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## India: A Legal Perspective on The Inland Waterways & Riverside Services Sector in India

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by

Kochhar & Co.

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Inland water transport (IWT) is an environment-friendly, economical, and cost-effective mode of transportation for passengers and cargo as compared to roadways and railways. However, Indian rivers and its tributaries are yet to be exploited for the potential they offer for transportation, as also, for development of shore side services, river cruises, tourism etc. Perennial rivers that criss-cross India support a huge population which largely depends on agriculture for sustenance though these riverbanks are also home to religious and historical sites which draw to them millions of tourists every year. Given the beauty and heritage along the Indian rivers, the need of the hour is to facilitate better utilization of our grand waterway as well as the riverbanks for infrastructural development, including terminals and shore side services such as hotels, restaurants, recreational sites, etc. The government has taken various steps to increase investments in this sector, including by amendment of the legislative framework.

Inland Waterways Authority of India ("**IWAI**"), a statutory authority constituted under the Inland Waterways Authority of India Act, 1985, which is *inter alia* responsible for infrastructure development and maintenance works on national waterways, had designated 5 waterways totalling 4382 kilometres as National Waterways with a view to improve navigability in India. IWAI has been successful in attracting some private sector investment in inland water transport through Joint Venture route, one of them being the Vivada Inland Waterways Ltd which is mainly controlled from Kolkata.

The National Waterways Act, 2016 was recently enacted in order to amend the Inland Waterways Authority of India Act, 1985. The amendments have added 106 additional inland waterways as the national waterways, thereby increasing the total number of national waterways to 111 from existing five national waterways. Further, the Act of 2016 has also repealed the five statutes (dealing with five notified National

Waterways) that separately dealt with the existing 5 national waterways and has included the same within the new Act. The pronouncement of additional national waterways would be of assistance in major overhaul of the movement of goods and passengers by way of rivers around the country.

### Initiatives to be taken for promotion of Inland Waterways

Since many Indian cities are connected by rivers, development and promotion of river cruises connecting heritable sites is one of the ways to enhance the potential of rivers plying throughout the country. In fact, there has been a welcome development in this regard. A river cruise vessel named 'M.V. Mahabaahu' is being operated on the river Brahmaputra. Further, the Champions Yacht Club has recently introduced a river cruise named 'Tanvi' on the river Krishna with a view to boost the cruise tourism industry.

However, the inland waterway vessels are presently run-on diesel. In an attempt to ensure the usage of environment friendly and cost-effective fuel, there is widespread and urgent need to adopt compressed natural gas (CNG) as a fuel for inland waterway vessels. However, prior to suggesting any shift in the fuel, it would be necessary to set up adequate CNG pump stations in areas where CNG use for vehicles is not in vogue. While setting up CNG pump stations, the financial viability of such pump stations would also have to be considered.

Efforts are also underway to provide a secure environment for the terminals and cruises, with a view to provide safe and secure movement of tourists, check illegal transportation of goods, etc. along the riverbanks which is matter of concern for respective state governments. For instance, Government of Bihar has notified certain river thanas / police stations on the banks of the river Ganga.

Though the beauty and heritage along the Indian rivers is unparalleled, the exploitation of the same has suffered on account of lack of planning. It is to be noted that Indian rivers are home to various temple towns and tourism and/or cruise vessels which intend to provide tourists alcoholic drinks and non-vegetarian food may not find favour with the local traditions and sensitivities of these temple towns. It would thus be better if virgin stretches at select locations are earmarked for development of tourism and other shore side services, with cruise vessels that take tourists to adjoining temple towns or other localities of tourist interest. Selection of such new river side areas for development would provide the planners sufficient room for planned development.

The development of facilities like restaurants, hotels along riverside requires certain short-, medium- and long-term planning in order to ensure adequate sewerage, water, power, terminal, refuelling, waste and effluent treatment and other services and amenities such that the developments are environmentally friendly yet economically viable. Planning needs to include environment-friendly measures such sewage and effluent treatment plant, waste treatment, storm water drains, rainwater harvesting system and other waste management systems. While earmarking such areas for development, the government will have to change its approach from construction first and infrastructure later to infrastructure first and construction to

follow. Any well-planned development would not only be environmentally sustainable but would also attract greater investments as well as users.

It may also be noted that there are no sound guidelines or policies for environmental compliance in the development of shores, terminals, etc. or for granting approvals / clearances pursuant to fulfilment of environmental standards and stipulations. In this regard the Ministry of Environment, Forests and Climate Change may provide for guidelines for planning waterway development projects and also ensure that such projects are attuned to environmental protection requirements. Investments in development of shore side infrastructure and services, including use of waterways for cruises and other facilities, may not find much favour with investors despite their huge potential on account of an overbearing National Green Tribunal, which has interjected even in case of setting up of temporary facilities along river banks, as seen in the case of World Culture Festival organized on the banks of Yamuna by the Art of Living Foundation, or setting up of camps for river rafting along the Ganges. It is therefore necessary for the government to address all necessary environmental concerns and frame appropriate guidelines for exploitation of riverbanks and rivers for commercial purposes before beginning the process of development of such facilities with private investment. The government should also ensure that such guidelines are consistent with expectations of the green lobby, including the National Green Tribunal.

Considering all the aforesaid concerns, it can be concluded that the potential of navigable waterways and shore side and river services needs to be widened as a complementary and environmentally sustainable mode of transport, tourism, and recreation. The development and regulation of waterways and river services should be critically examined, and the concerned authorities should do away with all the anomalies that have obstructed the evolution and expansion of the sector. Government should lend a helping hand by providing requisite infrastructure, introducing policies to promote waterways. The government also needs to encourage the effective participation of the private sector for construction and operation of river ports, cruises and other services by earmarking virgin stretches on riverbanks for planned development by way of different arrangements including but not limited to Build Own Operate and Transfer, Build Own Operate, joint venture, etc.

*The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.*