

National Mission for Clean Ganga (NMCG)
Department of Water Resources, River Development & Ganga Rejuvenation
Ministry of Jal Shakti

1st Floor, Major Dhyan Chand National Stadium,
India Gate, New Delhi – 110002

F.No: Pc-11012/1/2022

Date: 3rd June 2022

REQUEST FOR EXPRESSION OF INTEREST
(Consulting Services – Individual Consultant Selection)

Assignment Title	Engagement of International Legal Consultant for Comprehensive Institutional Assessment Study
Reference No. (as per Procurement Plan)	IN-NMCG-289884-CS-INDV
Loan No./Credit No./ Grant No.:	IBRD-91360

The Government of India has received financing from the World Bank towards the cost of Second National Ganga River Basin Project that supports the Namami Gange Programme (NGP) to reduce point-source pollution from targeted urban areas of the Ganga river basin and support the Central Ministry to strengthen the institutional framework for Ganga river basin management. National Mission for Clean Ganga (NMCG), an implementing agency, intends to apply a portion of the loan/credit for the subject assignment.

The main objecting of the proposed consulting assignment is to provide expertise to support the Institutional Assessment Study and contribute to setting workable options to implement the mandate received through the River Ganga (Rejuvenation, Protection and Management) Authorities Order of 2016 towards management of Ganga River Basin and to develop an action plan for the Government of India and the Ganga Basin States to implement the option which will be selected. The detailed Terms of Reference is enclosed.

NMCG now invites eligible individual consultant to indicate their interest in providing the services. Interested consultants should provide information demonstrating that they have the required qualifications and relevant experience to perform the services. The shortlisting criteria are:

The International Legal Expert should demonstrate at least the following qualification and experience:

- Master's degree in Law with legal practice in public administration for at least 10-15 years combinedly in more than 5 countries. Legal practice in India – an advantage.
- Experience should also include at least 3-5 years of legal services provided to any international river commissions/ authorities for better understanding of the legal provisions required for organizational reforms and institutional reforms of River Management Authorities.

The selection will be on the basis of relevant experience, qualifications, and capability to carry out the assignment which shall be determined and assessed by NMCG on the basis of academic background and relevant specific experience. NMCG reserves the right to conduct an interview with the individual consultants, if any required.

The attention of interested Consultants is drawn to Section III, paragraphs, 3.14, 3.16, and 3.17 of the World Bank's "Procurement Regulations for IPF Borrowers" July 2016 (Revised November 2017 and August 2018) ("Procurement Regulations"), setting forth the World Bank's policy on conflict of interest.

Expression of interest must be submitted in electronic form to the email ID provided below by IST **13:00 Hrs. on or before 17th June 2022.**

National Mission for Clean Ganga
1st Floor, Major Dhyan Chand National Stadium,
India Gate, New Delhi - 110002.
T: +91 11 2307 2900
E: tl.procurement@nmcg.nic.in
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Namami Gange Program

Supported by the World Bank-funded Second National Ganga River Basin Project

Terms of Reference for the recruitment by the National Mission for Clean Ganga of an International Legal Expert

The Second National Ganga River Basin Project (SNGRBP) is a World Bank-financed project that supports the Namami Gange Program (NGP) of Government of India. The objective of SNGRBP is “to reduce point-source pollution from targeted urban areas of the Ganga river basin and support the Central Ministry to strengthen the institutional framework for Ganga river basin management.”

With funding from the SNGRBP, NMCG seeks to recruit an International Legal Expert to join an national Legal Expert (being recruited under separate Terms of Reference) and a team of consultants hired by GIZ to jointly carry out a comprehensive Institutional Assessment Study aiming at analyzing relevant laws and regulations governing water management and functions and mandates of key institutions involved in Ganga river basin management at Central, State and sub-State levels in the Ganga River Basin. The Institutional Assessment study is expected to provide options for NMCG to operationalize the mandate it received through the River Ganga (Rejuvenation, Protection and Management) Authorities Order of 2016 towards management of Ganga River Basin.

Mission Objectives of the International Environmental Lawyer

The objective of the International Environmental Lawyer is to provide expertise to support the Institutional Assessment Study and contribute to setting workable options to implement the mandate received through the River Ganga (Rejuvenation, Protection and Management) Authorities Order of 2016 towards management of Ganga River Basin and to develop an action plan for the Government of India and the Ganga Basin States to implement the option which will be selected.

Scope of Work

- 1) Get familiar and fully understand the requirements of the Institutional Assessment Study, as detailed in the Terms of Reference in Annexure 1.
- 2) Review prevalent and past Acts related to Ganga Basin planning and management including but not limited to Environment (Protection) Act, 1986, National Ganga River Basin Authority framework (NGBRA) and River Ganga (Rejuvenation, Protection and Management) Authorities Order of 2016 (hereafter referred as Authority Order 2016) and prepare a comparative report on the legal provisions between the same vis-a-vis that of Mekong River Commission, Murray Darling Basin and Danube River Basin;
- 3) Analyze the Rules of Business of the Act in coordination with the National Legal Expert and other technical experts recruited by GIZ consultants for supporting reforms of NMCG;
- 4) Review constitutional provisions in the NMCG Authority Order 2016 and its amendments thereof in relations to constitutional powers, and mandate of the delegated state subject, provisions in the water policies of the 5 states associated with the Ganga river and the 3 key riparian watershed states

- 5) Analyze the existing structure and functions of NMCG and based on the discussions with technical experts provided to NMCG, provide recommendations for changes in the institutional structures and functions of NMCG and its arms in the respective states, and other community level entities prescribed in the Authority Order 2016.
- 6) Review (with the support of National legal Experts) overlaps of roles and responsibilities of other inter-related agencies such as CWC, CGWB, CPCB, MoJS, MoHUA, MoEFCC, and other administrative institutions within the jurisdiction of Ganga basin.
- 7) Based on discussions with various stakeholders and analysis of the structure, functions and lessons learnt in establishment of the aforesaid international river basins, recommend legal changes/amendments required for the purpose not limited to NMCG and or the Act but also changes/amendments required for other related legislations.
- 8) Prepare revisions to the Rules of Business for the amended Act.
- 9) Participate and provide inputs to the working group established for institutional reforms by NMCG.
- 10) Any other work as directed by the Working group and/or by the Director General, NMCG.

Deliverables:

1. List of amendments to legal provisions in the Authority Order 2016 and its Rules of Business, to effect changes in the standard process that would be required by the NMCG and SMCGs for planning, implementation, and monitoring for integrated river basin management within the scope of the draft organizational structure.
2. Take into consideration any feedback provided and develop draft outline of the to be developed SOPs encompassing the key components of related to the Authority Order 2016, and its amendments thereof including those recommended under this assignment
3. Take into consideration any feedback provided and develop an Action Plan to implement institutional reforms, emerging out of the amendments to the existing Authority Order 2016 recommend under this assignment.
4. Integrate any feedback received to ensure the quality of the final report of the Institutional Assessment Study report

Timelines and Payment schedule for deliverables

S.No.	Deliverable	Timeline	Payment
1.	List of amendments to legal provisions in the NMCG Authority Order 2016 and its Rules of Business, to effect changes in the standard process that would be required by the NMCG and SMCGs for planning, implementation, and monitoring for integrated river basin management within the scope of the draft organizational structure.	Within 120 days of award of contract and as required to inform the Institutional Assessment Study progress	30%

S.No.	Deliverable	Timeline	Payment
2.	Develop draft outline of to be developed SOPs encompassing the key components of related to the NMCG Authority Order 2016, and its amendments thereof including those recommended under this assignment	Within 100 days of approval of the Inception report after incorporation of feedback received	30%
3.	Develop an action Plan to implement institutional reforms, emerging out of the amendments to the existing Act recommend under this assignment	Within 40 days of Completion of tasks 2	30%
4.	Integrate any feedback received to ensure the quality of the final report of the Institutional Assessment Study report	Within 5 working days of receipt of feedback	10%

Duration

The duration of the contract is 10 months from the date of award of contract

Required Qualifications and Experience

The International Legal Expert should demonstrate at least the following qualification and experience:

- Master's degree in Law with legal practice in public administration for at least 10-15 years combinedly in more than 5 countries. Legal practice in India – an advantage.
- Experience should also include at least 3-5 years of legal services provided to any international river commissions/ authorities for better understanding of the legal provisions required for organizational reforms and institutional reforms of River Management Authorities.

Annexure 1: Terms of Reference of the Institutional Assessment Study

Namami Gange Program

Supported by the World Bank-funded Second National Ganga River Basin Project

Terms of Reference for Institutional Assessment

Objective

The objective of the study is to carry out a comprehensive analysis of the relevant laws and regulations governing water management and functions and mandates of key institutions involved in Ganga river basin management at Central, State and sub-State levels in the Ganga River Basin. The study is expected to provide options for NMCG to operationalize the mandate it received through the Government Authorities Order of 2016 towards management of Ganga River Basin.

The scope of work of the consultants includes the following:

- a) Take stock of initiatives that influence River Basin Management (RBM) based on Integrated Basin Planning and investments in the Ganga basin area, and inventory Ganga River Basin strategies and management plans.
- b) Identify and map agencies involved in RBM, including state agencies, regional/ interstate agencies (such as Space Application Center), central agencies (such as Central Water Commission, Central Pollution Control Board, Central Groundwater Board, among others), state Water Resources Departments and other departments involved in irrigation, industrial, urban development, water supply, sanitation management, as the case may be, and agencies established/to be established under the Environment (Protection) Act, 1986 (herein referred to as the “Act”), consistent with the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 (herein referred to as “GO 2016”), which is a complement of the NGRBA Act, pollution control regulators at central and state levels, and place NMCG’s role in this ecosystem.
- c) Examine if the existing management systems, policies, legal/regulatory frameworks, staffing, and internal organizational structure of the key departments/agencies at Central, State, District, ULB and GP levels are appropriate to meet the objectives and functions mandated in the said Act and GO2016.
- d) Assess the existing roles, capacity (including spending capacity) and capability for implementing RBM across the identified agencies. Evaluate them from the perspective of institutional overlap, existing technical capacity, and information baseline. Identify potential gaps between mandates allocated to each institution and the role and responsibility each is actually implementing, and present the main reasons in case of disconnect
- e) Conduct stakeholder consultations to seek feedback/inputs for recommendations for streamlining RBM in the Ganga basin.
- f) Map NMCG’s existing interaction/coordination with other central ministries/agencies that are key users/players in the Basin and conduct a gap analysis between the desired setting and the actual functioning to identify shortcomings and draw conclusions, including: inter-institutional linkages and coordination current status; duplication in sector, policy, and programs (schemes); sectors’ regulation, regulatory bodies and coordination with state institutions, etc.
- g) Provide possible options for organizational and process changes at NMCG and States levels, and collaborations required at Central, State and sub-State levels to operationalize NMCG’s mandate, taking into account how changes in institutional arrangements be designed to enhance

climate resilience, especially for poor and vulnerable sections, identify gender gaps, economic development and measures to address these.

- h) Explore scope for addressing gaps and ensuring institutional convergence for better sectoral management and provide recommendations for any additional studies needed.
- i) Provide recommendations and actions to be undertaken for any institutional changes / organizational activities to facilitate efficient and effective delivery of the envisaged results in development, WRM and cleaning of the Ganga.
- j) Recommend steps to improve budget allocation for mandated activities in the river and the institutional arrangements for flow of funds to the different state level agencies for implementation of the activities approved in the river basin plans.
- k) Develop a time based and costed Action Plan to prioritize implementation of the recommendations, institutional reforms/ activities in the short term (1-3 years), mid-term (4-8 years) and long term (beyond 8 years).
- l) Propose strategy and steps to be undertaken by NMCG for implementation of the agreed recommendations.
- m) Recommend type of training and capacity building activities required at each institutional level and at what intervals and identify the competence and resources required for the Institutional Strengthening purpose.
- n) The consultants shall closely coordinate the study implementation with the Institutional Working Group (IWG) established by the NMCG to oversee this study and have monthly progress update meetings with the IWG. It should conduct extensive stakeholder consultations both before and after assessments, in accordance with a methodology to be approved by the IWG, to obtain feedback on all the recommendations, incorporate it in the report to be presented to NMCG to support decision making process. Consultants shall ensure that, statements/analysis/conclusions and recommendations should be backed with good data collection to support the action plan for implementation.

Stakeholder Involvement in the scope of work

In addition to the monthly meetings with the IWG, the consultant will consult with NMCG & SMCGs, state administration, the Institutional Assessment Consultants to organize at least two Stakeholder Workshops on the findings and recommendations for the stakeholders at different levels, either combinedly or individually and share with the diverse stakeholders. These workshops should be designed to be inclusive, transparent and reach out to as many diverse stakeholders as possible, including Central, State and Local Governments; academic and research institutions; private sector industries and associations; nongovernmental organizations and civil society organizations; natural resource user groups and communities; and the media. The key activities shall include but not limited to the following:

Stakeholder Workshops: In cooperation with NMCG & SMCGs organize at least five Stakeholder Workshops/ roundtable (as required) to solicit stakeholder inputs into the study findings and recommendations, in addition to bilateral discussions, community consultations and other on-on-one and focus group discussions with the stakeholders in the river basin States.

Deliverables:

- i). Inception report presenting methodology, work plan, inventory of key River Basin Strategies and plans, team deployment, and submission timelines, list of stakeholders at all levels, Civil society active in the river basin area, and beneficiary communities and planning of consultations with each and data collection information.
- ii). Comprehensive report with detailed analysis as solicited in the scope of work above, evidential data, recommendations for the consideration of NMCG. The report shall also consist of an Executive summary of the report in addition to the detailed chapters and corresponding Appendixes/Annexures.
- iii). Prepare a Power Point Presentation for NMCG to present the findings and recommendations of the report to NMCG and MoJS.
- iv). Detailed Action Plan with unit costs for implementation of the approved recommendations by NMCG and MoJS.
- v). Detailed training and capacity building (T&CB) plan for all stakeholders in the Ganga basin, with recommendations for contents to be developed for T&CB for each type of stakeholders and the timelines for the same.

Timelines and Payment schedule for deliverables

S.No.	Deliverable	Timeline	Payment
1.	Mobilization of team Inception Report with detailed methodology, work plan, team deployment, and submission timelines	Within 30 days of award of contract	10%
2.	Completion of a) Review of all relevant documentation agreed with NMCG in the Inception report b) consultations with stakeholders at Central and State levels, Civil society active in the river basin area, and beneficiary communities c) Data collection	Within 60 days of approval of the Inception report after incorporation of feedback from NMCG, SMCGs	20%
3.	Submission of draft comprehensive report with executive summary, detailed analysis, evidential data, feedback for stakeholders on the recommendations for the consideration of NMCG and consolidated PPT of the report	Within 40 days of Completion of tasks in (2) above	20%
4.	Submission of detailed Action Plan with unit costs of the recommendations approved for implementation by NMCG.	Within 40 days of receipt of communication recommendations from NMCG	20%
5.	Submission of final Report incorporating feedback from NMCG, SMCG and other Stakeholders, and recommendations approved for implementation and of of Detailed training and capacity building (T&CB) plan for all stakeholders in the Ganga basin, (as solicited in the deliverables above.)	Within 30 days of receipt of approval of draft report	30%

Duration

The duration of the contract is 10 months from the date of award of contract

Indicative team of experts

Sno.	Designation	Qualification & Experience
1.	Institutional Expert (Team Leader):	The Expert must have a Master's degree or higher in Public Policy, Human Resources with special & proven expertise and in organizational restructuring of large public sector/ government organizations. The expert should have at least 10-15 years of relevant experience. Work experience in India, and in-depth knowledge of government Institutional systems practiced in India is an advantage
2.	Institutional & Policy development expert (Deputy Team Leader):	The Expert should possess a Master's degree or higher in Public policy/law and or equivalent in institutional management with at least 10-15 years in Public policy research, policy development – implementation, organizational restructuring of public sector institutions/organizations, with references. Experience in working on Indian Administrative Reforms with extensive knowledge on government's Rules of Business in India, in addition to working with States in India or Government of India in policy and management of time bound multi-sector action plans – a must towards implementation of institutional/organizational reforms
3.	Integrated Water Resources Management Expert	The Expert must have at least a Master's degree in Engineering and or Water Resources Management, or equivalent, with 10-15 years of working experience in large river basins in India and or South Asia and extensive knowledge on sector policies and institutional operations, hydrology, river morphology, wetlands management, flood & erosion management, and water resource management organizations. Work experience in India is a must. International work experience and knowledge of Institutional systems practiced internationally is an advantage
4.	National Legal Expert	The Expert should have at least a Master's degree in Law with legal practice in public administration for at least 10-15 years in addition to other legal practice in India. The Expert should have experience demonstrating a good understanding of the legal provisions for organizational reforms in India. Experience as Advocate General to an Indian State or to the Government of India is an advantage.
5.	International Legal Expert	The Expert should have a Master's degree in Law with legal practice in public administration for at least 10-15 years combinedly in more than 5 countries (legal practice in India an advantage). The Expert should have including at least 3-5 years of experience in providing legal services to any international river commissions/ authorities for better understanding of the legal provisions required for organizational reforms and institutional reforms of River Management Authorities.
6.	Training and Capacity Building Expert	The Expert will have a post graduate degree in communication, education, and or related disciplines and will have at least 10 years of experience in training management and development training communication material in organization reform programs, change management and implementing the same.

Sno.	Designation	Qualification & Experience
		Experience of working in Bihar, Jharkhand, Uttar Pradesh, Uttarakhand and West Bengal and knowledge of one or more of the local languages in these States is an advantage.

Specialized Expertise: To support the above key experts, a team of specialized short-term experts in the following sectors (and or others as the firm may consider relevant) may also be included in the team to assess and provide the required inputs to ensure that a holistic comprehensive report is prepared for NMCG:

1. Water Resources Information Management	2. Change management.
3. Communication and Advocacy;	4. Disaster Management
5. Community Action planning	6. River Basin Management

Appendix-1: Letter of Submission

To

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Dear Sirs:

I, the undersigned, offer to provide the consulting services for *[Insert title of assignment]* in accordance with your advertisement dated *[Insert Date]*. I am hereby submitting my Expression of Interest.

I hereby declare that all the information and statements made in this Expression of Interest are true and accept that any misinterpretation contained in it may lead to our disqualification.

I undertake, if my Expression of Interest is accepted, to initiate the consulting services related to the assignment as per the Terms of Reference.

Yours sincerely,

Signature [In full and initials]:

Name and Title of Signatory:

Appendix-2: Curriculum Vitae for Individual Consultant

Name of Expert:

Address:

Contact No.:

Email:

Date of Birth:

Nationality:

Education: [Indicate college/university and other specialized education, giving names of institutions, degrees obtained, and date/year of obtainment]:

Membership of Professional Associations:

Other Training: [Indicate significant training since degrees named in Education]:

Countries of Work Experience: [List countries where you have worked in the last ten years]:

Languages: [For each language indicate proficiency: good, fair, or poor in speaking, reading, and writing]:

Employment Record: [Starting with present position, list in reverse order every employment since graduation, giving for each employment (see format here below): dates of employment, name of employing organization, positions held.]:

From [Year]: To [Year]:

Employer:

Positions held:

Detailed Tasks Assigned:

Work Undertaken that Best Illustrates Capability to Handle the Tasks Assigned

[Among the assignments you have been involved, indicate the following information for those assignments that best illustrate your capability to handle the tasks listed under Detailed Tasks Assigned.]

[List all tasks to performed under this assignment]	Name of assignment or project: Year: Location: Main project features: Position held: Activities performed:
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Certification:

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes me, my qualifications, and my experience. I understand that any willful misstatement described herein may lead to my disqualification or dismissal, if engaged.

Date:

[Signature] Day/Month/Year