MINISTRY OF POWER

DAMODAR VALLEY CORPORATION (AMENDMENT) BILL, 2007

TWENTY FIRST REPORT

LOK SABHA SECRETARIAT
NEW DELHI

September, 2007/Bhadrapada, 1929 (Saka)
TWENTY FIRST REPORT
STANDING COMMITTEE ON ENERGY
(2007-08)

FOURTEENTH LOK SABHA

MINISTRY OF POWER

DAMODAR VALLEY CORPORATION (AMENDMENT) BILL, 2007

Presented to Lok Sabha on 7.9.2007
Laid in Rajya Sabha on 7.9.2007

LOK SABHA SECRETARIAT
NEW DELHI

September, 2007/Bhadrapada, 1929 (Saka)
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ANNEXURE

I. Minutes of the sittings of the Standing Committee on Energy held on 19.07.2007 & 05.09.2007
**COMPOSITION OF THE STANDING COMMITTEE ON ENERGY (2007-08)**

Shri Gurudas Kamat - Chairman

### MEMBERS

#### LOK SABHA

2. Shri Rashid J.M. Aaron  
3. Shri Kailash Baitha  
4. Shri Gaurishanker Chaturbhuj Bisen  
5. Shri Nandkumar Singh Chauhan  
6. Smt. Anuradha Choudhary  
7. Shri Mohan Jena  
8. Prof. Chander Kumar  
9. Sardar Sukhdev Singh Libra  
10. Shri Sanat Kumar Mandal  
11. Shri Dharmendra Pradhan  
12. Dr. Ravindra Kumar Rana  
13. Shri Kiren Rijiju  
14. Shri Nand Kumar Sai  
15. Shri Vijayendra Pal Singh  
16. Shri M.K. Subba  
17. Shri E.G. Sugavanam  
18. Shri Tarit Baran Topdar  
19. Shri G. Venkatswamy  
20. Shri Chandra Pal Singh Yadav  
21. Shri Kailash Nath Singh Yadav

#### RAJYA SABHA

22. Shri Motilal Vora  
23. Shri Jesudasu Seelam  
24. Shri V. Hanumantha Rao  
25. Shri Keshubhai S. Patel  
26. Dr. (Shrimati) Najma A. Heptulla  
27. Shri Veer Pal Singh Yadav  
28. Shri Sudarshan Akarapu  
29. Dr. K. Kasturirangan  
30. Dr. Bimal Jalan  
31. Shri Syed Azeez Pasha

#### SECRETARIAT

1. Shri P.K. Bhandari - Joint Secretary  
2. Shri J.S. Chauhan - Deputy Secretary  
3. Ms Juby Amar - Under Secretary  
4. Smt. Neena Juneja - Senior Executive Assistant
INTRODUCTION

I, the Chairman, Standing Committee on Energy having been authorised by the Committee to present the Report on their behalf, present this Twenty First Report on the Damodar Valley Corporation (Amendment) Bill, 2007 relating to the Ministry of Power.

2. The Damodar Valley Corporation (Amendment) Bill, 2007 (copy enclosed at Annexure-I) was introduced in Lok Sabha on 18th May, 2007 and referred to the Standing Committee on Energy for detailed examination and making a report thereon by the Hon’ble Speaker, Lok Sabha.

3. The Committee held a sitting for briefing by the Ministry of Power in connection with examination of the Bill. The views of the concerned State Governments on the proposed amendments were sought in writing.

4. The Committee wish to express their thanks to the State Government of West Bengal and Jharkhand for placing their views on the bill before the Committee. The Committee also wish to thank the representatives of the Ministry of Power for placing before them detailed information as desired by the Committee and also briefing the Committee on the subject as desired.

5. The Report was considered and adopted by the Committee at their sitting held on 5th September, 2007.

6. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in thick type in the body of the Report.

NEW DELHI;                 GURUDAS KAMAT
5 September 2007             Chairman,
14 Bhadrapada 1929 (Saka)   Standing Committee on Energy
CHAPTER-I

INTRODUCTORY

Damodar Valley Corporation (DVC) came into being as a culmination of thoughts and attempts made over a whole century to tame the wild and erratic Damodar, then denounced as the ‘River of Sorrow’. In March 1948, a little over six months after independence, the Damodar Valley Corporation Act was passed by the Central Legislature, requiring the Central and the State Governments of West Bengal and Bihar (now Jharkhand) to participate jointly for the purpose of building, operating and maintaining Dams with hydro-electric stations, thermal power stations, associated transmission and distribution arrangements and barrage and irrigation system in the Damodar Valley covering an area of 24,235 sq. kms. The Corporation ultimately came formally into existence on July 7, 1948.

2. As per the Act the entire capital for the completion of any project was to be provided by the participating Governments (Central/West Bengal/Bihar). Presently, its jurisdiction extends to West Bengal and the newly constituted State of Jharkhand.

3. Apart from the functions of generation transmission and distribution of electric energy (hydro and thermal) the Corporation also promotes operation of schemes for irrigation, water supply and drainage and also flood control. Other activities include promotion of afforestation and control of soil erosion, public health, agriculture, industrial, economic and general well being of the Damodar Valley in its area of operation.

4. Section 4(1) of the DVC Act, 1948 provided that “the Corporation shall consist of a Chairman and two other Members appointed by the Central Government after consultation with the provincial State Government (West Bengal and Bihar). Section 5(1) of the Act provided that “every Member of the Corporation shall devote the whole of his time to the affairs of the Corporation.” Apart from the Chairman, there were two full time Members from the Governments of West Bengal and Bihar.
5. In 1957, DVC Act, 1948 was amended and Section 5(1) was deleted. This implied that there was no compulsion of having full time Members in the Board. The Board of the DVC, now, consists of a Chairman and two part time Members from the two State Governments. In addition, Joint Secretary (Thermal), Ministry of Power (as a special invitee) and Director (Operations) NTPC (as an expert) are also associated with the Board.

6. The Damodar Valley Corporation (Amendment) Bill, 2007 was introduced in the Lok Sabha and referred to the Standing Committee on Energy for examination and making report thereon on 18.05.2007.

7. In the Bill, it is proposed to amend Section 4 of the Act which states:

“The Corporation shall consist of a Chairman and two other Members appointed by the Central Government after consultation with the Provincial Governments.”

8. The Section 4 of Damodar Valley Corporation Act 1948 for sub-section (1) of the following sub-section shall be substituted, namely: -

“(1) The Corporation shall consist of:

(a) a Chairman;
(b) a Member (technical), and a Member (finance);
(c) one representative from the Central Government;
(d) two representatives one each from the Governments of Jharkhand and West Bengal;
(e) three independent experts one each from the field of irrigation, water supply and generation or transmission of electricity.

(1A) The Chairman and Members under clauses (a), (b) and (d) of sub-section (1) shall be appointed by the Central Government in consultation with the State Governments concerned while the Members under clauses (c) & (e) shall be appointed by the Central Government, by notification in the official gazette.

(1B) The Chairman and Members under clauses (a) and (b) of sub-section (1) shall be whole time while the Members under clauses (c) to (e) shall be part time.”
9. The Committee deliberated on the proposed amendment in the bill and were also briefed by the Ministry of Power on the same. The details of the discussions held are contained in the succeeding paras of the Report. The Committee endorse the bill with some suggestions given in the succeeding paras.
CHAPTER-II

The present proposal is for deleting the existing sub-section (1) of Section 4 of the Damodar Valley Corporation Act, 1948, and for inserting following sub-sections in Section 4 of the Act:

“(1) The Corporation shall consist of: -
(a) a Chairman
(b) a Member (technical), and a Member (finance)
(c) one representative form Central Government;
(d) two representatives one each from the Governments of Jharkhand and West Bengal;
(e) three independent experts one each from the filed of irrigation, water supply and generation or transmission of electricity.

(1A) The Chairman and Members under clauses (a), (b) & (d) of sub-section (1) shall be appointed by the Central Government in consultation with the State Governments concerned while the Members under clauses (c) and (e) shall be appointed by the Central Government, by notification in the official gazette.

(1B) The Chairman and Members under clauses (a) and (b) of sub-section (1) shall be whole time while the members under clauses (c) to (e) shall be part time.”

2. Explaining the need for the proposed amendment the Ministry of Power has stated that over the last 50 years, a number of changes have taken place in the activities of DVC, in tune with the industrial development in the Valley area. The demand for power by industry, specially coal, steel, railways and other consumers has gone up considerably; this has necessitated amendment of DVC Act for increasing the number of Members on the Board of DVC.

3. The Ministry has further informed that against installed capacity of 524 MW till 1961, DVC has generation capacity of 2354 MW till date. It proposes to add more than 7000 MW in the 11th Plan period. The main projects of expansions being Mejia, Chandrapura, Koderma, Durgapur, Raghunathpur, Bokaro-A, Maithon Bokaro Steel.

4. Explaining the expansion of DVC over the years, the Ministry further added that DVC has grown into a large generating company with its own transmission and sub-transmission network supplying power to West Bengal and Jharkhand State Electricity
Boards and also to other State outside the eastern region through interregional corridor. The Corporation also proposes to build transmission and distribution systems in the DVC area concomitant with the increased demand in DVC area. In view of the expansion plans of DVC, it becomes necessary to restructure it.

5. Responding to a query on the role of DVC presently, the Secretary, Power informed the Committee:

“Sir, you have rightly pointed out that the focus of DVC is not only on power generation. In fact, where it is power generation, it is also hydro-power generation also to a limited extent because the head that is required for major hydro-power generation is not available there. But the greater potential is of course irrigation and flood control and water supply and other schemes and this particular organisation, this map, that is before you, will show you which are the reservoirs which are there in the area – the barrages, the canals, the flood storage capacity, irrigation command which is gradually being developed. At the same time they have a vast plan which they have prepared, a Master Plan by WAPCOS under the guidance of the CWC for exploring the untapped tributaries of Damodar and Barakar, a unified control of all the dams and harnessing the surface water flow during monsoon session. There is also an eco conservation Master Plan prepared by the FRI. This has been finalised and the estimation for afforestation over the next five years is around Rs.260 crore. There is also a pollution abatement study that is going on in the region.”

6. Replying to a specific question about multidimensional role of DVC under the Ministry of Power, the Secretary explained as follows

“There is a similar body called the Bhakra Beas Management Board which also has integrated functions of power generation of irrigation and flood control. These objectives, in fact, have been adequately addressed in the participating States or the partner States as they were called in that case. The States involved are Punjab, Haryana, Rajasthan, and Himachal Pradesh has also been included now. The structure in that organisation, in fact, is a little different. They have the Chairman of the BBMB. There is a Member for Irrigation and a Member for Power. Here the greater focus is power because what had happened in that (BBMB) situation was there are two major rivers of the North which have been harnessed and which have been combined together – one is the river Sutlej and the other is the river Beas. Two major rivers are involved and very extensive State irrigation schemes are part of it and they are being managed adequately. But I would state a little distinction as to why we have not made any changes in BBMB
and why we have been forced to make this change in DVC. Here in this case this organisation is luckily growing and expanding whereas the BBMB has not able to add much to its kitty in recent years. Here, as I have mentioned to you today from about 2354 MW we are hoping to achieve 10,000 MW, which is no mean achievement. It is going to be much larger than the size of a single State Electricity Board. In fact, some of the regional grids are smaller than this size. Here is a potential which we saw and we thought that it was not harnessed adequately in the past, so we have decided to address this issue accordingly.

In the proposed structure of DVC what we are finding is that a nominee of the Government of India, two representatives from the State Governments, and one Member (Technical), we call it the Member (Technical), the idea is that he is not an expert in the field of power and he is going to be an expert who will be advising in the field of irrigation, power and flood control. There is also a Member (Finance) for obvious reasons. Then there are three independent experts in each field which we are looking for and the three fields are irrigation, water supply, generation or transmission. So keeping in view the overall envisaged requirements of the organisation we have tried to keep it as lean as possible and that is why the amendment has been sought.”

7. Further the Corporation also proposes to build up transmission and distribution systems concomitant with the above generation plan. As power generation and supply activity is poised for a major jump in the next five-year plan period, it would be necessary to have a broad-based DVC so as to discharge its newly emerging role as a dominant power generator effectively. The present organisation structure, which was originally designed to cater to the limited needs of Damodar Valley areas, is found to be deficient for making DVC a major power producer of the country with clientele across all the regions.

8. The Ministry of Power has further informed that the Administrative Staff College of India (ASCI) was appointed to examine various alternative models for restructuring DVC and suggest the most viable one to take care of the changing needs of DVC.

9. The Administrative Staff College of India (ASCI) submitted its report after studying the functions and activities of DVC and emphasized the need of making the Corporation more broad based and professional. ASCI recommended inclusion of full time Member Secretary or Member (Administration), Member (Technical), Member
(Finance), Member (System & Commercial) and an expert part-time Member in the Corporation.

10. As informed by the Ministry, the recommendations of ASCI were discussed on 19.05.2006 in a meeting under the Chairmanship of Secretary (Power) with the Principal Secretary (Power Department), West Bengal and Principal Secretary (Energy), Jharkhand. In the meeting, it was agreed that the existing sub-section (1) of Section 4 of the DVC Act, 1948 should be replaced by the following provision:

“The Corporation shall consist of a whole-time Chairman, a whole-time Member (Technical), a whole-time Member (Finance), a representative from the Central Government, a representative from Government of Jharkhand, a representative form Government of West Bengal and up to three independent experts, appointed by the Central Government after consultation with the State Governments.”

11. Regarding the expenditure, the Financial Memorandum of the Bill makes it clear that the Bill, if enacted and brought into operation would involve expenditure from the fund of the Damodar Valley Corporation for the post of Member (Finance), Member (Technical) and three independent experts, one each from the field of irrigation, water supply and generation or transmission of electricity. It has been estimated that approximate expenditure is Rs.65 lakhs (Rupees sixty five lakhs only) per annum for full-time Members and Rs.8 lakhs (Rupees eight lakhs only) per annum for part-time Members to be funded from the Damodar Valley Corporation. No expenditure from the Consolidated Fund of India shall be incurred.

12. During evidence, the Secretary, Ministry of Power further explained:

“In respect of expenditure, I assure that the structure of this plan is not very lavish. It is minimal. Nine Members that we are talking about is for the Board meeting when it meets. Full time Members are only three (including Chairman). There are six part time Members, three being the representatives of the Governments and three being independent Members in the nature of experts participating. This is the kind of a plan that we have in mind.”
13. On a specific query on the Secretary being full time Member of the Board, the Secretary, Ministry of Power clarified:

“In the past, Secretary was not a full time Member of a Board. You have instances of the Bihar Electricity Board, Jharkhand Electricity Board, etc. You are all from the States. The Secretary was not a Member of the Board. They are below Board level........ the Secretary of the Board who is virtually like an establishment officer of the organisation which is envisaged in the Act also. But he is not the Member of the Board. He is below the Board.”

14. Regarding the proposed arrangement in the system, the Secretary, Ministry of Power further clarified before the Committee:

“You are aware that in the earlier times, there was Chief Engineer to be normally the head of the engineering department in the State. Today, we have Engineers in Chief. The post of Chief Engineer is not abolished. He is there and there is also an Engineer in Chief. There would be a Financial Advisor and Member Finance. There is the Secretary of the Board. However, if you feel that there is need for a Member level representation for that organisation and if the Committee in its considered view were to come to that, we shall certainly examine that with the highest respect.”

15. The Committee also made a reference to the State Governments of West Bengal and Jharkhand to know their views on the proposed amendments. The Government of West Bengal in a written note have stated that West Bengal have no objections to the proposed amendments in the bill. The reply from the Government of Jharkhand states that Member (Finance) if appointed a full time Member, there is a possibility of overlapping of the duties of Financial Advisor and Member (Finance), therefore the post of Financial Advisor may be made equivalent to level of Member. It is also suggested that Director (Technical) may be made equivalent to the Member. Also the appointment made against the above posts may be on the basis of competition. By upgrading the post of Secretary-cum-Chief Executive Officer, he may be nominated as Chief Executive Officer-cum-Member Secretary. The post of Secretary-cum-Chief Executive Officer is equivalent to the post of Managing Director. Therefore, it will be appropriate to appoint the Secretary from the persons having Professional Management/Public Undertaking.
16. The Committee note that DVC has to play multi-dimensional role and over a period of almost fifty years since the DVC was constituted in 1948, there has been a considerable increase in its work load viz. promotion of schemes for generation, transmission and distribution of electrical energy (hydro and thermal), promotion and operation of schemes for irrigation, water supply and drainage as well as in other activities of the Corporation which include flood control in the Damodar river and its tributaries, promotion of afforestation and control of soil erosion, public health, agriculture, industrial, economic and general well being of people in the Damodar Valley.

17. The demand for power by the coal and steel industries, railways and others has also greatly increased over the years. The Committee note that as against a generation capacity of 524 MW till 1961, DVC now has a capacity of 2354 MW. The DVC proposes to add more than 7000 MW in the 11th Plan. This has necessitated the restructuring of the Corporation to make it more broad based and professional.

18. The Committee support the amendments proposed in the Damodar Valley Corporation (Amendment) Bill, 2007 whereby there would be two permanent Members (Technical & Finance) apart from the Chairman, three part time Members comprising of independent experts one each from the field of irrigation, water supply, generation or transmission, two Members representing the two State Governments (West Bengal and Jharkhand) and also a nominee of the Central Government. The Committee also desire that the additional expenditure on the appointment of new Members to the Board of Directors should be kept to the minimum. The Committee however further desire that the Secretary of the organisation should be made a full time Member of the Board to enhance the functioning capabilities of the organisation and as has been recommended by the Administrative Staff College of India.
19. The Committee also feel that DVC should pay equal importance to its other welfare activities such as afforestation and eco-conservation, flood control, fish farming, management of natural resources, rural electrification, etc. apart from its role in power generation, transmission and distribution.

NEW DELHI; GURUDAS KAMAT
5 September 2007 Chairman,
14 Bhadrapada 1929 (Saka) Standing Committee on Energy
STATEMENT OF CONCLUSIONS/RECOMMENDATIONS OF THE
STANDING COMMITTEE ON ENERGY CONTAINED IN THE REPORT

<table>
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<th>Conclusions/Recommendations</th>
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<tr>
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The Committee met from 1600 hours to 1715 hrs.

PRESENT

1. Shri Gurudas Kamat - Chairman

MEMBERS

LOK SABHA

2. Shri Rashid J.M. Aaron
3. Shri Kailash Baitha
4. Shri Gaurishanker Chaturbhuj Bisen
5. Shri Mohan Jena
6. Prof. Chander Kumar
7. Sardar Sukhdev Singh Libra
8. Shri Sanat Kumar Mandal
9. Shri Dharmendra Pradhan
10. Dr. Rabindar Kumar Rana
11. Shri Nand Kumar Sai
12. Shri Vijayendra Pal Singh
13. Shri M.K. Subba
14. Shri E.G. Sugavanam
15. Shri Tarit Baran Topdar
16. Shri Chandra Pal Singh Yadav

RAJYA SABHA

17. Shri Sudarshan Akarapu
18. Dr. K. Kasturirangan
19. Shri Jesu Dasu Seelam
20. Shri Motilal Vora
21. Shri Veer Pal Singh Yadav
SECRETARIAT

1. Shri P.K. Bhandari - Joint Secretary
2. Shri J.S. Chauhan - Deputy Secretary
3. Shri Shiv Kumar - Deputy Secretary
4. Ms. Juby Amar - Under Secretary

REPRESENTATIVES OF MINISTRY OF POWER

<table>
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<tr>
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<th>Name</th>
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<tr>
<td>1.</td>
<td>Shri Anil Razdan</td>
<td>Secretary</td>
</tr>
<tr>
<td>2.</td>
<td>Shri Harish Chandra</td>
<td>Sr. Adviser</td>
</tr>
<tr>
<td>3.</td>
<td>Shri Anil Kumar</td>
<td>Addl. Secretary</td>
</tr>
<tr>
<td>4.</td>
<td>Shri A.K. Khurana</td>
<td>Addl. Secretary</td>
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<tr>
<td>5.</td>
<td>Shri Jayant Kawale</td>
<td>Joint Secretary</td>
</tr>
<tr>
<td>6.</td>
<td>Shri A.K. Kuttty</td>
<td>Joint Secretary</td>
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<td>7.</td>
<td>Shri G.B. Pradhan</td>
<td>Joint Secretary</td>
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<tr>
<td>8.</td>
<td>Shri Alok Kumar</td>
<td>Director</td>
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<tr>
<td>9.</td>
<td>Shri Punet K. Goel</td>
<td>Director</td>
</tr>
</tbody>
</table>

CENTRAL ELECTRICITY AUTHORITY (CEA)

1. Shri Rakesh Nath  Chairperson
2. Shri R. Dahiya    Member (Thermal)

DAMODAR VALLEY CORPORATION (DVC)

1. Shri Asim K. Barman  Chairman
2. Shri Subrata Biswar  Secretary
3. Shri S.B. Srivastava  Director (Tech)
4. Shri T.K. Gupta  Director (Accounts)

At the outset, the Chairman welcomed the Members of the Committee and representatives of the Ministry of Power to the sitting of the Committee and invited their attention to the provisions contained in Direction 58 of the Directions by the Speaker.

2. After the introductory remarks of Chairman and formal introduction of the witnesses, the representatives of the Ministry of Power briefly explained about the need for
the proposed amendments in the Damodar Valley Corporation Act 1948. Thereafter the following important points came up for discussion during the sitting:

(ii) The expansion of DVC Board of Directors and the need for bringing about such amendments.
(iii) Role of DVC in power generation and the new power projects proposed and capacity addition in the existing units.
(iv) Diversified activities of DVC apart from power generation.
(v) Role of the new Board of Directors and Chairman, DVC under the new system.

3. Members raised some other queries which were answered by the representatives of the Ministry of Power.

4. A verbatim record of the sitting has been kept.

5. The witnesses, then, withdrew

The Committee then adjourned
The Committee met from 1500 hrs. to 1600 hrs.

Present

Shri Gurudas Kamat - Chairman

MEMBERS

Lok Sabha

2. Shri Gaurishanker Chaturbhuj Bisen
3. Prof. Chander Kumar
4. Sardar Sukhdev Singh Libra
5. Shri Sanat Kumar Mandal
6. Dr. Rabindra Kumar Rana
7. Shri Kiren Rijiju
8. Shri Vijayendra Pal Singh
9. Shri Tarit Baran Topdar
10. Shri Chandra Pal Singh Yadav

Rajya Sabha

11. Shri Bimal Jalan
12. Shri Motilal Vora
13. Shri Veer Pal Singh Yadav

Secretariat

1. Shri P.K. Bhandari - Joint Secretary
2. Shri J.S. Chauhan - Deputy Secretary
3. Shri Shiv Kumar - Deputy Secretary
4. Mrs. Juby Amar - Under Secretary

2. x x x  xxx  xxx

3. xxx  xxx  xxx

4. The Committee then took up for consideration the draft 21st Report on the Damodar Valley Corporation (Amendment) Bill, 2007 pertaining to the Ministry of Power. The Committee adopted the draft Report without any amendments.
5. The Committee authorised the Chairman to finalise the Report and present the same to both the Houses of Parliament.

_The Committee then adjourned_