Barrage at Lat 21°27'34"N, Lon 83°57'50"E to Paradip at Lat 20°19'38"N, Lon 86°40'17"E.
65.	National Waterway 65	<i>Mahananda River:</i> Bridge near Gosaipur at Lat 25°26'41"N, Lon 88°05'26"E to Bangladesh Border near Adampur at Lat 24°57'17"N, Lon 88°10'59"E.
66.	National Waterway 66	<i>Mahi River:</i> Kadana Dam Lat 23°18'22"N, Lon 73°49'37"E to confluence with Gulf of Khambhat near Kavi railway station Lat 22°10'35"N, Lon 72°30'36"E.
67.	National Waterway 67	<i>Malaprabha River:</i> Jakanuru at Lat 15°49'51"N, Lon 75°38'54"E to confluence with river Krishna at Kudalasangama Lat 16°12'30"N, Lon 76°04'16"E.



(1)	(2)	(3)
68.	National Waterway 68	<i>Mandovir River:</i> Bridge at Usgaon at Lat 15°26'42"N, Lon 74°03'12"E to confluence of Mandovi river with Arabian Sea at Reis Magos Lat 15°28'32"N, Lon 73°46'46"E.
69.	National Waterway 69	<i>Manimutharu River:</i> Manimutharu Dam Lat 8°39'14"N, Lon 77°24'47"E to confluence with Tramaraparani river near Aladiur Lat 8°41'03"N, Lon 77°26'07"E.
70.	National Waterway 70	<i>Manjara River:</i> Singur Dam at Lat 17°44'58"N, Lon 77°55'41"E to confluence with river Godavari at Kandakurthi at Lat 18°49'07"N, Lon 77°52'20"E.
71.	National Waterway 71	<i>Mapusa/Moide River:</i> Bridge on National Highway-17 at Mapusa Lat 15°35'21"N, Lon 73°49'17"E to confluence point of Mapusa and Mandovi rivers at Porvorim Lat 15°30'20"N, Lon 73°50'42"E.
72.	National Waterway 72	<i>Nag River:</i> Bridge near NIT Colony, Nagpur Lat 21°06'17"N, Lon 79°06'03"E to confluence with river Kanhan near Sawangi village at Lat 21°05'38"N, Lon 79°27'54"E.
73.	National Waterway 73	<i>Narmada River:</i> Pandhariya at Lat 21°57'10"N, Lon 74°08'27"E to confluence of Narmada with Arabian Sea at Gulf of Khambhat Lat 21°38'27"N, Lon 72°33'28"E.
74.	National Waterway 74	<i>Netravathi River:</i> Netravathi Dam, Dharmsthala Lat 12°57'55"N, Lon 75°22'10"E to confluence with Arabian sea at Bengre Lat 12°50'43"N, Lon 74°49'29"E.
75.	National Waterway 75	<i>Palar River:</i> Rail bridge at Virudampattu, Vellore at Lat 12°56'14"N, Lon 79°07'30"E to confluence with Bay of Bengal at Sadurangapattinam Lat 12°27'52"N, Lon 80°09'13"E.
76.	National Waterway 76	<i>Panchagangavali (Panchagangoli) River:</i> Gangoli Port at Lat 13°38'01"N, Lon 74°40'08"E to Bridge at Badakere at Lat 13°44'50"N, Lon 74°39'15"E.
77.	National Waterway 77	<i>Pazhyar River:</i> Bridge near Veeranarayana Mangalam village at Lat 8°13'49"N, Lon 77°26'27"E to confluence with Arabian Sea at Manakudi at Lat 8°05'15"N, Lon 77°29'08"E.
78.	National Waterway 78	<i>Penganga Wardha River System:</i> Confluence of Aran and Penganga rivers near Chimata village at Lat 19°54'08"N, Lon 78°12'36"E to the confluence of Wardha and Pranahita rivers near Ravalli village at Lat 19°33'59"N, Lon 79°49'0"E.



(1)	(2)	(3)
79.	National Waterway 79	<i>Pennar River:</i> Penna Barrage, Pothireddypalem at Lat 14°28'08"N, Lon 79°59'09"E to confluence with Bay of Bengal near Kudithipalem at Lat 14°35'37"N, Lon 80°11'31"E.
80.	National Waterway 80	<i>Ponniyar River:</i> Sathanur Dam at Lat 12°11'0"N, Lon 78°51'01"E to Cuddalore at confluence of Bay of Bengal at Lat 11°46'22"N, Lon 79°47'42"E.
81.	National Waterway 81	<i>Punpun River:</i> Bridge on National Highway-83 near Pakri village Lat 25°29'50"N, Lon 85°06'19"E to confluence with river Ganga at Fatuha Lat 25°30'50"N, Lon 85°18'17"E.
82.	National Waterway 82	<i>Puthimari River:</i> Bridge on National Highway-31 near village Ghopla at Lat 26°22'01"N, Lon 91°39'11"E to confluence with Brahmaputra river near Bamunbori at Lat 26°15'28"N, Lon 91°20'35"E.
83.	National Waterway 83	<i>Rajpuri Creek:</i> Arabian Sea at Rajpuri Lat 18°18'03"N, Lon 72°56'43"E to Mhasala at Lat 18°08'15"N, Lon 73°06'45"E.
84.	National Waterway 84	<i>Ravi River:</i> Dam at Gandhiar Lat 32°35'51"N, Lon 75°59'05"E to Ranjeet Sagar Dam at Basoli Lat 32°26'36"N, Lon 75°43'45"E.
85.	National Waterway 85	<i>Revadanda Creek Kundalika River System:</i> Arabian Sea at Revadanda Lat 18°32'20"N, Lon 72°55'33"E to bridge on Roha-Astami Road near Roha Nagar Lat 18°26'32"N, Lon 73°07'11"E.
86.	National Waterway 86	<i>Rupnarayan River:</i> Confluence of Dwarakeswar and Silai rivers at Pratappur Lat 22°40'17"N, Lon 87°46'43"E to confluence with Hooghly river at Geonkhali Lat 22°12'42"N, Lon 88°03'14"E.
87.	National Waterway 87	<i>Sabarmati River:</i> Barrage near Sadoliya Lat 23°26'50"N, Lon 72°48'35"E to confluence with Gulf of Khambhat near Khambhat Lat 22°09'18"N, Lon 72°27'28"E.
88.	National Waterway 88	<i>Sal River:</i> Orlim Deusa Bridge Lat 15°13'11"N, Lon 73°57'30"E to confluence with Arabian Sea at Mobor Lat 15°08'32"N, Lon 73°57'0"E.
89.	National Waterway 89	<i>Savitri River (Bankot Creek):</i> Bridge near Sape at Lat 18°05'54"N, Lon 73°20'09"E to Arabian Sea at Bankot Lat 17°58'47"N, Lon 73°01'45"E.
90.	National Waterway 90	<i>Sharavati River:</i> Honnavar Port Sea Mouth at Lat 14°17'56"N, Lon 74°25'27"E to link at highway at Gersoppa Lat 14°14'15"N, Lon 74°39'06"E.



(1)	(2)	(3)
91.	National Waterway 91	<p><i>Shastri River Jaigad Creek:</i> Sangmeshwar at Lat 17°11'16"N, Lon 73°33'03"E to confluence with Arabian Sea at Jaigad Lat 17°19'12"N, Lon 73°12'39"E.</p>
92.	National Waterway 92	<p><i>Silabati River:</i> Barrage near Shimulia village at Lat 22°34'53" N, Lon 87°38'31"E to confluence of Dwarakeswar and Silai rivers at Pratappur Lat 22°40'17"N, Lon 87°46'43"E.</p>
93.	National Waterway 93	<p><i>Simsang River:</i> Bangladesh Border at Lat 25°11'05"N, Lon 90°39'25"E to bridge on National Highway-62 near Nongalbibra Lat 25°27'20"N, Lon 90°42'22"E.</p>
94.	National Waterway 94	<p><i>Sone River:</i> Sone Barrage near Dehri at Lat 24°50'14" N, Lon 84°08'03"E to confluence of Sone and Ganga rivers at Lat 25°42'15"N, Lon 84°52'02"E.</p>
95.	National Waterway 95	<p><i>Subansiri River:</i> Gerukamukh Lat 27°27'03" N, Lon 94°15'16"E to Brahmaputra confluence at Lat 26°52'25"N, Lon 93°54'31"E.</p>
96.	National Waterway 96	<p><i>Subarnrekha River:</i> Chandil Dam at Lat 22°58'29" N, Lon 86°01'14"E to confluence with Bay of Bengal at Lat 21°33'29"N, Lon 87°22'59"E.</p>
97.	National Waterway 97	<p><i>Sunderbans Waterways:</i></p> <p>(i) Namkhana at Lat 21°45'46" N, Lon 88°13'06"E to Athara Banki Khal Lat 21°56'57"N, Lon 89°05'32"E;</p> <p>(ii) Bidya River: Lot No. 124 at Lat 21°54'43" N, Lon 88°41'08"E to near Uttar Danga at Lat 22°11'48"N, Lon 88°51'55"E,</p> <p>(iii) <i>Chhota Kalagachi(Chhoto Kalergachi) River:</i> Near Rajani ferry ghat Lat 22°19'57" N, Lon 88°54'21"E to near Nazat at Lat 22°26'05"N, Lon 88°50'12"E;</p> <p>(iv) <i>Gomar River:</i> Near Ramkrishnapur Lat 22°11'53" N, Lon 88°44'42"E to near Gosaba Kheya ghat at Lat 22°10'05"N, Lon 88°47'37"E,</p> <p>(v) <i>Haribhanga River:</i> Bangladesh Border Lat 21°53'19" N, Lon 89°01'24"E to confluence with Jhila river at Lat 21°58'18"N, Lon 88°55'08"E;</p> <p>(vi) <i>Hogla (Holgal)-Pathankhali River:</i> Near Parandar Lat 22°12'22" N, Lon 88°40'43"E to near Sandeshkhali Ferry Ghat at Lat 22°21'12"N, Lon 88°52'48"E;</p> <p>(vii) <i>Kalindi (Kalandi) River:</i> Bangladesh Border at Hingalganj Lat 22°28'08" N, Lon 88°59'46"E to Bangladesh Border near Khosbash at Lat 22°24'41"N, Lon 88°58'21"E;</p> <p>(viii) <i>Katakhali River:</i> Bangladesh Border near Barunhat Lat 22°30'31" N, Lon 88°58'25"E to Lebukhali ferry at Lat 22°21'45"N, Lon 88°57'30"E;</p>

(1)	(2)	(3)
		(ix) <i>Matla River</i> : Bay of Bengal at Lat 21°33'04" N, Lon 88°38'26"E to Canning ferry ghat at Lat 22°18'39"N, Lon 88°40'43"E;
		(x) <i>Muri Ganga (Baratala) River</i> : Bay of Bengal near Bisalakshampur Lat 21°37'52" N, Lon 88°10'0"E to near Kakdwip at Lat 21°52'17"N, Lon 88°09'08"E,
		(xi) <i>Raimangal River</i> : Hemnagar at Lat 22°11'41" N, Lon 88°58'01"E to Rajnagar at Lat 22°33'57"N, Lon 88°56'17"E;
		(xii) <i>Sahibkhali (Sahebkhali) River</i> : Near Ramapur Lat 22°17'52" N, Lon 88°56'35"E to Bangladesh Border near Khosbash at Lat 22°24'41"N, Lon 88°58'21"E;
		(xiii) <i>Saptamukhi River</i> : Bay of Bengal at Henry Island Lat 21°34'57" N, Lon 88°19'08"E to near Chintamanipur at Lat 21°51'14"N, Lon 88°18'41"E;
		(xiv) <i>Thakurran River</i> : Bay of Bengal at Lat 21°33'32" N, Lon 88°27'45"E to Madhabpur at Lat 22°02'52"N, Lon 88°33'28"E;
98.	National Waterway 98	<i>Sutlej River</i> : Sunni Road Bridge at Lat 31°14'45" N, Lon 77°07'34"E to Harike Dam at Lat 31°08'33"N, Lon 74°56'57"E.
99.	National Waterway 99	<i>Tamaraparani River</i> : Sulochana Mudalir bridge, Tirunelveli Lat 8°43'43" N, Lon 77°42'54"E to confluence with Bay of Bengal near Punnaikayal at Lat 8°38'25"N, Lon 78°07'38"E.
100.	National Waterway 100	<i>Tapi River</i> : Hatnur Dam Near Mangalwadi Lat 21°04'22"N, Lon 75°56'45"E to Gulf of Khambhat (Arabian Sea) at Lat 21°02'16"N, Lon 72°39'30"E.
101.	National Waterway 101	<i>Tizu and Zungki Rivers</i> : Longmatra at Lat 25°46'12"N, Lon 94°44'35"E to Avanghku at Myanmar border Lat 25°35'03"N, Lon 94°53'06"E and in Zungki river from bridge at Lat 25°48'26"N, Lon 94°46'36"E to confluence of Zungki and Tizu rivers at Lat 25°46'58"N, Lon 94°45'21"E.
102.	National Waterway 102	<i>Twang (Dhaleswari River)</i> : Khamrang near National Highway-54 Lat 23°55'22"N, Lon 92°39'08"E to Bridge on National Highway-154 at Gharmura Lat 24°17'19"N, Lon 92°31'0"E.
103.	National Waterway 103	<i>Tons River</i> : Bridge on National Highway-27 near Chakghat at Lat 25°02'05"N, Lon 81°43'45"E to Ganga confluence at Sirsa Lat 25°16'32"N, Lon 82°05'0"E.
104.	National Waterway 104	<i>Tungabhadra River</i> : Bridge on State Highway No. 29 near Chikka Jantakal village at Lat 15°24'33"N, Lon 76°35'13"E to confluence with river Krishna near village Murva Konda at Lat 15°57'20"N, Lon 78°14'30"E.



(1)	(2)	(3)
105.	National Waterway 105	<i>Udayavara River:</i> Arabian Sea Mouth at Malpe Lat 13°20'57"N, Lon 74°41'28"E to Bridge near Manipura Lat 13°17'33"N, Lon 74°46'26"E.
106.	National Waterway 106	<i>Umngot (Dwaki) River:</i> Bangladesh Border near Larbamon Lat 25°11'07"N Lon 92°0'54"E to Nongryngkoh at Lat 25°19'05"N, Lon 92°02'20"E.
107.	National Waterway 107	<i>Vaigai River:</i> Barrage near Anai Patti at Lat 10°05'19"N, Lon 77°51'10"E to Viragnoor Dam at Lat 9°53'52"N, Lon 78°10'34"E.
108.	National Waterway 108	<i>Varuna River:</i> Road bridge near Kuru at Lat 25°23'15"N, Lon 82°44'07"E to Ganga confluence at Saray Mohana, Varanasi Lat 25°19'45"N, Lon 83°02'41"E.
109.	National Waterway 109	<i>Wainganga Pranhita River System:</i> Bridge near Chandapur village at Lat 20°0'30"N, Lon 79°47'08"E to confluence of river Godavari at Kaleshwaram Lat 18°49'33"N, Lon 79°54'33"E.
110.	National Waterway 110	<i>Yamuna River:</i> Jagatpur (6km upstream of Wazirabad Barrage) Delhi Lat 28°45'28"N, Lon 77°13'50"E to confluence of Yamuna and Ganga rivers at Sangam, Allahabad at Lat 25°25'24"N, Lon 81°53'20"E.
111.	National Waterway 111	<i>Zuari River:</i> Sanvordem bridge Lat 15°16'15"N, Lon 74°07'11"E to Marmugao Port Lat 15°25'55"N, Lon 73°48'13"E.

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THE INLAND WATERWAYS AUTHORITY OF INDIA ACT, 1985

ARRANGEMENT OF SECTIONS

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THE INLAND WATERWAYS AUTHORITY OF INDIA ACT, 1985

ACT NO. 82 OF 1985

[30th December, 1985.]

An Act to provide for the constitution of an Authority for the regulation and development of inland waterways for purposes of shipping and navigation and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Inland Waterways Authority of India Act, 1985.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “appurtenant land” means all lands appurtenant to a national waterway, whether demarcated or not;

(b) “Authority” means the Inland Waterways Authority of India constituted under section 3;

(c) “channel” means any waterway, whether natural or artificial;

(d) “conservancy” includes dredging, training, closure, diversion or abandoning channels;

(e) “conservancy measures” means measures for purposes of conservancy, but does not include measures for protection of banks against floods or for restricting banks which have become eroded mainly on account of reasons not connected with shipping and navigation;

(f) “infrastructure” includes structures such as docks, wharves, jetties, landing stages, locks, buoys, inland ports, cargo handling equipment, road and rail access and cargo storage spaces, and the expression “infrastructural facilities” shall be construed accordingly;

(g) “member” means a member of the Authority appointed under sub-section (3) of section 3;

(h) “national waterway” means the inland waterway declared by section 2 of the National Waterway (Allahabad-Haldia Stretch of the Ganga-Bhagirathi-Hooghly River) Act, 1982 (49 of 1982), to be a national waterway.

Explanation.—If Parliament declares by law any other waterway to be a national waterway, then from the date on which such declaration takes effect, such other waterway—

(i) shall be deemed also to be a national waterway within the meaning of this clause; and

(ii) the provisions of this Act shall, with necessary modifications (including modification for construing any reference to the commencement of this Act as a reference to the date aforesaid), apply to such national waterway;

(i) “navigable channel” means a channel navigable during the whole or a part of the year;

(j) “prescribed” means prescribed by rules made under this Act;

1. 27th October, 1986. *vide* notification No. S.O. 763(E), dated 27th October, 1986. *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

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- (k) "regulations" means regulations made by the Authority under this Act; and
 (l) "rules" means rules made by the Central Government under this Act.

CHAPTER II

INLAND WATERWAYS AUTHORITY OF INDIA

3. Constitution and incorporation of the Inland Waterways Authority of India.—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be constituted for the purposes of this Act an Authority, to be called the Inland Waterways Authority of India.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

¹(3) The Authority shall consist of the following members, namely:—

- (a) a Chairman;
- (b) a Vice-Chairman;
- (c) not more than three full-time members; and
- (d) not more than three part-time members,

to be appointed by the Central Government by notification in the Official Gazette.]

(4) The Authority may associate with itself, in such manner and for such purposes as may be determined by regulations, any person whose assistance or advice it may desire in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Authority relevant to the purpose for which he has been associated, but shall not be entitled to vote.

4. Conditions of service of members.—The term of office and other conditions of service of the members shall be such as may be prescribed.

²**4A. Disqualifications for appointment as member.**—A person shall be disqualified for being appointed as a member, if he—

- (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or
- (b) is an undischarged insolvent; or
- (c) is of unsound mind and stands so declared by a competent court; or
- (d) has been removed or dismissed from the service of the Government or a company owned or controlled by the Government; or
- (e) has, in the opinion of the Central Government, such financial or other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions as a member.]

5. Powers of Chairman and Vice-Chairman.—(1) The Chairman of the Authority shall, in addition to presiding over the meetings of the Authority, exercise and discharge such powers and duties of the Authority as may be delegated to him by the Authority and such other powers and duties as may be prescribed.

(2) The Vice-Chairman of the Authority shall exercise and discharge such of the powers and duties of the Chairman as may be prescribed or as may be delegated to him by the Authority.

1. Subs. by Act 40 of 2001, s. 2, for sub-section (3) (w.e.f. 1-7-2003).

2. Ins. by s. 3. *ibid.* (w.e.f. 1-7-2003).

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¹5A. **Meetings.**—(1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings, including the quorum thereat, as may be provided by regulations.

(2) The Chairman or in his absence, the Vice-Chairman, or in the absence of both, such other member as is chosen by the members present at the meeting of the Authority shall preside at the meeting.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes of the members present and voting, and in the event of an equality of votes, the Chairman or in his absence, the Vice-Chairman, or in the absence of both, the person presiding, shall have and exercise a second or casting vote.]

6. Removal, etc., of members.—(1) The Central Government may remove from the Authority any member who, in its opinion,—

(a) refuses to act,

(b) has become incapable to act,

(c) has so abused his office as to render his continuance in office detrimental to the public interest, or

(d) is otherwise unsuitable to continue as a member.

(2) The Central Government may suspend any member pending an inquiry against him.

(3) No order of removal under this section shall be made unless the member concerned has been given an opportunity to submit his explanation to the Central Government and when such order is passed, the seat of the member removed shall be declared vacant.

(4) A member who has been removed under this section shall not be eligible for re-appointment as a member or in any capacity under the Authority.

7. Vacancy, etc., not to invalidate proceedings of the Authority.—No act or proceeding of the Authority shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Authority; or

(b) any defect in the appointment of a person acting as a member of the Authority; or

(c) any irregularity in the procedure of the Authority not affecting the merits of the case.

8. Secretary and other officers.—(1) The Authority may appoint the Secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

(2) The terms and conditions of service of the Secretary and other officers and employees of the Authority shall be such as may be determined by regulations.

9. Advisory Committees.—(1) Subject to any rules made in this behalf, the Authority may from time to time constitute such Advisory Committees as may be necessary for the efficient discharge of its functions.

(2) Every Advisory Committee shall consist of such number of persons connected with shipping and navigation and allied aspects as the Authority may deem fit.

10. Authority to act on business principles.—In the discharge of its functions under this Act, the Authority shall act, so far as may be, on business principles.

1. Ins. by Act 40 of 2001, s. 4 (w.e.f. 1-7-2003).

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CHAPTER III

PROPERTY AND CONTRACTS

11. Transfer of assets and liabilities of the Central Government to the Authority.—(1) As from such day as the Central Government may, appoint by notification in the Official Gazette,—

(a) all properties and other assets vested in the Central Government for the purposes of Inland Water Transport Directorate, and administered by the Chief Engineer-cum-Administrator, Inland Water Transport Directorate, immediately before such day shall vest in the Authority;

(b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with, or for the Central Government immediately before such day for or in connection with the purposes of Inland Water Transport Directorate shall be deemed to have been incurred; entered into and engaged to be done by, with, or for the Authority;

(c) all non-recurring expenditure incurred by the Central Government for or in connection with the purposes of Inland Water Transport Directorate up to such day and declared to be capital expenditure by the Central Government shall, subject to such terms and conditions as may be determined by the Central Government, be treated as capital provided by the Central Government to the Authority;

(d) all sums of money due to the Central Government in relation to Inland Water Transport Directorate immediately before such day shall be deemed to be due to the Authority;

(e) all suits and other legal proceedings with respect to any matter in relation to Inland Water Transport Directorate which having been instituted by or against the Central Government are pending, or which could have been so instituted, immediately before such date shall on and after such date be continued or instituted by or against the Authority; and

(f) every employee holding any office under the Central Government immediately before such day solely or mainly for or in connection with such affairs of Inland Water Transport Directorate as are relevant to the functions of the Authority under this Act shall be treated as on deputation with the Authority but shall hold his office in the Authority by the same tenure and upon the same terms and conditions of service as respects remuneration, leave, provident fund, retirement or other terminal benefits as he would have held such office, if the Authority had not been constituted and shall continue to do so until the Central Government, either on its own motion or at the request of the Authority, recalls such employee to its service or until the Authority, with the concurrence of the Central Government, duly absorbs such employee in its regular service, whichever is earlier:

Provided that during the period of deputation of any such employee with the Authority, the Authority shall pay to the Central Government in respect of every such employee, such contribution towards his leave salary, pension and gratuity as the Central Government may, by order, determine:

Provided further that any such employee, who has, in respect of the proposal of the Authority to absorb him in its regular service, intimated within such time as may be specified in this behalf by the Authority his intention of not becoming a regular employee of the Authority, shall not be absorbed by the Authority in its regular service.

(2) If any dispute or doubt arises as to which of the properties, rights or liabilities of the Central Government have been transferred to the Authority or as to which of the employees serving under the Central Government are to be treated as on deputation with the Authority, under this section, such dispute or doubt shall be decided by the Central Government in consultation with the Authority and the decision of the Central Government thereon shall be final.

(3) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947) or in any other law for the time being in force, the absorption of any employee by the Authority in its regular service under this section shall not entitle such employee to any compensation under that Act or other law and no such claim shall be entertained by any court, tribunal or other authority.



12. Contracts by the Authority.—Subject to the provisions of section 13, the Authority shall be competent to enter into and perform any contract necessary for the discharge of its functions under this Act.

13. Mode of executing contracts on behalf of the Authority.—(1) Every contract shall, on behalf of the Authority, be made by the Chairman or such other member or such officer of the Authority as may be generally or specially empowered in this behalf by the Authority and such contracts or class of contracts as may be specified in the regulations shall be sealed with the common seal of the Authority:

Provided that no contract exceeding such value or amount as the Central Government may, from time to time, by order, fix in this behalf shall be made unless it has been previously approved by the Authority:

Provided further that no contract for the acquisition or sale of immovable property or for the lease of any such property for a term exceeding thirty years and no other contract exceeding such value or amount as the Central Government may, from time to time, by order, fix in this behalf shall be made unless it has been previously approved by the Central Government.

(2) Subject to the provisions of sub-section (1), the form and manner in which any contract shall be made under this Act shall be such as may be prescribed by regulations.

(3) No contract which is not in accordance with the provisions of this Act and the regulations shall be binding on the Authority.

CHAPTER IV

FUNCTIONS AND POWERS OF THE AUTHORITY

14. Functions of the Authority.—(1) The Authority may—

(a) carry out surveys and investigations for the development, maintenance and better utilisation of the national waterways and the appurtenant land for shipping and navigation and prepare schemes in this behalf;

(b) provide or permit setting up of infrastructural facilities for national waterways;

(c) carry out conservancy measures and training works and do all other acts necessary for the safety and convenience of shipping and navigation and improvement of the national waterways;

(d) control activities such as throwing rubbish, dumping or removal of material, in or from the bed of the national waterways and appurtenant land, in so far as they may affect safe and efficient, shipping and navigation, maintenance of navigable channels, river training and conservancy measures;

(e) remove or alter any obstruction or impediment in the national waterways and the appurtenant land which may impede the safe navigation or endanger safety of infrastructural facilities or conservancy measures where such obstruction or impediment has been lawfully made or has become lawful by reason of long continuance of such obstruction or impediment or otherwise, after making compensation to person suffering damage by such removal or alteration;

(f) provide for the regulation of navigation and traffic (including the rule of the road) on national waterways;

(g) regulate the construction or alteration of structures on, across or under the national waterways;

(h) disseminate navigational meteorological information about national waterways;

(i) ensure co-ordination of inland water transport on national waterways with other modes of transport; and

(j) establish and maintain pilotage on national waterways;

¹[(k) enter into joint ventures concerning inland shipping by way of equity participation.]

1. Ins. by Act 40 of 2001, s. 5 (w.e.f. 1-7-2003).

(2) The Authority may also—

- (a) advise the Central Government on matters relating to inland water transport;
- (b) study the transport requirement with a view to co-ordinating inland water transport with other modes of transport;
- (c) carry out hydrographic surveys and publish river charts;
- (d) assist, on such terms and conditions as may be mutually agreed upon, any State Government in formulation and implementation of scheme for inland water transport development;
- (e) develop consultancy services and provide such services, on such terms and conditions as may be mutually agreed upon, in India and abroad in relation to planning and development of waterways for shipping and navigation or any facility thereat;
- (f) conduct research in matters relating to inland water transport including development of craft design, mechanisation of country crafts, technique of towage, landing and terminal facilities, port installations and survey techniques;
- (g) lay down standards for classification of inland waterways;
- (h) arrange programme of technical training for inland water transport personnel within and outside the country; and
- (i) perform such other functions as may be necessary to carry out the provisions of this Act.

(3) Any dispute arising out of or concerning the compensation referred to in clause (e) of sub-section (1) shall be determined according to the law relating to like disputes in the case of land required for public purposes.

(4) Every scheme, prepared by the Authority to carry out functions under sub-sections (1) and (2), involving capital expenditure exceeding the amount as may be prescribed, shall be submitted to the Central Government for approval.

(5) The Central Government may either approve the scheme submitted to it under sub-section (4) without modification or with such modifications as it may consider necessary or reject the scheme with directions to the Authority to prepare a fresh scheme according to such directions.

15. Amendment of schemes.—The Authority shall not make any material change in the scheme approved under sub-section (5) of section 14 without the prior approval of the Central Government.

Explanation.—For the purposes of this section, “material change” means an increase in the cost of the scheme by more than twenty per cent. of its cost or a change in the benefit and cost ratio which either makes the cost component in the ratio exceeds the benefit or reduces the benefit component by more than twenty per cent.

16. [Power to fix maximum and minimum rates for passenger fares and freight for goods.]—Omitted by the *Inland Waterways Authority of India (Amendment) Act, 1993 (8 of 1994), s. 2 (w.e.f. 7-1-1994).*

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

17. Levy and collection of fees and charges.—(1) The Authority may, with the previous approval of the Central Government, levy fees and charges at such rates as may be laid down by regulations made in this behalf for services or benefits rendered in relation to the use of the national waterways for the purposes of shipping, navigation, infrastructural facilities, including facilities for passengers and facilities relating to the berthing of vessels, handling of cargoes and storage of cargoes.

(2) The fees and charges levied under sub-section (1) shall be collected in such manner as may be determined by regulations.



18. Grants and loans by the Central Government.—The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants and loans of such sums of money as that Government may consider necessary.

¹[**18A. Borrowing powers of the Authority.**—The Authority may, in such manner and subject to such terms and conditions as may be determined by regulations, borrow money from any source by the issue of bonds, debentures or other instruments as it may think fit for discharge of all or any of its functions under the Act.]

19. Constitution of the Fund.—(1) There shall be constituted a Fund to be called the Inland Waterways Authority of India Fund and there shall be credited thereto—

(a) any grants and loans made to the Authority by the Central Government under section 18;

(b) all fees and charges received by the Authority under this Act; and

(c) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting—

(a) salary, allowances and other remuneration of the members, officers and other employees of the Authority;

(b) expenses of the Authority in the discharge of its functions under section 14; and

(c) expenses on objects and for purposes authorised by this Act.

20. Budget.—The Authority shall prepare, in such form and at such time each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Authority and forward the same to the Central Government.

21. Investment of funds.—The Authority may invest its funds (including any reserve fund) in the securities of the Central Government or in such other manner as may be prescribed.

22. Annual report.—The Authority shall prepare, in such form and at such time each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

23. Accounts and audit.—The accounts of the Authority shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed and the Authority shall furnish, to the Central Government, before such date as may be prescribed, its audited copy of accounts together with the auditors' report thereon.

24. Annual report and auditors' report to be laid before Parliament.—The Central Government shall cause the annual report and auditors' report to be laid, as soon as may be after they are received, before each House of Parliament.

CHAPTER VI

MISCELLANEOUS

25. Power of Central Government to issue directions.—(1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the Authority shall, as far as practicable, be given opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

26. Compulsory acquisition of land for the Authority.—Any land required by the Authority for discharging its functions under this Act shall be deemed to be needed for a public purpose and such land

¹ Ins. by Act 40 of 2001, s. 6 (w.e.f. 1-7-2003).

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may be acquired for the Authority under the provisions of the Land Acquisition Act, 1894 (1 of 1894) or of any other corresponding law for the time being in force.

27. Application, etc., of certain laws.—(1) The provisions of this Act shall be in addition to the provisions of the Indian Ports Act, 1908 (15 of 1908) and the Major Port Trusts Act, 1963 (38 of 1963) and in particular nothing in this Act shall affect any jurisdiction, functions, powers or duties required to be exercised, performed or discharged by—

(a) the conservator of any port or by any officer or authority under the Indian Ports Act, 1908 (15 of 1908), or

(b) the Board of Trustees for any major port or by any officer or authority under the Major Port Trusts Act, 1963 (38 of 1963),

in or in relation to any portion of an inland waterway (including the national waterway) falling within the limits of such port or major port.

(2) Nothing in this Act shall affect the operation of the Inland Vessels Act, 1917 (1 of 1917) or any other Central Act (other than the Indian Ports Act, 1908 (15 of 1908) and the Major Port Trusts Act, 1963 [38 of 1963]) or any State or provincial Act in force immediately before the commencement of this Act with respect to shipping and navigation on any national waterway^{1***}.

28. Power to enter.—Subject to any rules made in this behalf, any person, generally or specially authorised by the Authority in this behalf, may, whenever it is necessary so to do for any of the purposes of this Act, at all reasonable times, enter upon any land or premises and—

(a) make any inspection, survey, measurement, valuation or inquiry;

(b) take levels;

(c) dig or bore into sub-soil;

(d) set out boundaries and intended lines of work;

(e) mark such level boundaries and lines by placing marks and cutting trenches; or

(f) do such other acts or things as may be prescribed:

Provided that no such person shall enter any building or any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.

29. Delegation.—The Authority may, by general or special order in writing, delegate to the Chairman or any other member or to any officer of the Authority, subject to such conditions and limitations, if any, as may be specified in the order such of its powers and functions under this Act (except the powers under section 35) as it may deem necessary.

30. Authentication of orders and other instruments of the Authority.—All orders and decisions of the Authority shall be authenticated by the signature of the Chairman or any other member authorised by the Authority in this behalf and all other instruments executed by the Authority shall be authenticated by the signature of an officer of the Authority authorised by the Authority in this behalf.

31. Members, officers and employees of the Authority to be public servants.—All members, officers and other employees of the Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

32. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceedings shall lie against the Government or any officer of the Government or any member, officer or employee of

1. Certain words omitted by Act 8 of 1994, s. 3 (w.e.f. 7-1-1994).

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the Authority for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

(2) No suit or other legal proceedings shall lie against the Authority for any damage caused or likely to be caused by anything in good faith done or purported to be done under this Act or the rules or regulations, and in particular, it shall not be the responsibility of the Authority to provide for relief measures necessitated by floods or by breaches and failures of works.

33. Power of Central Government to supersede the Authority.—(1) If, at any time, the Central Government is of opinion—

(a) that on account of a grave emergency, the Authority is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or

(b) that the Authority has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act and as a result of which default the financial position of the Authority or the administration of any national waterway has deteriorated; or

(c) that circumstances exist which render it necessary in the public interest so to do,

the Central Government may, by notification in the Official Gazette, supersede the Authority for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing a notification under this sub-section for the reasons mentioned in clause (b), the Central Government shall give a reasonable opportunity to the Authority to show cause why it should not be superseded and shall consider the explanations and objection, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,—

(a) all the members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority, shall, until the Authority is reconstituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct;

(c) all property owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

(a) extend the period of supersession for such further term, not exceeding six months, as it may consider necessary; or

(b) reconstitute the Authority by fresh appointment and in such case any persons who vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for appointment:

Provided that the Central Government may, at any time before the expiration of the period of supersession, whether as originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) of this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before such House of Parliament at the earliest opportunity.

34. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the term of office and other conditions of service of the members of the Authority under section 4;

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- (b) the powers and duties of the Chairman and Vice-Chairman under section 5;
- (c) the matters with respect to the Advisory Committee referred to in sub-section (1) of section 9;
- (d) the amount required to be prescribed under sub-section (4) of section 14;
- (e) the form in which, and the time at which, the Authority shall prepare its budget under section 20 and its annual report under section 22;
- (f) the manner in which the Authority may invest its funds under section 21;
- (g) the manner in which the accounts of the Authority shall be maintained and audited under section 23;
- (h) the conditions and restrictions with respect to exercise of the power to enter under section 28 and the matters referred to in clause (f) of that section; and
- (i) any other matter which is to be, or may be, prescribed or in respect of which provision is to be, or may be, made by rules.

35. Power to make regulations.—(1) The Authority may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the manner in which and the purposes for which, the Authority may associate with itself any person under sub-section (4) of section 3;
- (b) the terms and conditions of service of the Secretary and other officers and employees of the Authority under sub-section (2) of section 8;
- (c) the contracts or class of contracts which are to be sealed with the common seal of the Authority and the form and manner in which a contract may be made by the Authority;
- (d) the manner in which, and the conditions subject to which, any functions in relation to the matters referred to in sub-sections (1) and (2) of section 14 may be performed;
- (e) the rule of the road on a national waterway;
- (f) the safe, efficient and convenient use, management and control of the infrastructures and infrastructural facilities;
- (g) the reception, portorage, storage and removal of goods brought on a national waterway, and the procedure to be followed for taking charge of goods which may have been damaged before landing, or may be alleged to have been so damaged;
- (h) regulating, declaring and defining the docks, wharfs, jetties, landing stages on which goods shall be landed from vessels and shipped on board vessels;
- (i) regulating the manner in which and the conditions under which the loading and unloading of vessels on a national waterway shall be carried out; and
- (j) the exclusion from a national waterway of disorderly or other undesirable persons and of trespassers;
- ¹[(k) the terms and conditions for issue of bonds, debentures or other instruments;
- (l) the time, place and the rules of procedure with regard to the transaction of business at its meetings including the quorum under sub-section (1) of section 5A.]

(3) Any regulation made under any of the clauses (c) to (j) of sub-section (2) may provide that a contravention thereof shall be punishable with fine which may extend to five hundred rupees and in the

¹ Ins. by Act 40 Of 2001, s. 7 (w.e.f. 1-7-2003).



case of a continuing contravention with an additional fine which may extend to twenty rupees for every day during which such contravention continues after conviction for the first such contravention.

36. Rules and regulations to be laid before Parliament.—Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

37. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of five years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

38. Amendment of Act 49 of 1982.—In the National Waterway (Allahabad-Haldia Stretch of the Ganga-Bhagirathi-Hooghly River) Act, 1982,—

(a) in section 3, for the words “Central Government”, the word “Union” shall be substituted, and for the words “to the extent hereinafter provided”, the words and figures “to the extent provided in the Inland Waterways Authority of India Act, 1985” shall be substituted;

(b) sections 4 to 15 shall be omitted.



Government of West Bengal
Irrigation & Waterways Department
 Jalasampad Bhawan, 3rd Floor, Salt Lake, Kolkata- 700091.

No. 518-IE

Date- 25/02/2025

ORDER

In exercise of the Power conferred under Order XXVII, Rule 2 of the Code of Civil Procedure 1908, the undersigned is directed to authorize the **Executive Engineer & Technical Assistant to Superintending Engineer, Eastern Circle, Irrigation & Waterways Directorate, Govt. of West Bengal**, to take all necessary steps before Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in O.A. No. 30/2025/EZ In Re: **Sinking B'deshi vessel dumps toxic fly ash in river near Ghoramara, shows video shared by Panchayat member News item published in the Times of India Kolkata Section dt. 17.02.2025 -Vs- State of West Bengal & Ors.** and to affirm Affidavit and sign all papers in connection with the same on behalf of the Additional Chief Secretary, Irrigation & Waterways Department, Government of West Bengal in consultation with Mr. Rajib Ray, Ld. State Advocate, National Green Tribunal, Eastern Zone Bench, Kolkata.

sd/-

Joint Secretary to the Government of West Bengal

Date- 25/02/2025

No. 518/1(6)-IE

Copy forwarded for information & necessary action to:-

1. The Chief Engineer (South), I & W Dte. Govt. Of West Bengal, Jalasampad Bhawan, 4th Floor, Salt Lake City, Kolkata- 700091.
2. The Superintending Engineer, Eastern Circle, I & W Dte., Govt. Of West Bengal, Jalasampad Bhawan, 8th Floor, Salt Lake City, Kolkata- 700091.
3. Executive Engineer & Technical Assistant to Superintending Engineer, Eastern Circle, I & W Dte., Govt. of West Bengal.--- He is requested to contact Mr. Rajib Ray, Ld. State Advocate, (Cell No.7980422764) National Green Tribunal, Eastern Zone Bench, Kolkata with all relevant papers and documents in connection with the matter and make all necessary arrangements to defend the instant case. He is further informed that the matter will appear next on 07/03/2025, as per order dated 19.02.2025. Encl: Copy of the Order dt. 19/02/2025.
4. The Executive Engineer, Kakdwip Irrigation Division, I & W Dte., Govt. of West Bengal, Kakdwip Irrigation Campus, P.O.- Kakdwip, Dist.- South 24 Parganas, Pin- 743347.
5. Mr. Rajib Ray, Ld. State Advocate, National Green Tribunal, Eastern Zone Bench, Kolkata (email : rajib.ray23@gmail.com).
6. Office of the Ld. Legal Remembrancer, W.B., 2 & 3 K.S. Roy Road, City Civil Court Buildings, 5th Floor, Kolkata - 700001. --with a request for issuance of formal engagement order in favour of Mr. Rajib Ray, Ld. State Advocate, National Green Tribunal, Eastern Zone Bench, Kolkata.

Joint Secretary to the Government of West Bengal

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BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

O. A. NO. 30/2025/EZ

In Re: Sinking B'deshi vessel dumps toxic fly
ash in river near Ghoramara, shows video
shared by Panchayat member News item
published in the Times of India Kolkata
Section dated 17.02.2025.

...Applicant.

-vs-

The State of West of Bengal & Ors.

....Respondents.

Affidavit on behalf of the Irrigation and
Waterways Department, Respondents No. 5.

RAJIB RAY

Advocate

Bar Association Room No. 13,

High Court, Calcutta

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